

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
ZONING BOARD OF APPEALS
REGULAR MEETING
APRIL 22, 2010**

A Regular Meeting was held by the Zoning Board of Appeals on Thursday, April 22, 2010 at 8:00 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Chairman Brian Murphy, Boardmember Ray Dovell, Boardmember Marc Leaf, Boardmember Stan Pycior, Boardmember David Forbes-Watkins, Village Attorney Marianne Stecich, and Building Inspector Deven Sharma

I. Case No. 5-10 - Jay Brandford and Loryn Brandford-Altsher - 16 Prince Street

For the one-story addition to their house: existing front yard - 4.0 feet; proposed for the addition - ±23.0 feet; required - 25.0 feet {§295-70E(1)(a) & §295-55}

Chairman Murphy: Good evening, everyone. We're here for our April 22, 2010 Zoning Board of Appeals meeting. We have one case on the agenda tonight, case 5-10, the application of Jay Brandford and Loryn Brandford-Altsher at 16 Prince Street for a one-story addition to their home requiring a front setback application.

Mr. Sharma, are all the mailings in order for this application?

Building Inspector Sharma: Yes. Luckily yes, the mailings are all in order. Thank you.

Chairman Murphy: Just identify yourself for us.

Loryn Brandford-Altsher, applicant: Hello, my name is Loryn Altsher and I'm the co-owner of the house on 16 Prince Street. Our house was built in approximately 1865, which precedes the zoning regulations, I guess. Our entire house, though, sits on the setback, inside the 25-foot required yard.

So what we're proposing is to do an addition on the back of the house, only about a 6-foot addition. But anything we add to the house will be in violation of the code, so that's what we're asking you to help us with.

Chairman Murphy: Ms. Altsher, just tell us a little bit about why you're adding the addition to the home.

Ms. Altsher: Our house is extremely small. It's about 1,100 square feet, our kids are growing up, and we're on top of each other. So what we'd like to do is just square off the

back of the house and get another bathroom. So nothing real big. Just really come up to the sides of the other homes in the neighborhood.

Chairman Murphy: OK. I notice on your application that the existing footprint area of the house is 772 square feet, and you're permitted up to 2,250 square feet. With the proposed addition, you'll be about 1,059 square feet so well within the footprint permitted.

Yes, I don't think I've ever seen an application where the addition is to the rear of the house.

Ms. Altsher: Exactly. We don't plan on touching the front of the house.

Chairman Murphy: A variance for the front of the house. So that is unique, at least in my experience.

Building Inspector Sharma: I had some fun with it, too, figuring out what we should do with it.

Ms. Altsher: This hasn't come up before, something like this?

Chairman Murphy: No, it's different. But I understand why you need a variance. It's a very modest addition. I think it'll greatly enhance the house. It's certainly in keeping with the neighborhood. I notice on the south side of your home you really don't have a neighbor, per se.

Ms. Altsher: Right. We're not doing anything to the sides or the front. It won't obstruct any views. The neighbors that I've talked to are very much in favor of us doing this.

Chairman Murphy: So I really view it as very much just a technical application, but I really had no further questions other than that. But if anyone on the Board has any other questions, please?

Boardmember Dovell: Are you demolishing the little wing on one side? There's a little sliver that doesn't appear in the proposed site plan.

Ms. Altsher: It doesn't appear?

Boardmember Dovell: To the west, I think. To the north, excuse me.

Ms. Altsher: Are you talking about the shed?

Boardmember Dovell: A little piece of it. Is that what it is? A shed?

Ms. Altsher: Yes, that'll be moved.

Boardmember Dovell: That's being demolished.

Ms. Altsher: That will be moved – yes, demolished.

Chairman Murphy: That's on the rear of the house?

Boardmember Dovell: On the side, the north side of the house.

Chairman Murphy: Oh, I see.

Boardmember Dovell: The little sliver there, yes.

Chairman Murphy: David, any questions? Or Stanley, anything? Mark?

Boardmember Leaf: It's a very modest addition. It doesn't seem that it's possible for it to go anywhere else. It's not practical to move the house.

Ms. Altsher: Right.

Boardmember Leaf: You have plenty of room in the back. It seems like a no-brainer to me.

Ms. Altsher: Great.

Chairman Murphy: All right. Can I have a motion, then, on this application for the front yard setback?

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Pycior with a voice vote of all in favor, the Board resolved [approval of Case No. 5-10 for a one-story addition to 16 Prince Street, existing front yard 4 feet, proposed addition plus/minus 23 feet with required 25 feet to the rear of the house].

II. Approval of Minutes, Regular Meeting March 24, 2010

Chairman Murphy: With our cases having been disposed of, I think we just need to approve the minutes from our March 24 Zoning Board meeting. I've read through them and didn't have any particular changes, but if any of the Boardmembers would like to note any edits or changes, please do.

Boardmember Leaf: I had a few nits. On the first page ... the lines aren't numbered any longer, but on the first page, where Chairman Murphy says, "*Good evening, everyone. We're here for the March 24, 2010 Board of Appeals meeting,*" it's the Zoning Board of Appeals meeting. I'm sure that Brian said that.

And then when Deven says, later on in the page, "*normally we send it out,*" that doesn't sound right because normally you don't send it out.

Building Inspector Sharma: Send what out?

Boardmember Leaf: Well, it seems to be in response to the mailings.

Building Inspector Sharma: Yes, normally we do not send them out. Only the applicant sends out the mailings.

Boardmember Leaf: Right. So you're quoted as saying, "*Normally we send it out,*" but I don't believe you would have said that. Would you have?

Building Inspector Sharma: Probably we said "normally we do *not* send them out."

Boardmember Forbes-Watkins: Or, "*Normally, they are sent out.*"

Village Attorney Stecich: In other words, we don't send it out. Normally we do not send it out.

Boardmember Forbes-Watkins: While we're on that page, one little point. The meeting was on a Wednesday rather than Thursday, the very first line.

Chairman Murphy: Oh, good catch. All right, so noted. So it was Wednesday, March 24, 2010.

Boardmember Leaf: On page 8, in the motion on the bottom of the page, there's a square brackets before the word "*approval*" on the second line, and then the last line ends, it looks like, in the middle of a sentence: "*... where required setback is 30 feet.*" Maybe that's "30

feet each." "*Where the required setback is 30 feet*" is fine, but it's in the middle of a sentence there.

On page 9 someone says, "*Could I please interrupt?*" After Chairman Murphy says, "*Who is going to speak for the applicant?*" someone says, "*Could I please interrupt?*" Was that David? David, did you say that?

Boardmember Forbes-Watkins: It may have been. I don't remember whether I said that.

Chairman Murphy: I believe that was David Forbes-Watkins.

Boardmember Forbes-Watkins: Yes, probably.

Boardmember Leaf: OK, because there's no name there.

Page 19, there's some language which is repeated. There's a back-and-forth between Brian and myself, where I say, "*And 300 feet farther back,*" and Brian says, "*Behind the tennis courts. It's 400 feet off the streets.*" That's repeated twice. Obviously, you only said that once.

And that's, I think, all I had.

Chairman Murphy: All right, so noted. We'll get those corrected after the meeting. Anything else from the Board on the minutes?

On MOTION of Boardmember Pycior, SECONDED by Boardmember Forbes-Watkins with a voice vote of all in favor, the Minutes of the Regular Meeting of March 24, 2010 were approved as amended.

Chairman Murphy: And then, Marianne, I just had a question for you. I didn't know whether to make a record of this, so I thought I'd bring it up. I received a letter from a Sky Blue Engineering offering to assist us with our technical requirements of the wireless application. Of course, I have no authority to hire anyone, as far as I know. But I didn't know whether we needed to respond to this.

Village Attorney Stecich: No, it's just a solicitation. We already retained Richard Comi, and we've used him in the past. But I'm sure the Building Department will keep him in the

file, and it's not bad to have another if we became dissatisfied with him or thought the price was too high or something.

Chairman Murphy: My only question is, where is Mr. Comi located? Do you recall?

Village Attorney Stecich: I think his office is in Albany or someplace up there. It's pretty far up.

Building Inspector Sharma: Near Albany somewhere.

Village Attorney Stecich: But because of the travel issue, we did speak with him. I've forgotten now, but I think they don't charge for travel time or they charge half for travel time. And at the time, the only other consultant we looked at was also kind of far away and I believe charged full for travel time.

It's not something where there's a lot of professionals in that field. I know other municipalities have used him, and I know that is an issue. But over the years I've found that firm to be responsive and right on target with what the villages want.

Chairman Murphy: Thanks, fine. I was only thinking ahead to when we finally hear again the next presentation on the wireless antenna applications on Broadway.

Village Attorney Stecich: But he's already been retained for that.

Chairman Murphy: No, I understand. I just want to make sure he has time to come to whatever Board meeting we have next time with all the technical requirements.

Village Attorney Stecich: There's also somebody local who's been working with him, who I believe's in White Plains. It's his firm, but he has somebody who works locally. Actually, I think it's a lawyer who does this stuff. But, of course, the trick is going to be when they show up and are trying to schedule it ahead of time.

Chairman Murphy: Exactly. It bothered me last time. So Mr. Sharma, I just want to make you aware that whenever the application is re-heard for the placement of the wireless antenna it would certainly help the Board – and we had a lot of questions, and certainly need technical assistance from our own engineer – and it would be important that they have sufficient notice to be here, whoever is going to be here – whether it's Mr. Comi or his associate.

Village Attorney Stecich: Although up until now it didn't make sense because it's still a moving target. We're hoping it's going to be located someplace else, so it seemed to me that there wasn't any point until it's kind of settled on where it's going to be.

Chairman Murphy: No, I agree.

Boardmember Leaf: Right. I think, Marianne, that since some of the criteria by which we are supposed to judge this application are technically-based – for instance, is there another alternative within the overlay district, or is this the least obtrusive method of achieving the result that they want to achieve – there are technical aspects to those questions. And so we shouldn't really act until we've been advised by an expert.

Village Attorney Stecich: Oh, yes.

Boardmember Leaf: And I would like to make sure that we have an opportunity to see a report, to hear Mr. Comi's analysis of the applicant's reports, before we're required to vote.

Village Attorney Stecich: Yes, that's how we've always done it in the past. Although the only other application we had for a variance in the past ended up folding anyway. But certainly they have had to go before the Planning Board.

Boardmember Dovell: Would this be the first variance for an antenna?

Village Attorney Stecich: Yes, they're all in the overlay district.

Boardmember Dovell: It seems like this is something that we may see again. The same issue may come up.

Chairman Murphy: Possible.

Village Attorney Stecich: Depends what you do with this one.

Boardmember Dovell: Right. But one thing that I did notice in this proposal was that they also do master planning. We're not the planning department, I understand. But it was rather an interesting notion that the town might undertake a master plan to figure out what to do as these things come forward. That's not for us to undertake.

Building Inspector Sharma: Should I respond to it on behalf of the Board? You know – "Yes, we received it and we're going to keep it in the files"?

Chairman Murphy: No, I don't think so. I don't think that's necessary, but thank you for the offer. I appreciate it.

Our next meeting will be May 27th.

Boardmember Dovell: I just had one other issue. Being Earth Day, I thought this was a particularly nice submission, that it was 8-1/2 by 11 and it wasn't a lot of paper. Really nice. But it would be nice to have reduced sets ... you know, just too much paper. If we could arrange for reduced sets I think it would make everybody's lives easier. I mean, just a half-size set.

That was one observation. The other one is, this was without floor plans entirely. I think to act on anything – this was fairly simple – floor plans, I think, should be a routine part of the submission.

Building Inspector Sharma: Actually, I have received an application for steep slopes for new construction that's not only done in a smaller size, 11 by 17, it's printed on both sides – even the drawings. So I think it certainly makes sense to make as few, and as few sheets, as possible. And I do encourage it.

Boardmember Dovell: Then if it could dissolve in three days' time, it would be perfect.

III. ADJOURNMENT