

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
ZONING BOARD OF APPEALS  
REGULAR MEETING  
MAY 22, 2014**

A Regular Meeting was held by the Zoning Board of Appeals on Thursday, May 22, 2014 at 8:00 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

**PRESENT:** Chairman Matthew Collins, Boardmember David Forbes-Watkins, Boardmember Sean Hayes, Boardmember Adam Anuszkiewicz, Village Attorney Linda Whitehead, Building Inspector Deven Sharma, and Deputy Building Inspector Charles Minozzi, Jr.

**Chairman Collins:** Good evening, and welcome to the May meeting of the Zoning Board of Appeals. We have one case before us tonight, so it should be a pretty light lift on the caseload.

**AGENDA**

**Case No. 08-14  
Catherine Hong & David Ferris  
66 Cochrane Avenue**

**Section 295-20.B; 295-55.A and 295-68.F.(1)(a) of the Village Code for the enclosing converting of an existing porch into conditioned living (habitable) space and a roof extension (a canopy) over the entrance door at their home at 66 Cochrane Avenue.**

**Variances sought are as follows:**

- 1. Extension of a non-conformity – enclosure/conversion of an existing non-conforming porch into a habitable space: Existing and proposed front setback - 16.8 feet; Required minimum - 30 feet {295-55.A and 295-68.F. (1)(a)}**
- 2. Front setback for the roof overhang (canopy): Proposed - 12.8 feet; Required minimum (for cornices, canopies ...) – 28 feet or 29 feet if less than 10 feet above grade. {295-20.B.(1) and 295-68.F.(1)(a)}**

**Chairman Collins:** Deven, are the mailings all in order?

**Building Inspector Sharma:** Yes, I was informed the mailings are in order.

**Chairman Collins:** OK, very good. So why don't we then begin with our lone case of the evening, number 8-14, Catherine Hong and David Ferris of 66 Cochrane Avenue. If I could just have whoever's presenting the case step forward, introduce yourself into the microphone. That goes for everybody who will be speaking tonight, just make sure you introduce yourself into the mic and always have a mic while you're speaking.

**Boardmember Forbes-Watkins:** May I point out, there are only four of us here. The rule ...

**Chairman Collins:** Yes, that's true. Thank you, David. We have only four, which means it is possible that we could end in a 2-2 split. You can present your case, and then decide whether or not you would like for us to vote or not.

**Frank Tancredi, project architect:** I am here with David Ferris, the owner of 66 Cochrane. On that note – what you just said – would you be taking a nonbinding vote at first before we make the decision for a binding vote?

**Chairman Collins:** We typically don't take a nonbinding vote. It's not just that we haven't done it, we would have to sort of consult with counsel on it. But my sense is that you'll probably get a pretty good idea of where things stand by the time you've presented your case and be able to make a determination about whether to go forward.

**Mr. Tancredi:** OK, that's fair.

**Village Attorney Whitehead:** They'll give you an opportunity to say you want to vote or you want to adjourn it.

**Mr. Tancredi:** We'll have a little pause there, OK.

We're here tonight to go over our proposal to rebuild a front enclosed porch, sunporch. It's not heated, it's not part of the internal living space. What David and his wife, Catherine – who couldn't attend tonight, she's with the children – had asked is, we'd like to incorporate that space as internal living space and expand the foyer a little bit. And in doing so, we will preserve the roof structure but rebuild the foundation, or the framing for the foundation. We'll leave the piers, the stone piers, and rebuild the walls with new windows and insulation.

We discovered that a survey we were presented with, which is not the one you have – you have a recent, new survey – showed that the house was 35 feet from the front property line, which was incorrect. It's only 15.8 from the property line, and that's stated on the existing survey you have.

**Chairman Collins:** We have 16.8. I mean, you're in the neighborhood.

**Mr. Tancredi:** That's a typo in the notice.

**Building Inspector Sharma:** I'd like to make a correction. It's 15.8, and not 16.8. That's the current situation, the existing situation.

**Mr. Tancredi:** We're not proposing to touch that number, that setback. We're going to build that wall exactly where it is. But in rebuilding this and creating a foyer, doing a new stoop ... because right now, you walk up three steps right into the door of the porch, there is no landing, so to speak. So we're building a new landing, but we're proposing to put a canopy over that 3-foot landing. I was just informed then, having read this, our drawings show what we're asking for is 17.8 variance on 30, when actually it would be 15.8 on 28. So it's a little less magnitude than what's stated on our plans. You can see from our elevations what we're doing. There's an existing elevation, along with a photograph of what the house currently looks like and what we're proposing to make it.

The second sheet shows the floor plan where we would be expanding the foyer on the building, the front steps. Then we're calling it a sunroom, which would be a family space off the living room. On sheet A-3, you can see we're showing an elevation of what's currently there, the existing elevation. To the right of that would be the proposed elevation, just with this little roof canopy extending out over the new stoop.

That's basically it.

**Chairman Collins:** OK. Mr. Tancredi, could you go over once again – and maybe by using the illustration – what parts of the existing porch are you keeping and what parts are you then rebuilding?

**Mr. Tancredi:** We're going to keep the roof structure.

**Chairman Collins:** OK.

**Mr. Tancredi:** Right now, the framing for the porch is porch framing. It's shallow in depth, it's pitched. We're going to be tearing that out. We're going to preserve the piers, the stone piers, and we're going to rebuild the wall.

**Chairman Collins:** OK.

**Mr. Tancredi:** So support the roof, and then build up the existing roof. We're not going to tear the whole thing off, but we're going to be maintaining this street line. We're not going to ... that 15.8 will remain 15.8, OK?

**Chairman Collins:** Right, right.

**Mr. Tancredi:** Because that's the dimensions of the porch.

**Village Attorney Whitehead:** So you're rebuilding just the exterior walls.

**Mr. Tancredi:** They're just rebuilding the cream of the Oreo cookie. In other words, keeping the bottom. And we're keeping the top, the middle.

**Chairman Collins:** Got it.

**Mr. Tancredi:** If you've seen the plan, the dotted lines here represent ... and you could see in the photograph it's a very tight set of stairs going in, concrete stairs. There is no landing. You step right into the porch.

**Chairman Collins:** Right, you go right into the porch.

**Mr. Tancredi:** We're proposing to build this little landing out 3 feet. In doing so, we wanted to put a little roof over it just to keep the elements like freezing rain off it.

**Chairman Collins:** Yeah. I mean, it's a very attractive design. And you will increase the utility of the space that you have. The issue we have, that's not unique to this case, is that it is a legacy significant encroachment into the front yard setback requirement.

The good news is that the new room will occupy the same footprint, as you know it, so you're not exacerbating that condition. The only part that is now a larger encroachment is the overhang over the new landing. But then again, the benefit of that landing and putting a roof over it makes a lot of sense.

I'm inclined to favor this project for those reasons. You're not exacerbating this condition. In fact, in the net-net it's clearly an improvement. This house has been dealt a hand like a lot of houses in Hastings: it's closer to the front yard property line than the code would wish it to be. The fact that you're preserving the roof suggests to me that while we would love to see every applicant seek out ways to minimize the encroachment, that would seem to me to create a problem with the rest of the design. You'd be working to code, and sacrificing the utility of the space.

I am inclined to support this. Let me just pass this over to my other Boardmembers for questions.

**Boardmember Anuszkiewicz:** I don't have any issues with it either. I completely agree with Matt. I have a question. If we give this variance permission, and then at a later date they decide to add and expand over the top of this, would they have to get another variance?

**Village Attorney Whitehead:** Yes.

**Chairman Collins:** Yeah, they would.

**Boardmember Anuszkiewicz:** So this doesn't ... if we grant this ...

**Village Attorney Whitehead:** Doesn't allow a second story over.

**Boardmember Anuszkiewicz:** It doesn't say anything about second story.

**Mr. Tancredi:** It's always going to be a preexisting, nonconforming ...

**Chairman Collins:** That's right.

**Boardmember Anuszkiewicz:** Yeah, so I don't have any. I think it's really not a very significant issue, this project.

**Boardmember Forbes-Watkins:** The one thing that's noticeable is that the encroachment into the space that should be kept is pretty much equivalent with the rest of the neighborhood. Most of the houses are clearly less than 30 feet from the street. So I don't have a problem with it. I think we can go ahead. That's my position.

**Boardmember Hayes:** I have no issue on it.

**Chairman Collins:** OK. Does anyone from the audience wish to be heard on the case? Please go ahead. Just introduce yourself to the microphone, please.

**Mr. Ferris:** I'm the owner, with my wife, Catherine Hong. I just wanted to echo what you all said. The point I was going to make was that it really seems in keeping with the neighborhood. We had a nice experience meeting many of our neighbors as we gave them the notices. I happened to look, and most of the houses on Jefferson and Cochrane are very

close to the street. We wanted to make sure we're in keeping with the neighborhood. That was very important to us. So thank you.

**Chairman Collins:** Thank you, Mr. Ferris. Anybody else? Then if there are no other comments.

**Boardmember Forbes-Watkins:** For clarification, the setback proposal is 12.8, or is it a different footing? You're talking on the extension nonconformity as 15.8 rather than 16.8, as written.

**Mr. Tancredi:** Correct. That's existing 15.8.

**Boardmember Forbes-Watkins:** All right. Are we dealing with 12.8?

**Mr. Tancredi:** The 12.8 remains the same. It's just against a 28-foot ...

**Building Inspector Sharma:** Well, 12.8 is only for the canopy part.

**Boardmember Forbes-Watkins:** Yeah, right.

**Chairman Collins:** That's right.

**Building Inspector Sharma:** The main body is still 15.8.

**Boardmember Forbes-Watkins:** Yes, I understand.

**Building Inspector Sharma:** So the variance is only for the canopy to project, nothing else.

**Chairman Collins:** Thanks, Deven.

Before we take a motion, do you have any objections if we proceed with our vote?

**Mr. Tancredi:** No.

**Chairman Collins:** OK, great.

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Hayes with a voice vote of all in favor, the Board approved the variances in Case 08-14 for extension of a non-conformity – enclosure/conversion of an existing non-conforming porch into a

habitable space: Existing and proposed front setback - 16.8 ft.; Required min. - 30 ft. {295-55.A and 295-68.F.(1)(a)}; and Front Setback for the roof overhang (canopy): Proposed - 12.8 ft.; Required min. (for cornices, canopies...) – 28 Ft. or 29 Ft. if less than 10 ft. above grade. {295-20.B.(1) and 295-68.F.(1)(a)}

**Chairman Collins:** Your vote is unanimous. Congratulations.

**Mr. Tancredi:** Thank you very much.

### **APPROVAL OF MINUTES**

#### **Regular Meeting, April 24, 2014**

**Chairman Collins:** That leaves, then, the minutes of the April meeting. As I did the last time, I forwarded Deven my markup of the notes. I found that it was one of the cleanest that I've seen in a long time, just a few typos or misplaced words. But otherwise, completely accurate. I think I made five changes. David, did you have anything you wanted to ...

**Boardmember Forbes-Watkins:** No. Normally, I look for egregious errors and I found none.

**Chairman Collins:** I found none either.

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Hayes with a voice vote of all in favor, the Minutes of the Regular Meeting of April 24, 2014 were approved as amended.

### **ADJOURNMENT**

On MOTION of Boardmember Hayes, SECONDED by Boardmember Forbes-Watkins with a voice vote of all in favor, Chairman Collins adjourned the Regular Meeting.