

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK**  
**ZONING BOARD OF APPEALS**  
**REGULAR MEETING**  
**JULY 23, 2015**

A Regular Meeting was held by the Zoning Board of Appeals on Thursday, July 23, 2015 at 8:00 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

**PRESENT:** Acting Chairman David Forbes-Watkins, Boardmember Ray Dovell,  
Boardmember Adam Anuszkiewicz, Village Attorney Linda Whitehead

**Acting Chairman Forbes-Watkins:** Are we all right on the camera? Good evening, ladies and gentlemen. This is the July 23 Zoning Board of Appeals meeting.

A couple of administrative matters to begin with. First, as you can see, there are only three members of the Board here tonight. The Board normally consists of five, plus an alternate. Unfortunately, because of work, travel, et cetera only three of us are here. According to state law, any action of the Zoning Board must be approved by a majority of the total Board. Therefore, any activity that we approve tonight must be unanimous by the three of us or it will fail. Further, because of the limitation that this provides – or causes, I should say – you have the opportunity to adjourn your proposal until the next meeting if you would prefer to have a vote with a full Board membership. OK, that covers that issue.

The second one, a little more simple, there were some questions during the week concerning mail notification with respect to the application for 25 Circle Drive. No notification was necessary for this meeting because the case was adjourned to this meeting last meeting, and therefore it wasn't necessary to do a mailing. However, I will ask are the mailings in order for 524 Farragut Parkway?

**Bldg. Inspector Minozzi:** I've been informed by our staff that the mailings are in order.

**Acting Chairman Forbes-Watkins:** OK, thank you very much.

**Female Voice:** Was there a second mailing?

**Acting Chairman Forbes-Watkins:** There was a mailing for the last meeting, but not for this meeting.

**Linda:** I did not get one ...

**Bldg. Inspector Minozzi:** Yeah, but when you were down in the office we showed you ... we had your proof of mailing.

**Linda:** [Off-mic] the first one.

**Bldg. Inspector Minozzi:** No, both of them we have your proof.

**Linda:** No, there was only one.

**Bldg. Inspector Minozzi:** Linda, we have proof of mailing for both meetings.

**Acting Chairman Forbes-Watkins:** Well, let's stop this right now. The first thing is, since you are here you know about the meeting, OK? Therefore, you have had effective notification. I don't like it, but that's the rule.

OK, let us begin.

**Case No. 06-15  
Michael Fuller  
25 Circle Drive  
(continued)**

**Relief from the strict application of the Village code Sections 295-68.F.1.c, 295-20.F and 295-55.A, for alterations and an addition to their single-family dwelling at 25 Circle Drive. Said property is in R-10 Zoning District and is also known as SBL: 4.40-41-10 on the Village Tax Maps.**

**Variance is sought for the extension of an Existing Nonconformity:  
Extension of nonconformity for second-story addition in side yard on a corner lot: Existing – 16 feet; Proposed – 16 feet;  
Required Minimum - 30 feet {295-68.F(1)(c), 295-55.A and 295-20.F.}  
Variance required 14 feet**

**Acting Chairman Forbes-Watkins:** Anyone who speaks, please use one of the microphones so that we can get proper recording.

**Voytek Octawiec, AIA, project architect:** I am the architect of the 25 Circle Drive addition and renovation. Like was stated already here at today's second hearing regarding this project, I will start once again just stating what we are asking for. We have a property which is located on the corner of Circle Drive and Chestnut Drive, the other is 25 Circle driveway (sic). We are asking for a variance in such a corner location of 30 feet. As for a zoning resolution, it is 30 feet setback. We are asking for the setback of 16 feet, so 14

footing variance for this addition. I am once again stating that the existing building, existing porch, we already have the same 16 feet.

**Acting Chairman Forbes-Watkins:** And all the members of the Zoning Board who are here tonight have all heard this. So you can move this along.

**Mr. Oktawiec:** Maybe I will just focus of addressing the issue which arise during last hearing. The first issue was the west window, the size. We were somehow confronted with objection of the size of this window, mass of this window, possible glare it caused. We listened to those objections, we reduced the size of the window, and – which is the most important – we divided this window according to the division. We have, right now, the smaller window with the three divisions and, additionally, with the dividing mouldings. I can point this to, I think, the elevation view of the – in this case – the best. So I will address this in a view of the elevation.

The west window, divided on the three, and additionally divided by the mouldings. We also somehow consulted regarding anti-glare coating. There is a coating produced by Pinnacle Coatings Group – which we provided the Board with a cut, technical information – which reduces, eventually, the glare. We strongly believe, right now, by reducing the size of this window, and divided this according to the three divisions, which is ... and the size of the window is exactly the same like the size of the window in the existing house. This glare is not the issue even without a coating, but we're willing to apply this coating. The side windows, somehow we carried to the south side. You can see, this is the same side of the side windows. We strongly believe that we address concerns regarding the west side size-mass configuration, trying to be more contextual, more with the architecture of the house.

The second, somehow, comment and objection was concerns regarding the thermal value of the addition. We also studied this in detail. We added to the drawings. We will somehow selected Marvin windows for the windows in the house, which have the U-value of 0.3. For our skylight, we have the four-season, which has even better 0.25 thermal value. The thermal value of the floor is R-30, according to the code, and the wall's R-21. So doing all the calculation, we think that we responded to the issues and concerns regarding the thermal performance.

When redesigning – and now I will go back to the plans and the views, I started with the plans – we somehow addressed the issues regarding finishes. On the corners, we have the same stock of finish like in the house; same color, same texture, with a slight pattern. But this is very contextual in every aspect. Right now we'll go to the renderings. We also have the same trim around the windows, which was painted green – the same green color – which

is very common in every wooden feature in the house. We have also wooden panels below. Like before I stated about pointed, from the southwest view this addition is totally invisible. It's the most visible from the west side Circle Drive; still screened through the existing beautiful trees.

So all the finishes which we're using are trying to blend to this existing house. We really spent the time and effort to address every comment which was said. This is a very small addition – 132 square feet – which consists of 3 percent of the total floor area of house, which is 32. We're kindly asking to approve this variance for this.

Thank you.

**Acting Chairman Forbes-Watkins:** Thank you. Let me begin with a comment that I do feel you have worked hard to respond to all of the questions about the size of the windows and the stucco. I appreciate the utility of having the opportunity to raise those issues before we have to come to a vote.

I'm going to ask my Boardmembers whether they have any comment at this point. Ray?

**Boardmember Dovell:** I think you've been very responsive. This is the third iteration of this project that we've seen. The first one, by location, was really unacceptable. The second location is, I'd say, not ideal but it's considerably less of an intrusion. You are handicapped to a certain degree on this because you've basically got three 30-foot setbacks on three yards. That's a very rare situation and it represents a lot area that, by zoning, is not to be developed. I think, to my mind, it falls into the range of minimal at this point. The fact that it occurs on top of an existing porch that has a roof over it and a vertical extension above the balustrade of that is about what? – above the balustrade of the balcony is about how high?

**Leo Chang:** Thirty inches.

**Boardmember Dovell:** The balustrade is about 30 inches, if you're asking about this existing balustrade.

**Mr. Chang:** Oh, that's 42. The existing balustrade, which is in the pictures, is at 42 inch height.

**Boardmember Dovell:** Forty-two inches.

**Acting Chairman Forbes-Watkins:** State your name for the recording.

**Boardmember Dovell:** So it's 42 inches above the floor.

**Mr. Chang:** Above the deck floor that is existing.

**Boardmember Dovell:** Above the deck floor, so 42 inches. Then what's the height from the top of the balustrade to the roof?

**Mr. Chang:** The roof is at ... I don't have the number right now – it's in the elevation. You mean at the soffit?

**Mr. Oktawiec:** The exact dimension is 6 foot 6 inches from the top of the balustrade to the ...

**Boardmember Dovell:** To the roof is what?

**Mr. Oktawiec:** Six feet.

**Boardmember Dovell:** Six feet. So that's the extent of the variance.

**Mr. Chang:** Yes.

**Mr. Oktawiec:** Correct.

**Boardmember Dovell:** It's a 6-foot high ...

**Mr. Oktawiec:** Six foot 6 inches.

**Boardmember Dovell:** That's 10 by 10 by 10, roughly.

**Mr. Oktawiec:** That's correct, sir.

**Boardmember Dovell:** So actually with the flat roof, at this point it's fairly minor. I think the fenestration of the windows is a great improvement. I think it ties it into the character of the house. So I don't have anything more to say about it. I think it's sensitively done at this point. It took a little while to get there, but I don't have any further issues with it. And the fact that you put in reflective glazing is great. I mean, I see the specification for the glass. It's basically what goes into storefronts, right?

**Mr. Chang:** That's correct.

**Mr. Oktawiec:** You know, we appreciate all the comments from the public. And I think because of the comments, and the Board input, the project become better. It's more contextual, more somehow similar to what the house represents.

**Boardmember Dovell:** So I think you've been responsive to the comments of the Board and listening to the neighbors.

**Boardmember Anuszkiewicz:** I agree with what Ray is saying. I do have a question about the lot, though. The question I have has to do with the maximum building area on the lot. You have the calculation here; you're saying the maximum building area is 2,426-1/2 square feet, which is 16.9 percent coverage on the lot. Then you're showing your new building area as 3,336 square feet. Is that more than what's allowed on the site?

**Village Attorney Whitehead:** They're not adding coverage.

**Boardmember Anuszkiewicz:** Well, the existing is 3,200 so actually they are adding coverage.

**Village Attorney Whitehead:** No, they're adding square footage.

**Bldg. Inspector Minozzi:** They're adding square footage to the house, they're not adding coverage on the lot.

**Boardmember Anuszkiewicz:** So are they within coverage on the lot?

**Boardmember Dovell:** I think you're OK, and you don't increase the coverage on the lot.

**Mr. Oktawiec:** No, that's the point. The maximum is 25, we have 16.

**Boardmember Anuszkiewicz:** So the covered porch is counted the same way?

**Mr. Oktawiec:** The same way because it's on the same footprint.

**Boardmember Dovell:** It's the same, full coverage.

**Village Attorney Whitehead:** For coverage, yeah.

**Boardmember Anuszkiewicz:** And if this first floor gets enclosed in the future, would that require another variance?

**Mr. Chang:** It would.

**Boardmember Anuszkiewicz:** Yes?

**Mr. Oktawiec:** If it was an increase.

**Bldg. Inspector Minozzi:** Again, not for coverage but for setbacks.

**Boardmember Anuszkiewicz:** So granting this doesn't just entitle the owner to fit out the bottom floor.

**Bldg. Inspector Minozzi:** No, sir.

**Boardmember Anuszkiewicz:** Obviously it seems like a logical next step here.

I think I want to echo Ray's comments. You know, you have really been responsive and, as far as we're concerned, addressed the comments that have occurred up to this date. I agree the calculations are much better than they were before; almost previously looked like they were not designed. And now you've actually taken the time to work it out so we appreciate that.

**Mr. Chang:** Thank you.

**Acting Chairman Forbes-Watkins:** I'm going to open this to comments from the floor at this point.

**Mariana Fonaro, 25 Chestnut Drive:** There were some e-mails submitted to the ...

**Village Attorney Whitehead:** You have to come to the mic and state your name

**Ms. Funaro:** Last time you put me as "Maryanne." It's Marianna. The Board had been sent some letters by someone who has not ... two of them who are not here this evening. I would like them to be read if you have received them.

**Acting Chairman Forbes-Watkins:** I think we have seen them. I know they have been distributed to us ...

**Bldg. Inspector Minozzi:** They've been distributed to the boards via e-mail.

**Acting Chairman Forbes-Watkins:** ... and that was part of the reason for my comment at

the beginning of the meeting about notifications. Because the notification questions raised by the letter writers just don't ...

**Ms. Funaro:** But in addition to the letter writing, they had comments concerning ...

**Acting Chairman Forbes-Watkins:** Those comments can be brought forth ...

**Ms. Funaro:** ... the building.

**Acting Chairman Forbes-Watkins:** ... at this point in time.

**Ms. Funaro:** They're not here, they're not here. They sent it to the Zoning Board.

**Village Attorney Whitehead:** The Board has the letters and the Board has reviewed the letters.

**Ms. Funaro:** You have. All of it?

**Village Attorney Whitehead:** Yes, they have received them all.

**Ms. Funaro:** OK. Now, can I look at these close up?

**Acting Chairman Forbes-Watkins:** Sure.

**Ms. Funaro:** I missed the last meeting, but ...

**Bldg. Inspector Minozzi:** Please use the microphone if you're going to speak.

**Ms. Funaro:** I missed the last meeting. Now, my concern is that this family moved here in 1996. They were given a variance or whatever that put them 4 feet away of (inaudible), and they all park there. We cannot get (inaudible), you cannot make a right turn because they're right ... you cannot walk down the side of that. My concern is the traffic flow here. So they got a variance for this, which is 4 feet from the curb. They got a swimming pool. And I think they misstated that this was their backyard when, indeed, it is their side yard. In addition to that, they have a right of way; they actually are sided (ph) by three roads. There's a little alleyway, which is a right of way here.

Now, I would like to see the permits they received for that and the swimming pool.



**Bldg. Inspector Minozzi:** Come down to the Building Department tomorrow and we'll see what's in the file for you.

**Ms. Funaro:** Is that the file I looked at yesterday?

**Bldg. Inspector Minozzi:** Mm-hmm.

**Ms. Funaro:** They printed out every page, there was nothing in it.

**Bldg. Inspector Minozzi:** I'll have to look into it tomorrow.

**Ms. Funaro:** OK. Well, in signing (ph) that, these people are really, really ... never mind. But this is totally out of character with the neighborhood. You drive down this ... in fact, there's a same building similar to this at the corner of Circle and Ferndale, almost the exact same house with the two-layer porch, and it's gorgeous. And this was gorgeous. And I have never ... I've lived here since 1984 and have never seen them sit on that porch or use that area.

Since there are cars parked here, we rely, at nighttime, to see lights from cars coming this way. And I think this is going to block it. It is totally ... I think it is obnoxious, it's ugly, and I think they have ... I want to see building prints from those (inaudible) before the (inaudible). And I want to see who signed it. Who was on the Board there that allowed that variance and the pool?

**Village Attorney Whitehead:** The Board does not sign building permits.

**Ms. Funaro:** Let me tell you something. I don't know when he got the permit for the pool, but I was walking my dog, and the Building Inspector at that time was Marcus ...

**Bldg. Inspector Minozzi:** Marco Gennarelli?

**Ms. Funaro:** Yes. He came up with Michael Fuller, and they had a big, big verbal fight with a cement truck right behind them. Marco Gennarelli drove away like ... he just blew out of there. And I don't know what it was about, but like I will never remember (sic) that day. And then they had their swimming pool. So I don't know, I don't know. How do you make these decisions? That looks horrible, terrible. (Inaudible), plus they're going to be on the second floor. They're facing down. I think they're impinging (sic) on the privacy of the two houses opposite from them. I mean, they're just going to stare right down into their rooms, their bedrooms. It's just not right. And I've never seen them on the porch. And I want to see proof of those first because I don't know [off-mic], I really don't know what's

happened. But I surely would like to know.

Three of their children have graduated [off-mic], they have lots of room. I don't know what they need a sitting room for.

**Acting Chairman Forbes-Watkins:** All right, we've received ...

**Ms. Funaro:** I know that has nothing to do with it.

**Acting Chairman Forbes-Watkins:** We've received your very negative comments. Thank you. Are there other comments?

**Nancy Balaban, 50 Circle Drive:** Can we see [off-mic]?

**Acting Chairman Forbes-Watkins:** Pardon?

**Ms. Balaban:** Can we see what it looks like?

**Acting Chairman Forbes-Watkins:** Their drawings? Would you turn the drawings so they may see them? Particularly the drawing of the ... I think it's the third ... yeah, that's the one.

**Village Attorney Whitehead:** If you could kind of turn it ... yeah.

**Bldg. Inspector Minozzi:** Take the mic with you.

**Ms. Balaban:** I can't see it because the light's shining.

**Acting Chairman Forbes-Watkins:** You can walk up there and look at it then.

**Bldg. Inspector Minozzi:** Want to show them the 3-D version of it?

**Village Attorney Whitehead:** Or the photo.

**Bldg. Inspector Minozzi:** Or the Photoshop?

**Mr. Oktawiec:** But once again, I wanted to point ... you'll never see it this way because what you see ...

**Ms. Balaban:** Now those trees aren't there anymore because ...

**Mr. Oktawiec:** No, those trees are here.

**Ms. Balaban:** Only the little trees.

**Bldg. Inspector Minozzi:** Please talk into the microphone, and state your name.

**Ms. Balaban:** Sorry. I've been there 54 years. There's so much objection, and the neighbors are so upset, that I think you need to take that into consideration. Because your life goes into your house, and people seem to be so distressed. And this house is so different from all the other houses on the street: it's up, and it's much bigger. So somehow it seems to be really gotten to the neighborhood, and a lot of people have been there a long time. Not only when ... a couple other families as long as I have. But there were a lot of really big trees in front of it. I guess they were diseased and they had to take them down. But I think it's really important to listen to what people are thinking because it's where you live and you care about it.

That's all I have to say except that I did agree with the e-mails that were sent by Mary Scranton and by Wendy Graves. I think they need to be paid attention to. Thank you for your attention.

**Acting Chairman Forbes-Watkins:** Thank you. Sir?

**Norman Leutters, 21 Chestnut Drive:** I've lived about three doors up since '82 myself – my wife goes back to '54 – so we have been a part of the neighborhood, and we appreciate the diligence of the Board in looking into this in a balanced way. I'm not interested in ... in fact, I'm always interested in a congenial relationship with our neighbors. But I also am interested in what I would refer to as the integrity of the architecture. I have, myself, 15 years' experience as marketing in real estate for one of the top clients in Westchester County, multimillion-dollar homes, and I am familiar with architectural integrity. I do not see – and this is the first time I've seen it – but I do not see this as part of the character of that house.

That "character" term's been used over and over, but it's a good way of referencing the fact that the house itself, which is a Dutch colonial, has that distinctive roofline. Adding a box to it in this fashion, even on top of additional previous work that was done that was part of the original house, that front deck was deteriorated. The Fullers made it a beautiful place. They improved the look, they improved the quality of the house. But they also overextended it. It was, as mentioned, a variance that was applied. And those two variances, I'm also clouded as to why they were allowed; especially the pool was a very great controversy in the neighborhood. But it still is done, in a way, unobtrusively from the lower street. To me, that's not a personal issue. The siding extension on the right side and towards the back also

was handled in a way that was trying to be obscured by the hedge. The hedge does a lot to cover it. Without the hedge it would be a completely different look and quite obtrusive (ph) you might say.

The fact that there's a tree there now that covers is no guarantee in the future. In fact, in the last 6 months they've been taking trees down like they're going out of style. It's an unfortunate change of character. We cherish our old trees. We have an 175-year-old oak, I'm told, in the front of our house, and one day that'll go too. Storms and severe weather, as well as other issues, have caused these trees to deteriorate and they had to be removed for the safety of the homes. But in this case, I think that particular tree ... which is an isolated tree, very vulnerable to storm damage and could easily be taken away at a moment's notice from such an event. So I'm concerned that that is something that has to be addressed without the tree. And without the tree, I see a very distinct statement there of the neighborhood that it doesn't fit the character of the house, to me. And if I were selling it or promoting the sale of it, as I have in other literature, I would have a difficult time. In fact, it might be the recommendation of the real estate person to remove that tree prior to its sale in order to make it more saleable because it is so much not in the character of the house itself. So that's just my opinion. I don't know what the thermal value has to do with anything.

I'm disappointed Michael Fuller isn't here. He seems to be isolating himself from the neighbors. I don't understand why he didn't approach us initially and give us an opportunity to discuss this in an informal matter (ph). So it's almost as if there's an adversarial relationship developed with the neighborhood which I think is very unfortunate and no need to. In fact, I've had congenial conversations in the past. So I think it's just a sad situation where a neighbor becomes isolated from his neighborhood. In the meantime, we do cherish our neighborhood and love the character of it. I know that they make – and you've shown – extensive effort to make that finished look, that blended look that makes it part of the house.

But it's not just the question of color or texture or making an enhanced look in itself; it's the very essence of the character of the house that's being questioned. And I ask you, do you think this complies with what you consider to be architectural integrity? That's my question for you.

**Mr. Oktawiec:** I start with ... respectively (sic) disagree. And I started maybe defining what you said that it is a classical Dutch colonial house. This is not a Dutch colonial house because of the size of this ... it happens that this house has a Dutch colonial roof. But the size of this house itself like this is like three times of a Dutch colonial house. I am particularly involved in the Landmark project, which (inaudible) Dutch colonial house. So it is a house that somehow uses elements, but overblown to the scale of ... totally different proportion. So it's not that we have a small house because it would be some kind of footprint

which would be minimal house – I won't say one-third smaller for a typical house of a colonial size.

I am not aware of the cutting by Michael Fuller of trees because I've been for a very limited period involved in this project. And I also cannot comment of relationship of Michael Fuller family with neighborhood and why such a ... some kind of situation exists. I can only ... here ... and I really tried to listen to every of you neighbors have to say because I think for the good of neighborhood it's good that all the neighbors have ... how in the relationship which they can discuss in private. I don't know if Michael tried to discuss in private this project with you guys. And I cannot comment more about this issue.

I think the trees which surrounded this addition was tied for a very long period of time. They are a healthy tree which survives 70 and older hurricanes which you have. And some (inaudible) are wonderful, like the cypress tree which is on the west side. This is an ancient tree which almost like a monument of the nature. And this house will stay screened for the side. The project originated in that why this addition is remaining in this particular space. It has a history because he originally tried to do this – which I was not involved in the beginning – in the different ... and he listened to the neighbors. And it seems, at the time, that this was not opposed by anybody so he just remained a small element, 3 percent above this porch.

There was, on the last hearing, comments regarding architectural detail, proportion, glare, size of windows. So we tried to address ... I mean, I tried to do my best within the framework of the project. I don't think that this addition destroys the house, destroys the neighborhood or harms it. If I can, as an architect of 35 years ... and I don't want to talk about (inaudible). Yes, it is some kind of small addition, but it's not an addition that destroys totally neighborhood and the house. I mean, this is little bit on the other side. Maybe it's influenced by the relationship which Michael had with the neighborhood, I don't know.

**Acting Chairman Forbes-Watkins:** Let me ask you one question that I found quite interesting in the letters that we received from the neighbors. And it has to do with the skylight and the neighbors' concern with light being lit in the skylight would throw light up on the upper floors of the house and, in effect, create a ...

**Female Voice:** Hazard.

**Acting Chairman Forbes-Watkins:** ... very bright area of light intensity. What are your thoughts on this, and how would this be dealt with?

**Mr. Oktawiec:** If I can, the addition's a part of master suite. I mentioned this last week

when we were talking about the size of the window and eventually Michael having shutters. We convinced him to reduce the size. Like every master suite, by the nature you somehow want to have the privacy ... so at night, when you would light this. And so he definitely ... I don't think so that he will be using it lit that it creates this effect. And we haven't designed the lighting in this particular way that it would be some kind of bouncing light or reflectors to the skylight. So I don't see this being ... just quite opposite, if I can say, because one of the masters of the lighting and discovery was like Alvarado. And we're talking about a different house here, which is very traditional house ... was to create the artificial light from the direction exactly which natural light. So if we're designing a light we would reserve this to the going to the inside from the same (inaudible). Because this creates very nice effect for the inhabitants. Despite that there is artificial light, you feel almost like a natural light; you know, bouncing the light.

**Boardmember Dovell:** Buddy, doesn't the Green Code address this in some way, the light shield is a requirement?

**Bldg. Inspector Minozzi:** The solar heat coefficient is addressed.

**Boardmember Anuszkiewicz:** No. The exterior, the light ... the roof is addressed by the roof color.

**Boardmember Anuszkiewicz:** I think you're talking about the amount of light, right?

**Boardmember Anuszkiewicz:** Yeah, shielding artificial light.

**Bldg. Inspector Minozzi:** Oh, the light trespass?

**Boardmember Anuszkiewicz:** Yeah, the light trespass definitely is ...

**Boardmember Dovell:** Does that weigh in to this greenhouse, to this glass roof?

**Bldg. Inspector Minozzi:** They have to fill out a Green Code compliance checklist when they apply for the building permit.

**Boardmember Dovell:** Right, and it will address this issue.

**Bldg. Inspector Minozzi:** That will absolutely address it. We'll make sure that light trespass is addressed upon the building permit application.

**Boardmember Anuszkiewicz:** The thing is that this skylight is not visible from the street,

as you can see.

**Boardmember Dovell:** Light doesn't reflect in air.

**Boardmember Anuskiewicz:** You don't see it 'til it hits something.

**Boardmember Dovell:** Yeah, right. Exactly.

**Mr. [Leuters]:** May I be permitted to conclude my response to his comment? I just wanted to say briefly that his argument ...

**Village Attorney Whitehead:** Excuse me. Address the Board.

**Mr. Luetters:** I just wanted to say briefly that I, respectfully, have 35 years experience in architecture design. But your comments have not convinced me that the reason for allowing a greater variation to the architectural integrity is because of other compromises made to the existing architectural integrity of the Dutch colonial style which was, and is still, predominantly the feature of this house. It was added to, with variations in the past, that changed the character of the house at that point, and the lower floor. But it was not as obvious or as clear as this particular obtrusion of this room and a box. It doesn't even have a gabled roof. It's a flat roof. In addition to the other factors, it destroys, again, to me, the architectural integrity of the house in a much more pronounced way even than that was done originally.

That's my observation, and I thank you for the opportunity.

**Acting Chairman Forbes-Watkins:** Further comments?

**Jorge Lepre, 18 Chestnut Drive:** I live with my wife, Sabrina Reichert, just across the street. We share the driveway with them, basically, so we see each other every day. I would like to pick a picture which would describe exactly the view we have from our living room right now. This is the view ...

**Village Attorney Whitehead:** Speak into the mic.

**Mr. Lepre:** When we sit in our living room we get this view, exactly this view. Every morning I get this view. I will look at the addition here. Last time we spoke here we do not have any objection to this job except we wanted to have the driveway clear for us of dumpsters or garbage. I mean, we don't like, but it's his property and we believe he has a right to do what he likes. But (inaudible) he's upset now, he doesn't talk to us. I don't want

to have a neighbor that doesn't communicate because it's going to generate more problems. So that's what I wanted to say. I think principle, we don't object. And this is going to be the view.

I have another question or so. Because I think he built the house with a two-story window in (inaudible) Avenue. If he wanted so much a view to the west why didn't he move to that house.

**Ms. Funaro:** It's true.

**Mr. Luetters:** I don't know. I mean, if he wants to build this I think he should be nice to the neighbors at least, start talking to them. He doesn't talk to us. I don't know what to say.

**Acting Chairman Forbes-Watkins:** Thank you. Further comments.

I do want to make a comment for the record. I feel that in the 7-1/2 or so years that I've been on the Board, the Zoning Board, I have never run across a person who's come before us who has done as poor a job of dealing with his neighbors as Mr. Fuller. I think it's almost disgraceful. That being said, what has been put together seems to be the best that we're going to get, and I'm loathe to vote against it. But I'm loathe to vote for it. I'm going to let you, sir, decide whether you want to have a vote tonight or whether you want to defer. Because you must get a full approval if you come for a vote; you must get all three votes.

**Mr. Oktawiec:** I think we will ask the Board to vote tonight.

On MOTION of Boardmember Dovell to approve the proposed variance, SECONDED by Boardmember Anuskiewicz with a voice vote of 2 to 0 (Boardmember Dovell and Boardmember Anuskiewicz aye, Boardmember Forbes-Watkins abstained) the motion to approve Case 06-15 for extension of an existing front yard compliance of 16 feet, proposed 16 feet; requires a 14-foot variance did not carry and the variance is not approved.

**Acting Chairman Forbes-Watkins:** The vote is 2-to-0. No.

Thank you very much.

**Mr. Oktawiec:** Thank you.

**Ms. Funaro:** Thank you.



**Village Attorney Whitehead:** Buddy, can you just make sure you record David's "no" vote?

**Case No. 07-15  
Norma Balter & Thomas Lopez  
524 Farragut Parkway**

**Relief from the strict application of the Village code Sections 295-36.A and 295-67.C(1) for required parking for a home office at their single-family dwelling at 524 Farragut Parkway. Said property is located in the R-7.5 Zoning District and is known as SBL: 4.110-117-5 on the Village Tax Maps.**

**Variance is sought for the reduction of required parking:  
Two (2) practitioners, plus the single family dwelling – four spaces proposed; required – eight spaces, (six spaces for the two practitioners, plus two spaces for the dwelling) {295-36.A} - variance for four parking spaces is being requested.**

**Acting Chairman Forbes-Watkins:** Please introduce yourself.

**Bill Balter:** This is my mother, Norma Balter, and Tom Lopez. They are the owners of the house and we are here seeking a variance for the number of parking spaces required for a home office. Last week we appeared before the Planning Board, and after listening to us and hearing the public comment the Planning Board granted our site plan approval subject to this board granting the variance. Which is a variance seeking to reduce the eight required spaces for this house, with home office, to four parking spaces. Which is essentially what's there now: two parking spaces in the garage and two parking spaces in front of it. That's the variance that we're seeking.

**Village Attorney Whitehead:** The Planning Board also actually voted to make a recommendation that you grant the variance. They were supportive of the variance. Buddy, we don't anything in writing on that yet, right?

**Bldg. Inspector Minozzi:** No, I don't have anything on that.

**Village Attorney Whitehead:** But you and I were both at the meeting.

**Bldg. Inspector Minozzi:** Yeah, we were both there.

**Village Attorney Whitehead:** So we can report to you that the Planning Board did recommend it.

**Mr. Balter:** Also, on the record, when the public spoke ...

**Acting Chairman Forbes-Watkins:** I think the drawings are fairly clear as to what you're proposing and what the alternatives would be. The one question I have with the drawings – and I'd like some clarification – as I look at them, you have built an office wing above the garage. Is that a fair description?

**Mr. Balter:** That's what it will be, yes.

**Acting Chairman Forbes-Watkins:** It's made up of a home office : a bathroom, a waiting room area with a separate entrance off of the porch, and a guest bedroom or part-time home office. In other words, you have provided two home offices. Now, you say in your correspondence that they'll only be about 25 or so hours a week of one person at a time, which may very well be true. But if we grant this variance, this variance goes on forever. It doesn't stop when you move and somebody else comes in and uses both offices for 40 hours a week. So I have a real problem here on how we can justify only two parking spaces, when the potential here is for a full two-office operation.

Now please speak to me about this.

**Mr. Balter:** OK, well, I'd first like to introduce my mom and let them speak for themselves. Why don't you just sort of explain what you do and what you've been doing.

**Norma Balter, 524 Farragut Parkway:** Well, I work about 8 to 10 hours a week, and have been doing this in Hastings for over 50 years. I don't know how to respond to what you're saying about somebody could come in and have 40 hours a week. I mean, I guess anything can happen. But most of the people I know who do therapy do it in Hastings, and there's never been a problem with this kind of work.

**Acting Chairman Forbes-Watkins:** I'm not questioning you personally as to whether you would do more than 8 or 10 hours a week. I have every reason to believe what you say is the absolute, complete truth. But I also know that some day you'll sell that building; it may be 5 years from now or it may be 15 years or 50 years – I don't know how long and I don't really care, but you'll sell it and it'll be attractive as a home office because it's designed for that and it's designed with two office spaces. Yet we will be locked in to two parking places for, potentially, two full office operations 10 hours a week, 50 hours a week – who knows the number of hours a week.

**Mr. Balter:** I think you're factually correct. I can't argue with the facts you're bringing up. I think the point I would bring up is that the zoning requires eight parking spaces and we can build eight parking spaces, which is the drawing on the other side of the page. If someone else came in with an application for this site plan approval for the eight parking spaces we wouldn't be here for this. We don't need those parking spaces. Someone who would do as you suggest – which I know you're saying it would happen, you're saying it's possible 5, 15, 100 years – someone could do it at some point. Presumably, if they did it and they needed more parking they would just get site plan approval to put in more parking because they have the right to do that and there's the land to do it. That's why we showed it.

**Acting Chairman Forbes-Watkins:** I know there's the land to do it, but ...

**Mr. Balter:** But also ...

**Acting Chairman Forbes-Watkins:** ... the point is that we're granting a license, in effect, to do something that goes on indefinitely. And it bothers me no end to make that kind of commitment on a very narrow scale. I'm going to also add one other thing. You have one person coming in, one person going out, and one person in the office. It's entirely possible. So I question whether you can get away with two parking places anyhow. I think you really must have a minimum of three for even one office use.

**Mr. Balter:** OK, so that was spoken. The Planning Board asked about this, and my mom and Tom spoke about that. I can let them speak for themselves. The way they schedule it doesn't happen, and my mom's been a therapist in town for a long time and they've been practicing for a very long time. So why don't I just let them speak to how they schedule.

**Boardmember Anuskiewicz:** Can I just ask you to clarify? So your concern is that in the future, when the use changes back to residential ...

**Acting Chairman Forbes-Watkins:** It could be anybody's use when they sell that house.

**Boardmember Anuskiewicz:** Maybe I'm not following it. Because the code-compliant plan is not what they're asking to build. They're asking to build this space. So this is much more in keeping with the future going to residential.

**Acting Chairman Forbes-Watkins:** But they have a home office ...

**Boardmember Anuskiewicz:** Now.

**Acting Chairman Forbes-Watkins:** ... and if they sell that place I'll be willing to bet it will be sold as a home office potential.

**Boardmember Dovell:** The C of O would say "home office" on it, by the way?

**Bldg. Inspector Minozzi:** No, just a single-family dwelling.

**Village Attorney Whitehead:** A home office is permitted. It's a permitted use, but I think the point they were trying to make is that if someone wants to buy it as a home office, if they didn't think there was enough parking for their use, they either wouldn't buy it for a home office or they would come back and try to build more parking.

**Mr. Balter:** I think what's unusual about our situation is that we actually have the land to build more parking, but because we actually have gone and talked to the neighbors and the neighbors have come and spoken in support of this at the Planning Board. They don't want us to build parking, we don't want to build parking. It's in a residential neighborhood, and that's really the point.

I think the other thing, just so we're absolutely clear, is, my mom is 80, Tom is not 80 but close. If you were to come out and take a look at the house, the way the house has been designed is that we can put an optional elevator in at a later date. But that first floor, the reason it's a bedroom-office is, it's possible that they'll be in a place where they'll need to use that as a bedroom.

**Acting Chairman Forbes-Watkins:** OK, I understand.

**Mr. Balter:** The way it's been designed is to have a full bath downstairs. If you look at the bath in that office it's not a half bath. If it were just an office it would be a half bath. It's been designed for living on one floor.

**Acting Chairman Forbes-Watkins:** As a 76-year-old, I appreciate this.

**Mr. Balter:** And further, the way the house lays out there's the ability to put a ramp to get to the first floor of the house, even though it's a garage on their house. With all that's been thought about, and with all due respect, I agree with everything you're saying factually. I don't think there's the likelihood that you're putting out that it will be that. And I think when you're balancing equities here, when you're balancing the concerns of the neighbors, I think we're really doing the right thing for the neighborhood by doing this. I think if your board were to be heading toward turning this down I would ask you to defer it and I would come, and I would come back. I'd ask all the neighbors to come by and speak their minds about

how they feel about this, as they did at the Planning Board.

I guess I'm a little surprised – although I actually can't disagree with you – but I really want you to understand that what you're saying we don't think is likely and we've really gone out of our way. As you said, the previous applicant had really not done what they'd done. I think you said in the 6-1/2 years you've been doing this you've never seen that. We really have.

**Acting Chairman Forbes-Watkins:** Let me clarify one thing with the Board. You're saying that if somebody buys this as a home office, and it's a legitimate home office, they would not have to come back and ask for more parking space if they didn't want to. They can park on the street.

**Village Attorney Whitehead:** No, there's no parking on the street. That's why I'm saying I think if they thought they needed more parking they would come back and ask for it. There's no parking on Farragut.

**Acting Chairman Forbes-Watkins:** That's right.

**Village Attorney Whitehead:** It's a state road.

**Mr. Balter:** Sorry, it's a parkway, not Farragut Avenue. It's a parkway.

**Village Attorney Whitehead:** Right. So it's a state road. We actually had this discussion at the Planning Board meeting. Also, several of the neighbors did appear at the Planning Board meeting and say they don't want the big eight-car parking lot.

**Mr. Balter:** I also left out one thing. I'm sorry I left this out. The way that we did this – if you look at your site plan – the one thing we are adding is a turnaround. Because right now, the existing condition cars have to back out onto Farragut Parkway. So I think there's like no likelihood you're going to have this overflow that you're talking about. But that hammerhead could be used as another parking space if it had to be. And that's also an improvement over the existing condition.

**Acting Chairman Forbes-Watkins:** Other thoughts?

**Boardmember Anuskiewicz:** Just following that argument, for future buying this as a home office it would be a liability that it didn't have parking. So it's not really that attractive to somebody looking to buy a home office.

**Village Attorney Whitehead:** Unless they felt they only needed two spaces.

**Boardmember Anuszkiewicz:** Right.

**Acting Chairman Forbes-Watkins:** I'm becoming convinced.

**Bldg. Inspector Minozzi:** Just for the record, in most of the single-family zones in the Village you can have a home office as-of-right. Anybody could build one. This had to go for planning just because of the parking.

**Village Attorney Whitehead:** I think you might have one ...

**Acting Chairman Forbes-Watkins:** A comment?

**Patrick Randolph Bell, 69 Prince Street:** I spoke at the Planning Board, so I had a lot of concerns back then. I spoke to the applicants afterwards, and they satisfied all of my concerns about parking with their business.

I'm concerned about what you just brought up. It was going to be a question I was going to bring up, but that was in the future. You know, in 50 years, when you guys retire, like who moves in? Somebody moves in who's a doctor who has lots of patients. Is it always one office or two offices? I don't know. This is what you guys do. As far as they're concerned, I trust them that they're going to do exactly what they said. I live right there on the street right next to it, so that would be the overflow in the future if somebody didn't have to come in and say, "Oh, I'm not spending money on the parking and building a new lot." You know, "Just go park behind us and walk around. It's good exercise."

So that's the only thing I was concerned about. I wasn't concerned with them at all, just concerned with the future. Is there a way you could put into this approval when the house gets sold it's over, you have to come back again and ask for a new parking variance?

**Acting Chairman Forbes-Watkins:** No.

**Mr. Bell:** OK.

**Bldg. Inspector Minozzi:** And also it doesn't go by the amount of rooms that they're using for their home office. It goes by square footage and percentage of the main floor, which they're in compliance with.

**Mr. Bell:** I wasn't sure. I mean, do those two offices count as two office, or just one office

anyway?

**Bldg. Inspector Minozzi:** Three-office, little cubicles.

**Mr. Bell:** It doesn't matter.

**Village Attorney Whitehead:** And it's the number of practitioners.

**Bldg. Inspector Minozzi:** The parking is going by the number of practitioners, not by the number of rooms. And the compliance is that they're within the percentage of the first- floor square footage.

**Mr. Bell:** I'm not worried about it.

**Bldg. Inspector Minozzi:** One office isn't an issue. It's two practitioners which made the six spaces.

**Mr. Bell:** Oh, interesting. So somebody else can move in there and put in five practitioners if they all decided to own the property. They own the house together ...

**Village Attorney Whitehead:** They have to live in it. There's other restrictions.

**Mr. Bell:** OK. We're not up to five-people marriage yet so you can't just put them all there and say it's a one-family house. I imagine it's never going to happen. Two doctors and then three kids who are also doctors, you know, they could have five people living there. Five offices, it's not going to happen.

**Village Attorney Whitehead:** They can't put five offices in. There's a limit on the square footage that can be devoted to the home office.

**Bldg. Inspector Minozzi:** And they're there.

**Village Attorney Whitehead:** So I doubt they could have five offices.

**Bldg. Inspector Minozzi:** They're at their limit now.

**Mr. Bell:** So as far as the variance is concern, I think you should grant it to them. And in the future, if it ever comes up, we could figure out something else. If somebody else moves in there and it starts messing everything up you guys can have a talk with them, we could have a talk with them.

**Bldg. Inspector Minozzi:** Then it's a call to the Building Department and we go from there.

**Mr. Bell:** So in the meantime, I think the two is fine. It seems like based on what they were doing I think it'd be OK. It took away all my fears last week when we spoke outside and before the Board. So I wish them the best of luck.

**Mr. Balter:** Thank you.

**Acting Chairman Forbes-Watkins:** All right, other comments.

Do you wish to have a vote? You have a choice.

**Mr. Balter:** I am going to say yes.

**Acting Chairman Forbes-Watkins:** Can I have a motion?

On MOTION of Boardmember Dovell, SECONDED by Boardmember Anuszkiewicz with a voice vote of all in favor, the Board resolved to approve Case 07-15 for 524 Farragut Parkway for a reduction in required parking from eight spaces required to four proposed.

**Acting Chairman Forbes-Watkins:** All in favor.

**Mr. Balter:** Thank you.

**Ms. Balter:** Thank you.

**Mr. Balter:** Thank you for the discussion. I appreciate you having an open mind.

## **APPROVAL OF MINUTES**

### **Regular Meeting of June 25, 2015**

**Acting Chairman Forbes-Watkins:** I gave a very few comments to Buddy. I don't know if there are any other comments.



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On MOTION of Boardmember Anuszkiewicz, SECONDED by Boardmember Dovell with a voice vote of all in favor, the Minutes of the Regular Meeting of June 25, 2015 were approved as amended.