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5 VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK

6 ZONING BOARD OF APPEALS

7

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9 Held January 24, 2008 at 8:00 p.m.,

10 Seven Maple Avenue, Hastings-on-Hudson, New

11 York 10706-1497.

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13 P R E S E N T:

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15 Stanley Pycior, Board Member
(Acting Chairman)

16 David Deitz, Board Member
David Forbes-Watkins, Board Member

17 Brian P. Murphy, Board Member
Ray Dovell, Board Member

18 Marc A. Leaf, Alternate Member

19 Deven Sharma, Building Inspector
Marianne Stecich, Board Counsel

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25 Nina Purcell, RPR

Shorthand Reporter

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2 CHAIRMAN PYCIOR: Good
3 evening. I'd like to convene the January
4 24, 2008 meeting of the zoning board of
5 appeals. I am Stan Pycior. I'm the
6 alternate and serving deputy chair of the
7 committee. Our former chair, Dr. Arthur
8 Magun, is not with us tonight, because his
9 terms of service are up on boards.
10 Certain village boards limit membership to
11 two five-year terms and Arthur has served
12 for ten years plus a few meetings.

13 I know I speak for the board in
14 thanking Arthur Magun for his service to
15 the village and most importantly to the
16 people of Hastings-on-Hudson. I want to
17 thank him for being an excellent chair.
18 Over the last seven or eight years it was
19 a pleasure serving with Arthur.

20 I also want to welcome tonight a
21 new alternate member of the board, Marc
22 Leaf, sitting to my right. Marc Leaf is
23 replacing Sheldon Sorokoff who served for
24 two or three years as an alternate member
25 of the board. So I also want to thank

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2 Dr. Sorokoff for his services to the board
3 and to the village.

4 We have another new member of the
5 board, Ray Dovell. Is he here tonight? I
6 just need to speak with the attorney. I
7 didn't know that Mr. Dovell is here
8 tonight. And the alternate member does
9 not serve if the regular member is here.
10 Is that not the case?

11 MS. STECICH: Generally,
12 yes.

13 MR. LEAF: That's right.

14 CHAIRMAN PYCIOR: Yes. So
15 if I can help Mr. Dovell and ask Mr. Leaf.
16 I thank you for being here tonight. I
17 served on the board as an alternate member
18 for twelve or thirteen years and never
19 have we ever replaced a member in the
20 first minute of the meeting.

21 That leads me to the question, does
22 any member of the board have to recuse
23 himself from any of the cases, that we may
24 need an alternate? No? Okay. Good.

25 CHAIRMAN PYCIOR: I only

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2 found out about an hour and ten minutes
3 ago that I'm chairing tonight's committee,
4 so I am working from notes I madly put
5 together thanking people for service among
6 other things. First I'll ask our building
7 inspector, Mr. Sharma, are all the
8 mailings in order for all the cases?

9 MR. SHARMA: Yes, Mr.
10 Chairman. I was informed by my office
11 that all the mailings are in order.

12 CHAIRMAN PYCIOR: We can
13 proceed with all four cases. The first
14 case in front of us tonight is Case
15 No. 1-08, Guido Capuano of 222 Farragut
16 Parkway, requesting two variances. One is
17 a corner property and it needs two front
18 yard variances, because corner properties
19 are considered under the code to have two
20 front yards. Would the applicant or
21 representative of the applicant wish to
22 come forward, state the case, first
23 identifying yourself by name for the
24 reporter for the record.

25 MRS. OSTROWSKI: Good

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2 evening. My name is Bertina Ostrowski.
3 I'm the applicant's daughter. We reside
4 together all together at 222 Farragut
5 Parkway. Simply stated --

6 CHAIRMAN PYCIOR: Excuse
7 me.

8 MS. STECICH: Can I just
9 clarify one thing with Deven on this? I
10 believe this is in our R-75 district. It
11 didn't say so. It should be on the
12 application. I looked at the zoning. I
13 think it is in the R-75, which would mean
14 that the required lot front yards are 25
15 feet, not 30 feet, if I'm correct.

16 MR. SHARMA: That is
17 correct.

18 MS. STECICH: The sheet
19 says what?

20 MR. MURPHY: The sheet says
21 25.

22 MS. STECICH: I know. It
23 doesn't have the zoning district. I have
24 a map. If the map I have is right, I
25 think it is in the R-75 district. Do you

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2 happen to know that?

3 MRS. OSTROWSKI: No, I

4 don't.

5 MS. STECICH: For one

6 thing, you should tell the staff

7 downstairs to make sure they put the

8 zoning district in. It's important. I'm

9 pretty sure it is the R-75, so they still

10 need the same variance, but in any event I

11 believe the required yard is 25 feet, not

12 30.

13 CHAIRMAN PYCIOR: Okay.

14 Thank you. So if the applicant would

15 please state the nature of the request and

16 also why it is needed. I know our files

17 indicate this, but for the public record

18 and for the public present --

19 MRS. OSTROWSKI: Simply

20 stated, we are requesting to be able to

21 add an additional dormer that will sit

22 already on top of an existing structure in

23 the back of our home. So we are not

24 building up or out. We are just trying to

25 go on top of what we already have to meet

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2 the roof line of the dormer that is on the
3 front of our house.

4 Our family is growing. My husband
5 and I married and have settled down here
6 in Hastings. I've been a resident of
7 Hastings for many, many years, my family
8 also for over 50 years. We've been in
9 this home for about 35 years. So we are
10 growing. And we need the space. Quite
11 frankly, we are trying to enlarge our
12 family. We also have a five year old in
13 the house. We need the space. It is a
14 very small cape. We are trying our best
15 with what we have, but we are trying to
16 just get us a little bit more room to grow
17 the family as well as to be able to live
18 with the four people we have in the house
19 now.

20 Also, just to note, on your agenda
21 it says we are looking to add an
22 additional dormer on the front of our
23 home. We are not adding. There are
24 dormers on the front of our home. It is a
25 traditional cape. There are two doghouses

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2 on both sides of this home. We are just
3 looking to enlarge them a little bit to
4 straighten out some of the rooms on the
5 inside. We are not looking to go out,
6 blow out the front of this house. We are
7 not looking to blow out the back of the
8 house. We are looking to enlarge the
9 dormer, the doghouses, by just a little.

10 CHAIRMAN PYCIOR: Are there
11 questions from members of the board
12 concerning the application? Would you
13 give us a minute. One of our new members
14 was not sent the plans at all, so give us
15 a minute to look them over.

16 MR. MURPHY: Can you just
17 tell me, how many bedrooms are there
18 presently in the home?

19 MRS. OSTROWSKI: We have two
20 bedrooms upstairs on the second floor of
21 the home. There is also an additional
22 bedroom on the main floor of the home that
23 used to be our den. And that we converted
24 into another bedroom to be able to fit
25 myself, my father, my husband and my five

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2 year old.

3 MR. MURPHY: The proposal is
4 basically to add one more on the second
5 floor?

6 MRS. OSTROWSKI: Yes.

7 MR. MURPHY: The only thing
8 unclear to me on that side is on the side
9 where there is a three and a half foot
10 setback existing to one portion of the
11 existing home, do you know what the
12 distance is, the setback distance, from
13 that side to the end of the edge of the
14 proposed addition on the second floor?

15 MRS. OSTROWSKI: I couldn't
16 off the top of my head be able to tell
17 you. You guys speak a different language
18 than we lay people do. The setbacks, we
19 are restricted, as you said, two sides
20 because we are a corner lot. So on our
21 side on Burnside Avenue, on Farragut
22 Parkway we are set back.

23 We are not -- it's difficult to
24 explain, but we are not looking to enlarge
25 from where we are currently. We are just

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2 looking to add on top of what is already
3 existing. So the setbacks basically
4 remain the same, because we are just
5 looking to add on top of what we've got.
6 It is not that we are looking to blow out
7 one side or the front of the house.

8 MR. MURPHY: I completely
9 understand. I don't have a dimension on
10 that part of the plan. And it is
11 customary to put the dimension in.
12 Whatever that setback is to that one story
13 that is currently existing and on which
14 you are going to build the second story,
15 it is something more than three and a half
16 feet. And it is just not indicated what
17 the distance is.

18 MRS. OSTROWSKI: I am
19 alerted by my father who is here today
20 that it is 22 feet.

21 MR. CAPUANO: 22 and a half
22 feet.

23 MR. MURPHY: So that is the
24 setback from Burnside on which you are
25 going to build the second story addition

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2 above the current first story, right?

3 MRS. OSTROWSKI: Right.

4 MR. MURPHY: That's where
5 you are going to have a second bedroom on
6 top?

7 MRS. OSTROWSKI: Right.

8 CHAIRMAN PYCIOR: Other
9 questions of the applicant?

10 MR. DOVELL: You are
11 building out with a column on the Burnside
12 side?

13 MRS. OSTROWSKI: There is
14 already -- we are just squaring it off.
15 There is already a mudroom that goes about
16 halfway back already existing in the house
17 as is. We are just squaring that off,
18 basically with the side of the home that
19 is already -- the exist -- with the
20 existing structure that is there now, we
21 are just squaring that off.

22 MR. DOVELL: And the
23 dimension of that, of where you are
24 squaring it off back to the Burnside
25 Avenue lot line, is this --

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2 MRS. OSTROWSKI: It is about
3 15 feet.

4 MR. DEITZ: Tell me what you
5 are doing on the Farragut side. You are
6 enlarging what you call the doghouses?

7 MRS. OSTROWSKI: We
8 currently have two doghouses. Like I
9 said, it is a traditional cape with two
10 doghouses on the second floor. When you
11 go into the second-floor bedrooms, they
12 are slanted because obviously the home is
13 a cape that is slanted. The only cutout
14 in the slant are these two doghouses. We
15 are just looking to take -- they are one
16 single window doghouses. We are looking
17 to make them two dog -- two window
18 doghouses to be able to kind of square off
19 those rooms a little bit.

20 If it helps, I do have
21 pictures of the home that are existing.

22 CHAIRMAN PYCIOR: Yes.
23 Please. Yes.

24 MRS. OSTROWSKI: Thank you.

25 (Documents handed.)

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2 MR. MURPHY: You are going
3 to maintain the same roof height currently
4 23 feet --

5 MRS. OSTROWSKI: That's
6 correct.

7 MR. MURPHY: -- within a
8 district that permits 35 feet?

9 MRS. OSTROWSKI: That's
10 correct.

11 CHAIRMAN PYCIOR: I want to
12 give the board members a minute to look at
13 photos before asking if there are more
14 questions.

15 MR. FORBES-WATKINS: Out of
16 curiosity, there are a number of letters
17 in the application. Do they include the
18 home immediately to the right-hand side of
19 your property?

20 MRS. OSTROWSKI: If you are
21 looking at my home from the Farragut --

22 MR. FORBES-WATKINS: In your
23 front window looking to your right on
24 Farragut.

25 MRS. OSTROWSKI: Yeah.

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2 There is about -- between the two homes
3 themselves, there is about 15 feet between
4 the two homes, the existing structures.

5 MR. FORBES-WATKINS: I'm
6 just wondering if these letters we have
7 received --

8 MRS. OSTROWSKI: Yeah. That
9 one letter is from our neighbor
10 immediately adjacent to us.

11 CHAIRMAN PYCIOR: That
12 would be the letter from Marie Oelkers and
13 Susan Winn at 208?

14 MRS. OSTROWSKI: They're
15 actually a few houses down the street.
16 There is one from the Doufekias family.
17 They are immediately next-door to us.

18 MS. STECICH: None of these
19 are of the front --

20 MRS. OSTROWSKI: I'm sorry?

21 MS. STECICH: None of the
22 pictures are of the front of the house.

23 MRS. OSTROWSKI: There is a
24 shot of the side. It is a front, but it's
25 a side shot. You would have to go in the

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2 middle of the parkway to be able to take
3 that kind of shot. It is a busy street.

4 CHAIRMAN PYCIOR: Okay.
5 Are there any other questions from the
6 members of the board? Okay. Is there
7 anyone present here today tonight who
8 wishes to be heard in favor of this
9 application? Seeing no one, is there
10 anyone present tonight who wishes to be
11 heard in opposition to this application?
12 Okay. Do the members of the board wish to
13 discuss this further before making a
14 motion? Any additional questions or
15 comments?

16 MR. DEITZ: No.

17 CHAIRMAN PYCIOR: Okay. We
18 should have a motion for each of the two
19 variances. Let's begin with variance
20 No. 1, the corner lot front yard variance
21 for the Burnside Avenue side of the house.

22 MR. FORBES-WATKINS: I move
23 approval of the proposed variance for the
24 front corner lot front yard on Burnside
25 Avenue.

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2 CHAIRMAN PYCIOR: Do I have
3 a second?

4 MR. MURPHY: I'll second the
5 motion.

6 CHAIRMAN PYCIOR: All in
7 favor?

8 MR. DEITZ: Aye.

9 CHAIRMAN PYCIOR: Aye.

10 MR. DOVELL: Aye.

11 MR. MURPHY: Aye.

12 CHAIRMAN PYCIOR: It's
13 unanimous. As to the second variance, the
14 corner lot front yard variance on the
15 Farragut Parkway side of the home, do I
16 have a motion?

17 MR. MURPHY: Yes. I'll move
18 to approve the second variance for the
19 corner lot front yard on Farragut Parkway
20 existing and proposed for the dormer
21 nonconforming at 24 feet required. I
22 believe is now 25 feet.

23 CHAIRMAN PYCIOR: Do I have
24 a second?

25 MR. FORBES-WATKINS: Second.

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2 CHAIRMAN PYCIOR: Do I have
3 all in favor?

4 MR. DEITZ: Aye.

5 MR. DOVELL: Aye.

6 CHAIRMAN PYCIOR: Unanimous
7 once again. Okay. Good luck with your
8 construction.

9 MRS. OSTROWSKI: Thank you
10 very much.

11 CHAIRMAN PYCIOR: Our
12 second case tonight is case No. 2-08,
13 Filipe Pereira of 48 Whitman Street,
14 applying for view preservation approval.
15 I would first like to ask the village
16 attorney and the building inspector, did
17 the planning board rule on this and
18 recommend it?

19 MS. STECICH: Yes, it did.
20 At the last meeting it recommended view
21 preservation approval.

22 CHAIRMAN PYCIOR: We can
23 proceed. If you could please identify
24 yourself for the record and speak into the
25 microphone, please.

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2 MR. ESCALADAS: Good
3 evening, everybody. I am Emilio Escaladas
4 from Escaladas Associates, architects and
5 engineers in Elmsford. This particular
6 view you are seeing is the end result to
7 the addition to the existing house. The
8 existing house was built, I think, close
9 to the turn of the century, maybe 1910.
10 It is quite worn out. It needs some
11 refreshment. And the owner is going to
12 build it so that he can move in there. I
13 believe share it with his parents.

14 Part of the preservation -- to the
15 view preservation, revolved around the
16 fact and the only fact being -- they had
17 this issue -- was how does the
18 addition -- how does the new mass affect
19 any of its neighbors. And to do -- to
20 understand that you have to first
21 understand where the existing mass is and
22 where any of its neighbors are.

23 The only possible neighbor at all
24 that could be affected would be these tall
25 buildings in the back. This side building

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2 would never be affected by what happens
3 here. This side building has a view
4 corridor right here. It could never be
5 affected by what we do here.

6 MR. MURPHY: Why would the
7 building on the other side not be
8 affected?

9 MR. ESCALADAS: This one?
10 There is no view other than forward and
11 this way. The addition is to the side.
12 This mass would be to this side. So it
13 absolutely -- it doesn't -- it doesn't
14 have the -- nor any of these. So I
15 outlined the ones closest. And in fact,
16 this building totally blocks the view of
17 this house as it is. Once this house has
18 a second floor, maybe they'll have a
19 chance to see over this large mass in
20 front.

21 Then when you look at the
22 cross-section, when you walk back from the
23 rear yard towards the only possible
24 affected viewer, you realize this is --
25 I'm standing right now, you have a sense

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2 of height on the rear of the property of
3 the -- of my -- of the applicant. And
4 already you can see where I'm standing the
5 camera is at a view -- I'm probably level
6 with the fascia of the second floor. When
7 I step on to -- you can see that I was
8 standing here, so that was a much higher
9 situation.

10 Now as you travel further back to
11 the face of the building, there is an
12 approximately -- I don't know. I'll
13 review it when I go back. I think it is
14 90 feet. Then there is a four story or
15 five-story building. The first floor,
16 which is the only occupant that could be
17 affected by this, there is parking, and
18 the first floor height there is
19 additional.

20 MR. MURPHY: Is that the
21 apartment building?

22 MR. ESCALADAS: Correct. So
23 there is absolutely nothing. As you can
24 see, the height of the building, existing
25 building, is right here. And we hit

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2 everything on purpose so the roof would
3 not be massive and bulky. So the
4 original, the existing roof height is
5 here. All we are raising it is maybe by
6 three and a half feet at the middle of the
7 structure, because everything is angling
8 to the center. So not only is the
9 increment a very mild one, but the view,
10 no one's view will be affected, in my
11 opinion. Let me show you a larger view of
12 the site plan. Yes. The addition, it's a
13 modest addition in terms of the overall
14 size, but --

15 MR. MURPHY: You say it is a
16 modest addition?

17 MR. ESCALADAS: To the
18 overall size that we can generate for
19 other houses.

20 MR. MURPHY: Are you doing
21 right up to the 30 percent maximum? It is
22 11 percent or 30 percent?

23 MR. ESCALADAS: The world is
24 different according to where you are
25 standing. I understand that. I am so

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2 used to the other bigger houses that
3 clients ask of me. In my mind I see this
4 as a modest addition. I quite agree. My
5 house fits in one half of that, but you
6 are absolutely right. I mean, it's a --
7 and yet we try -- we did our best to keep
8 the roof very low and keep everything so
9 that the gable which makes a structure a
10 little bulkier is non-existent in this
11 case.

12 MR. DOVELL: Do you have a
13 drawing of the existing condition of the
14 house?

15 MR. ESCALADAS: It is part
16 of the application. Not with me. I have
17 it, but I don't have it here. If I was
18 to -- if you were just to look at this
19 one, the existing mass is from here to
20 here (indicating). So if you look at
21 the -- that's why I brought -- let me show
22 you the foundation. The grayed out area
23 here which is next to the last sheet in
24 your group shows the existing footing.
25 There are other footings that would be

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2 applied, because there is decking and a
3 covered porch. But I didn't draw that. I
4 just drew the footing that has a basement
5 under it.

6 The addition would be the garage to
7 the right and basically the family room to
8 the back with the kitchen and a little bit
9 to the left to make that room upstairs
10 viable. So this is a clear picture of
11 what is and what will be or what could be.

12 MR. MURPHY: Just one
13 clarification on the application, in terms
14 of the building and height, it says you
15 are going from one and a half stories to
16 two and a half stories.

17 MR. ESCALADAS: Actually, if
18 you look at the elevation I was being -- I
19 was overtaxing the description of half
20 story. It is really one two. There is no
21 head room there for an individual. It is
22 really not a half. A half would be much
23 taller. In fact, you see that I dropped
24 this roof on purpose. I dropped the
25 master bedroom. It is not -- the master

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2 bedroom is not at the same height. The
3 second floor is much lower. Again, it is
4 a gesture to the house that is here. I
5 did everything possible to keep this as
6 low as I could and still have a house that
7 would be attractive to the rest of the
8 neighborhood.

9 If I may say, the neighborhood is a
10 simple -- a simpler, smaller structure,
11 but not -- actually not smaller. They are
12 higher and they are longer but they are
13 narrower. So I wondered if in that area
14 of some of the neighboring houses,
15 certainly the one in the front is twice
16 the size of this. It is huge. But that
17 is -- you know, it's -- they were there
18 way before we were.

19 MR. MURPHY: But on your
20 application it says you are going from 20
21 feet high to 30 feet high.

22 MR. ESCALADAS: Well, I
23 don't --

24 MR. MURPHY: That's right.

25 MR. ESCALADAS: Because the

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2 height --

3 MR. MURPHY: The existing
4 building is 20 feet high.

5 MR. ESCALADAS: I don't know
6 if that's right. I might have made a
7 mistake on that, because this floor is
8 eight. This floor is eight, and the roof
9 can't be more than seven to the ridge. So
10 to the mid ridge point, so the 30 may be
11 the high -- I can't believe that to be
12 right. I think that's a mistake. I will
13 yell at some of the people in my office
14 for doing that. I didn't fill it out. I
15 can see right now, but this is impossible.
16 It could not be 30.

17 MR. MURPHY: I mean, I
18 just -- you are permitted up to 35. 10
19 feet impacts the view potentially.

20 MR. ESCALADAS: But I -- you
21 see, I think the numbers were placed there
22 to fill the gap. I don't think they are
23 accurate. I will tell you that the
24 existing roof of the house is within a
25 foot of this peak right here, because I

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2 was surprised when we were drawing it that
3 the new roof is really not that much
4 higher.

5 MR. DOVELL: Looking at your
6 drawing three of four, the house is set up
7 approximately three and a half feet from
8 the grade.

9 MR. ESCALADAS: The existing
10 floor is, but we are not touching that
11 floor. That floor that is there, there
12 are four risers to the entrance, and
13 that's the height of the existing floor.
14 And I kept the first floor at that height.
15 I didn't change that.

16 MR. DOVELL: Looking at the
17 description of dimensions, it looks like
18 you are at 30 or -- you know, you've got
19 the thickness of the floor itself and you
20 have 9 feet and the thickness of the floor
21 and 8 feet plus the roof. So you are at
22 30 plus.

23 MR. ESCALADAS: You are
24 looking at the side view?

25 MR. DOVELL: Proposed front

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2 view.

3 MR. ESCALADAS: Front
4 elevation. Again, each floor is eight
5 feet. And one foot of the thickness of
6 the floor, right. So we have --

7 MR. DOVELL: 9 feet.

8 MR. ESCALADAS: I'm sorry.
9 Nine, the thickness of the floor would be
10 ten. The height of the second floor is
11 eight. That's 18. Three or let's say
12 four to the ground, and half point to the
13 roof. It is certainly in the 20's.

14 MS. STECICH: No. Go to
15 the roof. It is half of the roof.

16 MR. SHARMA: You have to
17 measure to the roof.

18 MS. STECICH: To the peak.

19 MR. ESCALADAS: I see.
20 Four, nine, thirteen, fourteen, eight is
21 21. And let's say seven, eight, 21 and 8
22 is 29 so maybe 30 is accurate. Maybe 30
23 is the accurate number. I always measure
24 it and this is why I was thinking it is
25 not 30, because we -- most villages

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2 measure to midpoint in the attic. This
3 point measures to the ridge, you say.
4 Okay. But it is still significantly lower
5 than 35.

6 MR. MURPHY: I had a
7 question for counsel too. In the
8 application on the front yard, it says 25
9 feet is required. 12.7 feet is existing.
10 Would this require a variance for
11 extension of an existing nonconforming on
12 the front yard setback?

13 MS. STECICH: Let me see
14 from the site plan going out on this side.

15 MR. MURPHY: I wasn't sure
16 what was being done there in the front.

17 MS. STECICH: Could I see
18 the site plan on that?

19 MR. MURPHY: The question
20 is, what is being done to the front of the
21 house?

22 MS. STECICH: This is
23 existing. Okay. This is going out.
24 Okay. You see, I think --

25 MR. MURPHY: Well, on both

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2 sides it faces front.

3 MS. STECICH: At this point
4 it looks like -- at this point it looks
5 like this is being added on. It looks
6 like what is being added on is 30 feet.

7 MR. MURPHY: Okay.

8 MS. STECICH: On this side
9 the setback from the front -- well, it is
10 more than 30 feet.

11 MR. MURPHY: Correct.

12 MS. STECICH: So they are
13 not exacerbating the front yard
14 nonconforming, unless -- and you can't
15 tell from this, unless it is going up. Is
16 it going up at all in the front?

17 MR. ESCALADAS: You mean on
18 top of the existing footprint?

19 MS. STECICH: Yes. If it
20 were, then that would be an expansion, if
21 it is going up in the front.

22 MR. ESCALADAS: The existing
23 edge of the front yard has purposely
24 been -- in other words, the second floor
25 has purposely been stopped at the setback.

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2 See this dotted line is the existing
3 building and all of that is the front
4 yard.

5 MR. MURPHY: The question
6 is, are you building on top of the front
7 of the house?

8 MR. ESCALADAS: Am I
9 building?

10 CHAIRMAN PYCIOR: On top of
11 the existing house.

12 MR. MURPHY: The existing
13 front of the house.

14 MR. ESCALADAS: No.

15 MS. STECICH: That's what
16 he is saying. He stopped the second floor
17 at the 30 --

18 MR. ESCALADAS: That's
19 right.

20 MS. STECICH: At the 30
21 feet point.

22 MR. DOVELL: If you look at
23 the second proposed floor plan, it seems
24 as if you are not back to that 30 foot
25 setback, to that setback portion.

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2 MR. ESCALADAS: I believe I
3 am. I don't know if I can answer that. I
4 think what you are asking is you need to
5 identify where the front yard setback is
6 on the side elevations and then compare.
7 I believe I'm okay, because that was one
8 of the considerations. My opinion right
9 now in front of you is I'm quite safe on
10 the back of that. I don't want to make
11 the front yard at all, because that would
12 have been --

13 MS. STECICH: If it turns
14 out --

15 MR. ESCALADAS: Correct.

16 MS. STECICH: -- that --

17 MR. ESCALADAS: Any portion
18 of the front yard --

19 MS. STECICH: If it turns
20 out that any of the front of the house
21 does come into the front yard, he can't do
22 it without going -- coming back to the
23 board for another variance.

24 MR. ESCALADAS: Correct.

25 MR. SHARMA: It is out of

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2 the question. None is needed in the front
3 yard. It is not required as per plan.
4 They haven't requested a front yard
5 variance, and we are not considering a
6 front yard variance at this point.

7 MR. ESCALADAS: Correct.

8 MS. STECICH: The building
9 department will have to look carefully at
10 this.

11 MR. MURPHY: Yes. I want to
12 make sure the building department
13 understands that.

14 MR. ESCALADAS: Yes. I
15 perfectly understand your concern, and I
16 will make sure that that is the case. Any
17 plane, any new construction, what -- if I
18 may repeat what the board is worried
19 about, you are saying that any plane of
20 new construction must honor the existing
21 front yard setback.

22 CHAIRMAN PYCIOR: No. Any
23 new construction must honor the 30 foot
24 setback.

25 MR. ESCALADAS: Which is the

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2 30 feet. That is correct.

3 MR. MURPHY: But 30 feet is
4 not the existing setback. The existing
5 setback is 12 feet 7 inches.

6 MR. ESCALADAS: Correct.
7 Any new construction must adhere to the
8 existing required front yard setback which
9 is 30 feet.

10 MR. MURPHY: Correct.

11 MR. SHARMA: I wouldn't give
12 you a building permit unless it is the way
13 he is saying it should be.

14 MR. ESCALADAS: Correct.

15 MR. DOVELL: The package is
16 a little confusing. There isn't any
17 existing conditions set of drawings. And
18 dimension against the lot line would make
19 comprehension of this a little easier.

20 MR. ESCALADAS: I did it in
21 the foundation. We probably should have
22 carried it through all the floors.

23 CHAIRMAN PYCIOR: If we
24 look at drawing 2-4, it appears that --
25 and I don't know the exact dimension -- 3

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2 or 4 feet of the second floor new
3 construction is within the 30 feet.

4 MS. STECICH: Yes, from
5 here to here.

6 MR. DOVELL: If we had the
7 existing conditions shown on this, we
8 would be able to --

9 MS. STECICH: Because on
10 the left is that new -- that new piece
11 came right to the 30 foot. The 30 foot
12 line came right to that. Go way over
13 that -- no, stay on that drawing. Go all
14 the way to your left, the drawing on the
15 left, way left. I think that the piece
16 just jutting off to the very left was the
17 30 foot mark.

18 MR. ESCALADAS: No. This
19 line right here is the 30 foot line. And
20 you must --

21 MS. STECICH: So the second
22 floor is set back.

23 MR. ESCALADAS: Yes.

24 MS. STECICH: The second
25 floor way on the side is set back from the

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2 first floor on that side.

3 MR. ESCALADAS: Yes.

4 SPEAKER: Would you like to
5 look at the side elevation? We can say
6 that.

7 MR. ESCALADAS: We are sure
8 we are okay. The board wants to make sure
9 that setback is adhered to, and I think
10 whatever the board decides tonight will
11 certainly -- we will adhere to that
12 requirement. If anything is different,
13 then the building department will simply
14 kick it back to us.

15 MS. STECICH: If you look at
16 the side elevation on line 3 of 4, look at
17 the side elevation on the top, it does
18 look like the second floor is set back.

19 MR. ESCALADAS: Yes, yes.
20 What is confusing you is that the first
21 floor -- yes.

22 MS. STECICH: Do you see
23 that, Brian?

24 MR. MURPHY: Yes.

25 MR. ESCALADAS: You've got

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2 it. We have an attorney that is an
3 architect.

4 MS. STECICH: I've just
5 been doing this a long time.

6 MR. ESCALADAS: I should
7 have told you that.

8 CHAIRMAN PYCIOR: The
9 building department will guaranty that it
10 won't be constructed if it violates the 30
11 foot setback. Do we have other questions
12 and observations from members of the
13 board?

14 MR. DEITZ: It is such a
15 larged proposed structure. I mean, it is
16 large if you are thinking of area
17 variances which this is not. This is only
18 view preservation. But there is no
19 coverage issue here, is there?

20 CHAIRMAN PYCIOR: No, there
21 isn't. When I heard the application or
22 the applicant's representative say it is a
23 modest addition and I saw the footprint
24 went from 890 feet to 2400 feet. But that
25 is not in question, because they don't

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2 need side yard variances, front yard
3 variances. Only before us tonight is view
4 preservation approval.

5 MR. MURPHY: Is there any
6 record from the planning board's
7 recommendation? I didn't see the meeting
8 or attend.

9 MS. STECICH: No.

10 MR. MURPHY: Sometimes they
11 give us a little written --

12 MS. STECICH: No. You
13 should get it, but I didn't send the memo.
14 It was the meeting in December. There was
15 not any particular discussion of it, I
16 guess, because, of course, they don't look
17 at these kinds of issues. They were just
18 looking at it from view preservation. And
19 there was no site plan review of it,
20 because it doesn't require site plan
21 review.

22 MR. MURPHY: Thank you.

23 CHAIRMAN PYCIOR: Any
24 further questions of the applicant? We
25 can always ask them after asking for

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2 comments from the audience.

3 CHAIRMAN PYCIOR: Is there
4 anyone here present who wants to be heard
5 in favor of this application? Anyone
6 present who wants to speak against the
7 application? For view preservation
8 approval? No one is present. Okay.
9 Further discussion by the board?

10 MR. MURPHY: Well, does the
11 board agree that it is only literally the
12 lowest floor apartment behind this
13 proposed structure that would be impacted
14 by the view?

15 CHAIRMAN PYCIOR: I went up
16 to the parking lot of those apartment
17 buildings up the hill above the A&P. And
18 I could look over the roof line, and I'm
19 confident over even this raised roof line.
20 They are so much higher.

21 MR. DOVELL: The structure
22 proposes a great deal of width along the
23 low side of the hill. The front will look
24 over it. Does the width seem to affect
25 the view?

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2 CHAIRMAN PYCIOR: Not from
3 above by the apartment buildings. There
4 are those new condominiums being built on
5 Main Street. Possibly out of the back
6 windows of some of those. But no one --
7 since they are not -- no one lives there
8 yet. There is no one who can be here
9 tonight to object. Even at that, it is
10 difficult to say with new construction.

11 MR. ESCALADAS: In response
12 to your concern, this side of the addition
13 is the one that is being purposely dropped
14 two or 3 feet with respect to the second
15 floor. If you remember what I said, this
16 floor, this whole roof is lower. It could
17 be higher, meet all the codes, meet
18 everything. But I purposely squashed it
19 so I would have at least keep -- respect
20 the existing corridor that -- the only
21 corridor that is left which is this
22 (indicating). But, again, the viewer
23 would be a full story and a half above
24 this, the only viewer that would be
25 affected by any addition.

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2 MR. MURPHY: Could I see
3 your drawing of the slope where you
4 indicated the angle of the slope?

5 MR. ESCALADAS: It is off
6 the top. That is the existing. So as
7 this keeps going forward and the building
8 is probably right around here
9 (indicating), it is about 90 feet and
10 maybe go a full story so it is way above.
11 It is just way above.

12 CHAIRMAN PYCIOR: Further
13 questions or comments? Does anyone wish
14 to make a motion in favor of or against
15 view preservation approval?

16 MR. ESCALADAS: I vote for.

17 CHAIRMAN PYCIOR: It
18 doesn't work that way. Does anyone wish
19 to make a motion in favor of view
20 preservation approval?

21 MR. FORBES-WATKINS: I'll
22 move to approve the view preservation
23 issue on Case No. 2-08.

24 CHAIRMAN PYCIOR: Do I have
25 a second?

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2 MR. DEITZ: I'll second.

3 CHAIRMAN PYCIOR: All in
4 favor of granting view preservation
5 approval?

6 CHAIRMAN PYCIOR: Aye.

7 MR. DEITZ: Aye.

8 CHAIRMAN PYCIOR: It's
9 unanimous. Thank you, Mr. Escaladas.

10 MR. ESCALADAS: Thank you.
11 Have a good day.

12 CHAIRMAN PYCIOR: Okay.
13 The third case before us tonight, and
14 since this is the first meeting of the
15 year, it is not surprising it is case
16 No. 3-08. An application by Deborah
17 Tarricone of 15 Holly Place for the
18 creation of a nonconforming building lot
19 as a result of a subdivision of a parcel
20 of land at 15 Holly Place into two lots.
21 Before we hear from the applicant, I know
22 that counsel wanted to provide some
23 information to the board.

24 MS. STECICH: Yes, on two
25 issues. This, of course, since it is a

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2 subdivision, requires approval by the
3 planning board of the subdivision. The
4 planning board could have handled it in
5 one of two ways, either waited until they
6 got the variance from the zoning board and
7 then granted the subdivision and -- but
8 what they decided to do because there were
9 really no -- they saw no subdivision
10 issues other than the variance one, so
11 they granted the subdivision approval
12 subject to the zoning board's granting a
13 variance. And they also did recommend the
14 granting of the variance.

15 The other thing that the board has
16 to do if you are disposed to grant the
17 variance is something this board rarely
18 gets to do and that is review it under the
19 State Environmental Quality Review Act
20 SEQRA. Generally the cases that come
21 before you don't require SEQRA review
22 because it isn't required for one and two
23 family houses for area variances for one
24 and two family houses.

25 But since this is not an area

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2 variance so much for a house as it is for
3 the subdivision, it is a little unclear
4 whether it is a type 2 and would require
5 SEQRA. So the safest course would be if
6 the board were going to grant the variance
7 issue, also make a determination under the
8 State Environmental Quality Review Act,
9 and that would -- the only decision you
10 could make if you are going to grant the
11 variance is it wouldn't have any
12 significant environmental impacts. If you
13 believe that and you can make that, you
14 have to do that first and then decide on
15 the variance. And sometimes you often
16 don't have to do this because you have
17 coordinated review and one board acts as
18 the lead agency on it.

19 MR. MURPHY: It is usually
20 the planning board.

21 MS. STECICH: What we
22 decided in this case is each board could
23 make their separate SEQRA determination.
24 Otherwise, it would have to come back to
25 this board to decide can the planning

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2 board be a leading agency. You have an
3 extra meeting thrown in there.

4 CHAIRMAN PYCIOR: So the
5 planning board decided it would not merit
6 a SEQRA review?

7 MS. STECICH: The planning
8 board said that. Not that -- no, it
9 requires -- everything requires SEQRA
10 review. The issue is does it require a
11 full environmental impact statement, in
12 which event -- then you would cause that.
13 You believe there aren't any significant
14 environmental impacts, you issue a
15 negative declaration and that is your
16 SEQRA review. That's -- you did your
17 review and that's your decision.

18 MR. SENOR: Okay.

19 CHAIRMAN PYCIOR: If you
20 would please identify yourself also.

21 MR. SENOR: Good evening.
22 My name is Eliot Senor, S E N O R, from
23 the office of Gabriel Senor, P.C. in
24 Hartsdale. As you just heard, I won't go
25 through the legalities again, but the

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2 planning board did grant the variance
3 subject to zoning variance.

4 MS. STECICH: The
5 subdivision.

6 MR. SENOR: Subdivision
7 approval subject to the zoning variance.
8 I just wanted to go through a couple of
9 points here in the -- as part of the
10 variance. I usually don't appear before a
11 zoning board because I'm an engineer and
12 surveyor. And usually lawyers come here.
13 So the lawyer had made some notes for me
14 to go through, so bear with me a little
15 bit. All right.

16 There is a multi-part test that you
17 test to determine whether a lot has --
18 whether it is a variance or not. And the
19 first one would be -- is that will there
20 be any undesirable change produced on the
21 character of the neighborhood or detriment
22 nearby properties. The two variances
23 sought here will not create undesirable
24 changes in the neighborhood or create a
25 detriment to nearby properties. We

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2 submitted maps showing lot numbers of the
3 surrounding properties in regard to lot
4 sizes and lot widths of the surrounding
5 properties.

6 The conclusion of that study showed
7 with regard to the 18 neighboring
8 residential lots that only one lot
9 actually complied with the requirement of
10 having 7500 square feet for a
11 single-family house or 10,000 square feet
12 for a two-family house.

13 CHAIRMAN PYCIOR:
14 Mr. Senor, if you could speak a little
15 more slowly to assist in recording it.

16 MR. SENOR: I'll provide you
17 with a copy if you have problems. The
18 houses in the community are on very
19 nonconforming lots. And we submitted a
20 chart that shows the actual lot width that
21 is required. These are nonconformities
22 including, for example, 40 Edison Avenue
23 3750 square foot, 39 Edison 2,000 square
24 foot, 12 Holly Place at 4,000 square foot,
25 52 Marion at 2400 square foot, 37 Edison

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2 at 4560 square feet. There are several
3 more. I won't go in if you already get
4 the picture.

5 So the analysis demonstrates that
6 the location of the existing house on the
7 lot of 6390 square feet will not cause any
8 change in the character of the
9 neighborhood. In fact, it will fit in
10 perfect harmony with the neighborhood.
11 And the lot is larger in size than 13 of
12 the 18 surrounding lots.

13 As to the lot width, 12 of the 18
14 residential surrounding lots are
15 nonconforming. They range down to 10
16 Holly is 40 feet wide, where 100 is
17 required; 40 Edison, 50 where 75 is
18 required; 39 Edison is 50 where 75. There
19 is one that is 44 Marion is another 50.
20 So 18 Holly, our lot, is 63 where 75 is
21 required. Most of the lots in the
22 surrounding neighborhood are narrower than
23 required. So that sort of answers the
24 first part of the test in our view.

25 The second part, could it be

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2 achieved in another manner. We cannot --
3 the only way to subdivide or to create a
4 lot is you divide. So there isn't any
5 other way that we can create a lot.

6 Are the requested variances
7 substantial or not? The lot area that we
8 are requesting is 1,110 square foot and
9 11.1 feet in width variance.
10 Notwithstanding the state taking that --
11 we had submitted some paperwork on, the
12 lot generally -- basically would have
13 conformed to those requirements. We
14 got -- they were paid -- the owner was
15 paid money for that taking, but, you know,
16 we couldn't not give it to the state. The
17 state takes it to widen Saw Mill River
18 Road. If we still had that lot area and
19 piece of property, we would have two
20 conforming lots. So that goes to the
21 lot -- the difficulty being self-imposed
22 or not. It essentially was caused by the
23 state in taking the property.

24 Then there is a balancing test as
25 well. On the balancing we believe there

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2 will be great benefits for the applicant
3 if the variances are granted. They will
4 be able to build an additional house which
5 would not have been permitted if the state
6 didn't take the property, if you can
7 understand what I'm saying.

8 But basically we are creating an
9 existing house on a lot that is
10 substandard 63 feet wide as opposed to 75
11 by the 100 feet deep, and the corner lot
12 being 7500 square feet conforming. We
13 picked the corner lot to be the conforming
14 lot as opposed to the existing house,
15 because we were trying to keep the
16 driveway for the new house as far off of
17 the intersection as possible which we
18 think is best from a traffic standpoint
19 and active standpoint.

20 CHAIRMAN PYCIOR: Questions
21 from members of the board?

22 MR. DOVELL: What was the
23 timing of the state action?

24 MR. SENOR: The state action
25 was in --

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2 CHAIRMAN PYCIOR: 1981.

3 MS. STECICH: 1981. You
4 should explain. I know, Mr. Senor, you
5 said they were paid for it, but --

6 MR. ESCALADAS: They were
7 paid \$1750 way back then.

8 MR. MURPHY: That was an
9 imminent domain proceeding?

10 MR. SENOR: Yes. We didn't
11 really have the right to refuse what they
12 offered or what they wanted to take.

13 MR. MURPHY: And the
14 proposed new lot is for a single-family
15 dwelling?

16 MR. SENOR: Yes. That's
17 what the zoning will allow.

18 CHAIRMAN PYCIOR: Any other
19 questions? Okay. Is there anyone present
20 here who wishes to be heard in favor of
21 this application? Anyone present who
22 wishes to be heard in opposition to this
23 application? Okay. Do members of the
24 board wish to comment, discuss this before
25 I ask for a motion?

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2 I understand we will have to
3 discuss whether or not we consider a full
4 environmental review necessary. Why don't
5 we discuss that? Does anyone have any
6 thoughts on this?

7 MR. MURPHY: Sure. We
8 discussed it months before. All I did is
9 read through the assessment form and went
10 through the neighborhood. It seems pretty
11 straightforward to me. I don't see any
12 issue on the SEQRA, unless there is
13 something I'm not aware of.

14 CHAIRMAN PYCIOR: I should
15 note for the public we did receive a short
16 form or short environmental assessment
17 form. Any other comments on the
18 environmental question? So Marianne, I in
19 this case ask for a motion?

20 MS. STECICH: I guess what
21 you should do, do you have the -- yes, I
22 guess the motion should be that you have
23 gone through all of the questions on the
24 environmental assessment form, if, in
25 fact, you did, and believe there are no

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2 negative environmental -- no adverse
3 environmental impacts. And so then vote a
4 motion to issue a negative declaration
5 under SEQRA. That would be the motion.

6 CHAIRMAN PYCIOR: Would
7 anyone like to frame? What are the
8 factors that we have to take into account
9 on whether there is an environmental
10 impact?

11 MS. STECICH: Look on
12 page -- second page C, whether there would
13 be any impacts on existing air quality,
14 surface or groundwater quality or
15 quantity, noise levels, existing traffic
16 pattern, solid waste production or
17 disposal, potential for erosion, drainage
18 or flooding problems. I guess maybe that
19 is what you could do, go through each of
20 those questions and answer no to each of
21 them. Then you can issue a negative
22 declaration.

23 MR. DEITZ: Good.

24 CHAIRMAN PYCIOR: Okay.

25 Does any member of the board see problems

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2 listed under C.1 which counsel has just
3 read to us, existing air quality, surface
4 or ground water? I won't repeat it all.
5 Does anyone who has visited the site and
6 reviewed the materials think there might
7 be problems in those areas?

8 MR. MURPHY: No. I mean, it
9 is mostly a residential neighborhood. It
10 is predominantly single family. Although
11 there are some two families that are
12 permitted. There are also some commercial
13 use, and the proposal is for a new lot
14 with single family. So on the corner of
15 Holly and Saw Mill River Road, I wouldn't
16 see any issues being impacted by the
17 proposed subdivision.

18 CHAIRMAN PYCIOR: Okay.
19 The second C.2, does anyone foresee any
20 adverse effects on aesthetic,
21 agricultural, archaeological, historic or
22 other natural or cultural resources; or
23 community or neighborhood character? I
24 heard a no.

25 MR. MURPHY: I agree.

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2 CHAIRMAN PYCIOR: C.3,
3 adverse effect upon vegetation or fauna,
4 fish, shellfish or wildlife species,
5 significant habitats or threatened or
6 endangered species?

7 MR. MURPHY: I would say no.

8 CHAIRMAN PYCIOR: C.4,
9 adverse effects on a community's existing
10 plans or goals as officially adopted, or a
11 change in use or intensity of use of the
12 land or other natural resources?

13 MR. MURPHY: No.

14 MR. DEITZ: No.

15 CHAIRMAN PYCIOR: C.5,
16 adverse effects upon growth, subsequent
17 development, or related activities likely
18 to be induced by the proposed action?

19 MR. MURPHY: No.

20 CHAIRMAN PYCIOR: C.6,
21 adverse effects on long term, short term,
22 cumulative or other effects not identified
23 in C.1 through 5. Let's be imaginative,
24 folks, or let's not be imaginative.

25 MR. MURPHY: Let's not. No.

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2 CHAIRMAN PYCIOR: C.7,
3 adverse effects on other impacts including
4 changes in use of either quantity or type
5 of energy? Do we see negative effects
6 upon energy use?

7 MR. MURPHY: No.

8 CHAIRMAN PYCIOR: We have
9 to heat another house. So having heard no
10 members foresee adverse effects in all of
11 these areas, can I have a motion -- would
12 someone like to frame a motion suggesting
13 that we do not need a full environmental
14 review and we can issue a negative
15 declaration in reference to SEQRA?

16 MR. MURPHY: I'll move to
17 approve a negative declaration for the
18 environmental assessment of the proposed
19 subdivision at 15 Holly Place.

20 MR. FORBES-WATKINS: Second.

21 CHAIRMAN PYCIOR: All in
22 favor. Aye.

23 MR. DOVELL: Aye.

24 MR. DEITZ: Aye.

25 CHAIRMAN PYCIOR: Now we

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2 have question of subdivision of parcel of
3 land. Any further discussion of that
4 before I ask for a motion?

5 MR. DOVELL: Do we
6 understand the subdivision won't create a
7 noncompliance with respect to the existing
8 structure? But there is nothing --

9 MS. STECICH: That's
10 correct. The existing structure will
11 remain -- well, it is not going to make it
12 more noncompliant. I think it does have a
13 noncompliant driveway. Arthur Magun
14 actually called me about it, and it is 4
15 feet more than it is allowed.

16 MR. SENOR: We made the
17 setbacks to the main building. I'm not
18 sure of the driveway. But in terms of
19 conforming lot, that's the lot we are
20 asking for the variances for, the lot
21 width and the lot area. So I don't know
22 if --

23 MS. STECICH: Just one
24 other thing the board should be aware of,
25 I don't know if it would make a difference

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2 to you. It doesn't really make a
3 difference to the application. But the
4 survey drawing that they have, this one,
5 shows along Saw Mill River Road in the
6 dotted line the trapezoid in the middle of
7 lot two, they have supposedly the area
8 within which they could build a house.
9 But the truth is because this is a corner
10 lot, the side yard setback, where it says
11 ten foot side setback, would have to be 25
12 feet. So the house would have to be
13 within that envelope.

14 MR. MURPHY: We are not
15 approving that.

16 MS. STECICH: You are not
17 approving that, but just so you know, if
18 it made any difference.

19 MR. MURPHY: Thank you.

20 CHAIRMAN PYCIOR: Having --

21 MR. MURPHY: I don't know
22 what the other board members think. At
23 least the charts were helpful to me to see
24 the proposed new lot seems to be well
25 within the character of the neighborhood.

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2 I don't see that the subdivision would
3 have any adverse impact on the
4 neighborhood.

5 MR. DOVELL: It seems very
6 modest.

7 CHAIRMAN PYCIOR: Okay. Do
8 I hear a motion concerning the
9 subdivision?

10 MS. STECICH: Well, no, the
11 variance.

12 CHAIRMAN PYCIOR: The
13 variance.

14 MR. MURPHY: Yes. I'll move
15 to approve the applicant's variance for
16 minimum lot size required for a single
17 family building lot, 15 Holly Place, 7500
18 square feet required, 6390 square feet
19 proposed.

20 CHAIRMAN PYCIOR: Do I have
21 a second?

22 MR. FORBES-WATKINS: Second.

23 CHAIRMAN PYCIOR: All in
24 favor?

25 MR. DEITZ: Aye.

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2 MR. DOVELL: Aye.

3 CHAIRMAN PYCIOR: It's
4 unanimous.

5 MS. STECICH: He also needs
6 a variance, though, for insufficient -- it
7 is not on this -- the insufficient lot
8 width. It is not on there. But it is not
9 on the notice. It should have been, but
10 it is encompassed in it. There is
11 insufficient lot width. They need a
12 separate variance, 63.9. 75 is required.

13 MR. MURPHY: I'll move to
14 approve the applicant's variance for
15 minimum lot width of 63.9 feet proposed,
16 75 feet required.

17 CHAIRMAN PYCIOR: Do I have
18 a second?

19 MR. FORBES-WATKINS: Second.

20 CHAIRMAN PYCIOR: All in
21 favor?

22 MR. DEITZ: Aye.

23 MR. DOVELL: Aye.

24 CHAIRMAN PYCIOR: Aye.

25 Okay. Thank you.

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2 MR. SENOR: Thank you very
3 much. Have a good evening.

4 CHAIRMAN PYCIOR: We wish
5 to hear case No. 4-08, an application by
6 Joseph Halprin of 4 Burnside Place,
7 concerning additions and alterations. A
8 variance is necessary and is sought for
9 lot coverage. The existing house coverage
10 is nonconforming, covering 30.5 percent of
11 the lot. The proposal is to cover 32.5
12 percent of the lot, where only 25 percent
13 lot coverage is permitted. So if the
14 applicant or his representative wishes to
15 be heard, please identify himself and
16 propose.

17 MR. LEWIS: Thank you.
18 Michael Lewis, Michael Lewis Architects,
19 P.C. Thanks. The existing house already
20 covers more of the lot than is -- it is
21 already nonconforming, and we are asking
22 for -- to increase that. The reason
23 behind this is that the lot is irregular
24 in shape, but more importantly it has very
25 steep grades that render a lot of the yard

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2 and exterior unusable. The family has, as
3 I mentioned in the application, that there
4 are two young kids and a large dog along
5 with parents who enjoy being outside. And
6 the only way to really enjoy that in this
7 house is on the decks really. There is a
8 small side yard, but the rest of the
9 property drops away. So the existing --
10 a large part of the existing lot coverage
11 is taken up with decks. And in our
12 proposal we are -- we are further
13 modifying that and adding a total of 216
14 square feet. It is a very small amount to
15 further increase the lot coverage.

16 The other thing is that the house
17 is -- their early decisions in the design
18 and building of the house that they had
19 are not that appealing. Frankly, the
20 entry and the approach to the house, it
21 appears massive and there are two doors.
22 Both of them look like service entrances.
23 It is hard to tell which is actually the
24 entry and which is not.

25 One of the things we really wanted

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2 to do is upgrade the overall appearance
3 and feel of the house. I am going to hand
4 this to you because the photographs aren't
5 that large. But if you look at the bottom
6 center photograph, you can see the entry
7 that I'm describing. The bottom center
8 photograph shows the entry. The flanking
9 photographs show the existing conditions.

10 I apologize for the quality of the
11 photographs. It could be better. The two
12 photographs show an existing photograph
13 and then a photo rendering of the proposed
14 addition to enhance that house. The
15 only -- we are adding 50 square feet at
16 the entry as part of that, and the rest of
17 the added space is deck.

18 As you can see, there is the deck
19 steps down on the side here. The idea
20 that by doing that it mitigates that --
21 the deep falling ravine there on the side,
22 and generally enhances the house not only
23 for the people who are in it but for those
24 who see it.

25 MR. MURPHY: It is the

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2 proposed deck in the front that is adding
3 the coverage, that you are seeking the
4 variance for?

5 MR. LEWIS: Not really.
6 There is an existing porch on the front
7 that is coming off, and we are replacing
8 that. So that the difference there would
9 be perhaps a few square feet. It is in
10 the rear where we are putting that
11 intermediate deck, that we are adding, you
12 know, 150 square feet or so. And then
13 there is a little bit of added deck, added
14 square footage, that front porch as well,
15 the added 50 square feet at the entry.

16 MR. MURPHY: The deck in the
17 back, what level is that, on the first
18 floor, second floor, just above the
19 ground?

20 MR. LEWIS: There is an
21 existing deck at the basement level. And
22 then we are proposing an intermediate deck
23 half a level up from that. So it is --
24 sort of breaks the elevation into an
25 intermediate area which is half a level

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2 down from the first floor and half a level
3 up from the second -- from the basement.

4 I should mention that Joe Halprin
5 and Annette have spoken with the neighbors
6 with regard to this, and I think we had
7 some letters and Joe can tell you who,
8 which neighbors actually he spoke with and
9 what they said.

10 CHAIRMAN PYCIOR: If you
11 tell us where they are in relation to your
12 home, next-door, across the street?

13 MR. HALPRIN: Joe Halprin,
14 the applicant. So I spoke with four
15 neighbors. Our house is in a cul-de-sac,
16 and so the neighbor if you are facing my
17 house, then there is a house up a hill
18 which Bill Hall used to live in
19 immediately to the right. I spoke with
20 that neighbor. That is One Burnside
21 Place. I spoke with the neighbor who is
22 immediately across on an easement road to
23 us, 2 Burnside Place. I spoke with our
24 neighbor at 3 Burnside Place who is behind
25 us off the easement road, who is actually

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2 here. And I spoke with a neighbor in
3 front of us to the left at 79 Burnside
4 Drive. So all of them have signed letters
5 supporting the application.

6 CHAIRMAN PYCIOR: Thank
7 you. I'll take them for the record.

8 MR. FORBES-WATKINS: Did you
9 speak to the neighbor to the rear of your
10 property?

11 MR. HALPRIN: Below the deck
12 level, I have not. At this point the deck
13 is in disintegrated kind of condition and
14 there is some fencing on it that is pretty
15 ugly. I didn't plan to build anything
16 past where the current deck is, and it
17 would only improve the current view and
18 situation of that deck. But I have not
19 spoken to the neighbor behind us, down the
20 hill.

21 MR. FORBES-WATKINS: My
22 impression is there is a further expanse
23 into the backyard or what is reputedly the
24 backyard by more deck, is that correct?

25 MR. HALPRIN: The current

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2 deck when we bought the house, the current
3 deck had a variance, so it goes a little
4 bit further than the setback, I guess.
5 That deck, I'm not sure which house you
6 are thinking of, but that deck would be
7 here. We are building the intermediate
8 deck which is not more towards the back
9 but on the side where there is a paper
10 road. And we understand that we have room
11 towards the setback on that side. That is
12 where the intermediate deck would come so
13 that you don't walk down a very steep set
14 of stairs to try to get to the back area.
15 You can walk down a shallower level of
16 stairs, get to an intermediate deck, then
17 walk down to the back deck. If the deck
18 is here again on this side, we are not
19 building any deck towards the neighbor.
20 We are drawing a deck up at the ground
21 level up there. That's --

22 MR. LEWIS: Also I neglected
23 to mention that we made every effort to
24 keep the proposal modest in that we are
25 not infringing on any of the setbacks. We

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2 kept everything completely within the
3 setbacks, and we actually reduced the
4 previous non-conformance of the rear deck
5 that was beyond the allowable setback. We
6 reduced some of that area in the back.
7 So --

8 MR. MURPHY: How much total
9 area of new deck are you adding compared
10 to the size of the old deck?

11 MR. LEWIS: 150 square feet.

12 MR. MURPHY: What is the
13 square footage of the intermediate deck,
14 the highest portion?

15 MR. LEWIS: It is about 150
16 square feet.

17 MR. MURPHY: Is that this
18 section?

19 MR. LEWIS: Right here is
20 the intermediate deck. So what we did is
21 remove some of the old deck and ran it so
22 we are reconfiguring the whole thing.

23 MR. MURPHY: Do you know how
24 far approximately the proposed
25 intermediate deck would be from the

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2 nearest neighbors' home?

3 MR. LEWIS: I'm not really
4 sure of that. I know that it is -- that
5 it's setback from the lot line. What is
6 allowed by the zoning, which is -- I think
7 it is 8 feet, because since it is an open
8 deck below the first floor.

9 MR. HALPRIN: The nearest
10 neighbor to that intermediate deck did
11 sign one of the supporting letters.

12 MR. MURPHY: How far is it?

13 MR. HALPRIN: There is a
14 paper road in between the house and that
15 neighbor.

16 MR. MURPHY: Okay. Thank
17 you.

18 MR. LEWIS: This one, the
19 house is located over here. I don't have
20 that information.

21 MR. MURPHY: Is the foliage
22 on your drawing, is that proposed to be
23 added or is that existing, on the
24 intermediate deck on that corner?

25 MR. LEWIS: Those trees are

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2 existing.

3 MR. MURPHY: Does that
4 provide a natural visual barrier or is it
5 high enough?

6 MR. LEWIS: Yes. The trees
7 shown on there are mature trees of
8 substantial height. So when they are
9 leafed out -- right now they are not. But
10 as you look down, you can see there is
11 quite a bit of coverage, the existing and
12 the proposed.

13 CHAIRMAN PYCIOR: There
14 would be no necessity to cut down any of
15 those mature trees to build a deck?

16 MR. LEWIS: I don't think
17 so. I can't speak definitively on it,
18 because I'm not there looking at exactly
19 where the footings. But I think the
20 intention is to keep the trees, because
21 they are a value to everyone.

22 MR. MURPHY: Well, I think
23 it's -- on the lower right drawing of the
24 house, could you just give me a ballpark
25 about the height of the so-called

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2 intermediate deck?

3 MR. LEWIS: Yeah. Well,
4 this view is from the back from the other
5 side of the house, that it is just a
6 general background. It doesn't really --
7 it doesn't really interact in any way with
8 the proposed deck. But if you --

9 MR. MURPHY: I'm trying to
10 get a height, a sense --

11 MR. LEWIS: Sure, sure. If
12 you look at the first floor here, you can
13 see you go down a half flight, and that's
14 the intermediate deck. And then from the
15 intermediate deck if you go down another
16 half flight, you'd be on this lower deck.

17 MR. MURPHY: Would you show
18 me that again? It helps me see.

19 MR. LEWIS: Absolutely.
20 That one right there, it is half a flight
21 down.

22 MR. MURPHY: So the -- where
23 I am pointing to the side, that is the
24 so-called intermediate deck?

25 MR. LEWIS: That is the

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2 proposed deck.

3 MR. MURPHY: Thank you.

4 That's very helpful.

5 CHAIRMAN PYCIOR: Other
6 questions from members of the board before
7 I ask for members of the public to speak?
8 Is there anyone here tonight who wishes to
9 be heard in favor of the application?
10 Feel free to come forward. Identify
11 yourself, please.

12 MS. HOLIDAY: My name is
13 Jennifer Holiday. I live at 3 Burnside
14 Place. We share our front yard and their
15 side yard share. And we are in favor.
16 And all the neighbors I spoke with are in
17 favor, and it can only make our
18 neighborhood a nicer place. Thank you.

19 CHAIRMAN PYCIOR: Thank
20 you. Anyone else in favor of this
21 application? Does anyone present wish to
22 speak against or in opposition to this
23 application? Seeing no one else, I will
24 ask for members of the board to make
25 comments before we consider a motion.

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2 MR. DEITZ: I think it's a
3 very attractive addition to the house. It
4 will very much improve the appearance.

5 CHAIRMAN PYCIOR: Thank
6 you, David.

7 MR. MURPHY: Yes. I think
8 the proposal, it is certainly a positive
9 for the neighborhood. My only concern,
10 because it is a deck, it's -- and because
11 the height of that deck is, as the
12 gentleman pointed out, is fairly low, at
13 least from the front of the house, I think
14 it minimizes the fact that it is a
15 significant extension beyond what is
16 permitted. This is a 25 percent square
17 foot coverage area. It is already a 30.5
18 percent. The proposal is to go up to 32.5
19 percent. You know, that's basically a
20 third more than what is permitted. So if
21 it wasn't deck, I think I'd be strongly
22 against it.

23 Because it is a deck and because of
24 the relatively low height of that
25 intermediate deck, that at least concerned

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2 me. I think it's fine the way it is
3 proposed, and I think it will improve the
4 look. I think it won't have a negative
5 impact on the neighborhood.

6 CHAIRMAN PYCIOR: I share
7 that view. If it were not a deck, I too
8 would probably oppose. Also, given the
9 terrain, that is, the slope of the area, I
10 can see why greater lot coverage is
11 needed, because you can't use the
12 property. Therefore, you need to build
13 something slightly above the property to
14 have useful space. Other members of the
15 board?

16 MR. DOVELL: I think it is
17 quite sensitively done. I think it is
18 fairly modest.

19 CHAIRMAN PYCIOR: The term
20 "modest" was used twice and this is
21 modest. Okay.

22 So do I have a motion concerning
23 approval of the variance for lot coverage?

24 MR. MURPHY: Yes. I'll move
25 to approve the applicant's request for a

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2 variance for lot coverage existing non-
3 conformity 30.5 percent, proposed 32.5
4 percent, permitted 25 percent.

5 CHAIRMAN PYCIOR: Okay. Do
6 I have a second for that motion?

7 MR. DEITZ: I second.

8 CHAIRMAN PYCIOR: All in
9 favor? Aye.

10 MR. DEITZ: Aye.

11 MR. DOVELL: Aye.

12 CHAIRMAN PYCIOR: It is
13 unanimous. Okay. Thank you. Good luck.

14 Before the board races off tonight,
15 I want to remind you that we will need to
16 elect or select a new chair. Dr. Magun's
17 terms are over. So we can either consider
18 electing a chair tonight or think about
19 it, perhaps communicating via E-mail.
20 That is permissible. It is not a public
21 issue. And then at the next meeting we
22 could select or elect the chair.

23 MR. MURPHY: Marianne, do we
24 elect our own chair or does the mayor
25 usually --

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2 MS. STECICH: Actually,
3 under the code it is the mayor's
4 appointment, but he generally leaves it to
5 the zoning board. And I asked him, you
6 know, how he wanted to handle it, and he
7 said we usually leave it to the zoning
8 board. So --

9 CHAIRMAN PYCIOR: Do we
10 wish to attempt to do it tonight or would
11 we rather have time to think about it and
12 do it at the next meeting? As deputy
13 chair I would be willing to chair the next
14 meeting. One of the first issues could be
15 the election of the chair who replaces me.
16 Or we could try to do it tonight since six
17 members are present.

18 MR. MURPHY: I think
19 replacing you would be very bad form.

20 CHAIRMAN PYCIOR: I do not
21 wish to be nominated. If I am nominated I
22 will not serve. I enjoy serving on the
23 board to a point. But between being an
24 alternate member and now being in the
25 third year of my second term, I've been on

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2 the Board 13 years, perhaps 14 years. And
3 when this current term is up, I can't
4 serve again. So I think if we could
5 select someone as a chair who has a longer
6 future on the board, it might be a wiser
7 thing to do. I would be willing to remain
8 deputy chair and fill in when the chair is
9 absent, if that is the desire of the
10 board. But since we are discussing it, do
11 I hear any further nominations? I had
12 suggested David earlier to lead, but David
13 only has a few more months.

14 MR. DEITZ: My term ends in
15 May. That's the end of my second term.
16 So I can't be reappointed.

17 CHAIRMAN PYCIOR: Based
18 upon experience, there is one member --

19 MR. MURPHY: That leaves me.

20 CHAIRMAN PYCIOR: Would you
21 consider serving?

22 MR. MURPHY: I would
23 consider it, yes.

24 CHAIRMAN PYCIOR: Would you
25 consider it?

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2 MR. MURPHY: I have several
3 years left.

4 MS. STECICH: I think you
5 are still on your first term.

6 MR. MURPHY: Yes. I think
7 I'm in the fourth year.

8 MS. STECICH: Assuming you
9 get appointed to a second term. I don't
10 know how many years -- you probably have
11 two left, don't you? You've been on about
12 three years?

13 MR. MURPHY: I think it's
14 four, yes.

15 MS. STECICH: So they are
16 five year terms with the maximum of ten
17 years.

18 MR. SHARMA: You have to go
19 for continuing education.

20 MR. MURPHY: Oh, stop. I
21 already do more than my share of
22 continuing education.

23 CHAIRMAN PYCIOR: He has
24 given me the Web address of -- we can do
25 it on line. So to avoid the boredom I

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2 experienced last year in the classroom,
3 I'll give you the address of where we can
4 do it on line. And the village pays for
5 it. So you accept? Does someone wish to
6 propose?

7 MR. MURPHY: I want to think
8 about it.

9 CHAIRMAN PYCIOR: We will
10 hold the election at the beginning of next
11 month. Good. When is our next meeting?
12 Deven, I know it is the fourth Thursday of
13 February. It would be the 28th of
14 February. It is especially important for
15 you to be here on February 28. If you are
16 not here, you will definitely be elected.

17 MR. MURPHY: I would say
18 either way -- no, I have the wrong
19 calendar. I'm sure -- if it's a problem,
20 I'll let you know.

21 CHAIRMAN PYCIOR: February
22 28. And the village will notify us.

23 MR. MURPHY: To be honest,
24 my only concern is that I travel so much
25 that I do miss meetings and that, you

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2 know, that's my only concern.

3 MS. STECICH: We will get
4 Stan.

5 CHAIRMAN PYCIOR: Thank
6 you. I don't believe -- I know I didn't
7 get minutes from the last meeting.

8 MR. MURPHY: I didn't
9 receive any.

10 CHAIRMAN PYCIOR: We can't
11 approval them. So facing no other
12 business, is there a motion to adjourn?

13 MR. MURPHY: I move to
14 adjourn.

15 CHAIRMAN PYCIOR: All in
16 favor? Aye.

17 MR. DEITZ: Aye.

18 MR. DOVELL: Aye.

19 MR. FORBES-WATKINS: Aye.

20 CHAIRMAN PYCIOR: Good
21 evening. Happy New Year to all.

22 (Hearing concluded at 9:30 p.m.)

23

24

25

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 4th day of February, 2008.

22

23 NINA PURCELL,
24 NOTARY PUBLIC

25

