

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
ZONING BOARD OF APPEALS

Held October 25, 2007 at 8:00 p.m.,
Seven Maple Avenue, Hastings-on-Hudson, New
York 10706-1497.

P R E S E N T:

Arthur Magun, Chairman
(In Absentia)
David Deitz, Board Member
Stanley Pycior, Acting Chairman
David Forbes-Watkins, Board Member
Brian P. Murphy, Board Member
(In Absentia)
Sheldon A. Sorokoff, Alternate Member

Deven Sharma, Building Inspector
Marianne Stecich, Board Counsel

Nina Purcell, RPR
Shorthand Reporter

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2 CHAIRMAN PYCIOR: I'd like to
3 call to order the regular meeting of the
4 zoning board of Thursday, October 25, 2007.
5 I'm the vice chair of the zoning board.
6 Dr. Magun, the chair, cannot be here tonight.
7 I'd like to introduce a new member of the
8 board, David Forbes-Watkins, sitting to my
9 left. He is joining the board for the first
10 time. Welcome.

11 MR. FORBES-WATKINS: Thank
12 you.

13 CHAIRMAN PYCIOR: In order
14 for any variance or view preservation to
15 be approved, applicants need a vote of
16 three positive votes. Even if the board
17 consists of only four members, you need
18 three out of four. You are entitled to a
19 full board, in which case then you would
20 need only three out of the five. So we
21 always present the applicants with the
22 choice of proceeding this evening or
23 postponing, since you are entitled to a
24 full board.

25 MR. FRIEDMAN: I understand.

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2 If I don't get a vote --

3 CHAIRMAN PYCIOR: Also
4 identify yourself.

5 MR. FRIEDMAN: I'm Alan
6 Friedman. If I don't get three positive
7 votes, can I appeal and go back to the
8 full board?

9 CHAIRMAN PYCIOR: No. You
10 must start the application process all
11 over again.

12 MS. STECICH: You can't
13 come back with a new application. It
14 would have to be a different application.
15 That would be the decision. The decision
16 is a no, and that's it, unless you have a
17 different application.

18 CHAIRMAN PYCIOR: So we
19 have two of the applicants here. The
20 other, I assume, is Ms. Iris Burkat.

21 MS. BURKAT: Yes.

22 CHAIRMAN PYCIOR: Your case
23 is first. So would you like to proceed?

24 MS. BURKAT: Thank you.

25 CHAIRMAN PYCIOR: If so,

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2 please identify yourself for the court
3 reporter.

4 Deven, are the mailings in
5 order?

6 MR. SHARMA: Yes, they are
7 in order for all four cases, yes.

8 MS. BURKAT: Iris Burkat, I
9 live at 645 North Broadway, River Glen. I
10 applied to the view preservation board to
11 add a dormer to our roof in our unit. And
12 I was told it was approved by the view
13 preservation board. Then I needed to come
14 here to ask you to approve it also.

15 CHAIRMAN PYCIOR: That's
16 the planning board.

17 MS. STECICH: Actually, it
18 was recommended by the planning board two
19 meetings ago, and then it was -- the
20 application was on before the zoning board
21 last month. But nobody did -- the Burkats
22 didn't come. That's why it was put on
23 tonight. But the planning board did
24 recommend view preservation approval on
25 it.

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2 CHAIRMAN PYCIOR: Okay. So
3 you wish to proceed with the application?

4 MS. BURKAT: Yes.

5 CHAIRMAN PYCIOR: Would you
6 like to -- do you have diagrams, plans?

7 MS. BURKAT: No. I'm kind
8 of embarrassed, because I thought that
9 this was all sent in to the view
10 preservation board and that all I needed
11 to do was to be here. So I don't have any
12 pictures or plans.

13 CHAIRMAN PYCIOR: Deven,
14 did we receive these plans? I couldn't
15 find them in my past month's packet.

16 MR. SHARMA: We did that
17 several meetings ago and delivered them to
18 them. I see I have them also. I was
19 away. That information is not in the
20 packets now. We did receive it, but it
21 was four meetings ago.

22 MS. STECICH: Yes. Even
23 the last meeting or the meeting before.
24 Deven, can we get it downstairs?

25 MR. SHARMA: I can go

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2 downstairs and see if I can find

3 something.

4 MS. STECICH: Why don't you

5 see what you can find? And we can go to

6 the next application.

7 CHAIRMAN PYCIOR: Yes. Then

8 the applicant can present her case.

9 Would someone --

10 MS. STECICH: Should I run

11 down and tell him?

12 CHAIRMAN PYCIOR: We need

13 to dig out the other plans.

14 MS. BURKAT: David was there

15 on Saturday.

16 MS. STECICH: Did you bring

17 anything?

18 MR. FRIEDMAN: I have stuff.

19 CHAIRMAN PYCIOR: We will

20 temporarily postpone your presentation

21 until we get the plans and hear the or

22 review the plans for case No. 15-07.

23 Please identify yourself for the court

24 reporter.

25 MR. FRIEDMAN: My name is

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2 Alan Friedman. I'm a building consultant.
3 Most of my work is in New York City, but
4 these people are friends of a friend.
5 They asked me to proceed for them because
6 they can't attend these meetings at night.
7 I have -- (Document handed.) I think I
8 ran out.

9 CHAIRMAN PYCIOR: While we
10 retrieve them from the previous meeting, I
11 have photographs and a copy of this.

12 MR. FRIEDMAN: I missed the
13 last meeting previous to this. I went to
14 the planning board. They approved the
15 view preservation of enclosure of the
16 porch. If you look at that, the existing
17 porch is covered but the sides are not
18 there. The people who own it, the Tengs,
19 do not want to enclose the porch for floor
20 area use, but rather to use as sort of a
21 mudroom. They don't intend to heat it or
22 live in it. They just want to enclose it.

23 They presently have a problem that
24 the deck of the porch leaks when it rains,
25 and they are hoping by enclosing this and

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2 making it waterproof, when it rains in the
3 future the basement won't flood, and it
4 will also offer an extra means of
5 insulation for the front of their house.

6 Basically that's what they are
7 going to do, just enclose the existing
8 porch. The footprint of the house will
9 not change. And I think they are going to
10 put a little electric in so they can see
11 at night and whatnot, put a new front door
12 in, and actually act like an air lock more
13 than anything else.

14 CHAIRMAN PYCIOR: They
15 don't intend to break down existing
16 exterior walls?

17 MR. FRIEDMAN: That is
18 correct, that's correct.

19 CHAIRMAN PYCIOR: Questions
20 from the board?

21 MR. DEITZ: Does he have
22 pictures of it?

23 MR. FORBES-WATKINS: I do
24 have a question. When I observed the
25 building, I noticed that there is a fair

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2 amount of work that is already started or
3 it appears to have started.

4 MR. FRIEDMAN: We contacted
5 the building inspector when they first
6 approached me on this, and they asked if
7 they -- I asked the building inspector if
8 I repair the porch, do I need a permit.
9 He said if it is a repair, you don't have
10 to. But if you start putting up walls, it
11 is.

12 This is what I explained to them.
13 I guess they were over zealous with their
14 repair at which point the building
15 inspector asked them to stop and they did
16 stop. And it is half done at this point.
17 But they haven't increased the building
18 since they've been asked to stop.

19 CHAIRMAN PYCIOR: Other
20 questions from members of the board?
21 Okay. Is there anyone from the community
22 in the audience who wishes to be heard on
23 this application, first in support of the
24 application for view preservation
25 approval? Is there anyone from the

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2 community who wishes to be heard in
3 opposition to this application for view
4 preservation approval? Okay. Any further
5 members -- any further questions from
6 members of the board? Marianne, we can
7 always or can we grant view preservation
8 contingent on the fact it is not living
9 space, as the applicant representative has
10 said?

11 MS. STECICH: Well, I
12 suggest we meet with counsel separately on
13 that issue. Yes. It will take five
14 minutes. I suggest we adjourn the
15 session.

16 CHAIRMAN PYCIOR: Excuse us
17 for a second while we go into executive
18 session.

19 MS. STECICH: Not executive
20 session, it is for advice of counsel. It
21 is not a reason to have an executive
22 session.

23 (Recess taken.)

24 CHAIRMAN PYCIOR: Are
25 there -- do any members of the board have

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2 any further questions for Mr. Friedman?
3 Okay. If not, would any member like to
4 make a motion concerning view preservation
5 approval?

6 MR. SOROKOFF: I'll move
7 that we approve the view preservation.

8 CHAIRMAN PYCIOR: Do we
9 have a second?

10 MR. MURPHY: I'll second.

11 CHAIRMAN PYCIOR: All in
12 favor?

13 MR. DEITZ: Aye.

14 MR. SOROKOFF: Aye.

15 CHAIRMAN PYCIOR: Aye.

16 MR. FORBES-WATKINS: Aye.

17 CHAIRMAN PYCIOR: Passed
18 four zero. Now we can return to case
19 No. 11-07, Howard and Iris Burkat, 645
20 Broadway, also applying for view
21 preservation approval which also has been
22 recommended by the planning board.

23 MR. SHARMA: Mr. Pycior,
24 here I have one set of drawings, if you
25 want to take a look at it. What it is,

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2 you see one dormer on the right-hand side.
3 The one already exists, and they are
4 proposing a second one. There is a
5 sideview of it on the other side.

6 MS. STECICH: Do you have
7 photos?

8 MR. SHARMA: Do we have any
9 photos? No. We haven't received any
10 photos on it. Obviously after having
11 proposed this, they are getting second
12 thoughts. They are not serious about it.
13 They didn't come to some of the meetings.

14 The planning board has looked at it
15 and thought it was -- the nature of the
16 project itself was such that they went
17 ahead and granted an approval of it. It
18 has no significant impact on anyone,
19 anyone's views.

20 CHAIRMAN PYCIOR: It is
21 significantly lower than the roof line.

22 MR. SHARMA: Yes.

23 CHAIRMAN PYCIOR: So it
24 would be hard to see how it would affect
25 views. So the purpose is to add a second

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2 bathroom as we've heard?

3 MS. BURKAT: That was the
4 purpose back in June. But we had to go
5 back -- we had to go ahead and do the
6 bathroom in another place. So this is
7 really a -- just in case we ever want to
8 add the dormer into the closet. There are
9 pictures -- there were pictures. It is
10 really hard to photograph it. They may be
11 on file here somewhere.

12 MR. SHARMA: Did you bring
13 us any pictures?

14 MS. BURKAT: I think they
15 were submitted to the view preservation
16 board. But, again, I'm sorry. It was
17 back in June. And I have been homeless
18 for a few months, so it's kind of hard to
19 remember what happened to them.

20 CHAIRMAN PYCIOR: Normally
21 I might request photos. This seems like a
22 rather insignificant infringement into a
23 view if it is indeed infringement of a
24 view.

25 MR. DEITZ: There is already

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2 one on the other side.

3 CHAIRMAN PYCIOR: Exactly.

4 Are there questions?

5 MR. DEITZ: I take it this

6 dormer is going to be the same as the

7 other one?

8 MS. BURKAT: Absolutely

9 exactly the same, balance out the roof.

10 CHAIRMAN PYCIOR: Any other

11 questions of the applicant? Anyone in the

12 audience who wishes to be heard in support

13 of the application? Anyone present here

14 tonight who wishes to be heard in

15 opposition to the application? Okay.

16 Does any member of the board wish to make

17 a motion concerning view preservation

18 approval?

19 MR. MURPHY: So move.

20 CHAIRMAN PYCIOR: Is there

21 a second?

22 MR. SOROKOFF: Second.

23 CHAIRMAN PYCIOR: All in

24 favor?

25 MR. DEITZ: Aye.

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2 MR. SOROKOFF: Aye.

3 CHAIRMAN PYCIOR: Aye.

4 MR. FORBES-WATKINS: Aye.

5 CHAIRMAN PYCIOR: Good luck
6 with your dormer.

7 MS. BURKAT: Thank you.

8 CHAIRMAN PYCIOR: The next
9 case is case No. 16-07, Christina Griffin
10 and Peter Wolf for the building at 433
11 Warburton, requesting a variance for each
12 side yard. For this we all have received
13 drawings, diagrams and so, Mr. Wolf,
14 please identify yourself for the reporter.

15 MR. WOLF: Peter Wolf, and
16 the project is at 433 Warburton Avenue.
17 It is the renovation of a two-family
18 house. We are actually here for approval
19 of view preservation in one variance.

20 CHAIRMAN PYCIOR: On the
21 notice it doesn't say view preservation.

22 MR. DEITZ: It doesn't say
23 it on the agenda.

24 MS. STECICH: It is on the
25 notice, though.

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2 MR. DEITZ: Okay.

3 CHAIRMAN PYCIOR: Yes, it
4 is on the notice which went to the public.
5 That is more important. It is not on the
6 agenda, but it is on the notice to the
7 public.

8 MS. STECICH: The notice
9 for the planning board said view
10 preservation, but the notice for the
11 zoning board didn't. But I think it is
12 certainly encompassed in the notice, and
13 anybody who got this notice would have
14 realized both items were on.

15 MR. SHARMA: The same notice
16 went to all the neighbors. They would
17 have seen it.

18 MR. WOLF: Well, in
19 addition, if it were in issue, they would
20 have been at the planning board, where the
21 recommendation for approval of the view
22 preservation --

23 MS. STECICH: It is up to
24 the board whether they are comfortable
25 with it. In my opinion it is adequate

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2 notice.

3 CHAIRMAN PYCIOR: I find it
4 adequate because it is on the same notice.
5 But I'd like to hear if other members of
6 the board feel it wasn't sufficient
7 notice. Hearing no nays, I would say we
8 shall proceed.

9 MR. WOLF: I see I have new
10 faces, so I am going to go through what
11 happened, because those that were here
12 probably remember us. The stage that we
13 were here, we received approval of the --
14 received approval of the variances here,
15 which pertained to also the recommendation
16 for the extension of Ridge Street. The
17 extension of Ridge Street then had to go
18 to the board of trustees.

19 For those that weren't here
20 initially, let me just explain that what
21 we were trying to do was to have a 66 foot
22 extension on Ridge Street which is
23 currently a paver street so you could get
24 access from both ends of the property. We
25 had gone to the board of trustees last

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2 year at the beginning of this process to
3 see whether they were interested in this,
4 because it would have helped the parking
5 situation on Warburton. It would have
6 given four more parking places on Ridge
7 Street as well as a viable turnaround
8 which doesn't exist now.

9 We received encouragement. We
10 asked them what we needed to do. It was
11 to go to the planning board, the zoning
12 board, and the safety council. And we did
13 all three, and we received approval with
14 regards to having no objection to going
15 ahead. So that's where we left off here.

16 So, last spring we went back to the
17 board of trustees, and the issue came up
18 about runoff. We explained that there
19 would be less runoff because we had to
20 mitigate the site and gave them the plans.
21 But they wanted their engineer to look at
22 it, so they went out with their engineer.
23 In the following meeting he came, and he
24 approved the plan. In fact, we adopted
25 his suggestion as to how to deal with the

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2 runoff on Ridge Street. I then asked if
3 there were any more questions. They said
4 no. If they needed more information, they
5 said no. If we could have a vote, they
6 said no. Come back next time.

7 When we came back next time, the
8 issue of the wall was brought up. And we
9 were extending a retaining wall. We
10 explained that this was exactly the same
11 retaining wall that existed. We were just
12 elongating it. But they wanted to have
13 the engineer look at it. So we went back
14 to the engineer. He said, I don't do
15 walls. So we are going to go to the
16 recommendation for a structural engineer.
17 And they approved that.

18 And then we came back, and then the
19 question came as to the standard that was
20 used, and it was a standard for a 25 year
21 storm. And the question was then raised
22 what happens if there are two 25 year
23 storms or a 50 year storm or a hundred
24 year storm. Then we were sent back to do
25 a study of that entire issue as pertaining

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2 to all of Ridge Street.

3 And then there were other kinds of
4 things that were raised, such as whether
5 we should do an EIS, environmental impact
6 statement. And we explained that we were
7 not tearing down the Taj Mahal and
8 erecting a multi-story fast food
9 establishment, but rather we were trying
10 just to renovate a two-story, a
11 two-family house.

12 We then finally asked them to put
13 all their concerns together. Marianne
14 compiled them and sent the letter to us,
15 as to the concerns raised by the board of
16 trustees. And we looked at them and then
17 went in front of the board of trustees --
18 I believe it was in August -- and said
19 that I didn't think that I could find an
20 orthologist to do a migratory bird study
21 on an area about the size of this meeting
22 room that had no trees. I didn't think we
23 could find a herbatologist that could
24 judge amphibian -- effects on amphibian
25 life on 0.4 acres 50 feet above the

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2 Hudson. And aesthetics got into a
3 subjective criteria that we didn't feel
4 was going to lead to anything but
5 subjective conjecture.

6 We pointed out in withdrawing our
7 application that they had not accepted the
8 planning board recommendation. They did
9 not accept the recommendations of Ridge
10 Street, the Ridge Street report. They did
11 not accept it, the findings of the
12 engineers that had been retained by the
13 village. And they didn't adhere to the
14 procedure that they had initially outlined
15 to us the previous year when we approached
16 them as to whether they wanted this
17 project to go ahead.

18 We also explained that aside from
19 the lessons, painful lessons, that we had
20 learned that we felt that this was very
21 unfortunate in terms of the neighborhood,
22 because the building is at best a
23 nonconforming railroad flat, and it is
24 really a dilapidated fire trap. And they
25 actually had a fire with a fatality on the

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2 same street from one of these types of
3 buildings.

4 We had also said that the zoning
5 requirements weren't realistic for that
6 area and that that forced people like
7 ourselves who wanted to do this in the
8 correct manner to come before the boards.
9 But that, you know, stringing this out for
10 almost a year was going to have a very
11 negative effect. And this effect went as
12 far as the village as well.

13 We feel that the village has an
14 interest in protecting its citizens from
15 fire, and it should be encouraging people
16 to upgrade properties at their own
17 expense.

18 CHAIRMAN PYCIOR: Mr. Wolf,
19 at the risk of interrupting which I am
20 actually doing, I understand you have
21 downscaled the application.

22 MR. WOLF: That's what I was
23 getting to.

24 CHAIRMAN PYCIOR: Please do
25 get to it. Yes.

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2 MR. WOLF: So at the end of
3 it what we did was we decided just to
4 withdraw that application with regard to
5 Ridge Street and redo the project. The
6 project is now scaled down considerably.
7 There is no access from Ridge Street. We
8 have eliminated a floor and gone from
9 three and a half to two and a half
10 stories. And Christina will describe
11 exactly what the new project entails.

12 MS. GRIFFIN: I have a set
13 of drawings we submitted recently here and
14 the original set in case we need to have a
15 comparison. We are here today to ask for
16 a variance to the side yard setbacks and
17 the view preservation approval. The
18 change from the original submission is
19 that we eliminated -- on the site plan we
20 eliminated the Ridge Street extension and
21 the parking below. We would like to
22 develop this without the parking. We are
23 planning to have a two and a half story
24 house rather than three and a half. We
25 have eliminated the lowest level. And we

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2 have taken away -- we have gone from 4,188
3 square feet to 3,557. We are keeping the
4 same setbacks. The same variances that we
5 requested in the past, we are requesting
6 today. We have bumped out the building on
7 this side, the bay window and this piece
8 in the front, primarily to allow us to
9 have a corridor, so we have an egress
10 corridor going to the bedrooms in the
11 house.

12 We are keeping the zero lot line
13 wall in its present location and, in fact,
14 we are going to try to keep that intact so
15 that we can maintain the zero lot line
16 windows. It appears that we can replace
17 in kind as long as we keep the existing
18 wall. These are our -- this is our zoning
19 analysis which the numbers have changed
20 mostly to reflect the height from three
21 and a half from the original drawing to
22 two and a half and then the reduction in
23 the square footage for the building.

24 One other change to the project we
25 would like to take the opportunity to use

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2 solar panels. Rather than a flat roof at
3 the very top, we'd like to angle it. But
4 we will be under the 35 foot maximum
5 height. At the peak it is 34 feet 10. It
6 is a great opportunity because it is
7 unimpeded. It is a solar gain. It will
8 not be affected by trees and higher
9 buildings at that point.

10 What I'd like to say about view
11 preservation, I think the neighbor most
12 affected has been 431, the Kennedys. They
13 came to the last meeting to see if our
14 submission had changed, and we have kept
15 the same agreement that we came to many
16 months ago with our neighbor to make sure
17 that the back of the building -- let me
18 show that -- is in a line with his
19 property at the very top. This is the
20 site plan that shows it.

21 We still have -- there is one room
22 at the very top here, and that is in line
23 with his wall at his top level so that
24 there will not be any impact on his view
25 looking north.

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2 CHAIRMAN PYCIOR: I would
3 like to -- I told the applicants who were
4 here at 8 o'clock that we only have a four
5 member board tonight. So for a variance
6 or view preservation to be approved, you
7 need three out of four vote. You are
8 entitled to a five-member board. Do you
9 wish to proceed with the four member
10 board?

11 MS. GRIFFIN: Yes.

12 CHAIRMAN PYCIOR: I will
13 ask the next applicant also.

14 MS. GRIFFIN: I'm showing
15 you a comparison on the previous drawings
16 for the view preservation. And the
17 current ones, this is showing that we
18 still need -- we have the exact same shape
19 of the building in the back. We have not
20 increased it. We are just, as we
21 submitted before, we brought up the roof
22 slightly just so that we can get an 8 foot
23 ceiling rather than 6 feet 10. And our
24 facade of the top floor is in line with
25 the neighbors. So the aspects of the

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2 building that affects you have not changed
3 except for the angled roof for the panels.
4 In the plan because we eliminated the
5 lowest level, we have reduced the square
6 footage.

7 It is still two units. One unit
8 has a lower level which two-thirds is
9 living space, and the first floor plan is
10 a very similar footprint to what we had.
11 And then the upper second floor, the same
12 level that exists today with just that
13 level with the half floor at the very top
14 so we call it two and a half stories. And
15 I think, you know, all those issues
16 related to driveway front yard have been
17 eliminated because we have -- we have not
18 provided any parking for the building at
19 this point.

20 CHAIRMAN PYCIOR: Deven, is
21 that a problem? Currently it has no
22 parking. We had approved -- we had said
23 we didn't want parking in the front yard.
24 Then we approved parking off of Ridge
25 Street. When a major renovation like this

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2 takes place, do they have to provide
3 parking, or is it grandfathered in? It
4 didn't have parking.

5 MS. STECICH: It is
6 grandfathered in because if you expand the
7 use, then you have to meet the parking.
8 But the use is the same. It is still a
9 two family. If they went from one family
10 to two family, I think then they would
11 have to meet the parking. But the use is
12 the same. It is grandfathered in.

13 MS. GRIFFIN: Also, I think
14 the lowest level with the access we had
15 from the front door from that unit from
16 here are all kind of related. Now that we
17 don't have them, there is -- you know, it
18 is not as relevant having parking down
19 here. This is going to be an open
20 terraced gray space.

21 CHAIRMAN PYCIOR: Do we
22 have questions?

23 MR. WOLF: I'd like to
24 interject one last thing. The meeting
25 Christina was referring to was the

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2 planning board meeting we went to last
3 month where we received unanimous approval
4 and recommendation for view preservation.

5 CHAIRMAN PYCIOR: Do the
6 members of the board have questions for
7 Ms. Griffin or Mr. Wolf?

8 MR. SOROKOFF: I have one
9 question for the chairman. Are we here
10 now to approve view preservation or the
11 view preservation and other?

12 CHAIRMAN PYCIOR: View
13 preservation and side yard variance.

14 MR. SOROKOFF: Okay. Thank
15 you.

16 CHAIRMAN PYCIOR: Other
17 questions of the applicants?

18 MR. DEITZ: I think it is a
19 tremendous improvement.

20 MR. FORBES-WATKINS: One
21 question, this side yard addition is two
22 to two and a half feet over a 40 foot
23 length. That works out to 100 and a few
24 square feet per floor. Why not extend
25 back another two feet and keep the same

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2 width?

3 MS. GRIFFIN: Because the
4 building has only -- it is only 18 feet
5 wide. And I'll show you the floor plan.
6 Actually, currently there are two units
7 right now. And you actually have to go
8 through one room to get to another one to
9 get to another one. And when you get in
10 the back, if you are going to have enough
11 space for living room/dining room,
12 kitchen, we really need to have that
13 additional space back here.

14 We have decided we have -- except
15 for the basement level, we will not go
16 beyond existing wall, because we know that
17 all the neighbors have views of the river.
18 So if you go back any further, it is going
19 to have some impact on their views,
20 looking down off the river.

21 MR. FORBES-WATKINS: Okay.

22 CHAIRMAN PYCIOR: I can
23 attest to the fact it is a classic
24 railroad flat. We had friends who lived
25 there years ago. To get to the rear of

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2 the house, you have to walk through a
3 room, through a room, through a room for
4 the whole width.

5 MS. GRIFFIN: That's why we
6 bumped out. We tried to make them small
7 because we know the lot is not very wide.
8 But what is nice is there is an open gray
9 space on this side.

10 CHAIRMAN PYCIOR: Other
11 questions from board members? Okay. Is
12 there anyone here present tonight who
13 wishes to speak in favor of this
14 application, any member of the public? Is
15 there any member of the public here
16 tonight who wishes to speak in opposition
17 to this application? Okay. Seeing no
18 one, we need two separate proposals, one
19 for view preservation and one for
20 expanding the side yard variance.

21 MS. STECICH: There are
22 actually two side yard variances, right,
23 on each side?

24 MS. GRIFFIN: Each side.

25 MS. STECICH: I know it

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2 said side yard but there are two.

3 CHAIRMAN PYCIOR: Yes.

4 MR. SHARMA: There is only
5 one side.

6 MR. FORBES-WATKINS: There
7 is no side yard on the other side.

8 CHAIRMAN PYCIOR: Right. So
9 you need variances for both sides. Don't
10 you, Deven?

11 MR. SHARMA: Well, one side
12 remains the same. It was zero and
13 continues to remain zero.

14 MS. GRIFFIN: Yes, but the
15 front, although it comes in 3 feet, it is
16 not the -- it still doesn't meet the 8
17 foot setback, you know.

18 MS. STECICH: In addition
19 it doesn't meet the setback.

20 CHAIRMAN PYCIOR: We
21 need --

22 MS. STECICH: Side yard
23 variances for each side.

24 CHAIRMAN PYCIOR: We need
25 three motions and three votes. Okay.

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2 Would any member of the board like to make
3 a motion first concerning view
4 preservation?

5 MR. FORBES-WATKINS: If we
6 don't approve the sides, the view
7 preservation is irrelevant.

8 CHAIRMAN PYCIOR: Okay. We
9 can begin with the sides.

10 MR. SOROKOFF: I'll move we
11 approve the requested variance for the
12 side yards.

13 MR. DEITZ: For both sides.

14 MR. SOROKOFF: Side yards
15 plural.

16 CHAIRMAN PYCIOR: Do I hear
17 a second?

18 MR. DEITZ: I'll second
19 that.

20 CHAIRMAN PYCIOR: All in
21 favor? Aye.

22 MR. FORBES-WATKINS: Aye.

23 MR. SOROKOFF: Aye.

24 MR. DEITZ: Aye.

25 CHAIRMAN PYCIOR: Now in

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2 terms of view preservation, do I hear a
3 motion?
4 MR. SOROKOFF: So moved.
5 CHAIRMAN PYCIOR: Second?
6 MR. DEITZ: Second.
7 CHAIRMAN PYCIOR: All in
8 favor?
9 MR. DEITZ: Aye.
10 MR. SOROKOFF: Aye.
11 CHAIRMAN PYCIOR: Aye.
12 MR. FORBES-WATKINS: Aye.
13 MR. WOLF: Thank you very
14 much.
15 CHAIRMAN PYCIOR: The next
16 case is the fourth and last on our agenda
17 for this evening. Case No. 17-07, the
18 applicant is River Edge Limited
19 represented by John Picone. Are you
20 Mr. Picone?
21 MR. PICONE: Yes, I am.
22 CHAIRMAN PYCIOR: Please
23 identify yourself with name and address
24 for the court reporter.
25 MR. PICONE: My name is John

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2 Picone. I'm the owner of the River Edge
3 Apartments at 33 Maple Avenue,
4 Hastings-on-Hudson, New York.

5 CHAIRMAN PYCIOR:
6 Mr. Picone, would you like to present?

7 MR. PICONE: Yes. I have a
8 map before you which is for view
9 preservation. And basically what we are
10 doing is we are replacing existing wall,
11 burbs, an area of the River Edge
12 Apartments which is next-door, which is a
13 steep slope 35 to 45 degrees approximately
14 which goes down to the railroad tracks.
15 We own the property an average of 25 feet,
16 one spot maybe 30 foot, in another spot
17 maybe 15 near the tracks.

18 The slope has been slipping for a
19 few years. I've had several engineers
20 look at the property. I actually was
21 approved, and at one point in time 18
22 months ago it was deemed not necessary to
23 get view preservation. But at this time
24 it is. So the plan is all approved by the
25 planning board. And I'm here for view

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2 preservation, the reason being I need to
3 put up a parapet which we did not
4 previously have. And by saying a parapet,
5 this particular design is a masonry
6 parapet that is approximately 42 inches
7 high to stop the vehicles from going over
8 the cliff or the burb. And that's what
9 I'm here for.

10 CHAIRMAN PYCIOR: Are there
11 questions from members of the board? I
12 know when I visited the site and looked at
13 the parking lot, to me it did not seem to
14 impinge on anyone's view.

15 MR. PICONE: Only our own.

16 CHAIRMAN PYCIOR: But you
17 live above it.

18 MR. PICONE: Yes. The
19 living is 8 or 9 feet above it.

20 CHAIRMAN PYCIOR: Other
21 board members, any comments?

22 MR. FORBES-WATKINS: The
23 drawing on page 16 indicates that you are
24 going to be about a foot above the parking
25 area, is that correct, or you said 42

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2 inches?

3 MR. PICONE: Actually, what
4 it says is there is a curb that is a foot
5 above the parking area. And then it says
6 there is also a parking barrier 42 inches
7 above that. In reality it is not going to
8 be any higher than 42 inches, though.

9 MR. FORBES-WATKINS: Will
10 that be sufficient?

11 MR. PICONE: Oh, yes. It
12 will be stamped by engineers with the new
13 code and be safe.

14 MR. SHARMA: It is a minimum
15 of 42 inches. There is a guardrail.
16 There is a drop-off from grade. You have
17 to have a minimum of 42 inches.

18 MR. PICONE: Yes. It is
19 vehicle and child safe. But the only
20 drawing that shows it, it is 16. That's
21 what I was going to point out to you.

22 CHAIRMAN PYCIOR: Other
23 questions for the applicant? Is there
24 anyone in the audience who wishes to be
25 heard in support of this application?

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2 Anyone in the audience who wishes to be
3 heard in opposition to this application?
4 Okay. Seeing none, do we have a motion
5 concerning view preservation approval for
6 this application?
7 MR. FORBES-WATKINS: So
8 moved.
9 CHAIRMAN PYCIOR: Do we
10 have a second?
11 MR. SOROKOFF: Second.
12 CHAIRMAN PYCIOR: All in
13 favor?
14 MR. DEITZ: Aye.
15 MR. SOROKOFF: Aye.
16 CHAIRMAN PYCIOR: Aye.
17 MR. FORBES-WATKINS: Aye.
18 CHAIRMAN PYCIOR: So it is
19 approved. We received minutes from the
20 meeting of September 6. However, I don't
21 believe we can vote upon them. Three of
22 us were present that evening. Three
23 members were present that evening,
24 Mr. Deitz, Dr. Sorokoff and myself were
25 present. So we actually could vote on the

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2 minutes of September 6, 2007. Have the
3 members had a chance to review the minutes
4 and comfortable voting upon it? And, if
5 so, do I have a motion?

6 MR. SOROKOFF: I make a
7 motion we accept the minutes as written.

8 CHAIRMAN PYCIOR: Do I have
9 a second?

10 MR. DEITZ: Second.

11 CHAIRMAN PYCIOR: All in
12 favor? Aye.

13 MR. DEITZ: Aye.

14 MR. SOROKOFF: Aye.

15 CHAIRMAN PYCIOR: Three.

16 Having no other business, I make a motion
17 to adjourn. So be it.

18 (Hearing concluded at 8:50 p.m.)

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1

2 STATE OF NEW YORK)

3) ss

4 COUNTY OF WESTCHESTER)

5

6

7 I, Nina Purcell, Notary Public within and
8 for the State of New York, do hereby certify:

9

10 That I reported the proceedings in the
11 within entitled matter, and that the within
12 transcript is a true record of said
13 proceedings.

14

15 I further certify that I am not
16 related to any of the parties to the action by
17 blood or marriage, and that I am in no way
18 interested in the outcome of this matter.

19

20 IN WITNESS WHEREOF, I have hereunto
21 set my hand this 31st day of October, 2007.

22

23 NINA PURCELL,
24 NOTARY PUBLIC

24

25

