

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
ZONING BOARD OF APPEALS
REGULAR MEETING
JULY 28, 2011

A Regular Meeting was held by the Zoning Board of Appeals on Thursday, July 28, 2011 at 8:00 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Chairman Brian Murphy, Boardmember Ray Dovell, Boardmember David Forbes-Watkins, Boardmember Mark Pennington, Village Attorney Marianne Stecich, and Building Inspector Deven Sharma

CITIZENS:Unknown

Chairman Murphy: Good evening, ladies and gentlemen. We're here for the July 28, 2011 Hastings Zoning Board of Appeals meeting.

We have four cases on our agenda tonight. First case is the application of Kyunghee Radd, 770 North Broadway, for view preservation approval.

Our second case is William Kennedy, 431 Warburton Avenue, for an amendment to previously-granted view preservation approval and approval of deviations as-built from the approved plans.

Third case, Marco and Tiffany Arment, 117 Edgar's Lane for alterations and a single-story expansion.

And our fourth and last case is the application of Jon and Lynn Hock, 102 Maple Avenue for view preservation approval for alterations and a two-story addition.

Mr. Sharma, are the mailings in order for the applications?

Building Inspector Sharma: All the mailings are in order, Mr. Chairman.

Chairman Murphy: Thank you. I know for the applicants tonight we only have four Boardmembers so we're one shy of our normal five. We're ready to proceed. But, during the course of an application, if any of you feel that you'd like to wait 'til the next meeting – which will be September 8 – for a full board, in case that matters to you, that's your right. Just let us know.

With that, I'd also like to note for our transcriber of the minutes that we would ask once again that Matthew Collins is not the Deputy Chair of the Board. That was Mr. Pycior, who has

now left the Board. I think probably at our next meeting we'll designate a new deputy chairman, but if you could please correct that on the minutes and the agendas I would appreciate it.

OLD & NEW BUSINESS

**Case No. 12-11
Kyunghee Raad
770 North Broadway
Construction of sunroom
View Preservation Approval Only**

Chairman Murphy: Our first application, Mr. Raad, 170 North Broadway.

Julius Twine, representing the applicant: I am representing the owner, Ms. Raad, who cannot be here tonight. She is away, but I will represent her.

I apologize for having missed the meeting before. Somehow I got that date confused and didn't make it.

Chairman Murphy: All right, Mr. Twine. That's fine, but just bear with it. I don't remember very well whatever papers we had, so if you could just bear that in mind and explain to us what's going on I'd appreciate it.

Mr. Twine: All right. The project is to add a sunroom to the southern portion of an existing residence. There currently exists a paved terrace outside of the kitchen door of this residence. The owner wants to add a sunroom so that she can have access to it throughout the years.

Just off the sunroom, there currently exists a deck which we are going to rebuild. So the sunroom itself is a new addition there. There is currently a wooden deck that occupies the same position that ... we would like to just replace it. It's in poor condition.

So basically, it is a brick residence, and we're adding a glazed southern end to it, a sunroom. Looking at it, this is the existing building, the existing brick one-story structure. And we're adding, directly on the southern end of it, continuing a portion of the roof south some 12 feet with another 4-foot overhang. But the building itself, that sunroom is only a 12-foot extension to the south, 16 feet wide.

It's just an open space, with glass all around and three skylights in the roof. We're rebuilding the deck in exactly the same location. So the setbacks and all are the same. That's the extent of it.

I might point out, since this is view preservation, that the height of this sunroom is about 4 feet or so less than the current height of this one-story, rather low structure. So it interferes very little with the surroundings. The house in back of it, in fact, is taller than it is.

Chairman Murphy: So, Mr. Twine, is the sunroom that's proposed to be built in the same footprint as the existing little structure there between the deck and the house?

Mr. Twine: Well, there's one thing I didn't explain. In the basement, there is a boiler room/laundry. But you don't see this. The roof of it is a terrace. This sunroom is above that, and extends an additional 2 feet. The owner thought 10 feet was a little less than she could deal with, so we're adding another 2 feet to it to make it 12 by 16 feet.

Currently, if you look at this, you will only see the terrace. So there's no protrusion above in that area.

Chairman Murphy: Right. So the terrace currently is 10.3 by 16 feet?

Mr. Twine: The terrace is currently 10 feet by 16 feet. But, as I said, she wanted to add a little more space so we've made the sunroom 12 feet. So it's an additional 2 feet beyond where the terrace was. However, adjacent to that terrace, immediately beyond that, there does exist this wood deck. We're replacing the wood deck, but not increasing it in any of its dimensions.

Chairman Murphy: OK.

Mr. Twine: So everything is exactly over something that was there.

Chairman Murphy: And how high again is the height of the proposed sunroof?

Mr. Twine: It's about 12 feet from the floor, and we think it's about ... it's going to be about 4 feet below the peak of the current roof.

Chairman Murphy: Right. And just remind me, were there any variances required or requested, or is it just view preservation approval?

Village Attorney Stecich: Just view preservation. And the Planning Board did recommend view preservation approval on this.

I think you should show the effect on the view, or not.

Mr. Twine: The view?

Building Inspector Sharma: The photographs you have.

Village Attorney Stecich: Of the river.

Mr. Twine: You mean on the photograph. This probably the best idea of what it is. It protrudes out from this. That's the southern face of the building, and that's Broadway over there. So it extends directly out. These photographs were taken from Broadway of the property. And above here, I'm taking it from the Aqueduct. That's his neighbor, looking down.

Boardmember Forbes-Watkins: Am I correct that before there is a house behind this property ...

Mr. Twine: There is ...

Boardmember Forbes-Watkins: ...the Aqueduct? But the Aqueduct is in between the two houses? Or is this actually behind?

Mr. Twine: No. The Aqueduct is on the other side of this house.

Boardmember Forbes-Watkins: Of your client's house, or the house behind it?

Mr. Twine: Of the house behind it.

Boardmember Pennington: OK, but could you clarify? The middle picture at the top there, taken from the Aqueduct, you really don't see this structure.

Mr. Twine: No.

Boardmember Pennington: It's down ... I've walked the site, and it is down below to the right, if I'm correct.

Mr. Twine: Yeah, this picture I took shows nothing actually because it's well above the house. The house is down ... the existing house is down low here.

Boardmember Pennington: So is it correct to say that the view from the Aqueduct is not in any way affected by the proposed structure?

Mr. Twine: No way at all.

Boardmember Pennington: Correct.

Mr. Twine: In fact, the residence behind this one also is not affected because it's higher.

Boardmember Forbes-Watkins: On top of which, the view that is ... actually if there were any view blocked it would be a view of the apartment buildings across the street rather than the river or the Palisades.

Mr. Twine: Right. The apartment is higher than our building, either the main structure or the addition. So we would in no way block the view.

Chairman Murphy: Well, that's helpful.

Mr. Twine: I'm sorry. The pictures I gave you are probably so black and muddy that you probably couldn't make out very much on them.

In fact, if you go to the rear of this property, the way that slope is you would be looking over the house, the rear of this rather shallow property. So it goes up quite steeply from Broadway.

Chairman Murphy: All right. Ray, did you have any questions?

Boardmember Dovell: No. I think it has minimal, nonexistent ...

Chairman Murphy: It appears to have minimal or no effect on the view of the river and Palisades.

Is there anyone in the audience who wishes to be heard on this application? OK.

Mr. Twine, thank you. Can I have a motion from the Board, unless anyone wishes to make any comments before we do that.

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Dovell with a voice vote of all in favor, the Board resolved [provide a view preservation approval for Case No. 12-11 for the construction of a sunroom.

Chairman Murphy: All right, it's unanimous 4-1. Mr. Twine, thank you.

Mr. Twine: Thank you very much.

Case No. 13-11
William Kennedy
431 Warburton Avenue
For an amendment to a previously granted View Preservation approval; to include approval of some "as-built deviations" from previously approved plans.

Chairman Murphy: Is Mr. Kennedy here? Mr. Kennedy, why don't you come on up.

Our next case is No. 13-11, Mr. William Kennedy, 41 Warburton Avenue. Mr. Kennedy, I know we have a couple of things here. We've read your letter, and we have the materials. So why don't you just tell us, if you could, briefly, the background and what happened at the Planning Board. And then we'll go from there.

William Kennedy, applicant: OK. I was required to go to the Planning Board because ... well, going back a little, I went through this whole process 8 years ago, received a variance for a deck and a pool. And I received my ... I did everything I was supposed to, as the Building Inspector asked me to. I gave plans, and I received a CO.

Seven years later, as a result of some problems between my neighbor and me, the River Town – I'm sorry, I can't remember the name. It was Christina Griffin's property and Peter Wolf's, the property that they purchased. They, I guess, used influence to send me back to the Planning Board so that I have to lose my CO possibly.

Nothing has changed to the deck plan or anything. Last week, at the Planning Board meeting, it was talked about. And they said in no way does it affect any views whatsoever and, as it stands, there shouldn't be any problems.

Chairman Murphy: I don't understand. What prompted this review?

Village Attorney Stecich: If I could just explain. A couple of things that were missed is the property, as-built, was different from what was approved – from the approved plans. But apparently, along the way these changes were made.

I think the two significant things, the two things pointed out by the person who filed the complaint letter, were that instead of the deck ... the deck approved had like 45-degree angles at the end, and then what was approved had a 90-degree angle.

And then the pool, instead of being a kidney-shaped pool as was approved, was a rectangular pool. I guess the outside dimensions of the rectangular pool are smaller, but it's a kidney, not a rectangle. What was approved was a kidney, not a rectangle.

But apparently, during the construction there was communication between – whether it was Mr. Kennedy or his contractor – and the Building Inspector, who wasn't Deven. It was before Deven. And he okayed the things as they went along, and then issued a C of O.

Chairman Murphy: OK. So a C of O was issued for the as-built ...

Village Attorney Stecich: For the as-built, yes.

Chairman Murphy: ...plans?

Village Attorney Stecich: Right.

Chairman Murphy: Mr. Sharma?

Building Inspector Sharma: That is correct.

Village Attorney Stecich: So the Planning Board said, based on that, they thought the changes probably, at some point, should have come back. But they weren't, and they were approved by the Building Inspector.

Building Inspector Sharma: The changes were rather insignificant, in the opinion of the then-Building Inspector.

Village Attorney Stecich: Right.

Building Inspector Sharma: And based on that, a CO was given. Subsequently, a few months ago, it was brought to our attention how come we let that happen. After discussing with Marianne, we made Mr. Kennedy apply to the Board and have the application amended.

The approval was amended to include the way it's built now. And that has minor, if any, view preservation impact.

Village Attorney Stecich: Yeah, I think they decided it didn't have any view preservation.

Chairman Murphy: But what's before us tonight is just another look at the view preservation?

Village Attorney Stecich: I forgot whether there were variances.

Chairman Murphy: That's how I'm reading the notice.

Boardmember Forbes-Watkins: That's all that was brought to us.

Building Inspector Sharma: You see, there was an amendment to the site plan approval which was done by the Board, and approval of the view preservation.

Village Attorney Stecich: Yeah, I think there was site plan. Because isn't it a two-family?

Mr. Kennedy: It's a three-family.

Village Attorney Stecich: It's a three-family, so there was site plan approval. We don't usually have it, but there was on this one because it's a three-family.

Chairman Murphy: All right, because that's not our issue anyway. That's for the Planning Board.

Village Attorney Stecich: Right.

Chairman Murphy: And there's no variances, but there is view preservation approval remaining to complete the process?

Village Attorney Stecich: Yes.

Building Inspector Sharma: That is correct.

Chairman Murphy: And view preservation approval was previously given. And the as-built deviations, do they impact the view?

Building Inspector Sharma: That's what I say, ever so slightly. And the Planning Board, after reviewing the application, did not make any adverse comments on it, and they recommended that the construction as implemented, as far as the Planning Board was concerned, should be approved.

Chairman Murphy: The shape of the pool can't affect the impact.

Village Attorney Stecich: No.

Building Inspector Sharma: The shape of the pool has ... it's just the deck. It's supposed to have 45-degree, and at the true ends it's probably 4 feet by 4 feet. The way it's constructed, it's like rectangular. The triangular piece has been added, which is about 3 feet, with the handrails. They happened to be, from my perspective, at a place where they would have practically no view impact from any adjoining properties.

Boardmember Forbes-Watkins: My impression going to the space, to the north is a new construction which we authorized a couple of years ago; the green building. The net effect of looking between the two buildings, there's simply no view to see. So whether it's angled or square is almost irrelevant.

The other side, there is so much width to view through that, again, it's almost an irrelevancy, the change.

Chairman Murphy: Thank you, David.

Boardmember Dovell: Is the neighbor claiming that their view is obstructed by anything on the site?

Mr. Kennedy: No. The neighbor claimed that there are other problems with the house that are unrelated to the deck. The deck was the only issue they could find when they dug through my plans.

Village Attorney Stecich: I don't think that they said ... but anyway, they could have come tonight.

Chairman Murphy: Well, if there's someone here who wants to say something, we'll hear from them.

Boardmember Forbes-Watkins: The deck is bigger now than it was?

Mr. Kennedy: Well, it's actually shorter than the original plans. The original plans called for 12 feet, and the lower deck is 11-1/2 feet. And the upper deck is, I think, 9 feet 3 inches.

Building Inspector Sharma: But the fact that they have been made rectangular, that may have added to it.

Mr. Kennedy: Yeah, we made sure it wouldn't affect any of the windows. But we don't have the angles on the ends.

Boardmember Dovell: It shows as 11 feet 5 inches on the plan. Is that what it is?

Mr. Kennedy: It's 11 feet 5 inches in the lower deck, yes.

Boardmember Dovell: And the outline of the approved one is not as deep.

Mr. Kennedy: I'm sorry?

Boardmember Dovell: The outline of the approved deck is not as deep.

Village Attorney Stecich: It was deeper, wasn't it?

Mr. Kennedy: I thought it was deeper. I thought the approved deck ...

Boardmember Dovell: Well, the plan doesn't show that. If I'm looking at the , it connects to a line here that shows it being shallower than ...

Mr. Kennedy: My original plans called for a 12-foot deck, 12 feet away from the house. Now this one was only 11-1/2 feet, I believe.

Boardmember Dovell: There's an error in the drawing then.

What is the little tongue that's sticking out the back of it? Was that part of the original approval, as well, this piece up here?

Mr. Kennedy: I guess that wasn't on the original plans. But that was put in because we had planned to put a hot tub in there, which never was put in there.

Boardmember Dovell: Which never ... so this piece wasn't ... this little end piece was never built.

Mr. Kennedy: No, it was built. But we didn't put the hot tub in there.

Boardmember Dovell: OK.

Mr. Kennedy: And that part's not viewable from anywhere, other than from my property.

Boardmember Dovell: The site plan shows the new deck slightly shorter than the proposed deck, your site plan here. The larger-scale plan shows it the other way around.

Mr. Kennedy: I have my ... can I look at my copy?

Building Inspector Sharma: Yeah, the larger-scale plan shows the depth to be 9 feet 3 inches deep, and the site plan shows 11 feet 5 inches.

Boardmember Dovell: It's a minor issue. I'd just like to know what we're supposed to be acting on.

Mr. Kennedy: Here I see, on the first-floor property deck plan ... oh, I'm sorry. No, this ... I might be backwards here. Because the current deck is shorter. It's only the 11 feet 4-1/2 inches. But the original plans were 12 feet. This must be off.

Boardmember Dovell: This looks like it's the right arrangement.

Mr. Kennedy: It actually looks like they drew two lines for where the deck should be, and they marked the wrong lines. I hadn't noticed.

Building Inspector Sharma: I don't remember, but do you know if the deck on the second floor lines up with the deck below?

Mr. Kennedy: No, it's about 3 feet shorter.

Building Inspector Sharma: So I think that's made the confusion. The way it's shown on the site plan shows it to be lining up with the deck below, where Mr. Kennedy's saying the deck on the second floor is 2 or 3 feet shorter than the deck below as shown on the larger plan.

Village Attorney Stecich: You know what else is wrong? It's got the approved deck footprint at 7.23, and the as-built is 8.83. That can't just be accounted for that squaring off the angle. You see on this first page?

Chairman Murphy: Well, I guess the real question is, based on the level which the deck is, does it impact the view either way. It doesn't look like it.

Boardmember Forbes-Watkins: It doesn't look like it.

Chairman Murphy: I appreciate Mr. Dovell's keen professional eye on the plans. Because we've had that before, when it actually does matter.

All right, Mr. Kennedy. It looks like the drawings are wrong. But is there anybody in the audience who wants to be heard on this application? OK.

Anybody have any more questions? I guess, just so we're clear, we're only voting on view preservation for the deck and the pool as-built.

Village Attorney Stecich: Although you may want to tell him to submit ... if you do approve it, to submit correct as-built drawings. I think something's off on this, and the drawings in the Building Department should be correct.

Mr. Kennedy: And that's just the one page?

Boardmember Dovell: It's three pages, actually.

Mr. Kennedy: Oh, three pages.

Boardmember Dovell: It's the front sheet – it's the calculation on the front sheet – and it's the two floor plans that follow.

Chairman Murphy: Yeah, it's A-1 and A-2?

Boardmember Dovell: And A-3.

Chairman Murphy: And A-3?

Boardmember Dovell: Yeah.

Chairman Murphy: OK. All right, so, Mr. Kennedy, we'll take a vote. But the condition is that you submit just corrected site plans to the Building Inspector, please.

Mr. Kennedy: Sure.

Chairman Murphy: All right. Can we have a motion to that effect?

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Pennington with a voice vote of all in favor, the Board resolved re-approval of view preservation for Case No. 13-11, with the condition that corrected as-built drawings be submitted to the Building Inspector.

Chairman Murphy: Unanimous, 4-0. Mr. Kennedy, thank you. Please attend to those drawing corrections. Appreciate it.

Mr. Kennedy: OK, thank you.

**Case No. 14-11
Marco & Tiffany Arment
117 Edgars Lane**

For alterations and a single-story expansion

- 1. Side Yard; Existing and Proposed – 6 feet-10 1/2 inches, Required Minimum-12 feet {295-68F(1)(b)}**
- 2. Rear Yard: Existing - 19 feet-9inches; Proposed for the Addition - 17 feet-5 inches; Required Minimum - 30 feet or 30% of the lot depth {295-68.F.(1)(c)}**
- 3. Lot Coverage: Existing - 24.4%; Proposed - 27.7%; Permitted-25% {295-68F(2)(a)}**

Chairman Murphy: Our next case is the application of Marco and Tiffany Arment, 117 Edgar's Lane. Let's see, we've got alterations and a single-story expansion. And we have, it looks like, three variances: side yard, rear yard, and lot coverage.

Just please identify yourself in the microphone. Yeah, there you go.

Michael Lewis, Michael Lewis Architects, PC: Yeah, this house started out as a carriage house for the residence. It's actually located behind it. It was one big through lot originally.

Over the years, it's been modified incrementally to become a pretty nice residence. However, if you look at the existing conditions photograph you can see that it's a little choppy, basically. That the house is sort of ... it's in evidence of the various additions that have been put together.

My clients, when they purchased it, thought they'd really like to try to unify the façade somewhat and make it appear more receptive; add some intimacy to it; and just generally try

to enhance it. At the same time, again, a little bit more of a sequential entry into the house. Right now, the front door was ... on the existing conditions, the front door is right into the living room.

So basically, very modest enhancements. They also wanted to have a place where they could park a table and two small chairs in front because it's a really beautiful lot. And with the large trees, it's very nice there. So this is the proposed photograph. I guess you have copies of it, if you haven't seen it.

Chairman Murphy: Yeah, we have them.

Mr. Lewis: So it's a very modest addition. I think we're enclosing an additional 45 square feet enclosed. And then we're adding to the porch, as well. So that altogether I think we're covering another 300, 350, 400 square feet, something like that. And in doing so, it takes the lot coverage over the allowable by a percent or so, 270 square feet beyond the allowable lot coverage, the building coverage.

So really, that's the nature of the variance. We recognize that one of the considerations if you're covering the lot is the drainage. So we've added a substantial drywell, which picks up all the additional rainfall in a 25-year storm, plus another 20 percent on top of that.

So the drainage performance on the property is greatly enhanced. Under normal circumstances, under a normal rainstorm, this drywell will capture pretty much all the water from the front. And under the 25-year storm, the performance on the lot is improved by 20 percent over what it is now.

So we're asking for these variances because we think it enhances the house. It makes the house look better, and therefore enhances the neighborhood. And as part of it, we recognize our responsibility to deal with the drainage issues, and we're doing that. Beyond just accounting for the added impermeable area, we're actually increasing the performance substantially beyond that.

Chairman Murphy: Mr. Lewis, thank you. And I really appreciate the photos. The photo that you created of what's proposed, at least from the front perspective, is really quite nice and very helpful.

Mr. Lewis: Thanks.

Chairman Murphy: And, I think, a great improvement to the front look.

The one question I had is on the back. You've got the overhang on the back.

Mr. Lewis: Yes, sir.

Chairman Murphy: And I guess that's counted in the lot area coverage.

Mr. Lewis: Yes, sir.

Chairman Murphy: Because we're fairly strict on the lot area coverage, and particularly height variances. You're asking for a very small increase. I appreciate the drainage as significant compensation for that, which I think is very helpful for the additional roof coverage.

And you're not impacting the front at all, which is a huge setback. So I see really no issue with the front. And the side yard setbacks are also not impacted.

The only one that's even close is with the rear overhang because it's an existing nonconformity on the side yard. So what's the purpose of the overhang? Is that just for a little extra protection on the back patio there?

Mr. Lewis: That's right. Overhangs are generally a good design. They shade the windows, they keep the rain off the façade, sustainable green design; LEED gives points for overhangs. They're a good thing. In addition, if we look at the rear elevation of the house, it unifies and enhances it, and makes it nicer.

I think we show existing and proposed rear elevations somewhere in this drawing set. Basically, we're just adding to the unity. Again, the house is pretty chopped up because of the additions. And bringing this across will just sort of pull the rear façade together a little bit.

We're extending it so there's a little more shelter over the door. It's a small touch, a small move, that just makes it a little bit nicer in the backyard, basically.

Boardmember Dovell: What was the condition in the front of the house prior to what's existing now? Is there hard surface out in front?

Mr. Lewis: There's just a porch. This red area here is the existing small porch that's there now. And then on the site plan, that's the area that's shown yellow here because the existing porch is now enclosed, captured into the square footage of the house. And then we're adding

this additional porch out there, which is sheltered where you could actually have a small café-size table and chairs.

So you can see, and on the digital rendering you can see what we're getting at there. That immediate space between the yard and the house provides a lot of warmth and a nice feeling of intimacy.

Chairman Murphy: And you're trying to match, essentially, on the back by bringing the overhang across a little bit?

Mr. Lewis: Well, again, in the elevation it's hard to read it. But you can see it extends out. It gives a shadow line, a little bit of shelter, a little bit of shade over the windows. And then that horizontal element helps unify the rear façade.

Chairman Murphy: Yeah, just for the record so we're clear. On the application, in terms of the percent of lot area, you're permitted 25 percent. What's existing is 24.4 percent. And with the proposed additions it would be increased to 27.7 percent. So it's 2.7 percent over, most of which is non-enclosed porch. But you've got additional roof coverage.

Mr. Lewis: Right. It's really these roofs that are doing it.

Chairman Murphy: And that's the drainage issue, and you're compensating for that. And in your view, you're more than compensating for that with the capacity of the proposed drainage. Is that it?

Mr. Lewis: Yes, sir. I think that under normal circumstances you have heavy rains and runoff. Right now, there's no drywell whatsoever. So we're providing a drywell on this property that is capable of handling all the new work on a 25-year storm, which is a huge, heavy rainfall, plus an additional 20 percent.

So the drywell handles a substantial amount of runoff. Under normal circumstances – heavy rains – this drywell will provide terrific drainage for the whole front area of the house. And so the drainage characteristics of the house are tremendously improved on a day-to-day basis. And in the extreme event – the 25-year storm – it's also improved by a factor of 20 percent.

Chairman Murphy: OK. I appreciate the explanation because I think it's important for the record. Because when you talk about expanding beyond the permitted lot area we generally don't look favorably on that. I can understand why you're doing it here. It's minimal, and it's compensated for with the drainage, which I think is important.

And it's certainly a very nice improvement, by all appearances, certainly to the front of the house and I'm sure in the rear, as well. So it looks OK.

Boardmember Dovell: Some of the coverage is coming from the roof in the back.

Mr. Lewis: Yes, sir. That's included in these calculations.

Boardmember Dovell: It's already over an interpersonal surface, so it's not adding any additional runoff.

Mr. Lewis: Yeah, we recognize, I think – and I told Marco and Tiffany – that if we're going to ask to pass the 25 percent mark we have to give something back. We have to make sure that we're compensating so that we're not asking for ... you know, it's a two-way street here.

And by providing the drywell, I think, again, if we're enhancing the property with the application I'm sure it makes the approval more palatable. So that was our intention.

Chairman Murphy: I guess the only thing that occurs to me, does it make sense to any members of the Board to condition that the new open front porch remain as an open porch area rather than being enclosed sometime in the future.

Boardmember Forbes-Watkins: That would have to come back for a change in approval, would it not?

Village Attorney Stecich: Yes, it would. But I think if you say that this one is granted on the condition ... and that doesn't mean that if you put that condition somebody can't apply for a variance. But it might make the next board recognize, hey, they got this approved, based on satisfying that condition.

And yeah, that would certainly be a proper condition. I can remember another application, a couple of applications, you did do that on.

Chairman Murphy: We've done that a few times. And the only reason I suggest it is because it's over the permitted lot area. And one of the reasons I think it's fine is because it's an open porch and overhang roof in the back. So it's not enclosed space, by and large.

So in any event, I put that out there for the Board to consider.

Boardmember Forbes-Watkins: The other question is, should we make a condition of the approval putting in the drywell.

Chairman Murphy: Sure.

Boardmember Forbes-Watkins: Because that, I think, is definitely a condition that should be made.

Mr. Lewis: Well, we intended it that way.

Boardmember Forbes-Watkins: Yeah. But if we're going to approve it, then the drywell is one of the strong reasons for approving ...

Building Inspector Sharma: We've been requiring that for any addition containing any additional runoff – some kind of retention system, drywell – to dissipate. We require that anyway.

Boardmember Forbes-Watkins: OK.

Chairman Murphy: All right. Any further questions for Mr. Lewis from the Board?

Boardmember Dovell: I think it's really well done. It's in character, I think it's really adding to the architecture of the house, and I think it's really a nice improvement.

Chairman Murphy: Yeah, I agree.

Is there anyone in the audience who wishes to be heard? Yes, sir, please just step up to the microphone and state your name and address for us.

Michael Ambrosek, 16 Sheldon Place: Our house is diagonally behind 117 Edgar's Lane, and I'd like to say that I took the effort to come here to say that I think this is a very good variance request.

Most of the comments have already been made by the Boardmembers, but certainly it makes it much more appealing as a street view. It breaks up the vertical lines that exist in the center of the building.

In terms of lot coverage, it doesn't really overwhelm the lot because the existing building is so far back from the street. So the small increase for the porch at the front is really absorbed by the size of the lot.

In regard to the roofs on the side and at the back, both those areas already have existing

hard-cover foot paths. The rear roofline will probably not be visible to ourselves or the neighbors because the land slopes up very steeply at the back of the house. There is, in fact, a retaining wall between the back of the house and the property line.

And in addition, there is a fence. So between these two elevations, the roof that's going to be put above the first story will not be visible to either of the houses – to my house or to my neighbor's house. Unfortunately, they're on vacation. So I see no reason to object to that. And similarly, the roofline on the side is a very narrow roofline; more decoration than any sort of coverage.

Thank you for your time.

Chairman Murphy: All right. Thank you. I appreciate it.

All right, so with that I guess we have two conditions: the drywells and the condition that the project as-built in the front porch remain open. If someone wants to make that motion.

On MOTION of Boardmember Pennington, SECONDED by Boardmember Forbes-Watkins with a voice vote of all in favor, the Board resolved [in the matter of Case No. 14-11 for variances from side yard, rear yard, and lot coverage that the request for variance be approved on two conditions: that the drywell be installed, and that the addition on the front remain open.

Chairman Murphy: Yeah, and I think we should just state the numbers for the setbacks, if you have it there.

Boardmember Pennington: I was a little confused by the numbers. I think that for a rear yard, it looks to me like existing and proposed are flipped. Am I correct?

Chairman Murphy: Yes, you are correct.

Mr. Lewis: The existing is referring to the worst condition that exists, and the proposed is what we're talking about in our particular area. So it's just an anomaly of the situation.

Chairman Murphy: Yeah, there's 2 feet 4 inches.

Boardmember Dovell: That's the overhang. And that's up in the air at the overhang.

Chairman Murphy: Right.

Building Inspector Sharma: The existing setback is more, and the proposed a little bit less.

Chairman Murphy: No, it's correct.

Village Attorney Stecich: That's correct.

On MOTION of Boardmember Pennington, SECONDED by Boardmember Forbes-Watkins with a voice vote of all in favor, the Board resolved [for the side yard, existing and proposed, is 6 feet 10-1/2 inches, and for the rear yard existing 19 feet 9 inches, proposed 17.5 inches; and lot coverage existing is 24.4, and proposed is 27.7 feet in the matter of Case No. 14-11 for variances from side yard, rear yard, and lot coverage that the request for variance be approved on two conditions: that the drywell be installed, and that the addition on the front remain open.

Chairman Murphy: That's a unanimous vote, Mr. Lewis. Thank you. Appreciate your time.

**Case No. 15-11
Jon & Lynn Hock
102 Maple Avenue
For View Preservation approval for alterations and a two-story addition
View Preservation Approval Only**

Chairman Murphy: Our last case tonight is the application of Jon and Lynn Hock for view preservation approval for the alterations and two-story addition at 102 Maple Avenue. Ms. Griffin?

Village Attorney Stecich: Just so you know, the Planning Board did recommend view preservation approval on this.

Chairman Murphy: OK. We have a positive recommendation from the Planning Board.

Christina Griffin, architect for applicant: We're planning to do a two-story addition onto this house, which is one of the five sugar houses on Maple Avenue. This is number 102.

This is a photograph of the existing house. We're planning to put a small addition on the back, which is going to be a den on the first floor, and on the second floor another bedroom and bath. When we do this addition, we're planning to recreate this porch and put this porch onto the two-story addition. We're also planning to raise this roof so that it's consistent in height and detail with the rest of the one-story piece of the house.

This addition will be done strictly in keeping with the character of the existing house, with the same kind of gingerbread, same trim, same siding.

We're actually here because the house is in a view preservation area. The addition is on the back of the house, and we have taken photographs of different neighboring properties to see if there is any impact on view. This is a cross-section through the site. This is Maple Avenue. This house profiled in blue is 102 Maple, and these are some of the houses that are on the east side of the house, and then Broadway, and then a few houses on the other end. This is the house on the west side of Maple Avenue.

We took photographs from the front of the house, side of the house, neighboring properties, and uphill, and we tried very hard to see through the neighboring properties to see if you could have a view of the house.

You can see – starting with the view from in front of the house, then on the side, the rear, the north side from property east, and then another property further east and uphill – you can just get little snippets of the view of the house as you go further away, but you don't have a view of the river. And from what we could see, there really wasn't a view.

So we're here just to demonstrate that there should not be any impact on the view of the river since there isn't any view through this property.

These are the floor plans. This is the new small den we're adding. It's about 120 square feet. This is the new porch, that really a recreation of the old porch that we're taking away. Then on the second floor, we're adding a small bedroom and a hall bath.

Chairman Murphy: Is there any impact on the view of the Palisades, or does that come into effect?

Ms. Griffin: I couldn't find a view, either from the property or through the property, of the Palisades. I don't think so, no.

These are our elevations. This is the east elevation, where we're putting our two-story addition, north side addition. This is the south, which is not being affected.

Chairman Murphy: What's the elevation difference between the houses immediately behind – I guess to the east?

Ms. Griffin: Immediately to the east, I think there's a slight uphill incline when you turn and go up Maple Lane. And then once you go across Broadway it starts getting much hillier.

Chairman Murphy: I think that's really the only question I was interested in, was whether from there – you know, from those homes just immediately behind – there's any impact or not. Based on the proposed addition and where it's being added to the house, it doesn't seem to me that it's going to impact the view from there.

Ms. Griffin: I know it's like summer, and all the trees are in bloom.

Boardmember Forbes-Watkins: You can't see anything.

Chairman Murphy: Yeah.

Ms. Griffin: And that's one reason why you can't even ... it's really hard to even see this house from the neighboring properties.

Boardmember Forbes-Watkins: Those are evergreens, are they not?

Ms. Griffin: What?

Boardmember Forbes-Watkins: Those trees are evergreens on the back, between the two houses going back towards Broadway. So basically there's no view 12 months of the year.

Boardmember Dovell: I went by. I was convinced you really couldn't see this.

Boardmember Pennington: And the roofline of the proposed two-story addition is not any higher than the existing roofline.

Ms. Griffin: No, it's actually slightly lower.

Boardmember Pennington: It's slightly lower, so I can't imagine how there would be a view impact to the houses behind.

Ms. Griffin: I doubt it.

Chairman Murphy: OK. Anything else?

Boardmember Forbes-Watkins: No.

Chairman Murphy: Seems pretty straightforward. Anyone in the audience who wishes to be heard? No?

With that, can I have a motion from our board?

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Dovell with a voice vote of all in favor, the Board resolved Case 15-11 approval for view preservation for construction of a two-story addition.

Chairman Murphy: The vote's 4-0. Ms. Griffin, thank you.

Ms. Griffin: Thank you. I appreciate it.

Chairman Murphy: Good luck with your project.

Marianne, before we approve the minutes did you want to say anything at all about the Young application coming up?

Village Attorney Stecich: Yeah, it's in the memo that I mentioned to you that Ed Young had come in for subdivision. It wasn't really so much a subdivision as to change ... he owns two lots next to each other. He's going to require some variances.

What the Planning Board did was approve the subdivision on the condition that they get the variances from this board. But he hasn't yet applied for the variances.

If you guys end up not giving him the variances he's going to have to come in with another ... the subdivision doesn't work. But I'll remind you of that when his application comes, which Deven will have a better idea when it would be. September probably.

Building Inspector Sharma: Next meeting, in September.

APPROVAL OF MINUTES

Regular Meeting of June 23, 2011

Chairman Murphy: That leaves us with approval of our June 23 Board meeting minutes. I don't know if anyone has anything.

Boardmember Forbes-Watkins: I didn't find anything egregious.

Chairman Murphy: OK, good. No, that's good. You're pretty careful, I know, too. Mark, anything? No? Me either. Ray, you good? Was everyone here for this? So the three of us can approve the minutes.

On MOTION of Boardmember Pennington, SECONDED by Boardmember Dovell with a voice vote of all in favor, the Minutes of the Regular Meeting of June 23, 2011.

Chairman Murphy: The minutes are approved.

Our next meeting is September 8 because we have August off. So I look forward to seeing everyone then. We'll have to talk to our Boardmember, Mr. Leaf, and find out what his plans are.

ADJOURNMENT