

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
PLANNING BOARD  
REGULAR MEETING  
APRIL 20, 2006**

A **Regular Meeting** was held by the Planning Board on **Thursday, April 20, 2006 at 8:15 p.m.** in the Municipal Building Meeting Room, 7 Maple Avenue, Hastings-on-Hudson, New York, 10706.

**PRESENT:** Chairperson Patricia Speranza, Boardmembers Rhoda Barr, David Hutson, William Logan, Fred Wertz, Deputy Village Attorney Marianne Stecich, Special Counsel Mark Chertok, and Village Planner Angela Witkowski.

**ABSENT:** Boardmember Smith

I'd like to call the meeting of the Planning Board to order for tonight, Thursday, April 20th.

Our first order of business is roll call, and while normally that's just a formality, tonight it's a little more difficult than that. I don't know, for those of us on the Planning Board who've worked with Bob Lee, we were very, very upset, saddened to hear about his passing last week. He was a member of this board for 13 years and worked in a variety of capacities for the Village. So we will certainly miss him. He often brought a great deal of common sense and practicality to the deliberations that we had here on the Board. He will be missed. We certainly send our condolences out to his wife, Claire, and the rest of his family for the Village.

That said, we'll continue with the rest of the meeting.

**I. Roll Call**

**Village Planner Witkowski:** Mr. Smith is absent tonight. He had a work commitment.

**II. Approval of Minutes:**

**March 7, 2006 Special Joint Meeting with Board of Trustees**

**Boardmember Barr:** I have a minor correction. That is, on page 2 it says: "...however, there was a protest filed by Perdue Pharma, which meant that you needed a super-majority..." and it says "which did not exit." I think it means "exist." They're missing an "s."

**Village Planner Witkowski:** Where is that?

**Chairperson Speranza:** It's the second line from the bottom of the second paragraph.

**Boardmember Barr:** The other very minor thing is that throughout the document sometimes its spelled "SEQRA" with an "a" and sometimes without, but I don't think that makes any difference, really.

**Chairperson Speranza:** I just had two. One on page 46, Ms. Sold from Ardsley is speaking, at the very bottom of the page. I think it's a very significant just in terms of the discussion we were having with respect to the covenants with some of the future homeowners. It's the fourth line from the bottom of that paragraph. It says, "I don't know if they combine..." I think it should read "can bind" future homeowners. It's the bottom of the page where Ms. Sold is speaking, and it's the fifth line from the bottom.

**Village Planner Witkowski:** Okay, yes, I see it.

**Chairperson Speranza:** And then on the next page, page 47, again it's at the bottom of the page. Mr. Harris is speaking, fourth line from the bottom of the page. It says "...regard to gel spraying." Should read "Gel Sprain." Believe he was speaking of the housing development that's being considered there.

**On MOTION of Boardmember Logan, SECONDED by Boardmember Hutson with a voice vote of all in favor, the Minutes of the Special Joint Meeting of March 7, 2006 were approved as amended.**

### **March 16, 2006 Regular Meeting**

**Chairperson Speranza:** Anyone have any comments or changes to this set?

**Boardmember Barr:** Again, on page 42 in the very last line, I'm always thinking it should be "whether" it must be free parking..." It's an issue. It's not that we're saying it must be free parking. I don't want someone to extract it years later and say we decided that.

**Chairperson Speranza:** ...that it should be.

**Boardmember Barr:** It's an issue of whether it should be free parking.

**On MOTION of Boardmember Hutson, SECONDED by Boardmember Logan with voice vote of all in favor, the Minutes of the Regular Meeting of March 16, 2006 were approved as amended.**

### **III. New Business**

#### **Preliminary Subdivision Proposal. Presentation of preliminary three-lot subdivision plat of property on Prince Street.**

**Chairperson Speranza:** This is for property located on Prince Street. It's a proposal for a three-lot subdivision. This is a preliminary discussion. Mr. Gibbons, right? That's correct?

**James Gibbons, architect:** Yes.

**Chairperson Speranza:** And you'll go through what is being proposed, realizing this is preliminary for our input at this point.

**Mr. Gibbons:** What I wanted to do first, for the record, my name is James Gibbons with Gibbons Engineering. I'll be representing Mr. And Mrs. Alilovic for the three-lot subdivision.

**Village Attorney Stecich:** What's the name?

**Mr. Gibbons:** Alilovic.

**Village Attorney Stecich:** Spell that.

**Mr. Gibbons:** A-L-I-L-O-V-I-C. I prepared for the Board just a quick subdivision map which presents three single-family homes in a 2-R district. As-of-right, that neighborhood is allowed to have two-family structures. So with this lot size of about 224 feet wide and I think about 100 plus/minus deep we can have two-family homes there. But my clients had some preliminary discussions with the neighborhood, and the support, or the thinking, in the neighborhood is that they would prefer three single-family homes. So what we've presented...I think the Board has page S-2 of my prints, that's the subdivision map. Lot 3 would require a recommendation from the Board for a frontage variance of 1 foot. The lot width for that last lot, which is lot 3, is 74 feet; and the other two lots as proposed are the 75 feet. So that's an area where we would have to explore the option of if the Board would like to refer us to zoning for that part of the application.

In terms of other setbacks and requirements, I did a little bit of a design for three houses, made sure we were within the setbacks, and every other aspect of the project would be as-of-right. So as the Board is willing, at a later time we can go through the architectural and some of that stuff that you may desire to go through.

In addition, some description about the site. It is a steep slopes application, so the lots range from, I think, 30 plus/minus % for lots...maybe it's lots 2 and 3, up to 42% slope, which is greater than 25%. That's what I'm trying to say. Do you have a question?

**Chairperson Speranza:** I have the same question. Let's go through the rest of the presentation.

**Mr. Gibbons:** So basically, the subdivision is a sloping land. But in terms of our mitigation, which we'll demonstrate later on down the road, we'll show that we're not going to create any increased storm water issues. That we'll be able to follow the Village code to basically contain the water. The way the houses are designed we're not really looking to disturb the site, where extensive retaining walls are needed. In fact, in my preliminary sketches I haven't shown any retaining walls, and we're trying to blend the houses into the contours.

And then in terms of background, my clients would like to construct the first home in lot 1 for themselves. That's the northernmost lot on the Prince Street parcel there. And they would like to leave the existing residence up while they're constructing the first house, if possible. The plan is to eventually develop all three of those lots as I've presented. But we're going to be very sensitive to the issues of drainage. In another set of prints that I have I've demonstrated that we can extend water and sewer facilities to supply the needs of these potential houses. We're trying to just maintain the character of the neighborhood, which is primarily single-family residences there.

**Chairperson Speranza:** I have some questions. You're finished?

**Mr. Gibbons:** Yes.

**Chairperson Speranza:** Boardmembers?

**Boardmember Hutson:** On the aerial map here, where are we?

**Mr. Gibbons:** It's the end of the street.

**Boardmember Barr:** I think a reference to High Street, Farragut Parkway is missing.

**Mr. Gibbons:** This is the existing residence.

**Boardmember Hutson:** This is the existing house, and so it runs from here to here, right?

**Chairperson Speranza:** One of the things, I have a question for counsel. It's something you should be aware of now. Our steep slopes provision...

**Village Attorney Stecich:** No, this can't go. You have to deduct the amount of steep slopes because this is a subdivision. Looking at the contour map, it's mostly steeply sloped, right?

**Mr. Gibbons:** Lot 1 is about 40% slope over 32-33%.

**Village Attorney Stecich:** There's 1,000 square feet that are steeply sloped - exceed 15%.

**Boardmember Hutson:** Oh, yes. Fifteen-percent?

**Mr. Gibbons:** Yes.

**Village Attorney Stecich:** So before you can decide how many lots you get, you have to subtract a certain percentage depending on the steepness of the slope. So if it's between 15- and 25%, you have to subtract 35% of that. I think once you make those subtractions, since you're right at the edge here, you don't have enough area to do three lots. Maybe you'd get two, I don't know, but you've got to do those calculations. You definitely can't get three lots out of this, and there's no way you'd get a variance. That's not something that the Zoning Board could vary anyway. Besides, it is an issue whether this board could approve a subdivision -- forget about the steep slopes -- that doesn't have the square footage or doesn't have the linear footage. But you don't even have to get to that issue because it's perfectly clear from this contour map that once you take the deductions, and the fact that you're so close, that you don't have enough square footage for three lots. Check. Maybe you have enough for two. I'm not sure, but you have to do the deductions. You have the Steep Slopes Law, Jim, from the last time.

**Mr. Gibbons:** Yes.

**Village Attorney Stecich:** Yes, look at Section 249-5, which wouldn't have applied on that application that you had because that didn't involve a subdivision. But when you've got a subdivision, you have to subtract...you can't develop on it, and you have to subtract that square footage in determining whether you have enough square footage for each lot.

**Mr. Gibbons:** All right, thank you.

**Village Attorney Stecich:** You can call me and I'll tell you.

**Mr. Gibbons:** Okay. Thank you, Marianne.

**Chairperson Speranza:** I had a question also. I went up and drove to what's now the end of Prince Street and noticed the huge rock that's there. I was just wondering how the street would work going forward because there's going to be an extension of the pavement based on this. So all of that rock comes out and it's made level so that it coincides with the Village's requirements for a roadway. And then there's a big turnaround at the end here, and I just wasn't even sure whose property that was on. Is that still this property owner's?

**Mr. Gibbons:** No, that cul-de-sac is shown beyond the edge of the property. So one of the questions that we would have for the Board is, would it be possible to consider moving that cul-de-sac to where I show it, given that the street just ends at that point.

**Boardmember Hutson:** But she's asking whose property that is, Jim.

**Chairperson Speranza:** This is the drawing that we received that showed the cul-de-sac at the very end of everything.

**Mr. Gibbons:** So that's part of, I believe, the park property...

**Chairperson Speranza:** Uniontown Park?

**Mr. Gibbons:** ...which is part of Uniontown.

**Chairperson Speranza:** Right.

**Mr. Gibbons:** But we would envision that we'll need a turnaround for fire apparatus if we could develop the three lots.

**Chairperson Speranza:** So the thought was to approach the Village about taking some parkland for a turnaround.

**Mr. Gibbons:** ...as a possibility.

**Chairperson Speranza:** I think that's very unlikely.

**Mr. Gibbons:** Okay. Just a consideration.

**Village Attorney Stecich:** Is it parkland? Is it dedicated parkland? No, the Village can't.

**Chairperson Speranza:** So it would be good for your next submittal to show the way...assuming it's going to go, say, from a proposal for three lots to two lots, but whatever the calculations were that you used to come to the number of lots. And then again, you have to figure out something with respect to being able to turn vehicles around. I'm not sure what the dimension of Prince Street is, as it is now, from High Street to the end of the pavement. But how much longer Prince Street would be now would also be something that we would have to find out – if it coincides with what the Village's maximum allowable length is.

**Mr. Gibbons:** Okay.

**Chairperson Speranza:** Particularly if there's going to be some sort of a modified turnaround. We did allow something at Saunders, realizing that there are many, many small streets in the Village. When the subdivision was done on Saunders Street, with the guidance of the fire department we were able to create something at the end of the street that made them feel comfortable for fire apparatus and for people just to be able to turn around. But it didn't have to be the full...40-foot turning radius, whatever it was, that would normally be required. So it'd be good to have that kind of a discussion, too: how long is Prince Street, how much longer will it be ... as well as the location map.

**Mr. Gibbons:** All right, I'll work on that. First and foremost, we'll look at the buildable lot areas based on the reductions and put that together, and then we'll follow up with the fire department and put a package together for the Board. Thank you.

**Chairperson Speranza:** Did anybody else have any comments on this? I did receive an e-mail about this from one of your neighbors. She was concerned about the construction of three homes. Obviously, since this is just the very, very beginning of the process, the request was to keep them informed. And since there would have to be appropriate notices made for anything, she will be on the mailing list.

#### **IV. Old Business**

##### **1. 10 West Main. SEQRA determination discussion**

**Chairperson Speranza:** The next order of business is a discussion of the SEQRA documentation for the proposal at 10 West Main Street. We did get a new environmental assessment form from the applicant. It's been quite a while. Marianne, can you briefly go through where we were?

**Village Attorney Stecich:** Where we are on SEQRA on this? I think it was sometime in 2004, I think it was just about two years ago, that we reviewed the EAF. There was a public hearing around that time in 2004, around when we reviewed the EAF to identify what the Village considered -- what would be -- significant environmental impacts, and asked the applicant to address those impacts in separate studies. The three impacts that the Board found would be potentially significant were traffic and circulation, as one; engineering issues relating to the steep slopes and water runoff and similar issues; and the visual impacts. Over a couple of years, the applicant did submit studies on each of those issues. The Village hired its own consultants, who reviewed those studies. As to the traffic, our consultants were satisfied that there would not be any significant negative impacts by the proposal. Remembering, of course, that the proposal was cut down quite a bit since it originally came to the Board. In any event, the latest proposal was their determination, although it's the Planning Board's determination whether there would be -- but their findings were that there wouldn't be -- any significant impacts on traffic and circulation.

As to the engineering issues, the Village's consultants also felt comfortable that there wouldn't be significant runoff of steep slope issues the way the project was proposed. As to the visual impacts, though, the Village's consultant found that there were still significant visual impacts. The Planning Board can be its own counsel on this. But I think as of the last set of proposals, which we would have reviewed prior to the last meeting, I think that there was a feeling among the Board that the visual impacts were still too great, and wanted the applicant to address them. Since the last meeting, the applicant has submitted drawings that modify it.

So the Board has to consider those. But I still think that my recommendation is going to be that the Planning Board hold another public hearing on this because the public hearing was held in 2004. It's been two years. There have been a lot of changes to the project. You're going to have to have a public hearing. Well, there's going to have to be notice of a public hearing because I think the first step that makes sense for them to take is the view preservation, to get view preservation approval from this Board and the Zoning Board of Appeals. Ordinarily you wouldn't do that. On this particular application, though, it seems to be the sticky point. I don't think this Board can make its steep slope determination without the SEQRA determination. I also don't think you can make your SEQRA determination, which right now hinges on [whether there are] going to be significant unmitigated impacts on the view, until you've seen everything that you would see for the steep slopes decision anyway. Your steep slopes recommendation is called a recommendation but, in fact...

**Chairperson Speranza:** ...view preservation...

**Village Attorney Stecich:** I'm sorry. View preservation, yes. It's called a recommendation but, actually, if you voted no on it that's the end of it because it can't then go to the Zoning Board of Appeals if it doesn't get the recommendation from this board.

So my suggestion would be, if the Board feels like it's come closer to a project that may be acceptable, my recommendation would be to hold a public hearing at whatever meeting for the steep slopes purposes and also to consider any other environmental issues.

**Chairperson Speranza:** For view preservation.

**Village Attorney Stecich:** View preservation, I'm sorry.

**Chairperson Speranza:** I just want to make sure.

**Village Attorney Stecich:** He's correcting the minutes on this one. I'm sorry, I had a very difficult day -- for view preservation. And I would also say "and other environmental issues" only because it's been two years. The Board has decided it's going to go this route rather than the full EIS route. It still could change it's mind after the hearing. There has to be as much opportunity for public input as possible, so I think another public hearing would be a good idea and that would be my recommendation.

**Chairperson Speranza:** And I think you're right. I think, given the amount of changes that have occurred in this project, it is good. Since the last meeting we had when we discussed this, it was suddenly a light went on and said, "Well, wait a minute. We don't have an environmental assessment form even for the nine units." So that was prepared for us.

**Village Attorney Stecich:** Although I would suggest that you go...are we going to go through that tonight? Because there were a couple things in there that the Board may not agree with.

**Chairperson Speranza:** Okay, we can do that.

**Boardmember Hutson:** Right.

**Chairperson Speranza:** What I'd like to do first is just find out from Boardmembers. Marianne gave a great synopsis of where we are. I just want to make sure that we are all, in fact -- that the work that was done by the consultant team and our reviews of this project -- that we are comfortable with the consultants' report and, again, our own experiences and our own review of the documents with respect to traffic and circulation and the environmental steep slopes issues.

**Village Attorney Stecich:** Just one other thing that occurred to me, Patty. I told the applicant. I think the applicant also needs to submit an updated application because we have bits and pieces over the course of a couple of years with everything put together with whatever; the latest drawings they submitted, the latest traffic report, and whatever, and then we'll have our own. I appreciate that they haven't reinvented the wheel each time, but I think we need the wheel reinvented right now so we've got a package that we can consider for the next meeting.

**Chairperson Speranza:** So first, with respect to the traffic and circulation and the engineering, are there outstanding issues in anyone's mind?

**Boardmember Hutson:** Not for me. I think that's been adequately addressed.

**Chairperson Speranza:** Fred?

**Boardmember Wertz:** No.

**Chairperson Speranza:** Now, let's talk about the visual impact. This may be a good time, Eric, if you want to come up. We, the Planning Board members, have received some computer renderings of a proposed change to the building that everyone should hear about at this point.

**Eric Anderson, A&F Commercial Builders, LLC:** In point of fact, it was 18 units in the original application and now it's nine.

The architects are setting up some boards. In fact, having sat through the last Planning Board session and having heard the comments from the Village's consultants, and having very closely tracked the Board's own comments over time, the issue of visual impact has clearly been an important issue. To paraphrase, there was this problem of a tower.

The tower, while something that the ARB, for instance, had very much desired to create a



prominent statement, the Planning Board's opinion about it was sort of different. So the building, as the architects have now proposed, in fact does away with the tower in its entirety and turns what was the footprint of the tower, actually, to an outdoor space to one of the apartments. As we, again, have listened to the Planning Board, this is, I think, sort of in a series of moves that the development team has done over the years that we've been before from sort of modulating the parking lot, the north facade, to match, or to more closely fit in with, the building's existing to the sites east on West Main Street. We had done something similar on the south facade by moving the building in and out and changing materiality to give a sense of breaking up the massing. On the project's southeast corner there was a move made some time ago to actually chop off that corner, to essentially make equal width what's there now for the neighbor to the east. So this removal of the tower, I think, is sort of in the same theme. It is an answer to the very specific kind of comment that we've heard from this board and from members of the community about the size of this building, and the size of this building in such a prominent location.

I certainly want to let the architects talk about it some more. But overall, we believe that a building that covers approximately 60% of the site, a building that contains approximately 30% of what the maximum allowed FAR is on this location, this series of facts -- as much as we can certainly engage in an honest conversation about the prominence and the size of the building -- is a series of facts that suggest that this particular proposal is actually significantly under built as to what is, in fact, allowed on the site. I think the architects have done a magnificent job here and I think that we are, in fact, introducing into the Village some architecture that we can all be quite proud of and we think is appropriate for the location. Craig Tooman is the architect on the project.

**Craig Tooman, architect - 10 West Main Street:** Thank you. I don't think I have that much more to add to what Eric has said, but the major change here from, I think, the last time that we spoke is exactly what Eric talked about. That the tower, or what was perceived to be a tower, at the southwest corner of the property...if it would be helpful for me to show you old boards of the tower, we have them along. Would that be helpful?

**Chairperson Speranza:** Sure.

**Mr. Tooman:** The tower was really only 3 feet above the line of the roof around the perimeter of the building, but had been -- as Eric said -- suggested by the Architectural Review Board just because the roof lines had been of a similar height or exact same height all the way around the building. And it was their intent to try and change the heights of the roof lines around the perimeter. So the tower that is shown here in an old rendering that was given to you months ago has now been chopped back at a 45 degree angle so that these two stories have now dropped down 3 feet and the second floor of the building has outside space on the corner overlooking the Palisades. So the building now has a consistent roof line. This particular element picks up the same language that we have on the line over on the east

side here, and there is no longer this prominent tower located at the corner.

A couple of other things that I should reiterate that Eric mentioned. On the east side of the building, over the course of chopping this thing back, I think it's important for you to know that we chopped back the building, or the corner of the building, 77 feet in answer to issues that were brought up by our neighbors. We also have pushed the corner of the building, which is this corner here, 15 feet off of the lot line. So that we have significantly decreased the amount of impact that we think we're creating here. We've also dropped the size of the north facade of the building to 33 feet about the curb on the north facade. That was originally, in one of the first iterations, almost at 50 feet, and we're allowed to go up 52 feet by the code for downtown.

So I think that's pretty much our summary here. We also have removed the tandem parking questions that we had, which forced us to therefore remove a significant number of apartments, which made some of the apartments a little larger. So when we were originally here at 18 apartments, not 14, we're down to nine now, and we have no request for a variance for parking on the lower level of the building. And again, the lower level of the building. The parking lot has been screened by a lower level for the ground floor apartments so that there's not the effect of looking into a parking lot from the parking lot down at the train station level.

**Mr. Anderson:** There's probably one other important architectural element. That a problem with rendering is never really...I think it perhaps is the key element, and we've never really shown it very well. The architects are starting to try and do that here. That is what I perhaps inappropriately referred to as the "keyhole" at one point. It's actually, I think, 20 feet wide.

**Mr. Tooman:** Twenty-two feet, actually. In discussions with the ARB we had come up with this module, which is alternating between 20 and 22 feet. So this brick module is 22 feet, and then the second one in we've actually eliminated and created a very large keyhole through the building to provide at least a glimpse of the Palisades as you walk by the building toward the train station. One of the things that Eric asked us today is, for our next meeting when we come up and see you, to put the building in a photograph similar to some of the old runners that we did to give it a more clear view. That is, in fact, a real view down the view corridor between the two pieces of the building.

**Mr. Anderson:** As we've discussed previously, we are open to the idea of a public easement to this viewing platform that would be tied to daylight, most likely, but would be available to the public. It's my strongly held belief that this building, at the end of the day, allows for a better view from this location of the Palisades and the river than what's currently available.

**Mr. Tooman:** We might want to also mention that under, I think, strong encouragement from the Board this particular element changed significantly over the period of time. This

was originally more of a drop-down amphitheater element. And it's now more of a lighter gazebo, with habitable space, enclosing glass down below, and a wood gazebo above.

**Chairperson Speranza:** Okay, thank you. Questions, comments?

**Boardmember Hutson:** First of all, there's never been a question in my mind since you've changed the architecture to this particular style about that. I think the design and the architecture is not a problem at all. So when we talk about aesthetics and the impact on views and so on, it really isn't that. It still has to do with just how much building we're really talking about for the location. Because I think it's the case -- and even though it doesn't cover the maximum portion of the lot -- about 60% of what we're talking about is on the very steep slope and not what we now know as the flat part of that parcel. So we're going beyond that and down the sides, and that's why we're talking about the four-story and so on. What's our total footprint now, square foot?

**Mr. Anderson:** Parking lot and the building, or the building?

**Mr. Tooman:** The footprint of the building itself is 12,000 square feet, and the building in its entirety encompasses...

**Asaf Yogev, CTS Architects:** No, no. The footprint of the first floor is 12,780 square feet, and the entire lot is 21,185 square feet. So we're covering about 60% of the lot.

**Boardmember Hutson:** Right, and the floor area of the residential and commercial -- forget the outdoor space and so on -- do you happen to know off-hand what the floor area...

**Mr. Tooman:** Yes, and we're building 39,000...

**Mr. Yogev:** No, no, no. The building used to be, in the first iteration, 39,250 and we cut it down to 25,250. The allowable for a zoning is 58,200.

**Boardmember Hutson:** So 25,000.

**Mr. Anderson:** Against 58,000 allowed.

**Mr. Tooman:** Of that, 2,000 square feet, I think, is commercial, right? Yes, 2,000.

**Boardmember Hutson:** The amount with this tower being reduced, what did that take away in terms of floor area and bulk?

**Mr. Tooman:** Estimating, I would say probably 400 or 500 square feet. We've only chopped half of the tower on two floors.

**Boardmember Logan:** I see here renderings mostly on the south; this is the west and the southwest corner, and the southeast. Is anything changed on the north?

**Mr. Tooman:** No, we made no changes to the north since the last application. The real changes were just to address comments that we got from some on the Board about not liking the tower on the corner.

**Boardmember Logan:** So I see mansards there. I'm seeing two mansards on this. Oh, I see it on the corner.

**Mr. Yogev:** The mansards are on West Main Street.

**Mr. Tooman:** Yes, they're over here.

**Boardmember Hutson:** North, and part of the west, right?

**Mr. Yogev:** North, turns the corner to the west, yes.

**Mr. Tooman:** The old reality here -- and this is such a broken record for me, and I apologize for it -- is that to build the building with parking inside you need a certain footprint to get cars in and out and to store them. And that's the reality of the new zoning. Until cars are substantially smaller, or you allow parking spaces that are smaller, the reality doesn't change, it doesn't go away.

**Boardmember Logan:** Or tandem parking.

**Mr. Tooman:** Or tandem parking, for instance.

**Boardmember Hutson:** Where does the determination of a full EIS come in? Because to me, this is the only thing that I think is really a concern. And it has to do with this fourth story as you face the river, really. Because that's something we have to approve. A fourth story is not as-of-right in this situation.

**Chairperson Speranza:** Correct.

**Boardmember Hutson:** To me, the fact that it's large is one thing. But the fact that it doesn't really step down, by appearance you have four stories instead of three. I realize it's the same rooflines to a large extent, as the three-story. But the fact that it doesn't step down toward the river, trying to look at what elements would make it more Village-like, if you will -- talk about something that's a subjective term. But one of the things that happens in river villages is that they step down, they come down toward the river as you look at rooflines and buildings. I think that's a problem with the visual impact that this will have. Again, naturally, if you want to go ahead and build it, and then we say you've got to take that off -- if you're willing to do that -- that's one thing. But that's, obviously, silly. So I'm really concerned with that issue.

**Chairperson Speranza:** See, some of that might be perspective.

**Boardmember Hutson:** I understand.

**Chairperson Speranza:** Because I'm looking at the one, and it does, in fact, step down.

**Boardmember Hutson:** Well, there are setbacks and there are variations. They try to build it [into the slope]...

**Mr. Tooman:** And it had been our intent to modularize, for want of a better term, that south-facing facade so that there did appear to be stepping down on that facade.

**Boardmember Hutson:** I understand that. But still, if you stand to the west or the south of the building you are going to have the sense of a lot larger building that if you're looking at it from the north.

**Mr. Tooman:** Yes.

**Boardmember Hutson:** I have to believe that's the case, Eric. Because when you look from the north, it's going to be larger than the houses somewhat to the left, but it's not going to be, I think, overwhelming in that sense. It's only when you take the other perspective that I think you're talking about really a significant impact.

**Mr. Anderson:** I think the shingle building to the west that's there now, which I think is a three-story building, is a facade of similar dimension to what we're proposing here...

**Boardmember Hutson:** You mean the one down lower?

**Mr. Anderson:** ...even though it's lower. But it's still large. Now, I think we talked, when we first came here and talked about this project three years ago, about Italian hill villages and how we very much wanted to have steps down this building. Unfortunately, we have this Westchester County sewer line problem, which is a constricting element to the design. So stepping down further or covering more of the lot, which was my inclination at the beginning, is foreclosed because of that easement.

**Boardmember Hutson:** No, I remember.

**Boardmember Barr:** One thing that might help a little bit, I'm looking at all these little outdoor patios and so forth. That takes a little bit of the edge off it.

**Mr. Anderson:** You know, every time a building turns a corner, developers get heartburn, right? And this building turns a lot of corners and has a lot of outdoor spaces. Just to this point of trying to...as much as Bill [Logan] and I adore modernism, the glass structure of the first iteration has been left well behind. We've broken the building up into two pieces. We've modularized it, as Craig suggested, which I think is very much from the lead of this board to try and in fact create this sense of movement, this sense of dynamism, on these facades. Which academically you can talk about whether they're overly large or whether they're appropriate, that's an ongoing conversation. But we've made enormous effort to modularize and differentiate these facades.

**Village Attorney Stecich:** Patty, just to address David's question about when would an EIS kick in, we talked about this a little bit at the last meeting. If, at the next meeting -- after the public hearing and whatever, and they submit drawings that'll show what the views are like, you know, the typical view preservation drawings -- if, at point, you believe there are still significant impacts you'll pos dec it.

**Boardmember Hutson:** So that would be the timing.

**Village Attorney Stecich:** Right. But hopefully, what we were aiming at here in this process -- and it worked with the traffic -- is that if they could get the project to a scale in terms of density and size and whatever that made the Board comfortable, that it could neg dec it. Well, then, that would be the end. But if you're not, then you would pos dec it.

**Boardmember Logan:** I'd like to say that to me the task is to look around the Village -- walk down Warburton, walk down Southside Avenue, walk up Main Street -- and just get a range of the sense of the scale of the Village that's already there. We have some bigger buildings and some smaller ones, and I think this actually quite successfully sort of replicates the changes of scale we have in Hastings. I don't think any of these modules are grossly oversized from some of the things, like on the corner of Southside and Warburton Avenue or even on the corner of Spring Street and Warburton. You know, this has come quite a long way. I do see a lot of stepping here. I see a lot of fragmentation. I think the scale is actually very good on this. It does replicate a lot of the single-family homes that we have up and down Main Street.

So that's sort of my impression of it. I think this has come quite a long ways. And I think we're, in my opinion, very close to where we want to be.

**Boardmember Hutson:** Well, I agree with you, Bill, in terms of the variations. As Eric says, it's probably a nightmare for people...

**Mr. Anderson:** ...heartburn.

**Boardmember Hutson:** Okay, but less during the day. I think the thing is, try and put this in kind of layman's terms. You talk about the amount of square footage here. Does this square footage -- by the way, floor area -- does this include the garage area?

**Mr. Yogev:** The garage is almost 8,000 square feet.

**Boardmember Hutson:** Out of that much.

**Mr. Tooman:** Just to sort of put an asterisk on that, the garage that is required by zoning is as big as the existing house, right? So wrap your head around that in terms of how big this building is.

**Boardmember Hutson:** So you're saying that the residential and commercial space, that the 8,000 square feet is off of the 25,000. That it's 17,000? So these days you're talking about the equivalent of four single-family houses, the way we build them in Hastings anyway.

**Mr. Yogev:** Maybe less.

**Mr. Tooman:** It's half of a house in Greenwich.

**Boardmember Hutson:** Right, but Greenwich has these big lots.

**Mr. Tooman:** Can I also...just one point, which is not one that I like to stress because as an architect I don't want to hide the building, but we have a large swath of vegetation between the bottom part of this particular building and the parking lot down there. Part of it which is above the sewage easement, part of it which is actually not on the property but below the retaining wall on which there are some very large trees. Part of what I find when I look up the hill from the parking lot there is that I see the rooftops of the three-story buildings on West Main. But they're popping up above the tree line, and the entire slope below the buildings is covered with vegetation. We're going to have a very similar effect here, which is that the top of our building is going to be popping out of the top, and a lot of the bottom of it is going to be hidden by vegetation and trees. Not that I want that.

**Boardmember Hutson:** That's what I'm afraid of.

**Mr. Tooman:** Well, I just have a huge ego.

**Boardmember Hutson:** Anyway, you know my reservation. This is going to be, if it were to be built like this, the most dominant building in Hastings by far. Not that there aren't taller buildings, as you point out, Bill, or as tall a building, but because of where it's situated.

**Boardmember Logan:** It's not really *a* building. It's almost like a montage building. It's a lot of buildings kind of stuck together. I think articulation helps this bulk issue. Articulation not only in terms of the rooflines and the terrace lines, but articulation in terms of...

**Boardmember Hutson:** Again, I agree with you, it helps. I don't know whether it helps enough. That's my concern. But you're not wrong in what it's trying to do. I understand that. It's just a lot of building in that location, it seems to me.

**Boardmember Barr:** I somewhat defer to Bill's judgment because I'm not an architect. There's no question in my mind that anything will be startling, it'll be new, it'll be very prominent. I think one thing, though, is that I think we ought to move the process along. I think we have the information and we have to decide can we live with this can we not. I can't see another very complicated environmental impact study. We have the information, we have to face up to a decision one way or another. I mean, I have an application from 2003 that's sitting here. Either we can live with it or we can't.

**Chairperson Speranza:** While we do the environmental, based on an EAF, can we turn down the application for site plan approval?

**Village Attorney Stecich:** Turn it down. You would have to pos dec it. No, if they don't neg dec it, if they don't feel comfortable neg dec'ing it, can you pos dec it and...as a practical matter on this thing, I imagine if it's pos dec'd it's killed.

**Special Counsel Chertok:** If the Board believes that there are significant adverse impacts, presumably visual, then it could issue a positive declaration or it could issue what's called a conditional. This is not a type 1 action, I believe, so there's another option in between which is called the condition neg dec. Which means it's a negative dec based on certain conditions, which has to go through a public process. But from what I'm hearing, I'm not sure that really makes sense. The other way to do it is to say the impacts are of consequence, but they don't rise to a level of significant adverse impacts. And then you deal with it in the site planning context and then you'd give a negative declaration in this sense. So it really depends on how significant you view the visual impacts, which is what you're debating.

**Village Attorney Stecich:** But the question is, if you pos dec it, then you have to go through...

**Special Counsel Chertok:** You'd have to do an Environmental Impact Statement.

**Village Attorney Stecich:** If that was what your question was.

**Special Counsel Chertok:** Yes. Now you may be able to do what's called the targeted EIS, which focuses on this.

**Village Attorney Stecich:** That's essentially what we've been doing. And what we were hoping we could work out was that the project would get to a point where you would be able to neg dec it. And it did get to that point as to the traffic. A lot of the circulation issues were addressed by reducing the number of cars and stuff. So when we started back in 2003, and when we had the hearing in 2004, it was to avoid going through that whole process by focusing on the impacts that we had recognized could be potentially significant. We're down to one. So it seems to me, as a practical matter, you either get it to a point where everybody feels comfortable saying there aren't going to be any significant negative impacts. And if there's not, then...that's why essentially I'm saying...David had asked. Rhoda, I was not recommending an EIS, but David said where does the EIS kick in. Well, that's how it would kick in. But then that would be focused on that one issue, and they're going to have to deal with the issue. Patty and I had talked about what to cover tonight. It seemed that maybe you'd be able to get some sense of whether the Board was comfortable that the visual impacts are okay now or whether you want them to do some more work on it.

**Chairperson Speranza:** And it might become more clear next week when we get this scheme within the context of the view preservation...



**Village Attorney Stecich:** Yes, because we can't tell you.

**Chairperson Speranza:** ...for application of the photos.

**Village Attorney Stecich:** We can tell how this is going to look from Warburton. You know, we just can't tell what the view is going to look like.

**Boardmember Wertz:** My reservations are similar to David's. I guess the bulk of the building, and the architecture, I understand. It's an attempt to get a dimension and in some ways blend it in with the site that it's on. Still, though, in the context of the rest of the Village I do think it's an incredibly prominent building in the Village and it doesn't visually fit, to me, with that particular area. I'm interested in Eric's statement about the view preservation and how there would be a better view now than would be with the building than even before the building is built. I want to take a closer look at that. It seemed to me that the building eclipsed the view of the Hudson from the parking lot there to a very significant extent. But also, then, I think the main question for me is just the bulk of the building, the size, and the context of where it is. I know there are other buildings in the Village that are that large, but not in that spot. In comparison to the other buildings that are there, and what has been there historically, my reservations are the bulk and the visual impact in that regard.

**Mr. Anderson:** I think I would encourage you to go look at the view of the Hudson now and, essentially, there is no view of the Hudson now.

**Boardmember Barr:** What's the best way for us to...

**Chairperson Speranza:** I think we'll hold off on going through the EAF and we'll do this next week when we're looking at the application also for having these drawings put within the context of the view preservation application where it does show the impacts. And it may or may not be a great deal of change, since what we have seen before.

**Mr. Anderson:** When you say next week, I'm sorry...

**Chairperson Speranza:** I'm sorry, next month, next meeting. Not next week, no.

**Mr. Anderson:** We would appreciate, if not now then before next month's, to understand what the tweaks are to the EAF so that we could...

**Village Attorney Stecich:** Actually, the part 2 is something that the Board...that's really the Board's determination, not yours, on whether these things are significant. I know you fill it out, but the Board may well change it. For instance, you said: "Does the present site include scenic views known to be important to the community? No." I don't know why you would answer that no.

**Boardmember Hutson:** I think the point is, and I had that circled as well, is that certainly is a location that if you walk out there, a few people do walk through that parking lot, you have a potential of some terrific views there which, of course, you're going to take advantage of.

**Mr. Anderson:** Are we talking about from the public property, or are we actually talking about crossing into the...

**Boardmember Hutson:** In order to really get them, except whenever there are leaves on the trees or there's anything there, it has to be on the private property. But, you know, in the winter, from the public property, there are some views there. I wouldn't call them our best, given what's in between, but they're there.

**Boardmember Logan:** I walk that every day, walk down to the station and back, and you can't see a damn thing winter, summer. And I've never been on that property. I've never walked and stood on the edge of their parking lots.

**Boardmember Hutson:** I've checked this particular on it, and I'm not making great claims for them as they exist now, but there are some views there. Because it's not a place like walking on the Aqueduct in the south end of town, where you can look at the Palisades in all their glory. Obviously, it's not that sort of thing.

**Mr. Anderson:** Now, we could argue about whether there's views or not from the top of the steps. But I think what we could probably agree on is that the view that we would provide from the view platform would be spectacular.

**Boardmember Hutson:** Yes, absolutely.

**Mr. Anderson:** Unimpeded and spectacular.

**Village Attorney Stecich:** But in short, Eric, it's just little things.

**Mr. Anderson:** I see.

**Village Attorney Stecich:** I don't think you need to tweak it. There are the things that the Board itself has to decide whether they're significant or not.

**Mr. Anderson:** You're not taking my word for it.

**Boardmember Hutson:** And number 3 under C there, where it says "...what's the maximum potential development site if developed permitted by present zoning?" You go on to say: "Proposed project represents approximately 35% of the allowable. The question really is, what's the maximum potential. It's like the question wasn't answered. The information may be more helpful than the answer to the question, actually. But there are two or three spots. I actually didn't consider any of them...you know: "Are there any unique or unusual land forms on the project site?" Now, the examples they give -- dunes and cliffs and so on -- I know you wouldn't think, but for us that promontory spot right there is a pretty significant geological feature of the Village. The fact that it hasn't been taken advantage of until now is something else, but it's not like it's of no consequence.

**Chairperson Speranza:** You didn't know it was there.

**Boardmember Hutson:** Well, when you look at it from down below it's certainly there. I think it matters regarding this project. Again, it's probably when the people developed this form they had maybe even more dramatic...

**Mr. Anderson:** They were thinking Grand Canyon maybe.

**Boardmember Hutson:** Yes, exactly. But other than that I didn't see...

**Chairperson Speranza:** I had one question. The approvals required: don't we have to do something with respect to steep slopes? Isn't there a steep slope action that we have to take? Because that should, then, be included in here. Even with a building permit, now I'm recalling a couple things we've done recently where we just have to...

**Village Attorney Stecich:** Yes, you have to give steep slope approval. I thought it was on this one.

**Mr. Anderson:** In the downtown zone, central commercial? Steep slopes, I thought, was...

**Village Attorney Stecich:** No, wherever there's a steep slope. Yes, I wrote it.

**Mr. Anderson:** You did?

**Village Attorney Stecich:** Yes.

**Chairperson Speranza:** So that's something that should be added.

**Village Attorney Stecich:** Yes, that should be Planning Board. Yes, steep slope approval.

**Chairperson Speranza:** So if people have comments, maybe if we can get them. And Marianne, can you go through what you've noted in here with them if there are other things?

**Village Attorney Stecich:** Yes.

**Mr. Anderson:** We would appreciate that.

**Village Attorney Stecich:** Are you the point guy now?

**Mr. Anderson:** Unfortunately, I'm the point guy.

**Boardmember Hutson:** In regard to steep slopes verification for the applicant and ourselves, it's the same as if it were a single-family home, right?

**Chairperson Speranza:** It's a lot.

**Boardmember Hutson:** A lot, right. Since it's not a subdivision, its...

**Village Attorney Stecich:** No, we went through that. That was one of the preliminary questions. Not that they would have been dividing it up, but in Hastings it's a subdivision even if you're putting them together. But Susan and I checked the tax map and the records, and it's all one lot.

**Mr. Anderson:** I think your consultants dealt with steep slopes in some particular way, as well.

**Chairperson Speranza:** Then we'll go through this once we have the full application. There are some things. As we've talked about, this is a difficult site. I am reminded of the reason why we did change the zoning code within the CC to allow a fourth story for sites exactly like this: to enable some flexibility with respect to design of locations like this. In walking by some of the locations in the Village -- as we've talked about, the work that was done on Ridge Street -- there are homes you would have no idea were four stories, down the hill, unless you were down the hill and looked up. Certainly, at this location, because it is the railroad station parking lot, many more people will be seeing the back and the underneath -- well, you won't be underneath -- of these buildings. So I think that there are some things to take into consideration, as well, in terms of the reason behind the fourth floor, the ability for the CC district structures to have a fourth floor given the slopes. To be able to work with the slopes.

**Mr. Anderson:** And the downslope story is also fundamentally to screen the garage. So we can probably also agree that the massing that I think is of concern to Fred and to David is...I'm not sure we'd rather see...you can make your own decision about whether you'd want to see a garage or a building. I have my own opinion about that, but that is the driver for that story below.

**Boardmember Hutson:** You know, I notice you made that comment in your letter. I don't quite understand. Because you can still...the garage level is not the fourth story of the building. In other words, you can still have residential masking the garage level, if that's what you're talking about.

**Mr. Anderson:** So you're talking about doing a building that's actually only two stories from West Main Street. Is that what you're saying?

**Boardmember Hutson:** Well, on the west side, yes. That that would come down. What masks the garage there could still be there. I don't quite understand the point of what that has to do with the fourth story, really.

**Chairperson Speranza:** But that is the fourth story.

**Boardmember Hutson:** On the west side? Going down. I'm saying take it off the top.

**Mr. Anderson:** You're talking about the south side, right?

**Boardmember Hutson:** South, and west to some extent.

**Mr. Anderson:** Well, the west side's very much masked by the building that's there. I don't think that that's a particularly prominent facade. But, in fact, the south side steps down. But the top there's been lopped off, as well.

**Boardmember Hutson:** But my point is, you have residential. At the garage level to the south, there's residential living there, right?

**Mr. Yogev:** I don't know if you can see it from here but, yes, here's the garage and there's...

**Boardmember Hutson:** You're going to have that. I'm not talking about taking that off.

**Mr. Anderson:** So we're talking one, two, three, four...so there's a fourth floor that steps back?

**Boardmember Hutson:** Right, have the third floor set back and not have the fourth floor...

**Mr. Anderson:** The third floor sets back.

**Boardmember Hutson:** My only point is I don't see what it has to do with masking the garage. Because the garage is down below and you're masking it with residential, you'd leave that there in terms of dealing with the height of the building. No?

**Mr. Anderson:** I'm not following exactly.

**Boardmember Hutson:** Well, one of us is off. We'll settle it later.

**Chairperson Speranza:** Okay, then we'll see you at the next meeting?

**Boardmember Barr:** This is probably improper but, as long as Mr. Anderson is here, can you give us an update on 45 Main Street? What's the timing, what's happening?

**Mr. Anderson:** Yes, hard rock is probably the phrase of the day. The site has been brought down to the necessary level, and now they're digging the foundation footings and there's a very large water retention area that they're digging which will go on for some time. But steel and plank has all been ordered. It'll be backed very quickly if we don't get the rock out of the way. So the building's going up.

**Boardmember Hutson:** And what about Division Street?

**Mr. Anderson:** Division Street, we're waiting for the state to issue the bonds, and that could be a matter of weeks. So they're both moving along very nicely. Thank you.

**Chairperson Speranza:** Yes, my apologies. Comments on this? They brought the boards back in.

**Jim Stadler, 8 West Main Street:** I'd just like to point out the three years of iterations that we've been going through, it hasn't done anything to alleviate the total destruction of the views that everyone on West Main Street presently has. This is from my second-floor window. This is the side next to the project. This is the side next to my house. This structure that's protruding almost 120 feet southward is going to be blocking every back

window that now enjoys that kind of view on West Main Street. You can see them from your yard and you can see them from the second floors the third floors. This has never changed, so that's there.

And Bill, just a comment about there are no views right now. The only thing I could think about is, it must be dark when you're walking by there. Because I took this picture a couple weeks ago. That's not even the best position from the parking lot and you can see forever down the river. The only thing that's blocking a better westward view at this time is, the old Anaconda lab building is still down there. When that's taken down, the views will even be better. So I have no idea what you're talking about that we have no view now. I have a better view, even, at the top of the stairs. You want that picture?

**Boardmember Barr:** Bill, can I see that?

**Boardmember Logan:** I was referring to the view of the pedestrian walking down the streets with a garage here, and the trees. This is an elevated view.

**Boardmember Hutson:** May I ask Eric something? Maybe this is because I need to have something really visual. How much of a production would it be to develop a model that would include nearby structures and this structure? Not with all the detail of every last window, but a model that would give us really a pretty hands-on graphic view of scale of this building vis-à-vis other nearby buildings.

**Mr. Anderson:** You mean like Southside?

**Boardmember Hutson:** Southside, West Main.

**Mr. Anderson:** It would be prohibitively expensive to do a model. I think one of the things we did at Division Street is we mapped the structures within a radius of the proposed buildings to show the scale, in fact. And that's probably a more doable thing. And if I may, we've asked for the photo from the second-floor window of Mr. Stadler, so with his permission we'd like to actually incorporate that view into our own studies because I think it's actually illustrative.

**Mr. Stadler:** This is from our code, if I could have a moment here. This has to do with view preservation. "Every application to permit the erection or exterior alteration of a building or structure in a view preservation district shall be referred by the Building Inspector to the Planning Board for its report and recommendations as to the best siting, dimensions, and configurations of principle and accessibility structures so as to cause the least possible obstruction of the view of the Hudson River and the Palisades for neighboring properties and

adjacent public properties and rights-of-way.” That also means not only my yard, but the parking lot, Spring Street, the whole area. This destroys everything. Nothing will be left.

**Boardmember Hutson:** Let me just give a quick response to that. We’ve had this discussion before. Matter of fact, we had this a year ago on something. My reading of that provision in the code is that where you have an allowable structure it’s the responsibility of the Planning Board to try and ensure that that allowable structure is built so that it has the least impact. It’s not that you have free rein to restrict the construction of an allowable structure inherently based on that code. Now the other things, the SEQRA impacts and so on and so forth, I think, do enable a body like ours, or any municipality, to limit size and impact and so on. But that really has to do with siting of an allowable structure in the most advantageous position.

**Mr. Stadler:** That’s an interpretation that probably should be discussed further. But one thing that I think would take a lot of the guesswork out of this, a view that we never had, is an east-west view from, say, 20 feet in back of the liquor store, corner of Warburton and Main. That would give you the perspective of what it looks like from the back of the house that exists there now, and this structure running at the north-south plane of this structure. We don’t see that from that perspective.

**Chairperson Speranza:** Well, make sure that that’s a view that you provide for the view preservation application next time, right?

**Boardmember Hutson:** East to west from behind Peter Rockwood’s store.

**Chairperson Speranza:** The liquor store.

**Mr. Stadler:** From the bridge.

**Boardmember Hutson:** From the north end of the bridge, or even from the back yards there.

**Mr. Stadler:** The bridge would give you a better look.

**Mr. Tooman:** You would be then looking across into five properties, right?, to that building. Is that what we’re talking about?

**Mr. Stadler:** Four.

**Boardmember Hutson:** Four would take it to yours.

**Mr. Stadler:** But that would answer a lot of questions. Like what does this look like next to my building, and we haven’t seen anything like that.

**Mr. Tooman:** We’ve offered to actually come in to your building and photograph out of your window.

**Mr. Stadler:** I just said I would give you the JPEGs. I shot dozens of them. I'll be happy to send them to you. Thank you.

**Chairperson Speranza:** Anyone else? Comments on this?

**Mary Jane Shimsky, 35 Ashley Road:** I just wanted to thank the members of the Board for looking at this with great care. Because, as you know, the proposed building, with all the talk about how much smaller it is than it could be, is still several times larger than what's already on the site. Lord knows, I know from personal experience that you can try to hide extra bulk all you want, but you're only going to have a limited amount of success. So it's really important to consider exactly how effective all of these visual illusions to hide the bulk of the buildings actually is. Take your time. If you can get a model done, that would probably be a good thing, too. But thank you very much for paying close attention to that.

**Chairperson Speranza:** Thank you. Okay, anything else on this? We'll move on to the next agenda item.

## 2. MUPDD Saw Mill Lofts SEQRA Review. Consideration of Findings and Concept Plan Recommendation

**Chairperson Speranza:** Once again, just to very, very briefly go through, describe exactly where we are, how we got here, Mark Chertok, please?

**Special Counsel Chertok:** Good evening. I think I'll give an abbreviated version of the discussion we had at the beginning of the March 7th meeting. So if anybody's really interested they can refer back to that for a longer description so we can move this forward. I'll try to be brief, although that's hard for a lawyer.

The application here was really the application following the ShopRite determination, which sustained the Planning Board's denial of that application. Back in late 2002, at that point the parcel was zoned LI, Limited Industrial, and therefore the applicant sought a zoning change for that. The Planning Board was determined to be lead agency. Scoping was done, a scope was adopted in December of 2000 because the application was filed in September of 2002. Then the EIS was required, and it was a supplemental to the ShopRite EIS. The draft was accepted in April of 2002. Accepted means, not approved, just accepted as complete for public review and circulation. In September of 2003 the Trustees imposed a moratorium on the property, on development on the property, that lasted about 18 months. The moratorium resulted in the study by Stu Turner Associates, which recommended the so-called MUPDD zoning. That was adopted by the Trustees, but the vote was only 3-2, and it required a super-majority because of a protest petition. The applicant then proceeded to go forward after the



moratorium ended. At that point the LI district had allowed certain mixed uses because of an intervening amendment to the CC district. Thereafter, in the middle of that process, Perdue Pharma withdrew its protest petition. So in the fall of last year the MUPDD zoning became effective. The applicant then shifted gears slightly and made the so-called Saw Mill Lofts project -- which is before you now; their 60-unit live/work units -- the proposed project. The FEIS was accepted for that in February of this year; again, accepted, not approved in that sense. A public meeting was held to take comment on that document on March 7th. The next step is for the Board to adopt SEQRA findings and to make a recommendation under the MUPDD zoning to the Trustees with respect to the concept plan. And that's where you are tonight.

**Chairperson Speranza:** Okay, thank you. You're right, that was significantly briefer than the last time.

So we have a draft findings document before us. I just want to make sure, because we have had different mailings to us.

**Special Counsel Chertok:** Maybe I can clarify so it's clear. There was an original draft dated April 5. During that same time frame that was being prepared there was an update of the fiscal impacts. So really a socioeconomic section, which is really fiscal and school, for two reasons. One, additional information was obtained from Ardsley about projects in Ardsley. And second, the Village itself was undergoing its budget process and therefore there were changes in the assessment of tax revenues. To be conservative, that was all included in a report by STV. That was in a letter that you received, I think, earlier this week.

Then in addition to that, you also got an insert, to save paper, of the changes that resulted from this updated report on the socioeconomic section. If you note, your changes are almost all in that section, and the rest of the changes with one exception were really clarifying the names in the report and putting in the same numbers to match that report. The only other change, which is in something you received, apparently, today. Another version of the full findings was a condition basically recommended by Steve Garabed of Carpenter requiring the applicant to submit site plans, if there's approval, to the county with respect to the sewer district and comply with any requirements imposed by the county. That's an extra condition at the back end of that long document you just received.

**Chairperson Speranza:** We just got one right now.

**Boardmember Hutson:** That's M on page 52, right?

**Chairperson Speranza:** That's the addition, okay.

**Special Counsel Chertok:** Right. I don't have it in front of me. I've highlighted...

**Chairperson Speranza:** And that's the only change to this.

**Special Counsel Chertok:** From the one you received last week, correct.

**Chairperson Speranza:** That was dated April 17th. I want to make sure because that's the one...

**Special Counsel Chertok:** Right. That's the only change.

**Chairperson Speranza:** I want to make sure we're all working from the same one if we have comments and questions. So frankly, I'm going to ignore the one we just got except for noting that they will be subject to the...

**Special Counsel Chertok:** Right. The only addition was a condition, as opposed to a substantive change in the actual findings or the recommendation.

**Chairperson Speranza:** Okay. Now one of the significant changes, and I think this is important for the people who are present to hear, is the update of the fiscal section. Which, based on some updated tax figures, there were changes that were made with respect to how much revenue the Village could expect and the school district. There are also expense updates that are in here. Now, we should explain that.

**Special Counsel Chertok:** Sure. Maybe we should have Molly McQueen from STV explain that. Basically, we used data obtained from the Ardsley school district, some of which was provided last month, and got information on condominiums in Ardsley and did a comparison to see how many schoolchildren were generated from comparables and then, frankly, from some non-comparables, yielding you a number of schoolchildren likely to be generated. And then that was done with a few fiscal analyses, as well, to be conservative.

**Village Attorney Stecich:** Mark, there was also a different...quite apart from the school, that the Village taxes were lower.

**Special Counsel Chertok:** The revenues dropped in the Village, but there are two different factors. One, in the fiscal assessment there was lower revenues, and we use those to be conservative as compared to the EIS. And there was the additional information on the schools, which was really based on Ardsley, not on the Village budget numbers.

**Village Attorney Stecich:** Right, but the Village still ended up...

**Special Counsel Chertok:** The overall result, yes...

**Village Attorney Stecich:** The school issue aside, there is still revenue significantly positive.

**Special Counsel Chertok:** Revenue positive, right. It dropped, I think, about \$20,000 or so in terms of the revenues. But perhaps Molly should do this instead of me.

**Chairperson Speranza:** Again, just very briefly, just the difference between what people might have already seen in the SFEIS and what now is part of the findings, particularly with respect to the revenues.

**Molly MacQueen, STV:** Very good, madam chair. As Mark said, we took the data that was supplied by the applicant with respect to comparable projects that are within the Ardsley school district and calculated the number of students again based on that, and considered that there are very, very different projects that are available across the Village and within the school district. So we're able to confirm there that the number of schoolchildren would be the same. But where the analysis changed was that there were revised data that Ms. Stecich was able to get from the Ardsley school district and were supplied by the applicant with respect to the real costs per student that are raised by taxes. So we recalculated the total cost per student and what would be generated in most recent tax revenues to the Ardsley school district, and it was still found to be revenue-positive. Assuming approximately 16 children from this new development which, I believe, is quite conservatively high for this type of development, I think we could support from 22 to 25 children based on the revenues from this development.

And because Angie was able to get Mr. Balog to give us the revised equalization rate for the Village -- this appears on the Village's Website -- I recalculated the assumed tax generation for the various districts. It appears in that memo that I submitted to the Board. The one difference between what Mr. Balog did and I did was that I desegregated to allow for the market rate and the below-market-rates units because they're assessed differently, although the same tax rates are applied. So you will see in that memo to you, on the sixth page, the revised generation rates. The big difference is really limited to the costs of refuse collection because there's been a big jump in the cost of collection in the Village between the time of the SFEIS and today. So I recalculated that and, based on \$125 per ton disposal, it's revenue-neutral. But, as Mark said, the amount of revenues decreases by about \$20,000.

**Chairperson Speranza:** Okay, but there's still a benefit to the Village.

**Ms. MacQueen:** There's a net benefit to the Village. I had promised some attachments to one of the other memos. I'll leave these with Angie.

**Chairperson Speranza:** Okay, thank you. In terms of proceeding, what I'd like to do is find out from Boardmembers if they have comments on the document. So why don't this time we start at this end? Fred?

**Boardmember Wertz:** It looks to me like all the issues that we've asked to be addressed are addressed here. I think they have been, and we've had our consultants pour over all the details, and I'm pretty satisfied with it as it is.

**Chairperson Speranza:** I had one item that I still think warrants some clarification. It was brought up a number of times. It has to do with the underground parking. I think people should be clear, and there should be a really good explanation given, as to whether or not the fact that parking is proposed underground has any impact in the rate of runoff from the proposed development.

**Special Counsel Chertok:** I think Steve should answer that, but let me clarify it. Runoff is surface, and the issue, as I recall raised, was kind of related to flooding. So I want to make sure that Steve answers both elements so we're clear.

**Chairperson Speranza:** See, in my mind it's reverse percolation. Percolation, I know, comes to it, but the rate in which the water ends up going through the ground into the river.

**Special Counsel Chertok:** Right. And presumably, if it goes at different speeds, it might affect how it runs off on the surface. So I think we're saying the same thing. It's really a possible effect on flooding. But let Steve explain this, since he's the engineer.

**Steve Garabed, Carpenter Environmental Associates:** I think your concern is the fact that they are putting the parking underground. In general, that's better because you reduce impervious area required for parking. Actually, it's something that is looked at positively. Your concern is that there's no additional runoff, or that there should be more runoff?

**Chairperson Speranza:** I can certainly understand, and I gave this example before. I know it may sound stupid, but if you water your plant and the plant is full of dirt it takes a lot longer for the water to come down to the bottom and drain out. When you haven't been taking care of it and there's very little soil in it, it immediately rushes out through the bottom. So I can understand that there would be a question as to why, when you put the parking garage in, the underground parking, won't the water flow more quickly.

**Mr. Garabed:** It depends, first of all, on how much you're going to actually intercept the groundwater, and that'll vary seasonally. You're going to have foundation drains at the bottom of this, the bottom of the parking garage area. I mean, it's very much like basement parking that somebody would have if you have a Colonial style home and lot of people tend to park in the basement area. You have foundation drains that are just going to take that groundwater, intercept it, and redirect it. In our case, those foundation drains will redirect the groundwater to the collection system.

**Chairperson Speranza:** Okay, so there will be drainage within the parking area.

**Mr. Garabed:** No, outside the building -- outside the footings of the building. They'll likely put some sort of impermeable coating or something on the foundation to not allow moisture through. And then at the bottom of the footings they will put perforated pipe and gravel and so forth to remove the water just like anyone would have at their home.

**Chairperson Speranza:** Okay, so the water is captured somewhere else.

**Mr. Garabed:** It'll be captured and redirected, via the storm sewer to the river. And it's going to vary, the flow-through will vary, depending upon the groundwater level. Obviously, when it's dry you'll have nothing going through that and in a wet season you'll have more. Very clean water. Flow rates are usually not huge. The water tends to trickle through there, so it's not going to cause a big flooding issue or anything like that.

**Chairperson Speranza:** Okay, thank you. That's what I needed to hear again.

With respect to the specific document, there are just a couple of things that I thought should be changed. Some of them are very minor, and I wish I had caught them earlier. On the first page, the mixed use, the MUPDD, is referred to as the mixed use "planning development district." You could just change that in the final copy to "planned development district." And this was the only place I found that it was wrong. On the second page, the second full paragraph, it says: "The site was used primarily for parking. It's now used as overflow parking for Ardsley Park." That's not the case now. I know we had an application to have it be a parking lot, so I think that that should probably be updated also.

**Boardmember Hutson:** That was an auto storage thing.

**Chairperson Speranza:** Yes, I forget exactly what the term was of the use.

**Boardmember Hutson:** Did that ever happen?

**Chairperson Speranza:** Yes, it was, and there are no cars there now.

On that same page, the second to the last paragraph where there's an indication of residential areas, I think it's really important to note that not only are there residential areas southwest of the site across the parkway, but south of the site on the other side of Ravensdale is a neighborhood of this village that is very much a part of the Village. The Holly Place area, when I was growing up it used to be called the Neppera Park area. The residents there are residents of the Village and they're very active in the Village, and it should be noted that...right, and then on the other side of 9-A, of course. So I think it would be helpful to know that there are residential areas to the south and southwest of the site.

**Village Attorney Stecich:** Patty, I had something on five and six. Are you jumping past them?

**Chairperson Speranza:** No, and that's a good way to do it.

**Village Attorney Stecich:** It's just a tiny thing on page five, about seven lines down. It says "sit"; it should be "site." You know what? I can just show them to you. I'll just give them to you. I won't bother you..

**Chairperson Speranza:** And then there were a couple of things I thought should be added to the summary of the SEQRA findings, which is on page, I guess, 46. Because a lot of the things that are listed in here note the fact that there would be no adverse impacts. I think it's

important to also note a few of the things that I think are positive, one of which is that there will be the provision of six affordable housing units. It's not in the summary of SEQRA findings, and I think it should be. And also the fact that there will be 1.75 acres of open space dedicated to the Village.

**Special Counsel Chertok:** That is right under fiscal impacts at the end of this prior sentence.

**Boardmember Hutson:** What page, Mark?

**Special Counsel Chertok:** On page 46.

**Chairperson Speranza:** Yes, which doesn't have a 46.

**Village Attorney Stecich:** The third to the last bullet, before recommendations of concept plan approval.

**Boardmember Barr:** I've got it on the very end of the page.

**Chairperson Speranza:** Yes, it is.

**Village Attorney Stecich:** I got it e-mailed to me, so it just would print differently.

**Chairperson Speranza:** Okay, so you don't have to worry about the 1.75 acres. Because you're right, it's there.

**Special Counsel Chertok:** Basically, so we're clear and there's no confusion, you want to basically add a sentence there saying that the addition of six affordable housing units would be a benefit to community services? Is that basically the sentence you want to add?

**Chairperson Speranza:** Is that the right section? Community services...

**Special Counsel Chertok:** To the community. Maybe that's a better way.

**Chairperson Speranza:** Yes, to the community.

**Special Counsel Chertok:** Okay, that's fine.

**Boardmember Logan:** As long as we're on page 47, the last bullet item I think should be "not" as opposed to "no": so "...resources would 'not' be significant..."

**Boardmember Hutson:** Talking about affordable housing, I would like to see, rather than...you know, on page 13, the last sentence in the second paragraph, not indented. Where it says: "The design and size of the affordable units would be a subject of site plan review." It seems to me that in the case of the MUPDD that the relationship of the affordable housing to the market rate housing could be a recommendation and almost a condition. Because I would like to see something like a sentence that said: "The design and average size of the affordable units should be equal to the design and average size of the residential portion of the market rate units." That takes a particular position in regard to this question which we've

talked about before. But it seems to me, I mean, I think that recommendation is important to make to the Trustees as opposed to having it in a sidebar.

**Boardmember Barr:** How about comparable? Because it's not talking inches. It may be that a better site might be an inch smaller. I think equal is a very precise number, but comparable...

**Boardmember Hutson:** Well, it's just that it's a little harder to define. I mean, it gives a little more wiggle room. And obviously if it happens to 98% of the size, we're not concerned about that.

**Boardmember Barr:** Then I'm wondering if you put it in here whether you have to be concerned whether it's 98. I don't know, I just didn't know whether that was going to give us a problem later on.

**Special Counsel Chertok:** Well, I'd say two things. First of all, if you want to make it a recommendation it really belongs in the recommendation section, which is back near the end of the document. And that's your decision to make. And two is, since ultimately it's going to come back to you for the details of site planning, I think in this sense you wouldn't want to lock yourself in. After all, what if you wanted to make one of the affordable units larger? You would have precluded that by saying equal, and therefore deprive the Planning Board of flexibility when it comes back in site plan review. So you may want to think about the language. Marianne, you may have something to add on that, but that's where it would go, certainly -- in the recommendation section.

**Boardmember Hutson:** Yes, I think so, too. Which would mean that sentence would come out on page 13 and it would go back in recommendations. But I really think that something that speaks to this question directly for the sake of the applicant, as well as I think it at least reflects my view. I realize that in every situation you don't necessarily require the affordable units to be exactly the same as the market rate units. But in this case we're already saying that the affordable units will not have work space associated with them, so they're not going to be equal overall. But it seems to me that in this case having the residential portion to be -- you want to say comparable, just so it's clear. Because right now, you know, the percentage difference is fairly significant between...

**Boardmember Barr:** I agree with your philosophy. Just comparable may be...

**Village Attorney Stecich:** Well, what about "roughly equal?" I know what you mean about comparable. It leaves a little bit too much. But say roughly equal, and that way you've covered it.

**Boardmember Hutson:** That's all right. That would be fine.

**Boardmember Barr:** "Roughly equal" doesn't sound to me like a very professional...

**Village Attorney Stecich:** No, it has a real sense.

**Boardmember Hutson:** We have another suggestion.

**Village Attorney Stecich:** Equivalent, yes. That's the same as comparable. I don't know how David feels about it.

**Boardmember Hutson:** So long as we get the point in.

**Boardmember Barr:** It shouldn't be inferior.

**Chairperson Speranza:** In the project description, information stays the same in this, though, because there is information about the size of the units.

**Special Counsel Chertok:** Right. What you would do is take out that sentence. I'm still not clear the exact word we're going to use, but you'd add it. There's a section on the recommendations that deals with that.

**Village Attorney Stecich:** Check the thesaurus.

**Special Counsel Chertok:** Right. When you tell me what word, or what you're trying to achieve, we'll put the right word in. But it would be back in the recommendation section.

**Chairperson Speranza:** What you're saying is that you would propose that we have a recommendation to the Board, and we're going to insist that the size of the affordable units be equal to those that are not affordable.

**Boardmember Hutson:** I think you have to say "the average size is equal to the average size." I threw in design. I think you could get into all kinds of things -- finishes, accessories - - and then it gets a little much. But it seems to me there may be some of them that are a little small, just like there were some of the two bedrooms of the market rates that are a little smaller. But that the average size of the units should be the same as the average size of the market.

**Village Attorney Stecich:** I guess it's a little unclear whether this is a condition of the Planning Board approval, or whether...when you were saying the Board, were you talking about the Board of Trustees should impose this as part of the concept plan approval, or can it just be included in these conditions?

**Boardmember Hutson:** I don't think it's probably a SEQRA issue as much as it is a MUPDD issue.

**Village Attorney Stecich:** Well, you have these conditions to be imposed. Maybe put it in there, and would be that the size and design of the affordable units be comparable to that of the market rate.

**Boardmember Hutson:** The residential portion of the market rate.



**Village Attorney Stecich:** Right, so make that a condition there.

**Boardmember Barr:** I think your point is a good one, though, David.

**Village Attorney Stecich:** Well, just fit it in. Doesn't matter whether it's that or where, but just fit it in to the conditions.

**Special Counsel Chertok:** I think we're making findings and a recommendation. I think you ought to be careful. It could be in both. Your SEQRA findings could have it in the findings, but it would also be a recommendation under concept plan approval. Those aren't mutually exclusive. I mean, it's up to the Board, obviously.

**Village Attorney Stecich:** I don't think this had specific...the recommendation was that the Board of Trustees approve the concept plan. And these conditions were the Planning Board's conditions, and they almost become part of the concept plan.

**Special Counsel Chertok:** If you're reading it that way, then we need to add a sentence to make it clear that the recommendation is based upon the conditions recommended by the Planning Board. Then we'll just make sure that's clear, then we'll add it as a condition. That's fine.

**Village Attorney Stecich:** Yes, because we haven't listed conditions for the concept plan approval.

**Special Counsel Chertok:** Okay, that's fine. As long as it's clear, then that's easy. That's just a sentence.

**Village Attorney Stecich:** Okay, we can fix it.

**Chairperson Speranza:** Right. Because that's what's here: recommendations for concept plan, and then conditions. So what I'm hearing is that this would go into the conditions.

**Village Attorney Stecich:** See, Mark, remember we talked about this in one of our 11:30 p.m. conversations. That's why we had at the beginning "...conditions to be imposed in this recommendation and SEQRA findings are based on the following conditions."

**Special Counsel Chertok:** Right, it's in there. So all we need to do is add it as a condition. I took the "red eye" back, so I don't remember everything I wrote two weeks ago.

**Village Attorney Stecich:** So we'll just add it.

**Chairperson Speranza:** Okay, and that will still give us the ability to tweak the sizes during site plan, should they need to be.

**Village Attorney Stecich:** Yes, because it's one of your conditions, and you'll make sure that the condition is met before you give the final approval.

**Special Counsel Chertok:** Just so it's clear, it's the average size and the design of the residential portion of the affordable housing units should be comparable to the average size and design of the residential portion of the market rate units.

**Boardmember Hutson:** Well, the affordable only has residential.

**Boardmember Barr:** The point is we don't want these to be inferior.

**Special Counsel Chertok:** I just want to make sure that it's clear.

**Chairperson Speranza:** Or as small as they've been proposed.

**Special Counsel Chertok:** Comparable.

**Boardmember Hutson:** Okay.

**Chairperson Speranza:** Anything else, David?

**Boardmember Hutson:** No, one of the things that we really don't speak to, and perhaps we don't -- at least I don't think we do, have to -- is the question of the bonus density. You remember when we sent this to the Trustees we had a level and that was added by the Trustees later. I'm talking about not in this document, but in terms of the MUPDD law. That the provision of increasing up to a third if they felt that the dedicated land given over to the Village was worth it. To me, if it were only the dedicated land I would have some question about that whether it was worth it or not. But given the trailway bridge and so on, when you put it all together, then I think you have something. But I guess it says it very clearly in the law. It says: "...and if the Board of Trustees determines that such dedication of land is sufficient in size and suitability to permit the increased density, which determination shall lie within the absolute discretion of the Board of Trustees..." so I mean, I don't know how, but I guess we could still make some recommendation about that question.

**Village Attorney Stecich:** I suppose you sort of are, implicitly, by recommending 60 units.

**Boardmember Hutson:** Right.

**Village Attorney Stecich:** So it's implicitly recommending the density, saying we think it should be approved of at this size. I mean, you could have a separate statement, but I...

**Boardmember Hutson:** No. It's one of those things...because the law itself, really, when it talks about six as the maximum and the 12 bedrooms, but it's really that dedicated open space.

**Chairperson Speranza:** But I think in this instance that the density bonus and the dedication of the open space does become one of the good mitigating factors.

**Boardmember Hutson:** And the reason why I think it's something that is important the Trustees look at, you know when this was developed we didn't envision this live/work. You know, we talked about the number of bedrooms and so on, and the size of the units and so on. The work part of the live/work wasn't really, I don't think, part of the discussion at that

point. That came later, right? So anyway, I don't know that there's too much we can do about it in the recommendations. It's just kind of an underlying issue that I think...

**Village Attorney Stecich:** I think it's your issue.

**Boardmember Hutson:** Is it mine only?

**Village Attorney Stecich:** To be perfectly frank. You can tell us.

**Boardmember Hutson:** All right, let's proceed.

**Chairperson Speranza:** Bill?

**Boardmember Logan:** No, I think it's very complete. That's all I have to say.

**Chairperson Speranza:** So we now take an action to adopt these as the findings of the Planning Board with respect to the Saw Mill Lofts proposal as amended. Are we doing two actions, or one action; to transmit one to adopt, or adopt and transmit? We can add one motion to adopt and transmit the findings.

**Special Counsel Chertok:** It's findings. I would make two motions. If they're a single document, they're both SEQRA findings. So I think, make a motion to adopt the SEQRA findings as amended, and then also to issue those findings as the recommendation on the concept plan approval so they're separate resolutions. Marianne, unless you have a different perception.

**Village Attorney Stecich:** Sounds good, Mark.

**On MOTION of Boardmember Barr, SECONDED by Boardmember Hutson with a vote of all in favor, the Board resolved to adopt the SEQRA findings as we've discussed tonight and as we have amended them tonight for the Saw Mill Lofts project.**

BOARDMEMBER	AYE	NAY	ABSENT
Patricia Speranza, Chair	X		
Rhoda Barr	X		
David Hutson	X		
William Logan	X		
William Smith			Absent
Fred Wertz	X		

**On MOTION of Boardmember Barr, SECONDED by Boardmember Hutson with a vote of all in favor, the Board resolved to transmit the SEQRA findings as a recommendation to the Board of Trustees for their action on the concept plan for Saw Mill Lofts.**

<b>BOARDMEMBER</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>
<b>Patricia Speranza, Chair</b>	<b>X</b>		
<b>Rhoda Barr</b>	<b>X</b>		
<b>David Hutson</b>	<b>X</b>		
<b>William Logan</b>	<b>X</b>		
<b>William Smith</b>			<b>Absent</b>
<b>Fred Wertz</b>	<b>X</b>		

**Chairperson Speranza:** And as soon as these changes are made, say the end of the week, tomorrow, Monday... I would like to get this out and available to the public.

**Special Counsel Chertok:** Right. We'll be able to make those findings by the close of business Monday. That shouldn't be a problem.

**Chairperson Speranza:** Okay. And then, Angie, you'll see that it gets out on the Web?

**Village Planner Witkowski:** Yes.

**Chairperson Speranza:** Okay, thank you.

#### **V. Other Business**

**Chairperson Speranza:** I have one announcement. There's a workshop for anyone who might be interested in nominating a property for inclusion in the National Register. So if anyone's interested, they can certainly call the Village and we'll have a copy of this.

#### **VI. Adjournment**

**Chairperson Speranza:** I think we had a good session tonight. In his memory, and the fact that we will miss him moving forward, we will adjourn tonight in memory of Bob Lee.

**On MOTION of Boardmember Logan, SECONDED by Boardmember Hutson with a vote of all in favor, Chairperson Speranza adjourned the Regular Meeting at 10 PM.**