

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK**  
**ZONING BOARD OF APPEALS**  
**REGULAR MEETING**  
**NOVEMBER 5, 2015**

A Regular Meeting was held by the Zoning Board of Appeals on Thursday, November 5, 2015 at 8:00 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

**PRESENT:** Chairman Matthew Collins, Boardmember David Forbes-Watkins, Boardmember Adam Anuskiewicz, Village Attorney Linda Whitehead, Building Inspector Charles Minozzi, Jr., and Deputy Building Inspector Edward Marron III

**Chairman Collins:** All right, ladies and gentlemen, thank you for joining us for our special session of the Zoning Board of Appeals for today, Thursday, November 5. We've called this session, just to refresh everybody's memory, because there were, I believe, five cases on the docket from our last meeting that we were unable to vote on because of incompleteness of the mailings.

So the first order of business is to determine, Buddy, whether now the mailings are complete.

**Building Inspector Minozzi:** Good to go.

**Chairman Collins:** The mailings are all complete. That's great.

**Building Inspector Minozzi:** Yes, sir.

**Chairman Collins:** The mission today is to afford everybody an opportunity to ask any questions that may be on their minds. That includes those of us on this side of the bench and those of you on that side of the bench. But we're here primarily to move to the vote.

I have to preface the voting part of this by saying we were unable to get the full complement of our board. Any case, in order for it to pass, must have a majority of the Board, which means it must have three votes. Since there are only three voting members means your case must be unanimous to be approved. You have the choice. If you are concerned about the direction the vote may go you have choice to make. If you like, you can adjourn it to the December meeting. However, if you're feeling confident about it – and I think you all have a reason to be confident about it, at least from my perspective – then you may proceed to a vote.

With that, we're just going to go right in the order in which the cases have been presented in the agenda.

**Case No. 09-15  
Malcolm Beadling  
19 William Street**

**View Preservation approval as required under section 295-82 and relief from the strict application of code sections 295-55.A and 295-72.E.(1)(c) of the Village Code for the addition of a roof top deck to their multi-family dwelling at 19 William Street. Said property is located in the MR-1.5 Zoning District and is known as SBL: 4.70-53-14 on the Village Tax Maps.**

**Variance is sought for the extension of an Existing Non-conformity:  
Side Yard: Existing and Proposed for the deck – approximately 6.4 feet;  
Required minimum – 16.5 feet {295-55.A. and 295-72.E.(1)(c)}  
View Preservation approval & side yard variance of 10.1 feet is being sought.**

**Chairman Collins:** We are looking for view preservation approval and variance for the extension of existing nonconformity into a side yard. I think, Christina, this one is yours. Again, you presented it in our last meeting. I'll just ask if the Board has any further questions on the case.

Anyone in the audience wish to be heard? We have microphones here. We usually have a handheld. I guess you have a handheld. So seeing none, shall we proceed to a vote?

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Anuskiewicz with a voice vote of 3 to 0, the Board resolved to approve Case 09-15 for 19 William Street side yard existing and proposed for decks approximately 6.4 feet, required minimum 16.5. And also view preservation approval for this proposed work.

**Chairman Collins:** The project is passed. Congratulations, thank you very much.

**Case No. 10-15  
John Bindella & Michael Pagliuca  
457 Warburton Avenue**

**View Preservation approval as required under section 295-82 and relief from the strict application of code sections 295-72.1,E.(1)(b&c) and 295-72.1,E.(3) of the Village Code for the addition of three rear decks to their multi-family**

**dwelling at 457 Warburton Avenue. Said property is located in the MR-O Zoning District and is known as SBL: 4.70-52-24 on the Village Tax Maps.**

**View Preservation and Variances are sought for rear & side yard setbacks and lot coverage:**

**Rear Yard: Existing and Proposed – Existing 30.25 feet; Proposed approx. 22.25 feet; Required min. – 30 feet {295-72.E.(1)(b)}**

**Side Yard 1: Existing and Proposed – approximately 1.5 feet; Required minimum – 14.7 feet {295-72.E.(1)(c)}**

**Side Yard 2: Existing and Proposed – approximately 3.3 feet; Required minimum – 14.7 feet {295-72.E.(1)(c)}**

**Lot Coverage: Existing and Proposed – Existing 47.9%; Proposed 55% coverage; Required max – 50% coverage**

**Variance details: Rear yard – 7.75 feet; Side yard #1 – 13.2 feet; Side yard #2-11.4 feet and Coverage – 5%**

**Chairman Collins:** We will move now to case 10-15, John Bindella and Michael Pagliuca for 457 Warburton. This case is seeking view preservation approval as well as rear and side yard setbacks and lot coverage variances. Any questions from the Board on this case? Anyone in the audience who wishes to be heard on the case? So may I have a motion?

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Anuskiewicz with a voice vote of 4 to 0, the Board resolved to approve Case 10-15, 457 Warburton Avenue, rear yard existing 30.25 feet, proposed approximately 22.25 feet, required minimum 30 feet. Side yard one, existing and proposed approximately 1.5 feet, required minimum 14.7 feet. Side yard two, existing and proposed approximately 3.3 feet, required minimum 14.7 feet. Lot coverage, existing 47.9 percent, proposed 55 percent. In addition, there is view preservation which I also move to approve.

**Chairman Collins:** Before we proceed, are you OK with us going to the vote?

**Christina Griffin, project architect:** Yes.

**Chairman Collins:** The vote's unanimous so that one passes, as well. Thank you.

**Case No. 11-15  
Davis Bowen & Bennett Rink  
1 Flower Avenue**

**Relief from the strict application of the Village code Section 295-68F.1.a & b,  
and 295-20.C.2 for construction of new one and two-story side/rear  
additions and a rear stone patio at their home at 1 Flower Avenue.**

**Said property is in the R-10 Zoning District and is also known as  
SBL: 4.20-9-5 on the Village Tax Maps.**

**Non-conformity details of the additions and rear patio are as follows:**

**Side/rear additions:**

**Front Yard: Existing and Proposed: Existing – 25.7 feet; Proposed –  
21.1 feet; Required Minimum – 30 feet {295 - 68F.1.a}; Variance  
required – 8.9 feet**

**Rear Yard: Existing and Proposed: Existing – 14 feet; Proposed – 6.9  
feet; Required Minimum – 30 feet {295 - 68F.1.b}; Variance required –  
23.1 feet**

**Rear stone patio: Rear Yard: Existing and Proposed: Existing – 14  
feet; Proposed – zero feet; Required Minimum – 30 feet no paving in  
required yards {295-20.C.2}; Variance required – 30 feet**

**Chairman Collins:** Our third case is 11-15, David Bowen and Bennett Rink for 1 Flower Avenue. Christina, this is also yours. We're seeking here side and rear setback variances. Any questions from the Board?

**Boardmember Forbes-Watkins:** Yes, I do have questions on this. I'd like to know what the rainfall level is in the proposed setting of the drainage. Is it a 20-year rainfall?

**Building Inspector Minozzi:** Oh, no. We use a 100-year storm, which is 7.5 feet.

**Boardmember Forbes-Watkins:** You use 100 years? Very good, thank you.

**Ms. Griffin:** We have a civil engineer looking at the storm drainage design.

**Boardmember Forbes-Watkins:** Well, my concern is simply the patio. I feel very iffy about having as much patio pushed right back to the Aqueduct wall. I would be very, very reluctant to hear that it got undermined by water. So I'm very concerned about that.

**Ms. Griffin:** Which is why we have a civil engineer who is designing a storm drainage system not just for the patio, but also for all the runoff that's coming from the Aqueduct property. So we're going to make sure that's going to be resolved.

**Boardmember Forbes-Watkins:** OK.

**Building Inspector Minozzi:** And the Building Department will also.

**Boardmember Forbes-Watkins:** And you're using the 100-year rainfall.

**Building Inspector Minozzi:** We always do the 100-year storm.

**Boardmember Forbes-Watkins:** That encourages me because we only have those about once every 10 years.

**Building Inspector Minozzi:** The 100-year storm that we have every other month? Yeah, it actually has been a dry year.

**Chairman Collins:** Any other questions? Anyone from the audience wish to be heard? Christina, shall we proceed?

**Ms. Griffin:** Yes.

**Chairman Collins:** OK, may I have a motion?

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Anuszkiewicz with a voice vote of 4 to 0, the Board resolved to approve Case 11-15 for 1 Flower Avenue, side and rear yard additions: front yard existing and proposed, existing 25.7 feet, proposed 21.1 feet, required minimum 30 feet. Rear yard existing and proposed: 14 feet existing, 6.9 feet proposed, required minimum 30 feet. Rear stone patio: rear yard existing and proposed 14 feet, proposed zero feet, required minimum 30 feet.

**Chairman Collins:** The project passes. Congratulations.

**Ms. Griffin:** Thank you.

**Case No. 12-15  
Spencer & Sarah Orkus  
42 Villard Avenue**

**Relief from the strict application of the Village code Section 295-68F.1.a & c, 295-68F.2.a [1] & [2], 295-20.B.6 and 295-55A for construction of a new front portico, side second story addition and rear wood deck at their home at 42 Villard Avenue. Said property is in R-10 Zoning District and is also known as SBL: 4.40-37-7 on the Village Tax Maps.**

**Nonconformity details of the proposed portico, additions and deck are as follows:**

**Front Portico:**

**Front Yard: Existing and Proposed: Existing – 20.1 feet; Proposed – 15.8 feet; Required Minimum – 30 feet {295 - 68F.1.a}; Variance required – 14.2 feet**

**Side second story addition:**

**Front Yard:**

**Existing and Proposed: Existing – 24 feet; Proposed – 24 feet; Required Minimum – 30 feet {295 - 68F.1.a}; Variance required – 6 feet**

**Side Yard 2: Existing and Proposed: Existing – 8.6 feet; Proposed – 8.6 feet; Required Minimum – Two sides equaling 30 feet, each of which is at least 12 feet {295 - 68F.1.c}; Variance required – 9.4 feet**

**Prohibition against extension of nonconformity {295-55.A}**

**Rear wood deck:**

**Side yard 1: Existing and Proposed: Existing – 5.4 feet; Proposed – 5.4 feet; Required Minimum – 6 feet or 1/2 the distance of the projection into the setback (6 feet), whichever is least {295-20.B.6}; Variance require – 0.6 feet**

**Building Coverage: Existing and Proposed: Existing - 22.6%; Proposed - 25.6%; Required Maximum – 25% {295 – 68F.2.a [1]}; Variance required – 0.6%**

**Developmental Coverage: Existing and Proposed: Existing – 42.9%; Proposed – 46.5%; Required Maximum – 35% {295 – 68F.2.a [2]}; Variance required – 11.5%**

**Chairman Collins:** OK, that brings us to our fourth case, 12-15 for Spencer and Sarah Orkus at 42 Villard. Here we are looking for front yard and side yard variances as well as building coverage and developmental coverage. Mitch, I believe this one is yours.

**Mitchell Koch, architect:** Yeah, that's correct.

**Chairman Collins:** Is there anybody on the Board who wishes to ask a question on to project? No? Does anyone in the audience wish to be heard? No?

Mitch, do you want us to proceed to a vote?

**Mr. Koch:** Please do.

**Chairman Collins:** OK. May I have a motion?

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Anuskiewicz with a voice vote of 4 to 0, the Board resolved to approve Case 12-15, 42 Villard Avenue, front portico front yard existing and proposed: existing 20.1 feet, proposed 15.8 feet, required minimum 30 feet. Side second-story addition: front yard existing and proposed, existing 24 feet, proposed 24 feet, required minimum 30 feet. Side yard two existing and proposed: existing 8.6 feet, proposed 8.6 feet, requirement minimum two sides equaling 30 feet, each of which must be at least 12 feet. Rear wood deck side yard one existing and proposed: existing 5.4 feet, proposed 5.4, required minimum 6 feet. Building coverage existing and proposed: existing 22.6, proposed 25.6, required minimum 25. Developmental coverage: existing 42.9, proposed 46.5, maximum 35 required.

**Chairman Collins:** Thank you, Mitch.

**Case No. 15-15  
Christopher Dudko & Katherine Booth  
514 Broadway**

**Relief from the strict application of the Village code Sections 295-69.F.1.a, b & c and 295-55.A, for the second story and two story addition and front porch extension to their single family dwelling at 514 Broadway. Said property is in R-7.5 Zoning District and is also known as SBL: 4.40-46-6 on the Village Tax Maps.**

**Variance is sought for the nonconformities and extension of existing nonconformity:**

**Nonconformity for front porch extension in front yard: Existing – 8.7 feet; Proposed – 1.7 feet; Required Minimum – 25 feet {295-69.F.1.a};**

**Variance required – 23.3 feet**

**Extension of nonconformity for second story addition in rear yard:**

**Existing – 13 feet; Proposed – 11.6 feet; Required Minimum – 25 feet  
{295-69.F.1.b and 295-55.A.}; Variance required – 13.4 feet  
Extension of nonconformity for second story addition in side yard  
1: Existing**

**Chairman Collins:** That brings us to our final case, which is 15-15, Christopher Dudko – and apologies again if I mispronounce any names – and Katherine Booth at 514 Broadway. The applicant is seeking variances for a front porch extension in the front yard and extension of a nonconformity for a second-story addition in the rear yard. I believe, Christina, this one is yours, as well.

**Ms. Griffin, project architect:** Yes, it is.

**Chairman Collins:** All right, any questions from the Board on this case that we didn't cover last time? OK. Anyone in the audience wish to be heard on the case? No? OK. Christina, would you like us to proceed to a vote? OK. May I have a motion?

On MOTION of Boardmember Forbes-Watkins, SECONDED Boardmember Anuszkiewicz with a voice vote of 4 to 0, the Board resolved to approve Case 15-5, 514 Broadway, nonconformity for front porch: existing 8.7 feet, proposed 1.7 feet, required minimum 25 feet. Extension of nonconformity for a second-story addition, existing 13 feet, proposed 11.6 feet, required minimum 25 feet. Extension of nonconformity for a second-story addition in side yard, existing 4.7 feet, proposed 4.7 feet, required minimum 12 feet.

**Chairman Collins:** That passes, as well. Thank you very much.

## **APPROVAL OF MINUTES**

### **Meeting of October 22, 2015**

That concludes the docket. We are not going to cover minutes tonight for this meeting and our October meeting. We'll combine those for review on our December meeting.

## **ADJOURNMENT**



ZONING BOARD OF APPEALS  
REGULAR MEETING  
NOVEMBER 5, 2015  
Page - 9 -

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Anuskiewicz with a voice vote 4 to 0, Chairman Collins adjourned the Regular Meeting.