

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
PLANNING BOARD  
REGULAR MEETING AND PUBLIC HEARING  
DECEMBER 21, 2006**

A **Regular Meeting and Public Hearing** was held by the Planning Board on **Thursday, December 21, 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 William Logan, Fred Wertz, David Hutson, Jamie Cameron, Eva Alligood, Bruce Dale, Deputy Village Attorney Marianne Stecich, and Village Planner Angela Witkowski.

**I. Roll Call**

**II. Approval of Minutes**

**November 16, 2006 meeting**

**Chairperson Speranza:** Does anyone have any changes or corrections to that document?

**Boardmember Cameron:** Sure. Page 9, the third comment down, Boardmember Cameron, last line: "So it'll continue to exist," not "coexist."

**Chairperson Speranza:** David, they showed you as not here, so you have no comments. Bill?

**Boardmember Logan:** No comments.

**Chairperson Speranza:** I think we could probably make a motion, if you want to stay, if we can handle it that way.

**Boardmember Wertz:** Okay.

**Chairperson Speranza:** Okay, and then get it to Angie if there is anything beyond regular typos and stuff.

I had one comment. On page 32, where I am speaking, it's about halfway through that first paragraph. It's the sentence that starts: "It could be the state committing..." to "...we can re-stripe the roadway and have it one way in each direction." It should rightly read: "It could be that the state commits to letting us re-stripe the roadway and have it one lane in each direction," rather than "one way," which really doesn't fit the configuration of Broadway. We would want it one lane in each direction.

**Village Planner Witkowski:** Oh, I see. I missed that one.

**Chairperson Speranza:** Okay, if that's it I'll entertain a motion for the approval of minutes as adopted.

**On MOTION of Boardmember Wertz, SECONDED by Boardmember Logan with a voice vote of all in favor, the Minutes of the Meeting of November 16, 2006 were approved as amended. Boardmember Dale and Boardmember Hutson abstained.**

### **III. New Business**

#### **1. Public Hearing. Renewal of Accessory Apartment Approval. Margaret Kalanta, 333 Warburton Avenue - (Sheet 4/ Block 10/ Parcel 1)**

**Chairperson Speranza:** Angie, are the mailings in order on this? Do you want to give us any information on it?

**Village Planner Witkowski:** Yes, the mailings are in order on this one. This is 333 Warburton Avenue. Margaret Kalanta is the owner/applicant. The property is on the west side of Warburton Avenue in the R-10 zoning district. The applicant's requesting renewal of the accessory apartment approval. The 650 square foot apartment occupies about 26.5% of the 2,450 square foot residence. Although the apartment exceeds the 25% of floor area limitation by 1.5% a waiver was granted with the initial accessory apartment approval.

There have been no changes to the property, no complaints during the last three years, and the only actions required are renewal of the accessory apartment approval and the excess area. I don't think that Margaret Kalanta is here tonight.

**Chairperson Speranza:** This is a public hearing, there were notices of public hearing, so if anyone has any comments on this application renewal you can come up and comment now.

Okay, hearing none, we will close the hearing on that application. We'll handle the public hearing on the other one, and then move into Board discussion and action on them simultaneously.

#### **2. Public Hearing. Renewal of Accessory Apartment Approval - Mary and Edward Shuluk, 56 James Street (Sheet 39/ Block 732/ Lot 10)**

**Chairperson Speranza:** Angie, are the mailings in order on this application?

**Village Planner Witkowski:** Yes, they are. This applicant is Mary and Edward Shuluk. The property's on the east side of James Street in the R-7.5 zoned district. The applicant is requesting renewal of the accessory apartment approval. The 683 square foot apartment occupies 31.9% of the 2,138 square foot residence. The apartment exceeds the 25% of floor area limitation, however a waiver was granted with the initial approval.

There have been no changes to the property, and no complaints during the last three years. Extra parking space was provided the last time the approval was renewed. The current action requires a renewal of the accessory apartment approval and the waiver for the excess area over the 25% floor area limit. I don't know if the applicant is here tonight.

**Chairperson Speranza:** Again, this is a public hearing. Is there anyone who wishes to speak about this application? Again, it's 56 James Street. No? Okay, then we'll close the public hearing on that.

I wanted to make a comment about both these applications. I think we may have to have an off-line discussion about it, but I'm finding that the applications aren't reflecting the actions. Both of them say that there are no waivers required. If there's a waiver required, it's got to say it on the application. So these two should be changed to show that there is a waiver required, and to be a little bit more vigilant on these.

**Village Planner Witkowski:** I discussed that, with people that work on those, today.

**Boardmember Hutson:** Well, one's not complete either as far as the information.

**Chairperson Speranza:** Right, as far as the square footage. I don't consider it to be so crucial because these are renewals.

**Boardmember Hutson:** Yes, it's straightforward information.

**Chairperson Speranza:** But they should be done correctly. Okay, that's enough. Boardmembers, does anyone have any comments, questions about this?

**On MOTION of Boardmember Hutson, SECONDED by Boardmember Wertz with a voice vote of all in favor, the Board resolved to approve renewal of the Accessory Apartment for Margaret Kalanta, 333 Warburton Avenue. (Sheet 4/ Block 10/ Parcel 1) including required waiver.**

**On MOTION of Boardmember Wertz, SECONDED by Boardmember Logan with a voice vote of all in favor, the Board resolved to approve renewal of the Accessory Apartment for Mary and Edward Shuluk, 56 James Street (Sheet 39/ Block 732/ Lot 10) including required waiver.**

**Chairperson Speranza:** Before everybody disappears and we get really tired I'm going to insert something into the agenda because I think it is important, especially with new Boardmembers here. Angie, Marianne, if you can just check on this and let us know how it affects the Planning Board.

There was legislation passed requiring training for municipal planning board members. Obviously, it's going to pertain to us. I just read about this in a planning magazine. So I think it's something we have to discuss and we have to figure out exactly how we implement this. It'll be good for all of us to know, particularly as we go into the new year and we're planning our schedules. Westchester County, this was something else that I noticed in a planning information journal, is going to be holding their land use training institute in March at Pace University. The Planning Federation has been doing this for a number of years. I participated in some of the sessions, and I find them to be very helpful, particularly with respect to changes in planning and zoning laws. So I will make sure that everybody gets a copy of the information, but do you have information you should share with us in terms of this new state mandate for municipal planners?

**Village Planner Witkowski:** Yes, I did see that and I was going to bring that up during the discussion. I made copies of the agenda from last year's Planning Institute, so I can get those to you later on. I talked to Kay Eisenman from Westchester County Planning. She is the director of the Municipal Planning Federation for Westchester. She said that this year it would probably be about the same as the one last year, only more comprehensive because of this new law. She'll be getting more information out, but she said it would be basically the same.

**Chairperson Speranza:** Okay, I just wanted to bring that up now at this point in the meeting before it's really late and we're really tired because I think it is important in terms of us being on a planning board. People should know that we are going to be mandated to have some sort of training.

**3. Public Hearing. View Preservation and Site Plan Review - Christina Griffin and Peter Wolf. 433 Warburton Avenue (Sheet 7/ Block 618/ Lots 23 and 31 for proposed expansion of 2-family residence and parking spaces on Ridge Street**

**Chairperson Speranza:** This is a continuation of a discussion which was started at our meeting in November. There have been several changes made and more definition in terms of what the applicant is actually proposing.

The hearing tonight is reference for both vision plan and site plan review. Once again, we do not do site plan review, correct? It's a two-family house. So it's on for view preservation and site plan review. There has been some additional discussion with respect to this application since our meeting back in November. Marianne, can you go through some of the things that have been going on in parallel since our last meeting?

**Village Attorney Stecich:** Two issues came to our attention during the last meeting, and in looking over the application. One, Patty Speranza had expressed some concern about the parking in the required yard. This plan showed a parking area both off Ridge Street and off Warburton in what appeared to be the required yard. The zoning code does have an exception for driveways. You can park in a driveway, but the issue was: was this a parking area or was it a driveway? I spoke with the Building Inspector. We had a slight difference of opinion on it, and finally agreed that it should go before the Zoning Board of Appeals for an interpretation as to whether this area was a driveway.

It was already on the agenda for the Zoning Board meeting for view preservation. The Board just began to look at the interpretation. There were also some notice issues with it. They didn't get to it until the very end of the meeting, but the issue was explained to the Zoning Board so that they'll think about it and, hopefully, at their January meeting will make a determination as to whether it's a driveway or a parking area. If it's a driveway there's no issue. If it's a parking area they would need a variance from the zoning code's prohibition of parking in the required yard.

The other issue that occurred to me during the Planning Board meeting was, obviously, this project was going to require the improvement of Ridge Street, the part of it that's still a paper street. That was a threshold determination that would have to be made by the Board of Trustees. If the Board of Trustees looked at it and said, "Listen, we're not improving that street, there's no point in everybody else spending their time on it," I suggested to Christina that she ask the Board of Trustees to consider whether they would allow at least part of the rest of Ridge Street to be improved.

So it was before the Board of Trustees at this meeting two nights ago. The Board looked at it. Not everybody had been out to the site. The Board was open. I'm not going to say that they were favorably disposed. They certainly were not unfavorably disposed to it. They were open to it, and they were about to refer it to the Planning Board for their recommendation on whether the street should be improved. But the Boardmembers decided they should go out and take a look at the site -- not all of them had been out there -- so they're going to take a look at the site and it'll be on at the next Board of Trustees meeting, at which time I expect they'll refer it to Planning Board for consideration of the question of whether the street should be improved. I did point out to the Board that I guess it was a subcommittee of the Planning Board, that Ridge Street subcommittee, and that they had a report which Angie dug out and was just circulated to the Board of Trustees. They didn't have it before the meeting, so they'll look at that.

Just one other thing. Because it's a street improvement there's probably some level of SEQRA that's going to be required. Christina did submit a long-form EAF. The Board of Trustees [would be Lead Agency] because their action, improving the street, would require SEQRA. I don't think either of your actions would, unless there are any steep slopes. We can cross that bridge when we get to it [maybe] in January. Is that clear?

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

**Peter Wolf, applicant - 433 Warburton Avenue, :** I think a lot of the material I was going to go over, Marianne did. The one thing that did come out of the discussion with the Board of Trustees was the question on Ridge Street. The idea is, there is a paper street there now, it would be elongated by about 66 feet. One of the things that I pointed out was there are actually two questions. One is making the paper street 66 feet longer. The other one deals with our envisioning a 9-foot easement. So whatever the terms of the easement are with the Village, the easement would give a much larger turnaround for vehicles going down there.

The one benefit that we also thought of subsequently was that the Mayor was discussing the fact that there were people actually parking across from where the turnaround is now, which made it extremely difficult to turn. We realized that if this was all approved, not only would there be a net gain of three parking places on Warburton Avenue, but there would be a net gain of two or three spaces on Ridge Street as well because you would then be able to legally park across from where the current turnaround is. So I just wanted to bring that to the Board's attention.

**Village Attorney Stecich:** One other thing that I should mention. At the Board of Trustees meeting there were a lot of people from Ridge Street there, several of whom had property that backed on to the paper street or fronted on the paper street; others who said that they might be interested in having the street improved. One person even said he might give an easement somehow, donate in some fashion -- not donate, probably give permission for people to use his property for a bigger turnaround. But he didn't want it for more traffic. That would just be a turnaround for fire and safety vehicles which, of course, would be issues - just so you know that was out there. I'm not suggesting that be done. It certainly complicates Christina's application, but [I just wanted] you to know those people were at the Board of Trustees meeting.

**Mr. Wolf:** Our application is for 66 feet. What somebody else wants to do is their [issue].

**Chairperson Speranza:** Right. That's what I was going to suggest. I mean, we've gotten a lot more information in our packets. You've clearly taken it a step beyond where it was. So why don't you go through that for everyone.

**Christina Griffin, applicant - 433 Warburton Avenue:** Yes, I'd like to explain this in detail. Because since we sent you the update, the amended drawings, we've actually gone even further -- especially after going to the Board of Trustees meeting. We took a look at the parking along Ridge Street. The street ends...it may be hard to see, but there's a dotted line here. Just before the street ends, about 25 feet in, there is a narrow...it's supposed to be a turnaround space so someone could kind of do a K-turn. It's very narrow, it's difficult to use.

On the other side of the street there is a no parking area, a striped area. There is parallel parking down the rest of Ridge, and also no parking in the beginning of Ridge. Because when they developed the street they decided that it's so narrow that they would allow some parallel parking, but not in the beginning and not at the turnaround. Well, if this is no longer the turnaround, then we actually could put a parking space there and we could probably add as many as three up to the new turnaround. What we're proposing is that we create a turnaround space and provide an easement so the public could use this as a turnaround, and probably gain three parallel parking spaces. This would be a no parking area. So you would have two parking spaces for the homeowner, and then three parking spaces for the public.

We have actually looked at this carefully. We have a structural engineer. There's a retaining wall that ends here. The drainage for this area, if we did something in gravel, we could handle it naturally or we could have a dry well for a paved area. The third option is to tie it into the system that's here, but we haven't looked into that in detail.

**Chairperson Speranza:** Under this scheme, the 66 feet is from where to where?

**Ms. Griffin:** From the end of the paved area to the end of the turnaround.

**Chairperson Speranza:** Okay, so it goes beyond where your property is.

**Ms. Griffin:** There is one property between the end of Ridge and 433 Warburton, there are two more properties that go from Warburton to Ridge south of this property, and one property that has an alley access from Warburton. Even though we've talked to the neighbors, it's a little complicated. So we decided to focus on this application. We know that because Ridge is so narrow, emergency vehicles have to go in and back out. But for 433 Warburton, emergency vehicles come from Warburton Avenue. So this is primarily access for the homeowner, but also a turnaround for people using the street.

**Mr. Wolf:** To answer your question specifically, there's one property after the turn into Ridge Street at 25 feet. Our property's 25 feet. That's 50 feet, and the other 16 feet are part of the K-turnaround just on Ridge Street.

**Ms. Griffin:** The way it was left with the Board of Trustees, they would like to get more information, walk the site, and we're going to meet with them again in January.

**Chairperson Speranza:** Okay, good. Now, can you go through, for the members of the public that are here and watching at home, the information that you submitted to us in our packets with respect to the view preservation? And I see there's a letter with respect to the steep slopes.

**Ms. Griffin:** Why don't we start with steep slopes.

**Chairperson Speranza:** And you know what? Maybe just remind everybody that this is an existing residence and what it is you plan to do.

**Ms. Griffin:** This is a 2- to 2-1/2-story, two-family house. It's a railroad type arrangement - you have to go through one room to get to another. We'd like to renovate the house so that it meets state code and, hopefully, adds character to the neighborhood. We used to live here. I feel that this area, if it's developed properly, could have a series of townhouse-type buildings with little terraced plots of land and a delightful set of roof terraces in the back. I'll jump right to 3-D to give you a good picture.

Also in your packet we developed in more detail the exterior facing Ridge Street. I have to say already. Since we submitted those amended drawings to you we have now another set of drawings. Because we are working with one neighbor in particular whose view might be affected. We have been exploring different options because we wanted to provide access to a roof terrace on top. So I've brought those with me. We know this is an ongoing search for the right solution. So I just want to put this up here right now because since the last set of drawings -- I don't know if we should jump to view preservation, but -- we've pushed forward this third-floor area which was going to give access to a roof terrace. We're still in the process of exploring this because this neighbor to the south has a view that is panoramic over this building. We were just meeting with him and he has asked us to try to locate the points of the building and maybe reduce the railing so that it has very little impact on his view. At this point this is sort of ongoing. We've put balloons out there, but probably even better than that we need to get out on this roof.

Now, this building has a zero lot line wall, and we have to remove all the windows because the state code doesn't allow windows on that wall. We have to reconfigure all the rooms and add corridors. So we're keeping the building, really, in the same location on the side walls, and we're pushing it forward with this addition in the back and a few feet forward in the front. We also need to expand the height of this level. We're going to maintain the levels that we have except for the ceiling of this level. We have to raise it up to get an 8-foot ceiling instead of 6 feet 10, which is what exists.

This view is from the front. We would like to keep this space as green as possible using grass block for the driveway. We have an approximately 40-foot front yard setback and 50 feet to the rear, so we'd like to have the cars parked on grass block and have green space in addition. This is a crabapple tree that we hope to save. This building actually is slightly lower than this [neighboring] building. It drops down, and, although it has 8-foot high ceilings, it's about 18 inches below the top of this in the front.

On the side, the building staggers. This is the façade from Ridge. One unit would be accessed from Ridge, with the entrance in the back. These two levels would be the lower level unit with access from Warburton Avenue and its own parking area in front.

**Chairperson Speranza:** But the address for both is Warburton.

**Ms. Griffin:** I'm not sure. I don't think we know yet.

**Mr. Wolf:** I think if it were granted that one would have the 433 Warburton address and the other would have a Ridge Street address.

**Ms. Griffin:** Now, the parking up here also needs county approval and we have to go through the process of submitting an application. They will examine the safety of an additional curb cut. But we actually did some work on looking at the amount of spaces that would be affected. On our latest site plan we located the parking spaces that exist, and we'd like to take out one spot that happens to be right where we'd like to put the curb cut for the driveway and replace that with two off-street parking spaces. But, of course, permission for that is up to the county and also, I think, to planning and zoning because there's a question of whether this is in the front yard, parking in the front yard. That pretty much sums up the parking question, I think.

**Mr. Wolf:** Except if you take a look at the entire parking in the neighborhood, and Christina did a survey of 30 buildings, there's an average of 0.5 parking places per building. Assuming that each unit had two parking places, they're now taking up four spaces on Warburton Avenue. Our idea is to have two spaces in the driveway off of Warburton with the curb cut that Christina was talking about, and the other two spaces on the property off the street on the Ridge Street side. So those four cars would be on the property, and because of the loss of one parking space on Warburton there would be a net gain of three cars on Warburton. As previously mentioned, if the turnaround was granted then there would also be a gain of parking places on Ridge Street that are now opposite where the turnaround is.



**Ms. Griffin:** We have a study here which is a comparison of 30 properties, and these are the properties. Most of them are in the MR-O zone and some of them are in the 2R-3.5 zone that's on Ridge Street. I did the comparison because it indicates that the average number of parking spaces for these 30 properties is 0.5. It just shows how severe the parking problem is. The average number of dwelling units per lot is four, and we're keeping the status of two. The average lot size is 3,154, and we have 3,750. Some of these lots that are smaller have as much as eight units on them. The lot coverage, the average lot coverage, is 43%, and we're proposing 30%. The average minimum side yard is zero. Even though 8 is supposed to be the minimum by code, the average is zero. In fact, the pattern on the street seems to be zero lot line buildings, and the majority of them have an alley on one side. Some, a few, don't have any alleys. We did this comparison just so you could see, and also so I could see, how this building might fit within the range of setbacks and heights that are in the neighborhood. Because it's hard to work with the zoning code. In fact, if you follow the zoning code and you had an 8-foot setback on both sides, you'd have a 9-foot wide building.

**Mr. Wolf:** Unless you put a 120-foot driveway in. Then you'd owe the Village 3 feet.

**Ms. Griffin:** Parking, we've met a lot of neighbors and it's very hard to develop these properties. It's just such a big problem, the parking. There's a great need to have some kind of overall or neighborhood parking areas, if possible. But this submission isn't going to solve that problem. We just would like to give parking to this unit here. You see on the tax map that we have on our comparative analysis page -- there are just a few lots that actually go from Warburton to Ridge -- about four. Because this property goes from one street to the other, if we of course get the approval we could provide parking from both streets and not rely on Ridge for emergency access for fire trucks.

**Chairperson Speranza:** View preservation. The building is going to be higher than it is now.

**Ms. Griffin:** Yes.

**Chairperson Speranza:** And that's that front section.

**Ms. Griffin:** No. Actually the front, we've brought this forward and this is one story higher. That's just to allow access to the view in a small room on top, possibly a roof deck. All the floor heights are remaining except for the roof structure here. We have to raise the ceiling. The ceiling height now is 6 feet 10, believe it or not, and we want to raise it to the 8-foot minimum, which we must by code. Plus the structure, instead of 2 by 6, would be a little heavier than that. So we'll have to raise the structure about 18 inches. With regard to view preservation...

**Boardmember Dale:** You said before -- I'm a little confused -- the studio that was planned on these drawings on the top which would be like a fourth story, is that in or out of the target at this point?, because it doesn't seem to appear.

**Ms. Griffin:** These 3-D drawings have quite a bit. This is what we submitted to you, which had a little room up top to a terrace. We went to visit the neighbor on this side before we submitted this. We were not aware of the kind of view that this neighbor had, and we're trying to work with the neighbor to find another solution because this affects his view looking north. So we came up with another scheme that you don't have but we'd like to submit to you. We may even modify it a little further, where we've pushed that piece. Instead of being independent forward, brought the building forward.

**Boardmember Dale:** That bottom left-hand corner, that studio, has been moved to the front of the building?

**Ms. Griffin:** Yes. To the front of the building.

**Boardmember Dale:** But it still exists.

**Ms. Griffin:** It still exists. We have superimposed the building on photographs, on a sheet of drawings that show analysis of view preservation. This is a view from 431 Warburton from the deck. We went to the property and we took photographs looking north. This is showing this scheme with the roof deck and the terrace. This is a view just coming down the driveway south of 431 to 427, and you can just about see the increase -- about 18 inches increase -- in the height to the rooftop and the little roof terrace. This is the edge of the three-story part here.

This is a view looking the other way. This is the original wall of the house. We're not extending the building any further back than it is except on the lower level, which is below the Palisades, below the view from the neighbor's. Just before this meeting we were meeting with the neighbor because we are going to investigate cutting back the railing. We may have to actually somehow get on that roof to see if we can simulate the height and the location of the railing and the building at that level.

**Boardmember Cameron:** So just from moving the studio back you're still below 35 feet on the front of the building

**Ms. Griffin:** Yes.

**Boardmember Cameron:** And you're still lower than the building next to you?

**Ms. Griffin:** The height of 431 is 26 feet from the sidewalk. The height of the proposed building to the top is 21 feet 8 because it drops about 7 feet down. I'll just quickly show you -- I don't know if this helps as much as the 3-D sketches -- you can see from this view looking down that the third floor is tucked back here to keep open the view from this property. I think those are the only properties that are affected by the building. You might want to look at the elevations; you were asking me about the height. The existing building is here. We're going up about 18 inches and putting this higher piece in back. Which is actually higher than the peak of the old gable, but it's back about 4 or 5 feet. As I mentioned when I showed you that elevation, our three-story piece is back from the peak of this old house. So from this view you wouldn't see it. It would be back here. This is the existing house.

**Village Attorney Stecich:** Views from the other side of Warburton?

**Mr. Wolf:** That new project is on the other side of Warburton and it's 40 feet high.

**Village Attorney Stecich:** I don't know, I thought we would need those perspectives.

**Boardmember Hutson:** Getting any westerly view from across there? The first floor across there would be where in relation to your structure?

**Mr. Wolf:** Well, the relative heights are different. We would have to actually measure that. But as Christina was saying, just from the sidewalk on the south side to the bottom of the building is already 7 feet, okay? So there's still another height difference, and those buildings are 40 feet high so I can't answer specifically the view of the first floor. But it probably is not going to be materially different than the building that's there now.

**Ms. Griffin:** I'd like to show you this view. This is a view, I think, where you would see a little of the Palisades, walking down the street. The existing building ends where the new building is. We're not planning to extend that. We're just planning to lift this up about 18 inches. This wall is in the same location as the existing wall, although we are adding a 2-foot deep bay right here. So this would be the view that you would see from the street. This building is 18 feet wide on a 25-foot lot, so there's another 7 feet to the property line. The next property north of this is a 50-foot wide lot with approximately 20-25 foot wide open area, a driveway on the south side of the house.

**Chairperson Speranza:** This is obviously an application that's changing. It's already changed a little bit from the plans that we have. In terms of the final application, we'll just make sure that we get everything we need in terms of the document for the record.

**Ms. Griffin:** We didn't get up to this deck, and after we submitted the last plans we were able to do that and realized that we had to change the configuration of this to reduce the impact on the neighbor's view. That's the primary reason for the change.

**Chairperson Speranza:** Do you have anything else? Because it's a public hearing I want to see if there are any comments.

**Ms. Griffin:** The steep slopes, the status, briefly... We have a calculation on our site plan of the steep slopes. The existing site, with the grade greater than 15%, is 662 square feet. The definition of steep slopes is if you have at least 1,000 square feet, 15% or more. We also gave you the area of the site with the level terrace grade because the existing site has three terraces in back which are not over 15%. But if you put that in the calculation, you're at 878 square feet. Basically, up to this point you're less than 15%. And there are terraced areas, and then there's a steep slope area that's less than 1,000 square feet. Now, the proposed steep slope, which is grade greater than 15%, is 541 square feet, and that's the steep area right here. With a level terrace grade, if you include the deteriorating terraces which have to be rebuilt, you would be at 1,023 square feet. The grade with less than 15% not terraced is 225 square feet. So there's a question about whether this falls in the category of steep slopes, but we wanted to make sure you had that information so you could decide how you want to handle it.

**Chairperson Speranza:** And you are proposing to handle storm water on the site.

**Ms. Griffin:** Yes. There's no storm water drainage that we'll add. We're adding dry wells, and we submitted an engineer's letter who is sizing the dry wells for the property. So there will be no additional runoff onto neighboring properties from the site.

**Mr. Wolf:** Actually, the amount of steep slopes over 15% will be less than it is now.

**Chairperson Speranza:** Board members, comments or questions on the application?

**Boardmember Cameron:** I just had one question about the parking in front because I noticed that the parking is at almost a 15-degree slope. I'm not quite sure how to keep [cars] on that sort of slope. Maybe Peter's comment last time was right: you have to back in. But if you were trying to back out on a 15-degree slope, I don't know if you can even see out the back window that well. So I'd be curious for any comments you have on that slope. It says 14.7 on the diagrams I have here.

**Ms. Griffin:** I think that neighbor has the same pitch, and we just want to reduce the number of retaining walls. But we can reduce the slope simply by adding a curb or a low retaining wall here. I think our original idea was that we see it working for the neighbor. We could take a look at that and see if it might be best. Also, you have to put a retaining wall here because this will not be as steep as the neighbor's driveway. Which is actually not next to this. There's a nice little bit of green space right here.

**Boardmember Alligood:** I have one comment on that. I think visually it'll be more attractive to leave it the way you're proposing. Maybe you can't do it that way, but I think it'll reduce the effect of seeing two cars hovering over the property. So that's a down side to doing that.

**Mr. Wolf:** We're trying to do that. We're also trying to save two trees in the yard.

**Ms. Griffin:** We're really trying to make it as green as possible, and when you put retaining walls in you hit the root system of the tree that we'd like to save.

**Chairperson Speranza:** Eva, anything else?

**Boardmember Alligood:** I've given some thought to this issue of the parking, and you know I expressed concern last time. But I do think it's a good solution because I don't see how else you can develop the property without providing some parking. I think you have a unique property in that you have room for the parking in the front yard. I'm not a big advocate of that, but I see it as a clever solution. I just wanted to express that.

**Ms. Griffin:** Thank you. You know, the front yard setback is 10 feet for this area. So we're very fortunate, we have 40 feet to work with.

**Chairperson Speranza:** Fred?

**Boardmember Wertz:** Well, I see a number of benefits to the proposal. I think that the net gain in parking, both on Warburton and Ridge, is a plus. There are some open issues still outstanding with regard to whether the front space is a driveway or -- what was the other alternative? -- a parking area. So we'll have to see how that works out. I, too, think aesthetically it's unfortunate when you lose front yard. That's always nice, but I think the utility of the parking space may outweigh that. Actually, I think the overall architectural design of this is beautiful and it's a great improvement to the neighborhood. So the net gain in character and contribution to that part of the Village, I think, is great. When I think also of the turnaround on Ridge, and not only the inner parking but the gain of ease in moving traffic through that area, plus what appears at this point to be some positive sentiments of neighbors and even some joining in with the movement of even greater improvement, I think it looks like there are a lot of benefits to this proposal. But we'll have to wait and see how the outstanding issues develop.

**Chairperson Speranza:** Okay. Dave?

**Boardmember Hutson:** On driveway...do you have to be driving to something or not?

**Chairperson Speranza:** That's why that issue is before the Zoning Board of Appeals.

**Boardmember Hutson:** Okay, it's not for us to say. It doesn't seem like a driveway to me, but then again that doesn't mean it's not a good idea. Frankly, I realize parking is like a little god, it's not a big god. But I would just as soon see the front yard be the front. I think the proposal is terrific. I would just keep the cars out of the front yard. I think it cuts into the character of neighborhoods like this when you see the cars in the front yard. I realize it's convenient, and everybody wants to create more parking and so on. Otherwise, I think it's great.

**Boardmember Logan:** I like the scheme. I think it's a tough site and this is an intricate solution that holds together a lot of different variables, and I think it's got a good scale to it, and I support it.

**Boardmember Cameron:** I agree very much on the design issues. I think it's done very well at the site. I was a little concerned about the fourth floor... studio on top, particularly when it was in the middle of the building, which was something odd and a potential problem for the neighbors to view.

There are two questions in the SEQRA application ... I wasn't sure what they meant. One is on item 19, which is: "critical environmental area designated pursuant to article 8." What does that refer to?

**Boardmember Hutson:** It's geographical.

**Boardmember Cameron:** And the answer is yes.

**Boardmember Hutson:** Yes, that's a geographic designation for where it's located.

**Chairperson Speranza:** Right - essentially the Hudson River view shed. It's formally designated. I believe Westchester County designated it a critical environmental area.

**Boardmember Cameron:** And then: "Will the project produce operating noise exceeding the local ambient noise levels?" and the answer is yes.

**Mr. Wolf:** Only during construction.

**Chairperson Speranza:** My plan is not to go through the SEQRA. I don't believe we're at a point for action.

**Boardmember Cameron:** I'm just curious what those meant in terms of the project.

**Chairperson Speranza:** Having had some history with the development at Ridge Street and the report of the Ridge Street committee and the issues that were brought up during that process, and then in reviewing what some of the findings were, I have some...I love the scheme. I believe that it's parking in the front yard and it's parking in the rear yard. If the rear yard weren't along an unimproved portion of Ridge Street -- whereby we extend the paved area of Ridge Street longer than the overly-long length that it is now, and bring more cars into Ridge Street which was a concern four or five years ago during the work on Ridge Street -- then, this [would be] great, this is terrific.

I admit I have some hesitancy. I'm curious to hear what people in the area have to say because things do change. Ridge Street was studied very specifically in response to several proposals for development along Ridge Street. One of the findings of the report recommended no more development on Ridge Street. Anything that was going to occur should have access from Warburton or Southside. Here we're looking at development on Warburton which is getting access via Ridge Street; very much the opposite.

So again, I like the scheme, I like the design, I think it'll be a great-looking structure. It is a structure that exists now. You know, the discussions, what we've heard about in terms of the zoning, the new zoning was put in place to better reflect what was in the area. I see you look puzzled, Christina. Because remember, it used to be CC. So this was changed, this was part of the area that was rezoned to take it out of the commercial district. So it's even better. But again, I really do want to hear what people in the area have to say. So why don't we open it up to comments from members of the audience.

**John Ciborowski, 443 Warburton:** I'm about four houses north of the development, and I find a big problem with the parking in the front yard. It's easy to say we can crunch numbers and save spaces, but I think saving people's health and life is more important. It will be a hazard if you allow parking in that front yard. The building south of it, 431 Warburton, abuts the sidewalk. It's going to be completely blind. We have a new development coming across the street. I don't know if you realize the amount of pedestrian traffic- young families, people with strollers, children on bicycles, and many senior citizens are in the area. Going south is a complete blind way coming out onto Warburton. It would be a disaster waiting to happen. You may save one space [only] on the best day. Because once it snows there'll be piles of snow.

The driveways that are existing there now have existed. I'm a lifelong resident there. They've been there as long as I've been there in the town. The one to the south of them is barely used. If it's used two times, three times a month that's it. The lady that lives in the house doesn't even drive any longer. If you're going to be coming in and out of there with the new development across the street it's going to be a complete hazard. I really think you should come and see and take a look. Because you cannot see south there with that house being right on the sidewalk, 431. The other driveways have openings that go down a little ways. So I really think that before we allow any parking in the front yard there we really should take a good look and even have somebody from the Safety Council take a look at it because it's going to be a big problem. Thank you.

**Chairperson Speranza:** Thank you. Does anyone else wish to speak?

**William Kennedy, 431 Warburton:** I'm the building just south of this. I'm the one that's talking to them about the view preservation and everything. I know nothing's been settled, so I just want to make sure nothing's being voted on. And if it were to be voted on, I'd have to object at this point. I know they're making changes and the plans are going to change, that's what they told me. Because originally I had an unobstructed view of the entire north part of the river and I don't want to lose that. The original plans called for going up about 12 or 15 feet above that area. I don't want to put a kibosh on anything right now because I know they're reworking it, but as the plans are now I have a lot of problems with it because it blocks a lot of my view which I bought the house for that reason. Actually, I have pictures of it here if you'd like to take a look at them.

**Boardmember Logan:** Could you tell us which windows are these views from? Or maybe you can show us on the drawing where your windows are.

**Chairperson Speranza:** It looks like some of them are going to be from out on your roof, or is that from an interior window?

**Mr. Kennedy:** That's actually outside my bedroom.

**Chairperson Speranza:** Like a deck?

**Mr. Kennedy:** On the deck outside my bedroom. This is my deck here. But they actually said they're going to cut it back. I don't know if you're even voting on this.

**Chairperson Speranza:** Not this evening. Now, Mr. Kennedy, you have the driveway...you're right next to them, you have a very, very steep driveway down.

**Mr. Kennedy:** Yes.

**Chairperson Speranza:** The day that I was out there walking by I noticed a car at the top of the driveway. I'm just trying to get towards the tendencies of people off-street parking now. The car was at the top of the driveway. Do you bring the car down the driveway or is there a turnaround or do you come back up...

**Mr. Kennedy:** I have a parking area at the bottom of the driveway where I'll turn around and have it halfway down the driveway near the entrance to my living area.

**Chairperson Speranza:** Okay, so you've got a turnaround so you can come back up.

**Mr. Kennedy:** Yes. Normally you would see a car up on the top where someone pulls in, parks in my driveway and goes to Antonettes. That's another problem in the area with driveways. My driveway is often blocked or partially blocked and I can't get out.

**Chairperson Speranza:** Thank you. Does anyone else want to speak on this tonight?

**Village Attorney Stecich:** When the application comes back, it seems on the steep slopes issue it's close enough that they should probably put in a complete...because they put in some information for the steep slopes, the letter from the engineer, which I didn't quite understand. But there should be a full... there's a whole bunch of stuff you need to submit on the steep slopes and I think they should submit it all because it's close enough and I don't think it involves a lot more. So my recommendation would be that the Board direct that on the steep slopes. And then also -- and I think they understand that -- you need more photographs from more perspectives.

**Chairperson Speranza:** For the formal view preservation.

**Village Attorney Stecich:** Yes.

**Chairperson Speranza:** We will also go through the long-form environmental assessment. What I would like to do is keep the public record open until there are determinations made by the Zoning Board of Appeals and the Board of Trustees.

**Mr. Wolf:** I just have one question. I've looked through the code, and I didn't find the specific definition of the word "driveway." I'm curious, is that going to be here or the Zoning Board?

**Village Attorney Stecich:** It's a Zoning Board issue.

**Mr. Wolf:** Fine, thank you.

**Chairperson Speranza:** If I can suggest, because I did speak to Marianne about the parking, I remembered several instances where we said no, this is parking in a front yard. If you look at the off-street parking section you might find more information, remember? That was what I had sent to you.

**Mr. Wolf:** I found information about the driveway, but I didn't find a specific definition of a driveway.

**Village Attorney Stecich:** Peter's point is that the word "driveway" isn't defined in the code. But I guess David mentioned it: a driveway is a drive *to* something. But anyway, my position was that it was not a driveway. Deven says that it was. He made good arguments, I think. I made good arguments. It's before the Zoning Board.



**Boardmember Hutson:** Part of it is that not only it has no function as a driveway to something, it's also -- and this was mentioned by the gentleman before -- normally in a driveway you figure you can go in and perhaps there's a maneuver you can do within the property so that you come out the opposite direction that you went in. So I think it's not. I think it's parking. Again, it's not our decision.

**Village Attorney Stecich:** And also you have to consider it not just in this context. In this context it might not be too bad. But what if somebody on Farragut Parkway comes in, or that chiropractor's office, wherever that was, who was short on parking places and they put something there and say this is a driveway. So it has to be considered not just in that context.

**Boardmember Hutson:** Right. The grade is a factor when you talk about the function, just as we talked about on the proposal there on West Main. Any time you're coming into a thoroughfare from a lower elevation it gets a little more complicated than if you're coming at that thoroughfare from a level approach. So the fact that you would either be backing in or backing out is a factor -- the fact that it's an aesthetic issue and the fact that you can't make any maneuver to change your direction and the fact that the grade, if anything, is probably going to go down -- I think all of these things are issues that have to be seriously looked at. That's why I say, even though parking is kind of a mantra for most us, it seems to me that there are things about it in this case that offset the parking benefit. That's just one part of it. I see there are other issues, too.

**Village Attorney Stecich:** And one other thing is, irrespective of whether it's a parking area or a driveway, even if it is a driveway, the Planning Board in site plan review can still be able to look at those kinds of things and say you can't do it because it's unsafe whether it's a driveway or not a driveway.

**Mr. Kennedy:** I'm sorry, my big concern is my view. But also I do have a concern about the parking. I have an apartment where my sister lives which has a window, ground level, looking out right in that area. I'm worried about the fumes from the cars going into that window, and also her view will be of car tires instead of an empty area.

**Chairperson Speranza:** So your house next door, the lower level is actually on level with the ground outside the house.

**Mr. Kennedy:** The lowest level is almost level with their first floor. I have a picture.

**Chairperson Speranza:** Okay, sure.

**Boardmember Logan:** I think they're proposing those parking spots to be away from your house, though, to the north.

**Chairperson Speranza:** Well, it's only probably like 10 feet.

**Mr. Kennedy:** It's not very far.

**Chairperson Speranza:** Yes, because it's a small lot.

**Mr. Kennedy:** I just don't want it near that one.

**Chairperson Speranza:** Seven feet. So there's no action tonight. Because I think whatever happens, the reports from the other boards, potentially, could have an impact on the decisions that we end up making.

**Ms. Griffin:** Thank you. We're going to look into the other items. Thank you for your time. See you next month.

**Chairperson Speranza:** Okay, thank you. We're on the record, so I want to make sure, if there's something else you want to say...

**Mr. Kennedy:** We were discussing whether it was a single-family or multiple. There are two-bedroom apartments, and one of the three-bedrooms has a fourth room on the roof which is called a studio. So it's two entirely separate units.

**Mr. Wolf:** Yes, there are two units there now and we're proposing two units.

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

**Saw Mill River Road (Route 9A) at Holly Place - Petition to Rezone 8 properties from 2-R (2 Family Residence) to MR-C (Multiple Residence – Commercial) and text amendment to allow Self-Storage with State Road Access and other conditions in the MR-C zone - Prepare recommendation to Board of Trustees**

**Chairperson Speranza:** The next item on our agenda is the Planning Board's recommendation to the Board of Trustees with respect to the proposal to rezone the Holly Place neighborhood off of Route 9-A from two-family residence to MR-C, multiple residence commercial. Marianne, do you want to take us through some of the information that you prepared for us with respect to some outstanding issues as a result of our meeting back in November, particularly with respect to how this property came to be used for a self-storage facility given the fact that it is in a two-family residential zone. And then also what some of the implications are with respect to the rezoning of it to MR-C. So if you could just review for the public what your findings were.

**Village Attorney Stecich:** At the last meeting we were assuming that there had been a use variance for the property. When I went back and looked at it, it was before the code that we have now. Under that code, if you have a nonconforming use you could change it by virtue of a temporary conditional permit to a less nonconforming use.

**Chairperson Speranza:** Now, can I ask you a question about that? Temporary conditional -- temporary is just the name.

**Village Attorney Stecich:** Yes, that's really the name.

**Chairperson Speranza:** It's not temporary.

**Village Attorney Stecich:** I know.

**Chairperson Speranza:** All right, I wanted to make sure.

**Village Attorney Stecich:** Yes, it's a special permit. I guess temporary -- for awhile: it's that use of something. It's essentially special, but you could say it's a nonconforming use special permit. That might be a more precise name for it.

**Boardmember Cameron:** And there's no date attached to it?

**Village Attorney Stecich:** No, no. Because you're saying you could completely change the use, so you really couldn't put a time limit on it. I guess what could make it temporary is that for as long as that use exists you couldn't...if that use stopped existing it couldn't go to any other nonconforming use. It would have to go to a use conforming in that district. So I guess in that sense it's temporary.

**Boardmember Cameron:** I'm sorry, there's no requirement to renew that?

**Village Attorney Stecich:** No. You could put a time limit on a special permit, but there was none. It used to be a fuel station, with fuel trucks and fuel repairs, and then for awhile it was used for storing and parking school buses. It was a real problem to the neighborhood, so the proposal was to change it into a self-storage warehouse. I was correct: there wasn't any litigation. Anyway, it's there by virtue of this temporary special use permit. It's essentially a prior nonconforming use. It's there legally.

Along with that permit they got a number of variances from the Zoning Board. They got one for lot coverage. The maximum lot coverage allowed was 30%; they were allowed 42%. And then later it was, I think, increased to 47%. It was before the Zoning Board actually for a couple of years. They also got a height variance. They got several variances from the Zoning Board. So by the time it came to the Planning Board a lot of the issues that the Planning Board had were already decided. That, I think, was the frustration Patty was talking about. I thought we couldn't do anything about it, and that was part of the frustration. There was some concern by at least one of the Planning Board members who didn't like the use. But that use was already allowed by the Zoning Board. There were issues about it's height. But they received a height variance from the Zoning Board so there was a limit on what the Planning Board could do.

I don't know if the Board had a chance to read it, but I did include in the packet the minutes from the Planning Board meeting at which it was discussed. I think it gave you a pretty good sense of where the application had been previously and what the Planning Board did with it. So available in the Village's files, if anybody wants to see it, are the Zoning Board resolutions granting the temporary conditional permit and then their subsequent decision granting the variances. Also the minutes from that Planning Board meeting. In addition, I asked Sue Maggiotto to dig up in the files the memos relating to the creation of the MR-C zoning district, and the MR-C zoning district is the one that Mr. Tarricone and his neighbors are seeking to rezone this parcel to. So those memos are in there. I assume you don't want me to read from any of them, but they are available in the files if anybody's interested. I think that's pretty much it, Patty, right?

**Chairperson Speranza:** As a reminder, this application is to amend the MR-C zone also to include self-storage facilities with certain caveats and to map them in this area.

**Village Attorney Stecich:** Yes, I know. The one other thing that I did was compared the bulk regulations, the minimum lot size, the setbacks, the heights in the 2-R district and the MR-C district. It might be worth...

**Chairperson Speranza:** Yes, I think we'll do that during the discussion.

**Village Attorney Stecich:** Okay. So there's quite a disparity in the bulk requirements in the two districts. That was in the last page of the materials I submitted.

**Boardmember Alligood:** As I said at the last meeting in which this matter was before the Board, I'm recusing myself, as my husband's the architect for Tarricone on a different project. Not this, but it represents a conflict of interest so I won't participate.

**Robert Davis, Shamberg Marwell Davis & Hollis:** Good evening. Thanks for giving us the opportunity to speak tonight. We're in Mount Kisco, and I represent the Tarricones, who owned three of the eight properties. There is some focus in the discussion on the self-storage, but that, in fact, is only one of eight properties before you. I also represented the Tarricones in connection with all of the matters that Ms. Stecich was discussing and I'm intimately familiar with those.

One point I would make, just to extrapolate on what she referred to, one of the provisions of the code that was a point of emphasis was in terms of the ability -- at least under the code as it read at that time -- to change one nonconforming use to another that was more conforming. There had been a lot of issues, and there was some prior litigation with the town, not in connection with the conversion to self-storage but with regard to prior uses. Because the Tarricones had operated their fuel company there since 1942, and there came a time in the 80s or early 90s when that use ceased. Then there was a progression of uses, one of which was as a school bus terminal. There were a lot of issues with the neighbors, there were a lot of violations which were contested.

So it was a quandary what to do with this property that had existed as it had for so many years. Anthony Tarricone was the third generation in the family and made the effort at that time to come up with a use that was more amenable to the neighborhood. We came up with the self-storage use, and that's proven to have worked out quite well in comparison to the other uses.

Mr. Tarricone has resided in the Village himself for 20 years, and his wife has been a lifelong resident. They currently reside at 15 Holly Place, which adjoins the self-storage facility. That's actually the house where his father was born. The family has resided in that house and operated a commercial business on the adjoining premises on Saw Mill River Road now for over 60 years. Actually, they even operated a business on Edison before that in the 30s, an ice business. So they've been serving the community with variety of businesses out of that area for over half a century.

I was not here personally. I was at the two Village Board meetings before this. I was not here on the 16th so I'd like to take the opportunity, much as Ms. Stecich I'm aware has done to some extent, to take you through some of the details of our proposal in somewhat more depth and also to talk a little bit about the Planning Board's task that's assigned to it in this context under the zoning ordinance. This is a proceeding, as you know, that is brought before the Village Board pursuant to section 295-157 of the zoning ordinance, which is the procedure for zoning amendments. The petition before the Village Board seeks the rezoning of approximately 1.6 acres in area on this far eastern boundary of the Village that's separated from the rest of the Village by the Saw Mill River Parkway. It's a neighborhood that's located between the parkway and state Route 9-A, also known as Saw Mill River Road, and it adjoins commercial and industrial areas in the Town of Greenburgh and the City of Yonkers. The subject properties which are before you tonight are only Mr. Tarricone's, and that has to be made an emphatic point here because there's been more focus on his than others. But other people are here tonight to speak in favor of this and there are at least the owners of five other properties who are involved, not just Mr. Tarricone's. These properties all either already contain commercial development and/or adjoin it or are across the street from it, or a combination of all three. It's really a transitional portion of this neighborhood. It's basically the access to the neighborhood that lies on the two corners of Holly Place right on Route 9-A as opposed to the interior of the neighborhood. The original application, when we first commenced it, was for the whole neighborhood. We scaled back that proposal, and now the people who are petitioning are the only properties in question. They're seeking to rezone their own properties, no one else's.

The nature of the petition is fully set forth in the loose-leaf binders that we've provided to the various boards. In short, the owners of the eight properties are seeking to change the zoning of their respective properties from two-family residential, which is known as your 2-R zone, to multiple residence/commercial, MR-C, which we feel is intended, and I'm sure the records will reflect this. It's a fairly recent zone, adopted in 2003, and it's in the nature of a transitional zone which is principally multi-family and that has some very limited business components, many of which are probably irrelevant to these properties as a practical matter, but we'll go over them. There's currently, as I understand it, only one other MR-C zone in the town, just down from Village Hall, to the south of us on Washington and Warburton. Interestingly, just as this proposed zone would, it also adjoins a 2-R zone. Also the MR-O zone, which is somewhat similar.

The basis for the petitioner's request is really two-fold. That's that the current 2-R zoning of their property doesn't reflect the existing conditions either on their properties or around their properties. And number two, almost every property in the 2-R zone, including those who are not petitioning before you and including some of those who are, are nonconforming under 2-R standards both with respect to use and principally in regard to the various bulk requirements. An MR-C designation would certainly alleviate those two situations to a large degree.

This area which, as I mentioned, is along Saw Mill River Road and is, in fact, largely commercial and industrial. In the Hastings portion, which is almost fully developed except there is some little open area on developed lots on the corners, you have going in a northerly direction from the corner along 9-A, the Hastings Self-Storage, which is Mr. Tarricone's business. He has been operating that for six years. And that, I think no one would argue, has been a substantial improvement over the school bus and fuel truck deposit that existed there. Just north of that is property formerly owned by Mr. Tarricone. And it, in fact, when Marianne was referring to lot coverage and the like, was actually part of the prior applications as well. It's also a nonconforming commercial property. It's now owned by Mr. Birelli's company, who is one of the petitioners before you. That consists of a commercial building that has his plumbing business, and has the Nextel telephone business. Also on the very same property is a two-family dwelling. To the north of that you have county-owned property. It is currently zoned R-20. It includes the bike trail area. Probably that'll be up for a more appropriate zoning -- I would assume something of a park designation or something like that -- because it won't be developed for residences. And then to the north of that on 9-A, still in the Village of Hastings, is the area formerly operated by the Ciba-Geigy offices. Apparently it is still a campus office of some type. That had been zoned, until 2004 or so, light industrial. It is now mixed use planned development district, the MUPDD district. That is somewhat interesting because that's the next intensive use in the list of zoning districts in your code, one step more intensive than the MR-C. It also has a significant multi-family residential component, so there would be a logical progression in moving from the MR-C to the MUPDD as you go along Route 9-A.

Right on the corner of Mr. Tarricone's property is a very busy county Beeline bus stop, which entertains him unfortunately every morning with their talking buses. Directly across 9-A to the east of these properties is Greenburgh, and that's in the Greenburgh light industrial district. Currently, those properties are comprised of two separate building material and stone construction material type businesses. There's also a contractor's yard directly across the street, with heavy vehicles and equipment, and Bob's auto repair garage which is a pretty busy repair facility. Just to the south of these properties on 9-A is a very heavy commercial and industrial area. Some of it is zoned as such and allows just about every use in the book, including adult-oriented businesses, as does the Greenburgh zone directly across the street. There's also, nominally at least, a two-family zone in Yonkers south of this property. But insofar as the area of that along 9-A, there's also many nonconforming businesses, including restaurants and the like. This strip of Yonkers just down from the property includes such uses as a garbage transfer station, multiple junk yards, two rental stores, and the like.

Many of the dwellings in the Hastings 2-R district as it currently exists, including those who are not petitioning (about 20 properties), are two-family or nonconforming three-family dwellings. Most are nonconforming with respect to dimensions, the bulk requirements, most particularly with respect to lot size.

In the 2-R district the requirement is 7,500 square feet minimum for a single-family house, 10,000 square foot minimum for a two-family. Most of the lots you'll find, except for a few of the petitioner's properties, do not meet that. In fact, I don't think any of them meet it with respect to a couple of the petitioners' properties. So the rezoning to MR-C would render the properties in question either conforming or more nearly conforming with respect to both use and bulk, and certainly would encourage a movement toward conformity under these existing conditions.

Now, we've also mentioned one component of the request is a text change, and that primarily does relate to Mr. Tarricone. That would allow the self-storage use subject to very strict parameters, which we've enumerated in our proposal, which was based on a model ordinance from another municipality. Essentially that would render his existing property conforming, which is now a nonconforming use, a new nonconforming use from what it used to be. Also it would enable him to possibly expand onto the corner of Holly Place and Saw Mill River Road. Now, some of things to note on that, and the conditions which should allay some of the fears of several people who have objected to this, are that we've made it a condition, which matches the existing condition, that access to a self-storage facility could only be off of a state road. So there could be no access to any expansion of this facility from Holly Place. Also, we provided that -- and I'll get to this in a minute -- we can only extend a certain distance from the state road, which would stop this use from stretching too far into the neighborhood near its more residential area. So any use that Mr. Tarricone would want to make further of the self-storage use would be subject to your board's approval for site plan review and architectural approval, and to a host of very stringent conditions. By the way, it's important to note: there are no specific existing conditions in your code for self-storage uses. This would certainly go a long way toward remedying that situation.

As I said, some people have expressed concern that Mr. Tarricone wants to extend the self-storage along Holly Place to other properties beyond his existing residence at 15 Holly Place, which he does not. Since we submitted our original petition he has proposed to add one more condition, and that's that any new self-storage use may not extend beyond an average of 150 feet from the state road on which it's required to have access. So that would eliminate any concern that there would be any storage use along Holly place beyond his residence, including a two-family rental that he recently acquired next door, which is the next property to the west. There's another petitioner to the west of that, the Kahns, which have a two-family residence. They're all beyond 150 feet. And then beyond them to the west, at the end of Holly Place and it's not part of our petition, is the Cash Automotive area we've referred to as the junk yard. They have a two-family house associated with that use. Also, as we pointed out, there would be no access to any self-storage on Holly Place. It would have to come, as it does at present, off of Route 9-A.

One of the things that expanding onto his corner would allow would be a more optimal parking situation and traffic circulation situation there. But of course that's way down the road if, and when, there is a rezoning and we come before you to look at a site plan.

It's fair to say that the Village residents and others who make up Mr. Tarricone's customer base -- and most of them come from a 3-mile radius and, as you might expect, there's a very high percentage of Village residents who are his customers -- they've helped his business reach capacity. It's a state of the art facility as these facilities go. He has over 400 units that are now filled, he has a waiting list, and we would submit that it's been a clean, quiet, and reasonably attractive use under the context of this neighborhood which provides, certainly, a service to the community.

I think it's important to note in terms of the ramifications of what we're asking that, based on our analysis and the parameters that we propose, there's no other property in the MR-C district -- and I'm talking about the existing one in the downtown area -- that would qualify for self-storage use. This would be the only property that would qualify, so there'd be no real ramifications in that respect other than with respect to this existing facility. Under your zoning code, the currently permitted uses in the MR-C zone -- many of which, as a practical matter I think you'll find, will be irrelevant to this particular area -- are single- and two-family homes which, of course, are already permitted; dwellings for three or more families, and those are subject to certain parameters. Then there's a limited specialty retail component. The only items that could ever be sold in this zone would be antiques, books, arts, gifts, or other specialty items. So it's an extremely small retail component. There's also a component for a restaurant with a gross floor area of 2,500 square feet or less. I'm not aware that anyone's interested in doing that. Artists studios, health and fitness clubs, business and professional offices, or, in some instances mixtures of an office and a residential use. What we're asking is that self-storage be added to the list of uses, but unlike those uses, it would have a myriad of conditions which we've outlined in detail and we've taken from another ordinance plus added some restrictions that are more pertinent to this area.

So to alleviate the concerns of the relatively few people that have objected to this with respect to the commercial uses, I think it should be noted that as a practical matter, other than for Mr. Tarricone's self-storage, any newly-permitted use on the six other properties -- all of which are already developed, and four of which have two-family homes -- would most likely, as a practical matter, only involve, an expansion for a one-family to a two-family in a couple of instances, or from a two-family to a three-family house in other instances. The Birelli property to the north, of course, is already developed for commercial use and has a two-family house as well. Its present use would still be nonconforming to some extent under MR-C because it doesn't meet the retail or other type requirements. But it would be much less nonconforming and would be in a better position to convert to one of the conforming uses, such as a business office or limited retail use, than it is under the present conditions when it's simply a nonconforming commercial use in a totally residential zone.



Of course any change of use would have to come before your board in any event for site plan review and, of course, for architectural review. One thing we would also point out with respect to any limited commercial use, which I think is unlikely compared to the increase in residential use, is that traffic associated with this area for the most part would be entering the area from Saw Mill River Road because we're talking just of that area on the corner. It wouldn't be going through the entire neighborhood. To the extent there might be a minimal traffic increase, it would be coming from 9-A. Of course any use by Mr. Tarricone would be required to come from, and enter on, 9-A only.

**Chairperson Speranza:** Mr. Davis, I realize you weren't at the last meeting. We did get a very good briefing by your client, and we have all the materials. I'm wondering if there's anything new that you want to add, because I think we've heard a lot of this.

**Mr. Davis:** I was actually about to finish up on this particular issue. I was going to point out that at least 50% of the properties actually in the neighborhood either support by way of the petition, or at least do not object to this. We've also given you substantial documentation of support from the community as a whole.

The other thing I wanted to point out - which I know he did not speak about last time, if I may just have a couple of minutes to do that - is to take a look at the parameters governing your recommendations under the zoning code, and a couple of thoughts on those as to how they apply to the facts in this case. There are a number of guidelines that are offered in the zoning code to govern your recommendation. First, with respect to changes in the text of the code -- and that just goes to the text amendment -- whether, and how, the proposed amendment or other change is consistent or inconsistent with the comprehensive plan of land use of the Village as it may exist from time to time. We would just suggest that the self-storage use is a natural component of the MR-C uses. It ties in well with transitional residential zone because of the relative quiet nature of the use and lack of traffic of the use. Because it tends primarily to serve residential customers and their personal belongings for storage, it fits in rather well with that.

Then a criterion is whether and how the proposed amendment or other change is consistent or inconsistent with the aims and principles embodied in this chapter, the zoning code, as set forth in the general purposes and objectives provisions of the code. Very few of those are directly relevant, but there's one - objective number 1 in section 295-3, which I suggest to you is relevant. That objective is to guide the future development of the Village in accordance with a comprehensive plan designed to represent and promote the most beneficial and convenient relationship among residential, commercial, industrial, and public areas of the Village, considering the suitability of each area for such uses as indicated by existing conditions, trends and development, and changing modes in living, and having due regard for the use of land, building development, and social, cultural, and economic activity both within the Village and with respect to the relationship of the Village to areas outside of it. Those areas outside of it certainly have a strong component in this consideration.

The only other criterion is what areas of the Village will be directly affected. Here, an extremely small area; literally less than 1/10th of 1% of the entire area of the Village is involved here, and separated from the rest of the Village. Any indirect implications on other laws or regulations, there are none. How is the proposed zoning map change consistent or inconsistent? I would say that it's important that this is a new district, it's just been developed. This is precisely the type of area where I would submit to you it was intended to be used. And as I pointed out before, it's an entirely logical progression with the new MUPDD district that has just been established on the same road. So that's a very important issue. A key condition, of course, is whether the uses permitted would be appropriate for the area concerned. I really think, under all of the circumstances, that that is overwhelmingly the case.

So we would respectfully submit, and I won't take up any more of your time, mercifully, that if you look at each of these criteria under the facts of this case I think they very strongly warrant the action that we're suggesting and a positive recommendation to the Village Board. I'd like to just ask...I know there are some other people that want to speak on a number of different things. But I'd just like to give Mr. Tarricone the opportunity to say a few words.

**Anthony Tarricone, petitioner - 15 Holly Place:** How are you? First I'd like to let you know I live at 15 Holly Place, and my family has lived there since 1942. That's a repeat; I know you just heard that. I won't take up a lot of your time.

First, I can't thank everyone enough. I'm talking to my neighbors that have come out here on December 21st, and all of you guys. To sit here and listen to us and this proposal, I'm actually very touched by it. It's been a real community effort. We have submitted a lot to the neighbors, they have responded. I'm pleased with that. I know last on their list of things to do was to listen to me... but they did respond. I spoke with Linda Merchant at length about the concerns in the neighborhood. I've also listened to Carolyn Caruso. They were concerned about the depth of the building and that we would convert the whole neighborhood into some kind of commercial business. We're lifelong residents. This goal is to improve Hastings. We love Hastings and would never think of living anywhere else. As such, we amended the application to reflect that, as shown by the fact that we're only going 150 feet deep - which is what the neighbors requested - and limited the MR-C zone to property of those who requested it.

Lastly, the Village is in desperate need of tax revenue. The existing facility, I shudder to think that we currently pay in excess of \$150,000 a year of property taxes. If this facility were the same, that property would pay \$300,000 a year to the Village of Hastings in revenue. That would reduce taxes by about 3% to the overall tax base. That's \$3 million in 10 years, compared to leaving my existing home there which pays \$12,000 a year in taxes. And in 10 years you'd have \$120,000. I really do appreciate everyone's effort. It's been very supportive and helpful. That's not to say they all agree. I'm not here to say that. But they are participating, and I really appreciate that.

**Chairperson Speranza:** Okay, thank you. This is what I would like to do in terms of how we're going to handle our recommendation with respect to this proposal. I'd like to hear a sense of the Board first, then I'll open it up for public comment, and then we can formalize our recommendation.

**Boardmember Logan:** I thought we'd do it the other way. Maybe have the public comments and then...

**Chairperson Speranza:** Well, I think we've got a lot of information before us, and I think we have to begin the dialogue because it may impact things that we're going to hear from people.

**Boardmember Logan:** I was wondering, as part of this presentation, if we could get the map up there somehow and see it again.

**Mr. Tarricone:** I'd be happy to do that. The closeup of the area, or the whole Village?

**Boardmember Logan:** No, just the area.

**Mr. Tarricone:** Here's where it is in relationship to the Village. It's where we're sitting. Is this the map you're looking for?

**Boardmember Logan:** Yes, that's the map.

**Chairperson Speranza:** I know this is a little out of sorts, and rather than asking for Boardmember comments first I'm going to take the prerogative and go first. I can certainly understand, you've made some very good points about the success of your business. In looking at the discrepancies, the differences, between the 2-R district and the MR-C district, there's a characterization that this area would not be developed, redeveloped, for commercial uses. And you can say that, but MR-C does provide the ability to have that happen. The properties -- you could tear down homes. Under the MR-C you can build on 80% of the lots. That is significantly different than what is now allowed. I'm not talking about the fact that yes, the current homes that are on the lots may not comply with the 30% coverage or the 25% coverage ratios. But they are legally nonconforming because they existed before the current zoning went in. I don't think it's advisable -- and this is one Boardmember -- to rezone the properties to allow 80% lot coverage; to allow 40 feet and three stories in height; to have no front yard requirement. I think that rezoning this to MR-C could result in a significant change to the residential character of the neighborhood.

I agree with you, along 9-A. You've got an issue with the zoning and the actual uses on the other side of the street. One lot in, you're in a residential neighborhood. You've got Yonkers residences on the other side of the boundary. It's a residential neighborhood, and I would hate to see MR-C mapped here and have the potential to have a significant impact. I also don't think that the intent of the MR-C zone, was for this area. I don't think the inclusion of a self-storage facility goes along with the types of uses that were proposed for the area in which it was mapped. That's me.

**Boardmember Cameron:** I would have to agree with our chair. Also, we're undergoing a comprehensive review of our zoning in this town as part of the process. I think this should be put in the hopper with them to look at. We could do special use this time, but it should be looked at as part of the overall planning for the town.

I went through the area several times and it really is a residential community. I have a concern that the place south of Holly could end up being a storage unit, too, if at some time it was bought out. And the people across the street...I think that you're going to make too much of a change to that neighborhood and the people who live there.

**Boardmember Dale:** I agree. If I were here when the original approval was given I don't think I would have agreed to approve the creation of the self-storage in that area. When you've seen what it has done, walking down Holly Place, it's created a wall behind the residential areas. The last couple of buildings on that block clearly show signs of wear and have for-rent signs out, meaning that it's already begun to lose some of its residential character because of the wall of the existing self-storage. I would be afraid that if you extended that to the corner you would further weaken the residential character of that area. It would be encouraging people who were in the MR-C district to do exactly what Patty was talking about: to sell their properties to somebody who would develop them. That would continue to undermine the residential character of the area. I think the fact is it's a small area in Hastings, but is part of a strip that continues into Yonkers and it would undermine values of that residential community as well.

**Boardmember Logan:** I took several trips through there and I went into the Yonkers portion as well, and it is quite a cohesive, at least architecturally and spatially, residential neighborhood. Holly Place actually operates as a gateway into that neighborhood. So now if you have the ability to put a large self-storage unit in lot 719, for example, that gateway is you're now going through this industrial corridor, if you will. Right now there's an open lot there, which may change ... it says residential if you turn right onto Holly Place. I think as soon as that becomes commercial that the whole nature of that residential area behind it will be submerged behind this veneer, this façade, of commercialism. I can see there's an incentive for a lot of people to get behind this change because they have a financial incentive. If all these other uses are now permitted their properties are worth a whole lot more. But I think we have to consider the fact that it is quite a significant residential neighborhood back there, so I'm a little hesitant to support this.

**Boardmember Hutson:** I agree. You know, I appreciate all the effort that you've put into this and everything, and the extent to which you've tried to involve people in the discussion, but I just don't think that the MR-C [at this location], is an appropriate application of that zone at all, based on the development of the MR-C, the discussions, and the intent that went into that. It just doesn't fit here. When the MR-C was developed it had kind of a synergy between some of the small businesses that were there and the residential units that were there, and it made sense, it had cohesion.

Whereas what we're talking about here I don't think does. Plus, the small area that we're talking about, to apply that zone to just that area in the midst of everything else that's around it doesn't make sense to me. So I would not be in favor of it.

**Boardmember Wertz:** I think I would echo much of what everyone else has said. I think that the self-storage facility that's there now, we kind of backed into that not even really wanting to go there initially. And now we're in a position where the proposal would further that movement that I think the Planning Board, based on the previous minutes, had been very reluctant to accept. But it was a fait accompli, and I think the reasoning then, as now, is the increase in commercialization of that whole area and the vulnerability of the residential that's already there. I think to protect that residential it should remain zoned for residential. And I think the other comments about the portal, and the kind of signal of there being a residential area in that part of the Village, is important to preserve. And the link to the inner area from 9-A is all important. Then also the spotty nature of having some properties in the area zoned for MR-C and others not seems as if it's kind of unprincipled. I don't think zoning should really be used to shape individual properties based on the preferences and will of the present owners. I think we need to really look at the Village as a whole, and that area of the Village as a whole and what makes sense for it there, and keep things unified rather than checkered.

I think also the point about comprehensive planning, we are looking at the Village now as a whole. And to make a kind of ad hoc move in this particular area at this time, before the comprehensive plan would give us guidance on something like that, would be premature. And I would expect the comprehensive plan not to mess with the residential character of this particular neighborhood. So I think we'd be moving in a direction that we wouldn't anticipate going if we rezoned this.

**Chairperson Speranza:** Okay, thank you. I do want to hear from people who are out in the audience. Be aware, we have not made a recommendation. We each have a position right now, and part of it was based on feedback that we received at the last meeting. But certainly, if people would like to come up and speak about the proposal...

**Marty Merchant, 35 Marion Avenue:** I want to thank the Planning Board for allowing me to speak. I've been a resident of Hastings for 30 years, and I've lived at that current address on Marion Avenue for 25 years.

I've heard the word several times over a series of meetings before different committees, the word transitional. I would argue, knowing the context of our neighborhood, that in fact what had been maybe 20 years ago, 25 years ago an area where the residences might have been, not neglected but becoming run down, since that time we've seen new properties built. One of our neighbors who's not able to be here tonight because she's ill recently made a tremendous reinvestment in the house in the neighborhood that she was born in. Other people here and people who weren't able to attend, as older people have moved out of the neighborhood and the houses have been sold, there's been a lot of reinvestment, a lot of enhancement to properties.

We've seen a tremendous change in that small percentage of Hastings where I would argue, in fact, that if it is at all transitional it's transitional to kind of a higher level of quality in terms of residences for children and for families. I think the neighbors would admit, maybe if you bent their arms, we admire the Tarricones and their business, and certainly have been more than fair to us as neighbors to keep us apprised of what the movement was. It really boils down to Tony and his family are going to move out of the neighborhood. This gateway house, arguably the finest property -- and he's enhanced his property since he's been living there for the last six or seven years or longer, quite a nice-looking property -- he wants to tear it down and build a business. I can't imagine that committees like this one would not protect the homeowners, the caregivers and the parents in our area from that kind of a change to the quality of life on our streets and in our neighborhood, and our property values. Thanks.

**Chairperson Speranza:** Thank you. Anyone else here?

**Carolyn Caruso, 45 Marion Avenue:** I would just love to commend you and say, You get it. This is a residential neighborhood, you know. We are buffered from Saw Mill River Road. I am so pleased to hear the discussion that you all have had and see what we've been trying to say, maybe not in the right ways. This is a family community and it is residential homes. Opening this up to an MR-C zone would be disastrous for all of the reasons that you specifically stated, Ms. Speranza. I want to say thank you so much.

**Chairperson Speranza:** Thank you. Anything else?

**Linda Merchant, 35 Marion Avenue:** I want to thank the Board because I know a lot of you have been in our neighborhood lately. We've seen the cars. So you did actually come and look, and that gives me some encouragement. Mr. Tarricone mentioned me in his speech. I did talk to him for a long time and he did listen to a lot of our concerns. But ultimately I'd rather look at a private house than a storage unit. In our neighborhood, we realized that practicality doesn't always enter into the decisions that are made in our neighborhood, as Mr. Davis was talking about. The MR-C designation, if I understand properly, doesn't just cover Mr. Tarricone's property. It covers the one across and down the street. So anybody in that area could do anything they want. Most of the houses that are down towards Marion Avenue on Holly are apartments owned by other people who don't live there. You also heard about the variances that were granted on the building that's already there, so we obviously have issues with that. I now know that self-storage isn't one of the MR-C issues because you're going to have to discuss whether you should have MR-C in there or not.

Traffic is always a problem. Holly, Edison, Marion -- it's a one-lane street. People park on both sides. Try to get the school bus through. It's hard, okay? The parkway closes just north of us. When that happens they use our street to get through and it's gridlock. So I park my car in the middle of the street with my flashers so people don't turn down there so I can go to work. So traffic is a problem even if we don't add other traffic to the mix.

Then we keep hearing about the neighborhood and how many people signed, but I believe half of us didn't sign this petition that he has. And I'm glad to hear your discussion that was going on. I appreciate it. Thanks.

**Chairperson Speranza:** Thank you.

**Ed Begline, 16 Ronnie Circle:** I have been a resident of Hastings for the last 12 years. I'm taking an adverse position as to what the members of the Board are saying. I do know personally the people that live to the right of the Tarricones and then the people to the left. I've worked with the lady that lives on the right for three years. I'm still friends with her, she works in town as well as in the school system where I work. The person to the left of the Tarricones I teach Sunday school with. Both of those people, obviously, would be most affected by this and they are both in favor of the project.

In addition, I think that the tax base, the revenue, for this project is something that certainly should be considered. Over 10 years you're talking over a million dollars for a community that is starving, I think, for additional tax base. So for those reasons I do feel that the project should be let to go forward. Thank you.

**Chairperson Speranza:** Thank you.

**Peter Colbert, 7 Oxford Road:** It's actually kind of nice to see the democracy in action, with everybody speaking here. I'm in favor of the application. Mr. Begline just mentioned the revenues and, certainly, we have a very small commercial tax base. I think the application is for a very limited commercial use. And while the Board has discussed that with some reluctance, the prior application was granted and the current storage facility exists, I'd point out it was granted and it does exist, it has produced revenue, and I'm not aware of any complaints about it. I think it is a service that our village needs, and it has served our village. It was earlier mentioned that it's a clean and quiet facility, and I certainly think that's true. Of the potential commercial uses, it's a pretty reasonable use for the Village and it will generate revenue.

In an earlier application tonight a commissioner on the panel mentioned a zone change should be done to better reflect what's in the area. I think this application is really a reflection of reality. Because that corridor, the Saw Mill Parkway on one side and Saw Mill River Road on the other, that is really a commercial corridor. There was some discussion that values of homes have been decreased because of the storage facility. I think that view is probably not correct. I think the property values in that neighborhood reflect the location along Saw Mill River Road, and the zone change should reflect that. I think that this property ought to be permitted to be changed. Across the street there are commercial industrial uses, down the block there are commercial industrial uses. The value of this property is probably limited because of what's across the street. I don't think other properties have been diminished in value because there's a storage facility there.

This proposal would increase revenue to the Village. This proposal would not place a further burden on the services of the Village. It is something that probably has a minimum impact on the services the Village needs to provide: sanitation, schools, police, etc. As far as the traffic is concerned, and I recognize that there are one-way streets there, I believe the application speaks of traffic entering and exiting this building from Saw Mill River Road and not entering into Holly Place. So it really wouldn't impact upon traffic in that area, and I don't think it would change the character of that area. I think driving along Saw Mill River Road, as I understand the Board has, reflects what the character of the area already is. I think it's an existing business, and it happens that the owner of the business owns the adjoining parcel and simply wants to expand a successful business. I think it's good for Hastings revenue-wise, it does not subtract from services, and I would urge this board to approve it. So thank you.

**Chairperson Speranza:** Thank you. Anyone else wish to speak tonight? I think good points have been made with respect to the potential for revenue generation of a self-storage facility and the expansion of the existing one. Again, my concern remains. The rezoning is much more than a means by which to expand the self-storage facility. It truly could have ramifications for the character of this neighborhood, and that's something that I don't think is appropriate.

**Mr. Davis:** May I just say one thing, and I won't take more than 30 seconds. It'll be the last thing I'll say. I think it's been reflected in the comments, it's reflected in the map. The people who have objected to this are not the people who live near Saw Mill River Road. They, in fact, do live in the residential area. One of the reasons the neighborhood is split on this -- and there eight of 20 properties who have petitioned, there were earlier properties who did petition even on the interior of the neighborhood and were deleted -- you have at least 50% of the neighborhood in favor of this. And that's because there's two different neighborhoods here. This neighborhood back here is not impacted by all of these uses over in Greenburgh anywhere near to the extent that Mr. Tarricone and his other neighbors around the corner are. It's two different neighborhoods, two different groups of people, with two different views for that reason. I don't think you can ignore the reality of the fact that this has been a commercial area. It's not just the self-storages. This was a much more intensive use for 60 years. This was a fuel truck terminal and then a school bus terminal with up to 100 school buses parked here, and in and out of there at 6 and 7 o'clock in the morning. The self-storage use is a vast improvement of that. You can't ignore the fact that this is a commercial strip, and even this area of Yonkers that is zoned two-family residential has many commercial uses on that strip.

So I would say to you that in terms of the comprehensive plan I don't see how much differently you're going...you're certainly not going to make this a single-family residential district, you're not going to make it a park district, you're not going to make it a waterfront district, you're not going to make it one of the more intensive general commercial office or industrial districts.



You're going to make it some type of component -- if it has any sense with real planning and what's really there in accordance with the number one objective in your zoning ordinance which I read to you -- you're going to allow a more intensive use than is currently permitted there under two-family zoning and the bulk requirements of that. All of these are nonconforming lots back here, substantially nonconforming. So you've got a real issue here, and just saying that it should retain a residential character does not reflect reality for the people in these areas. And that's the very reason this area is deteriorating. It's all rental dwellings now because of the impact that these people have that these people don't have. Thank you.

**Chairperson Speranza:** Thank you. So our charge is to make a recommendation to the Board of Trustees with respect to the proposed text amendment for the MR-C district as well as the mapping of the MR-C district in this area -- the highlighted lots. Marianne, just some guidance. We'll do the resolution stating our major reasons for our recommendation.

**Village Attorney Stecich:** Yes...

**Chairperson Speranza:** So maybe you could help us keep track of what it is.

**Village Attorney Stecich:** You mean what the reasons are?

**Chairperson Speranza:** Right.

**Village Attorney Stecich:** Yes, I'll write it down, plus I have what people said before. My suggestion would be you vote on the recommendation and say what you want. I'll take notes and I'll try to put it into one document that I'll stipulate, and people can make whatever changes.

**Chairperson Speranza:** Right. So just let us make sure. Is there anything that anyone would wish to add, or change their opinions, given other information that we've been provided from some of the other property owners? No? Okay. And I believe that our recommendation can also be drafted so that it is consistent with Mr. Davis'...you know, the way that he has shown us the items we are taking into consideration. I don't think that this is consistent with the vision plan that we have. I think maintaining our residential areas is important and is first and foremost. I need a motion for recommendation, and then we can all participate in our reasons.

**On MOTION of Boardmember Hutson, SECONDED by Boardmember Wertz with a voice vote of all in favor, except for Boardmember Alligood who recused herself from the action, the Board resolved to recommend to the Board of Trustees that the application for this text change and the mapping be rejected, primarily because of the negative impact that we think it would have on the surrounding residential areas.**

**Chairperson Speranza:** What I have on my list is, first of all, the vast change that the MR-C could potentially have on this neighborhood, particularly with respect to the bulk requirements. And that the introduction of a more intense commercial use for these properties would have an effect, a dramatic effect. I think Fred's point also, your point about the comprehensiveness, the ability...this is one area, and to kind of segment off, introduce more than one zoning classification, is not good. It does not lend to the cohesiveness of the area.

**Boardmember Cameron:** I also think that in the course of looking at the overall Village plan, why segment off certain lots and not others? And I think that the people have to look at it overall and see whether it's appropriate or not to have more than one zone here, and which block should and should not be included. I mean, the fact that someone volunteered to have their lot included and someone didn't doesn't make a zone. I don't think that's an appropriate way of doing zoning.

**Chairperson Speranza:** Very good point. Okay, so Marianne you will circulate it? You'll write something up and circulate it? Do you think you have everything that we talked about?

**Village Attorney Stecich:** [OFF-MIC] Yes, I took a lot of notes. I think I do. I'd love to get the minutes, if possible, to get that portion of the minutes. I just don't know about the timing.

**Chairperson Speranza:** Well, I think the public hearing is on the 9th.

**Village Attorney Stecich:** Yes, I'll try to do it tomorrow. [I'm not available next week], so I'll try to get something tomorrow, okay?

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

**Boardmember Hutson:** Take the rest of the night off.

## V. Discussion Items

### 1. Steep Slopes

**Chairperson Speranza:** We have a screen up, and I understand that we have a wonderful video presentation. Whenever I see a screen I always assume it's a wonderful video presentation. Our meeting is not concluded. Angie, what do we have next?

**Village Planner Witkowski:** The steep slopes issue. When we were talking at the last meeting I promised to get some maps together, which I did. On this first, and then Raf will do the presentation, I just wanted to point out this blown-up version of the two maps that you have at your places.

These were done by Russ Wetjen, who is with the consulting firm that's working on the LWRP. We needed to do a steep slopes map for that. The first one that he did shows the building footprints on it, and I had him do the different ranges of the lot sizes. So those are all shown on these colors. And then the slopes that are 10- to 15% are in this pink shade, and the slopes that are 15- to 25% are in the red. Slopes 25% and over are in the purple. So it's hard to tell on that [smaller map], that's why I blew these up and we can have a larger map done. The other map just shows it without the building footprints, and that one's a little bit easier to read, I think.

Also, what I had him do was a count of all of the lots by the lot size so that on the legend where it says parcels by size, on this map, for instance, up to 2,500 square feet, there are 175 lots. Lots between 2,500 and 5,000, there are 385 and so forth. We went 7,500 to 10,000, 397 lots; 10,000 to 15,000 were 580; 15,000 to 25,000 were 259; and 25,000 to 43,560. And then 1- to 2-acre, there are 45 parcels; and then more than 2 acres are, I think it says, 59 there. That's just so we have a little bit better frame of reference as to how many lots would be affected in those different areas. Because also when we're working on the new storm water management legislation, that'll have to be taken into consideration too -- the lot sizes.

So this is a way of kind of combining several different projects with this one data set. What Raf was going to show us briefly is, Ana Hiraldo, who is the county GIS consultant that works with us, had sent him the Google Earth program that's available for Hastings. So he was able to work with the files that Russ Wetjen had sent us. That first slide that you saw was the data that Russ Wetjen used for calculating the slopes. He had the topo and the elevations, and then he was able to convert that into the slopes. So he was able to show the slopes better than that other map that we had.

## **2. Google Earth Presentation**

**Chairperson Speranza:** So now with the Google Earth...

**Village Planner Witkowski:** So now Raf can explain what he's going to show.

**Village Technology Director Zaratian:** I don't know how many people have seen news programs with Google Earth. Most of the time news programs have started to use it. This is the Village of Hastings. The county has data that they have been using since 2006 that has heights of buildings, which gives us the ability to do that. Now, this is the height of every building. We're going to go into a building.

**Village Planner Witkowski:** It's like flying over it.

**Boardmember Dale:** It suddenly became a city.

**Boardmember Alligood:** Yes, the skyscrapers.

**Boardmember Cameron:** Hastings in 20 years.

**Village Technology Director Zaratian:** Well, let's hope not.

**Boardmember Alligood:** I'm afraid of heights.

**Village Technology Director Zaratzian:** So am I.

So this is what it would look like. This is the height of all the buildings in Hastings if the terrain was flat. And if we add the terrain that Google Earth puts on it you can see a little bit more about what building heights are like. So as you do a fly-by you can come in and see a virtual look of Hastings and the heights of the buildings. The reason why I emphasize heights is because Google Earth is not perfect. So buildings from the ground up, it's doing the tops of the buildings. So what you're seeing is the shape of the top of the buildings. This is the heights. So it gives you a 3-D, if I can move this -- it's hard to move it with one hand, that would be the water tower. You see how out of proportion the water tower looks?

**Chairperson Speranza:** Yes. Why does everything still look so tall?

**Boardmember Cameron:** Well, they exaggerated the height.

**Village Technology Director Zaratzian:** What happens is, because their height aren't accurate it's showing you the tops of the buildings.

**Boardmember Wertz:** The land is moving, and they're showing us the tops as if it were flat. It's making it look as if it were flat, and then it's giving us the actual height of the buildings. So the buildings look higher. That's what it's doing.

**Chairperson Speranza:** Oh, I see, okay. So it's doing the height of the top of the building.

**Village Technology Director Zaratzian:** Right. It can't do the whole shape of the building. It's just doing the height.

**Boardmember Wertz:** The hills look like skyscrapers.

**Village Technology Director Zaratzian:** So it's compensating for that.

**Boardmember Wertz:** Altitude, not height, per se.

**Boardmember Alligood:** Right, the elevation.

**Village Technology Director Zaratzian:** For instance, see the Andrus complex pops up right away. You can see the Palisades on the other side. It's very much in its infancy, but the future of this -- once the data gets more and more exact -- is the fact that we could have 3-D models of the whole Village. And when somebody comes before you, you could just take a virtual look around that building and see what would happen as far as heights, shapes, and so forth.

It's just the beginning but, again, I just wanted to show it because first of all Google Earth is free, and the data came from the county, and I thought it would be something interesting for you to take a look at. You can print maps from it.

**Boardmember Hutson:** Is that a core course in our requirement?

**Village Technology Director Zaratian:** No, it is not. Not until the year 2010.

**Chairperson Speranza:** Or maybe we could send someone for training and they could be our Google Earth expert.

**Boardmember Hutson:** Now, Raf, can you do this without this purple abstraction? With just the actual building there?

**Village Technology Director Zaratian:** Yes. If you want to see what Google Earth does without the buildings -- you can also fade the buildings -- that's what the buildings look like.

**Boardmember Hutson:** Can you do the same zoom-in on those and fly by?

**Village Technology Director Zaratian:** Sure, you just don't get the feel for the height.

**Boardmember Hutson:** I'm just wondering if you could go back to, for example, Warburton. We were looking at Warburton, at 433 Warburton. Do you have that on this thing?

**Village Technology Director Zaratian:** I think I can get rid of the mic. I'm going into the water right now.

**Boardmember Logan:** Pull up, pull up.

**Chairperson Speranza:** There's a phrase I haven't heard in a long time: into the drink.

**Village Technology Director Zaratian:** For some reason it doesn't want to come back out. There we go.

**Boardmember Logan:** You're going to crash land.

**Chairperson Speranza:** And you can just get to Google Earth on-line?

**Village Technology Director Zaratian:** For the building data I need to give you a file, but all this you can get right off of the Internet right now.

**Boardmember Cameron:** You can download Google Earth for free.

**Village Technology Director Zaratian:** But not with the purple buildings. The purple buildings came from the county.

**Boardmember Dale:** Have you downloaded it?

**Village Attorney Stecich:** Yes.

**Village Technology Director Zaratian:** You can do virtual trips on Google Earth.

**Village Attorney Stecich:** It's fairly current, too.

**Chairperson Speranza:** Are you still looking for 433?

**Village Technology Director Zaratzian:** Yes.

**Boardmember Logan:** I can see that this could be a useful tool just to have right here. We could just go to that site, and that's what it looks like.

**Chairperson Speranza:** Yes, intersections and the curves in roads.

**Village Attorney Stecich:** You know what else they use at the county? You can go back and get it from another year. [It's useful for research in] litigation and you need to see how the [area has] changed.

**Chairperson Speranza:** There we are.

**Boardmember Cameron:** You got it. The one in the middle.

**Boardmember Logan:** Oh, man, this is so useful. I think we could just have this live in each meeting.

**Boardmember Dale:** It's amazing.

**Boardmember Cameron:** You're too close to be in focus?

**Village Technology Director Zaratzian:** And like I said -- if I can get this to work -- if we move out and you want to see what the heights of the buildings would be, those are the relative heights.

**Chairperson Speranza:** Now, what is it showing across the street at 422?

**Boardmember Dale:** That's prior to demolition.

**Village Technology Director Zaratzian:** Yes, it's prior to demolition.

**Boardmember Dale:** That's the view from the other side.

**Boardmember Logan:** And how do you analyze view preservation?

**Chairperson Speranza:** This is the way to analyze view preservation.

**Boardmember Hutson:** You can see the Palisades, you can see the river.

**Chairperson Speranza:** As long as you're in a plane standing on the building at the top of the hill.

**Boardmember Hutson:** Oh, yes, we want to go to the second floor.

**Village Technology Director Zaratzian:** And you can zoom in and zoom out, move it around. But like I said, this is just the beginning. I thought it would be interesting for you guys to take a look at. Angie's been working hard on getting all this data together so we can just kind of roll it together.

**Boardmember Logan:** That's great.

**Boardmember Hutson:** It's a lot more fun than we usually have.

**Chairperson Speranza:** Especially at the end of the meeting.

**Village Attorney Stecich:** One other thing, so the Board knows. I got a call a couple of weeks ago from Susan Newman, who's left Ginsburg [to work on her own and] announced [that Patrick Normoyle would be handling their] application [and] they expect to be out in January.

**Chairperson Speranza:** Okay, for site plan approval.

### **3, Boardmembers' Items**

**Chairperson Speranza:** One of the things I did want to talk about, because we started out talking about the mapping for steep slopes, you know we always end up getting to it at this time of the evening, which is not a time to be talking about it and looking at maps with this size print. If they're not there in January we'll touch base and maybe we can pick up steep slopes and make it the subject at the beginning of a meeting.

**Village Planner Witkowski:** I just wanted to at least have that for you tonight to be able to take a look at it, since he had to get it done for the LWRP anyway. He's been working hard on trying to figure out the best presentation.

I think I'll give you each one of these. This is the agenda from last year's land use training. Kay Eisenman said that it'll be in March again this year. It's 4 hours a year for planning board and zoning board members in villages and towns.

**Boardmember Logan:** While we're talking about it, Angie, this is a spectacular amount of information. It's very beautiful. I'm just thinking, is it graphic? I think you could blow it up twice as big on the same sheet of paper. Same size paper, just forget the Hudson River, cut off Dobbs Ferry. Let's just get a piece of it blown up big so Patty and I can see it, and maybe just tweak the colors a little bit.

**Boardmember Cameron:** The dark purple does not show at all.

**Boardmember Logan:** See, the darker colors make it hard to read. There's a way to dial in the shades a little bit so that they're a little more subtle.

**Village Planner Witkowski:** Let's see, Ana Hiraldo was working on that before. She had the pastel colors. It was difficult to superimpose the steep slopes over the lot sizes. It was really hard to read, and she thought she'd only be able to do it with two maps..

**Boardmember Logan:** The dark blue with this third color, it's hard to differentiate. Just to get a better contrast.

**Chairperson Speranza:** You know what? Let's get a motion to adjourn.

## **VI. Adjournment**

**On MOTION of Boardmember Hutson, SECONDED by Boardmember Wertz with a voice vote of all in favor, Chairperson Speranza adjourned the Regular Meeting at 10:55 p.m.**