

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
ZONING BOARD OF APPEALS
REGULAR MEETING & PUBLIC HEARING
MARCH 28, 2019

A Regular Meeting and Public Hearing was held by the Zoning Board of Appeals on Thursday, March 28, 2019 at 8:00 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Chairman Matthew Collins, Boardmember Carolyn Renzin, Boardmember Jeremiah Quinlan, Alternate Boardmember Sashi Nivarthi, Village Counsel Amanda Brosy, and Building Inspector Charles Minozzi, Jr.

Chairman Collins: All right, ladies and gentlemen, thank you for joining us for our zoning board meeting tonight for March 28, 2019. We have one case before us on the docket which we're going to hear tonight, one case which has been adjourned which we will not hear.

Just a couple of procedural items. We do have two microphones. We have the standing mic, that's here. We have the handheld mic that's up near Buddy. We just ask that any time you're speaking make sure you've got the microphone up here. We've got a remote transcriptionist that's capturing everything for the record so it's important that you're mic'd up so that we can make sure we get your remarks accurately captured. If I mispronounce names I apologize up front. I seem to be very good at that.

I think that's it for the openers. Buddy, are we okay on the mailings?

Building Inspector Minozzi: I have been informed by my staff that all the mailings are in order, sir.

Chairman Collins: Actually, there is one important procedural thing I'll mention in the up-front, and I might remind you of this as we proceed. Ordinarily we're five, and that's useful because if there is a vote that is split roughly down the middle you can still have a majority of three voting "for." We don't have that tonight. We're four, so it is conceivable that a case could end up in a split vote.

So I always like to remind applicants – something which is true no matter how many of us there are – that if you're getting a bad feeling about the way this is going you can always defer. You can withdraw the case and then resubmit it another time. I will remind you of that as we move along because you have the option to not proceed to a vote.

Case No. 10-18
Samar Tannous
45 High Street
***** Adjourned to April 2019 Meeting *****

For relief from the strict application of the Village Code Sections 295-70E.3(a)[2], 295-70E.1.a,b,c 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 2R 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:

Front Yard: Proposed – 9 feet; Required Minimum – 25 feet {295-70E.1.a}; Variance Required – 16 feet

Rear Yard: Proposed – 11.67 feet; Required Minimum – 25 feet {295-70E.1.b}; Variance Required – 13.33 feet

Total Two sides: Proposed – 19.83 feet; Required Minimum – 33 feet {295-70E.1.c}

(Side yard one calculated as a front yard); Variance Required – two sides: 13.17 feet

Obstruction at an Intersection: Proposed – 45 feet each direction; Required Minimum – 50 feet each direction {295-20E.1}; Variance Required – 5 feet each direction.

Chairman Collins: We'll start with case 06-19.

Case No. 06-19
Amanda & Joe Kupillas
12 Maple Lane

For approval of View Preservation, as required under section 295-82 and relief from the strict application of the Village Code Sections 295-55A & 295-70E.2.a&c, for an addition of a 3rd floor roof dormer & extension of an existing second floor porch to their two-family dwelling located at 12 Maple Lane. Said property is located in the 2-R Zoning District and is known as SBL: 4.30-21-5 on the Village Tax Maps.

Nonconformity details are as follows:

Prohibition against extension of nonconformity – with relation to Front and Side Yard

Setbacks for the roof dormer and second floor porch. {295-55A}
Front Yard Setback to Dormer: Existing – 17.8 feet; Proposed – 17.8 feet;
Required – 30 feet {295-70E.2.a & 295-55A}; Variance Required – 12.2 feet
Side Yard Setbacks to Dormer and Second Floor Porch: Each yard/total of both
Existing: Side two – 1.7 feet/Side 2 – 2.8 feet/Both – 4.5 feet;
Proposed: Side one – 1.7 feet/Side two – 2.8 feet/Both – 4.5 feet;
Required: Side one – 12 feet/Side two – 18 feet/Both – 30 feet {295-70E.2.c & 295-55A};
Variance Required: Side one – 10.3 feet/Side two – 15.2 feet/Both – 25.5 feet

Chairman Collins: We are here for a view preservation, then a couple of variances. My read on this situation – and I'll let you present your project – is that you're building into an existing nonconforming yard. Because of that you are, shall we say, adding to the nonconformity. But the way I like to frame it is that you are not increasing the intensity of that nonconformity by intruding any further into the required yards than your house, your property, already does.

With that as the sort of setting of the table, I'll let you go ahead and present.

Liz van der Zandt: I work with Mitchell Koch. He couldn't be here tonight so I'm presenting on his behalf. As you know, this is Joe Kupillas. He's the owner at 12 Maple Lane. I think everybody has seen the documentation already, but I'm not sure.

Chairman Collins: Mm-hmm.

Ms. van der Zandt: Last week we were here for the planning board presentation. As far as we know, we were told that the planning board recommended approval of the view preservation and, I guess, put that forth to you to decide upon.

Chairman Collins: Is that right, Amanda?

Village Counsel Brosy: Yes, the planning board did approve the view preservation recommendation for you.

Chairman Collins: Okay, thank you.

Ms. van der Zandt: So if you'd like us to review what Mitch showed them, it was this same drawing. There is – let's see, it's down here on the lower corner. I don't know if you all have the same documents.

Chairman Collins: We do, yes.

Ms. van der Zandt: Okay, so this photograph down here I believe ...

Building Inspector Minozzi: Excuse me second. This is your revised plan, right?

Ms. van der Zandt: This is revised ...

Building Inspector Minozzi: The board does not have the revised plan, so I would recommend that you explain to the board that the plans have been revised and that that's been shrunk down before you go into your whole spiel.

Ms. van der Zandt: With regard to the deck.

Building Inspector Minozzi: Yes.

Ms. van der Zandt: Okay. I believe that before – and you can correct me if I'm wrong – part of the project was to increase the size of the second floor deck at the rear of the house. Previously, the full depth of the deck was proposed to be 12 feet – is that correct? – and it's been scaled back to 9 feet in total. Currently it's just under 5 feet from the face of the house toward the back of the house, to the back of the lot. They would be adding another 4 feet 1 inch to that.

Previously, I suppose Mitch had submitted drawings and a similar illustration with that photograph, the red-dashed line, that showed the area of the proposed deck and how it would encroach on the view from the neighbor's property. This drawing shows it in its revised configuration.

Chairman Collins: Is that what we're seeing in the photograph on the lower left?

Ms. van der Zandt: The lower left, that red line.

Chairman Collins: Can we zoom in on that?

Ms. van der Zandt: I'm going to try, and see if the computer cooperates. Let's see, okay.

Mr. Kupillas: I also have photographs I could submit that show 12-foot and 9-foot of the picture, if you want them.

Chairman Collins: Yes, sure, if you have them. If you want to bring them up that'd be

great.

Ms. van der Zandt: Is that any better?

Chairman Collins: Yes, that's helpful. So we're seeing, in that, the impact, the outline of the revised 9-foot porch?

Ms. van der Zandt: Right, exactly. I think previously it was coming out probably as far as the first floor deck, and now it's coming back to this line here. So it's 9 feet in total.

Chairman Collins: Okay.

Building Inspector Minozzi: The original one on your plans, you'll see that it mimicked the one below exactly.

Mr. Kupillas: Right.

Chairman Collins: Okay. Thank you, sir.

Buddy, on a procedural note, does this change any of the numbers here?

Building Inspector Minozzi: The variances are less.

Chairman Collins: They actually are, so that when we approve them we can approve them accurately?

Building Inspector Minozzi: Did they give you the numbers? I wasn't here last week so I don't have the numbers with me.

Ms. van der Zandt: Do you mean as far as the distance from ...

Building Inspector Minozzi: I just need to know what the ... oh, no, none of the numbers change.

Ms. van der Zandt: No, I don't think so. Because the lower ...

Building Inspector Minozzi: No, sir. The numbers don't change.

Boardmember Quinlan: The porch doesn't change any.

Building Inspector Minozzi: Right, thank you.

Ms. van der Zandt: It's the lower deck that's extending farther.

Building Inspector Minozzi: Thank you. Sorry about that.

Ms. van der Zandt: Also, the owners have gotten support from their neighbors. I think that you might have letters that have been signed.

Chairman Collins: We do.

Ms. van der Zandt: Okay. So they seem to be on board with this as the design stands here.

Are there any questions about the view preservation issue?

Chairman Collins: I don't have any questions. I appreciate the fact that you took the picture here in what looks like the wintertime, if I'm right. I mean, I think I'm seeing snow. It's always useful to look at impact of the views when leaves are off the trees. Because when they're on, you're obviously getting a distorted view. This is the way of really seeing the impact on the view at its most severe. So I appreciate what you're doing here.

I also think – very reasonably it has been argued – that is the very minimal impact on the view. I mean, you can see it right here. It's just a very minor obstruction that you're proposing. Would it be accurate to say that in the drawing we're seeing an accurate representation of the materials you would use for the railing?

Mr. Kupillas: Yes. And at the last meeting they stipulated that we have to keep an open railing.

Ms. van der Zandt: Right.

Chairman Collins: So that will make the impact less than it could have otherwise been. I don't have any questions or concerns here about view preservation.

Boardmember Quinlan: I have no questions.

Chairman Collins: Okay, thanks.

Boardmember Renzin: I have no questions.

Chairman Collins: All right.

Boardmember Nivarthi: None on the views.

Ms. van der Zandt: The rest of the questions have to do with the renovation upstairs in the attic, and the dormers. So there are existing dormers on the house. You can see in the photograph here, this is the existing – correct me if I'm wrong – east side, of the house. I'm sorry, I'm not quite as familiar with the project as Mitch.

Mr. Kupillas: Yes, that's the east side of the house.

Ms. van der Zandt: That's the east side of the house, so there's a dormer here on the east side of the house. If we look at the photograph below, Mitch has photoshopped in what the extended dormer would look like. I'm going to just zoom out and see the drawings a little bit better. If you look, here's the rear elevation of the house. The red line, the red-dashed line, shows you the outline of the existing dormers. Then we're going to raise the tops of the dormers to the peak of the house to get a better slope over the extended area. Then on each side of the house, the full length of the dormers would be 33 feet approximately.

Basically, as you'd said previously, we're not going further into the setbacks but staying within – at least going up to – that line. And of course we're increasing the bulk, but within the kind of envelope that the house sits in right now. This is a two-family home, and the Kupillas family has two children. The way the house is structured right now – and I don't know, maybe Joe you can explain the division of the two units.

Mr. Kupillas: We recently purchased the house. We are currently on the first floor, which has two bedrooms. We have two children. The second floor apartment has one bedroom on the second floor, and the attic which is habitable but not a legal bedroom. What we're hoping to do is to put two bedrooms into the attic, with a bathroom and a living space.

Chairman Collins: And that would be servicing the first floor apartment residents?

Mr. Kupillas: No, the attic and the second floor will be one residence, which we'll be living in ...

Chairman Collins: I see.

Mr. Kupillas: ... and my in-laws will be going to the first floor.

Ms. van der Zandt: So the use occupancy of the building wouldn't change, but they would be making the upper unit into a usable unit for a four-person family essentially, a growing

family. So increasing the size of the dormers gives them more usable floor space on that attic floor. You can see the plan here on the page. I don't know if you wanted to see the existing plan of the attic. If that's useful, I can show you.

Boardmember Nivarthi: Can you tell me what the existing length of the dormer right now is, in the attic?

Ms. van der Zandt: The existing length of the dormer, let's see. Do you know, Joe?

Mr. Kupillas: On the east side – this is a guess – it's probably around, not bigger than, 10. Then on the west side there are two like doghouse dormers. So between 5 and 6 feet; one towards the north, one towards the south.

Ms. van der Zandt: You can see it here. These are the existing dormers.

Boardmember Nivarthi: And you're extending them 30 feet on either side.

Ms. van der Zandt: So that it would be a total of 33 feet on either side, yeah. The existing attic plan is like this, and you can see this stair. There's some useful floor area, but not enough for the proposed changes. And this is the proposed plan.

Chairman Collins: You know, I'm not at all troubled by the underlying intention here. The plan that you've drawn up here is designed to fulfill a very necessary, understandable family need. You've got a growing family, you've got two bedrooms, you've got two kids. Right now, the house can't support that without you making a pretty substantial change in your two-family situation. So the remedy makes sense.

I think you're dealing with what happens not infrequently in this board: a property with setback requirements in a neighborhood where they absolutely could never work. You've got 30-foot side yard requirements in a neighborhood that is built for some density, and you've got houses that are close by throughout the entire neighborhood on either side of Maple Ave. But you happen to be caught up in a zone requirement that's not friendly to any kind of construction when the houses are built almost all the way to the side yard property lines.

Though anyone looking at this without context would see that, wow, they're already built sort of wire-to-wire. This seems severe, and it really isn't because you have to see what the actual condition of the neighborhood is. So though on paper the numbers will look big for the side yard variances that are required to make this project a go, I am not at all concerned about it. I think the applicant has demonstrated a very clear need. This is a modest enhancement. You're going to get a sort of bedroom situation that families of your size and relative ages

enjoy and should enjoy. And you're not going any further into these yards. Unless there's something more you want to tell us about the project I am not concerned about the variances that have been requested.

Sashi, do you have anything?

Boardmember Nivarthi: No, I don't have anything. I don't have any objections to what you just said.

Chairman Collins: Okay. Carolyn, do you have anything you want to add?

Boardmember Renzin: It seems wise, and it's within the house envelope. It looks like a nice design, and doesn't further encroach upon the side yard setback issue. So I have no problem with it.

Chairman Collins: Jerry?

Boardmember Quinlan: Yes, these houses were built before there was even zoning.

Building Inspector Minozzi: Sure, that's right.

Boardmember Quinlan: It seems okay. I mean, there were no zoning laws with this neighborhood, first of all. So anything you wanted to do, as the chairman has said, would need a variance. Second of all, the dormers are responsible and an easy way to increase the size of the house, and the shape, to make it more user-friendly for a family.

Just on a personal note, my neighbors recently increased the dormers on both sides of their house next to our house and you don't even notice. We're just happy they did it because they have four kids and the kids are great, the house is great, the neighbors are great. And believe me, you don't even notice that the dormers were doubled in size. It's fantastic, so I'm definitely in favor of this application.

Chairman Collins: Very good. Is there anything else you'd like to add?

Ms. van der Zandt: No, thank you very much.

Chairman Collins: This is the part of the routine where we ask members of the public who would wish to be heard to come forward, but we don't. So I assume you'd like for us to go to a vote.

Ms. van der Zandt: Sure.

Mr. Kupillas: Please.

Chairman Collins: Okay, I think that's a good idea. Can I have a motion, please?

Building Inspector Minozzi: You want to do the view preservation first?

Chairman Collins: Yes, we'll take them in order. We'll do view preservation, then we'll do the variances.

On MOTION of Boardmember Quinlan, SECONDED by Boardmember Renzin with a voice vote of all in favor, the Board resolved that on the planning board recommendation and our presentation here today that we approve the variance regarding view preservation.

Chairman Collins: All right, it's 4-0 in favor. Then can I get a motion on the front and side yard variance requests?

On MOTION of Boardmember Quinlan, SECONDED by with a voice vote of all in favor, the Board resolved to approve both variances: the side yard setbacks for the dormers on the east and west side of the front yard setbacks.

Chairman Collins: Again, the vote is 4-0 in favor. Congratulations and good luck to you on the project.

Mr. Kupillas: Thank you very much.

Ms. van der Zandt: Did you need to grant the variance on the other section of the code, of increasing an already nonconforming structure? Or is all of this taken care of?

Chairman Collins: It's all rolled in. Yes, it's a good question.

Ms. van der Zandt: Thank you very much.

Boardmember Quinlan: Very good question.

APPROVAL OF MINUTES

Chairman Collins: We have no minutes to review tonight.

Building Inspector Minozzi: I apologize for that. We'll make sure we get them to you right away.

Chairman Collins: I think it would be helpful because we'll obviously have pretty short minutes from this meeting, but it'll make it easier if we can get them staggered a bit. So that'll be helpful.

ANNOUNCEMENTS

Next Meeting Date – April 25, 2019

Chairman Collins: All right, then our next meeting is?

Building Inspector Minozzi: The next meeting date is April 25th.

Boardmember Quinlan: That's the fourth Thursday?

Building Inspector Minozzi: That's the fourth Thursday, correct.

ADJOURNMENT

Chairman Collins adjourned the Regular Meeting.