

1 VILLAGE OF HASTINGS-ON-HUDSON  
2 ZONING BOARD OF APPEALS MEETING  
3 SEVEN MAPLE AVENUE  
4 HASTINGS-ON-HUDSON, NEW YORK 10706

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Held June 25, 2004 at 8:00 P.M.

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12 PRESENT:

13 Brian Murphy, Chairman - Absent  
14 Stanley Pycior, Deputy Chairman  
15 Marc Leaf  
16 David Forbes-Watkins, Board Member  
17 Marianne Stecich, Counsel  
18 Ray H. Dovell, Jr.  
19 Matthew Collins  
20 Deven Sharma, Building Inspector

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18

19 ALSO PRESENT:

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21 4 Citizens

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24 REPORTED BY: PATRICIA TORIAN, COURT REPORTER

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2 MR. PYCIOR: Good evening, I  
3 would like to call to order the  
4 June 25, 2009 meeting of the  
5 Zoning Board of Appeals.

6 Our chair person, Brian  
7 Murphy, cannot be here tonight, he  
8 is away for business, but we do  
9 have a full board. I am Stan  
10 Pycior, Deputy Chairman. We have  
11 one case on the agenda tonight.

12 Mr. Sharma, are the mailings  
13 in order?

14 MR. SHARMA: Yes, I was told  
15 that we were able to resolve that.

16 MR. PYCIOR: So before us we  
17 have Case 5-09 in which the  
18 applicant, Kelly Adams, wants to  
19 replace an existing small deck and  
20 deteriorating deck with a larger  
21 two-level decks. The variance is  
22 sought for the front yard set-back

23 for the uncovered decks at levels  
24 no higher than the main  
25 entrance/floor of the building.

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2 Proposed set-back for the  
3 uncovered decks six feet-one inch,  
4 permitted minimum for uncovered  
5 porch/terrace/deck at levels no  
6 higher than the main  
7 entrance/floor of the building,  
8 nineteen feet. Currently existing  
9 set-back for the main building,  
10 fifteen feet-five inches.

11 So who would like to present  
12 the case and explain the  
13 application?

14 MR. ADAMS: Our architect --

15 MR. PYCIOR: Please identify  
16 yourself for the record, name and  
17 address.

18 MR. ADAMS: I am Kelly Adams.

19 I am the resident of 33 Columbia  
20 Avenue. This is Michael Lewis,  
21 our architect. I am not sure how  
22 this goes but Michael submitted  
23 all the paperwork, we followed the  
24 instructions, we sent the notices  
25 out, and we received the certified

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2 receipts back, and my wife took  
3 care of that with Marie today, as  
4 proof of receipt, and that's -- I  
5 think that is all on my part that  
6 I have done.

7 I will hand it over to Michael  
8 who can explain the drawings, and  
9 I think the only issue is just one  
10 with the set-back issue of about  
11 two and a half feet. I will leave  
12 it to Michael.

13 MR. PYCIOR: Thank you,  
14 Mr. Adams.

15 MR. LEWIS: Yes. My name is

16 Michael Lewis of Michael Lewis,  
17 Architects, PC.

18 I have just an excerpt from  
19 the tax map that shows the layout  
20 of the property, and I actually  
21 just printed this, but I would  
22 like to show it to you because I  
23 think it helps to illustrate how  
24 this property is sort of unique,  
25 and also lends some credence to

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2 the whole argument.

3 So that you can see Columbia  
4 comes down, and then it's a big  
5 right-of-way here, and this all  
6 drops off. There are no neighbors  
7 or anything over in this area.  
8 The deck is just basically right  
9 in this end of the lot to mitigate  
10 the big fall, it drops off very  
11 steeply on the second half of this

12 lot.

13 Meanwhile, all of these houses  
14 line up in the set-backs and all  
15 of them consistently and  
16 significantly shy of the zoning  
17 requirement.

18 So basically, we just want to  
19 sort of maintain and extend that  
20 same characteristic along the  
21 street where this deck, that I  
22 think will actually be really  
23 beautiful and be an enhancement  
24 because it again, mitigates the  
25 drop off of the slope. It looks

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2 great.

3 MR. PYCIOR: Could you please  
4 use the microphone.

5 MR. LEWIS: I cannot remember  
6 the section number but there is a  
7 paragraph in the ordinance that  
8 speaks to consistent front facade

9           that are not at the set-back. So,  
10           I think maybe that also gives you  
11           a tool to approve this in that it  
12           says that the condition, you know,  
13           variance can be granted easier.

14           MR. PYCIOR: I just want to  
15           say that I visited the site, and  
16           you are quite right, all the  
17           houses are uniform distance from  
18           the road and the property does  
19           drop off steeply on the side with  
20           the deck.

21           MR. LEWIS: Thank you.

22           MR. FORBES-WATKINS: Just for the  
23           record, to clarify, I believe that  
24           your client's house is the last on  
25           the street before you reach

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2           parkland which would not be built  
3           upon then in the future. So there  
4           is no issue of a neighbor to that

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5 side of the building feeling in  
6 some way an objection.

7 MR. LEWIS: Exactly, thank  
8 you.

9 MR. DOVELL: A question  
10 regarding the situation with the  
11 deck. What you are asking for is  
12 an eighteen-foot-eleven-inch  
13 encroachment on the front yard,  
14 which is not an insignificant  
15 front yard encroachment.

16 Was any thought given to  
17 pushing it back and what are the  
18 reasons for pushing it so far  
19 forward.

20 MR. LEWIS: Frankly, we just  
21 wanted to come up with a design  
22 that we thought would be the  
23 nicest one, and so we did, and we  
24 didn't push it back. I think it  
25 just looks better.

2           What it is, is, you know there  
3           is an existing stone terrace, for  
4           lack of a better word, and if you  
5           have visited the site you have  
6           probably seen it, it sort of sets  
7           the tone, and as you are looking  
8           at the front of the house on the  
9           left side of that terrace is where  
10          that drop off occurs, and,  
11          basically, the side yard feels  
12          almost like a back yard. It's  
13          very deep, and it forms a hollow,  
14          and that hollow can either be  
15          wonderful or terrible.

16                 It's wonderful if it's  
17                 mitigated and connected into the  
18                 house, and it's terrible if it's  
19                 just remote, drop off hole, and so  
20                 the purpose of this deck was to  
21                 come over and then step down and  
22                 connect into that side yard, to  
23                 that hollow, and where it really  
24                 needed to happen is at that front  
25                 terrace where the stone is in

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2 order to accomplish that. So, it  
3 was to preserve that block of  
4 space which is behind the deck, to  
5 the side of the deck.

6 MR. DOVELL: To the side and  
7 behind.

8 MR. LEWIS: The only other  
9 thing that I can possibly add,  
10 without getting into the  
11 technicals, is that the drop off  
12 is so steep that really one of the  
13 other reasons for this is to try  
14 to tie in and be able to use the  
15 property in the back because it's  
16 very disconnected now. So the  
17 thought and the design was a way  
18 to have the existing structure  
19 sort of flow to the -- down, the  
20 heart of the property, to the back  
21 part of the property because it  
22 was a very nice way to have the  
23 two tiers that flowed into the  
24 back.

25 I have the letter too from our

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2 neighbors. There are only two  
3 homes that I think would even be  
4 able to see this because it's  
5 facing Farragut Parkway, and one  
6 of the -- I have one of the  
7 signatures of the people across  
8 the street that wouldn't even be  
9 able to see this.

10 Actually, Mr. Froger is the  
11 other gentleman, could see the  
12 side of it because he lives right  
13 behind us. I didn't speak to him  
14 directly about this but he had no  
15 objection that I know of.

16 MR. PYCIOR: I will read it  
17 for the record. This is from Dr.  
18 Gloriana Vails. To the Village of  
19 Hastings-on-Hudson. We have been  
20 fully informed of the scope of the  
21 deck construction project at 33  
22 Columbia Avenue. We live directly

23 across from the house. We are the  
24 only neighbors that will have a  
25 visual impact from the new

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2 construction and we support it  
3 fully. The new deck will enhance  
4 the beauty and value of our  
5 neighborhood. Sincerely Gloriana  
6 Vails, Ph.D.

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7 Do other members of the board  
8 have questions for Mr. Lewis and  
9 Mr. Adams?

10 Is there anyone present here  
11 tonight who wants to speak, anyone  
12 else who wants to speak in favor  
13 of this application. Please  
14 identify yourself?

15 MR. GUNTER: Yes, sir. I am  
16 Martin Gunter, 408 Farragut  
17 Avenue. I am in full support of  
18 this plan of the Adams house. As  
19 Gloriana stated, that it would

20 enhance the neighborhood, and add  
21 pristine to the -- it wouldn't  
22 effect any of the neighbors, so I  
23 have no problem with it. Thank  
24 you.

25 MR. PYCIOR: Thank you.

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2 MR. LEADY: I am Daniel Leady  
3 of 52 Columbia, and I also support  
4 what they are doing, and totally  
5 informed us of everything, and we  
6 have seen the drawings, and we are  
7 in favor of it as well.

8 MR. PYCIOR: That you. Anyone  
9 else to speak in favor? Okay.

10 Is there anyone in the  
11 audience who wishes to voice  
12 opposition to the requested  
13 variance?

14 Okay. Is there any member of  
15 the board who has any further

16 questions of the applicant or his  
17 architect?

18 I would like to propose a  
19 motion concerning the application.

20 MR. FORBES-WATKINS: I will move  
21 approval of Case Number 5-9  
22 regarding the set-back for the  
23 removal of an existing small and  
24 deteriorating deck and replacing  
25 them with two larger decks.

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2 MR. COLLINS: I will second  
3 that.

4 MR. SHARMA: All in favor of  
5 the motion?

6 MR. LEAF: Aye.

7 MR. DOVELL: Aye.

8 MS. STECICH: Aye.

9 MR. PYCIOR: Let the record  
10 show it was passed five/zero.

11 Okay, thank you.

12 The only other business we

13 have tonight is to approve the  
14 minutes of the meeting of May  
15 28th, 2009. I wasn't present at  
16 the meeting so I can't make a  
17 motion or I can't vote in favor of  
18 it, only the people who were  
19 present can.

20 Would any of those who was  
21 present like to make a motion to  
22 approve the minutes?

23 MR. FORBES-WATKINS: First, two  
24 corrections that I note. On page  
25 three, line five, there is

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2 reference to a DBA, it should be  
3 ZBA, as in zoning board, and on  
4 page 19, lines twelve and twenty,  
5 I am indicated as the speaker, and  
6 the subject matter was well beyond  
7 me. I think it was Mr. Dovell who  
8 made the comments.

14

9 MR. PYCIOR: Any other  
10 suggestions, corrections, or  
11 revisions of the minutes?  
12 Can I have a motion from  
13 somebody who was present?  
14 MR. FORBES-WATKINS: I so move.  
15 I move acceptance of the minutes.  
16 MR. PYCIOR: Second?  
17 MR. DOVELL: Second.  
18 MR. PYCIOR: All in favor?  
19 MR. COLLINS: Aye.  
20 MR. DOVELL: Aye.  
21 MR. PYCIOR: To all a good  
22 night.  
23 (Whereupon, the Zoning Board  
24 of Appeals meeting was adjourned  
25 at 8:30 p.m.)

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2 C E R T I F I C A T I O N  
3 STATE OF NEW YORK )  
4 ) SS.  
5 COUNTY OF ROCKLAND )

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I, PATRICIA TORIAN, a Registered Professional Reporter and Notary Public within and for the State of New York, do hereby certify:

That this is a true and accurate record of the proceedings held on this 25th day of June, 2009.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 30th day of June, 2009.

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PATRICIA TORIAN

