

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
PLANNING BOARD  
REGULAR MEETING AND PUBLIC HEARING  
MARCH 15, 2007**

A **Regular Meeting and Public Hearing** was held by the Planning Board on **Thursday, March 15, 2007 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**

**February 15, 2007 Meeting**

**Chairperson Speranza:** Do any members have comments or corrections to that meeting?

**Boardmember Dale:** I did better than I did last time, but I guess I'm still speaking too low. On page 43, where I speak about a third of the way down the page: "I like what Marianne did," rather than "when Marianne did." And then the piece below it, instead of "existing wall" I said "existing law." And development "imposing" rather than "posing." On the top of the next page, it was "Holly Place" not "Hollywood."

**Chairperson Speranza:** I had one. On page 39, just after the motion, we were discussing the site plans that were to be developed for signature. I remember very distinctly, Marianne, looking at you because you had a pained look on your face when we passed the resolution. What is says here is, "We will see those plans and get them signed," which is fine. The next sentence reads: "We're doing something really, really wrong." My comment, if you remember, was, "Marianne, you look like we are doing something really, really wrong." But you know what? You can just strike it.

**Boardmember Alligood:** I have two corrections, Patty. On page 28, on my comments which are in the second paragraph, fourth line down, it starts with: "Now," it should read: "...with respect to the issue, what kind of XXX should be granted. 'It' sounds like there's some question as to..."

And then on page 36, towards the bottom where it starts with my comment, that's not a full sentence. So I would just put in there: "I have concerns about the safety issue with the parking." Just start the sentence with: "I have concerns about the safety issue."

**On MOTION of Boardmember Wertz, SECONDED by Boardmember Dale with a voice vote of all in favor, the Minutes of the Meeting of February 15, 2007 were approved as amended.**

### **III. New Business**

#### **1. Public Hearing -- Renewal of Accessory Apartment Approval. Ossi Narhi, 13 Oxford Road. (Sheet 39/Block 732 / Lot 4)**

**Chairperson Speranza:** The next agenda item is renewal of an accessory apartment located at 13 Oxford Road. Angie, do you want to take us through this application, please?

**Village Planner Witkowski:** This is an accessory apartment renewal. The property is on the west side of Oxford Road in the R-7.5 zoning district. The applicant is requesting renewal of accessory apartment approval. The 459 square foot apartment occupies 24.2% of the 1,900 square foot residence, therefore the apartment meets the 25% of floor-area limitation. The residence has a one-car garage and there is one space available in the driveway for parking. There have been no changes to the property and no complaints during the last three years. Actions required are renewal of the accessory apartment approval and the waiver for parking. I don't know if the applicant is here.

**Chairperson Speranza:** This is a public hearing on the renewal. If the applicant is here they are more than welcome to come up and speak, or not. Any member of the public can come up and speak about the proposed renewal. Planning Board members?

We should just note, the waiver is for off-street parking. Change in the parking has come up, it never used to come up, it keeps coming up. The waiver is for off-street parking because they don't comply with the off-street parking requirements.

**Boardmember Hutson:** Remind me why this is checked "no" in code compliant.

**Chairperson Speranza:** It's not compliant because it doesn't meet off-street parking. There being no questions from the public, is there a motion to renew this application?

**On MOTION of Boardmember Wertz, SECONDED by Boardmember Hutson with a voice vote of all in favor, the Board resolved to renew the application for accessory apartment, with the waiver for off-street parking.**

#### **2. Public Hearing --View Preservation. Mirjana Alilovic of Euro Deli, 575 Warburton Ave. (Sheet 12, Block 630, Lot 20) for proposed construction of walk in cooler on 10' x 10' raised platform in the rear yard of property**

**Chairperson Speranza:** Next on our agenda is a view preservation application for property at 575 Warburton Avenue, the Euro Deli. The Planning Board's task in this application is to make a recommendation to the Zoning Board of Appeals, which makes the final determination for the view preservation. This is a public hearing. Angie, do you want to brief us on the application?

**Village Planner Witkowski:** The applicant is Euro Deli, located in the view preservation district. They want to install an outdoor walk-in cooler on a 10 X 10 foot raised platform to the rear of the building adjacent to an existing wood frame structure. There appears to be no obstruction to any important views, as the height and dimensions of the cooler are less than the surrounding buildings. It is in the rear yard of the property. The required action is to make a recommendation to the Zoning Board of Appeals regarding view preservation. We did get a letter that you have at your places from Kelly and Stephen Topilnycky.

**Chairperson Speranza:** We will enter that into the record for the public hearing. Is the applicant here? Do you want to come up and tell us what it is? Just state your name for the record, and explain it. It seems to me this has already been constructed and this is already there, so you're coming to us after the fact. If you could, just give us some background.

**Mirjana Alilovic, owner - Euro Deli:** When we tried to open the deli there I came downstairs and asked them what are we supposed to do, how am I going to do it. I tell them that I'm going to have a walk-in cooler. I don't know the size exactly at that time because I hadn't purchased it yet. It's going to be 6 X 8, 8 X 8, it's not a permanent piece and I don't need a permit for that. ... I'm not the owner of the building, I don't know how the property goes. I do have a permit for opening the two doors. When we open the doors we find out we have to make a little structure because the cooler is already purchased and is coming in two days. We don't have enough time to move on it. I tell the professional people who are going to bring the cooler that we're going to put them together. They're from Connecticut. I can do nothing. Then after that we apply, and now we have to finish it. That's why we need approval; to finish and close everything that's supposed to be there.

**Chairperson Speranza:** So this will end up being enclosed?

**Ms. Alilovic:** No, not closed, but just held apart. The inspector told me it's not going to be next to a house. I'm confused a little bit with that. Now it's like 1-1/2 feet between the house and that. I'm just looking to put something for the rain and snow because the health department wanted me to do that. For health issues, when you open the door and walk in the cooler you're going outside. Just something to cover between that and the cooler. That's what I needed. To clean and finish everything else. Thank you so much.

**Chairperson Speranza:** This was noticed as a public hearing. Is there anyone in the audience who wishes to speak to this? Just state your name for the record, please.

**Kelly Topilnycky, 18 Maple Avenue:** We live directly behind where they've erected this cooler/freezer; it's an outdoor freezer. First of all, I think the letter that you have was sent to the Building Inspector because of the mess that they've created underneath the deck that they've built up for the freezer. I didn't direct my comments about the freezer, so to speak. It was more about a vent and some other issues going on there. Let me say that we appreciate the difficulties that the owners of Euro Deli face in finding adequate space for their facilities at an affordable rent.

We can understand that they needed to put the outdoor freezer as an extension of their business. We didn't have a problem with that originally. I did discuss it with the owner of the building, Roger Elkrief, who owns 575 Warburton. We suggested to him that some sort of trellis or something could be erected cheaply to shield our view of the freezer. Understand ... they erected this last July. The Building Inspector told them they had to file permits. They haven't filed permits until recently, which is why it came up before the Board. So we've been dealing with this for nine months; it's not a month, or two months.

We were a little bit confused when the platform went in, and the second doorway. Then we understood as soon as the freezer went up. Of course, this happened over a weekend so the Building Inspector wasn't available. I understand your time constraints with delivery and so on. The Building Inspector told us they thought it was a small freezer and not something that was going to be visually as large as it is. The platform is 4 feet high.

We did ask them to screen the freezer somehow. But over the winter we can't provide coverage. We do have some. I have additional pictures in here to explain the heights of the property, because our properties drop down from where their property is. So they're actually much higher. From our home we actually see the freezer from every room in the back part of the home: the kitchen, the bedrooms, the office, and so on, and from our back yard. And it's over our fence, because we actually have a chain link fence. We have shrubbery there which covers it six months out of the year but, obviously, during the winter it does not cover. I've planted additional shrubbery and things to help shield. This was per my conversation with Roger Elkrief, the owner. I didn't have a problem working with them on trying to shield this freezer. But over the winter we've noticed that the platform has sagged and the footings look like they've shifted slightly. So that's a Building Inspector issue again. We're concerned that if they have to make major changes to the platform, and actually lift the freezer up, our preference would be to drop the platform down so that we don't have to see it.

I understand that this is a view preservation. It's not necessarily blocking somebody's view. You know, it is destroying whatever we would try to create with our back yard, using it as a refuge. You know, we live right here. We're on the main road on Maple Avenue, and our back yard we attract squirrels and birds and things, and we try and make it look nice. But also, according to view preservation, it's to preserve the character of the community, the preserve and enhance property values. Now, with the other changes that they've added, which also include a stack chimney industrial-size vent, which when they turn on we can hear throughout the house with the windows closed: some of those pictures of the junk that they've acquired -- sinks and ladders and garbage that raccoons have been getting into -- that doesn't really enhance our property value. If we were to sell the house we'd have difficulties. Because somebody would come to the house and they would see this freezer and they would hear the vent or see the vent, and it's not very nice to look at. I understand that you're limited in what you can do, but with the view preservation in mind -- it's supposed to enhance the property values -- again, we don't feel that it's enhancing property values.

However, with that being said, we are certainly willing to work with them, with the owners, to help them in any way that we can so that they can keep the freezer and even keep it on their platform. One of the ideas that was in my head was, they have enough room on that platform to actually put some sort of planters. You can plant ivy and have a rope trellis to hide the freezer and the second doorway that they're in and out of -- you know, opening the door and closing the door all the time. That would shield the freezer from our view. There's a big difference. If you look at some of the pictures, and I have additional ones here, the wooden structure that it's next to you have this glaring big gigantic white freezer. And it's not a little cooler; it is a 10-foot long, wide freezer. It's an industrial size commercial freezer that, I guess, normally would be...is that an outdoor freezer specifically? Yes. So it's made for outdoors. It's not going to rust from the rain.

**Ms. Alilovic:** The motor is not outside.

**Ms. Topilnycky:** I have an issue because I know that you've been running the freezer.

**Ms. Alilovic:** No, the air conditioner. The air conditioner is making noise, not the freezer.

**Chairperson Speranza:** You've got to talk to *us* so everything's on the record.

**Ms. Topilnycky:** My question to them was ... if it's not made specifically for outdoors -- you've got rusting issues. You're going to start seeing wear and tear on the freezer. And that would even devalue the property values of not only our house. We have a whole row of houses. We are actually zoned two-family, 2-R, [abutting] commercial zoning. So I understand that there are limitations between the two, but we've never had this issue. My mother-in-law has lived in this house for 45 years, I've lived there 17, my husband's lived there for 44 years and never had an issue where you couldn't work with the people from the Village. We have the firehouse, which is right on top of us, and we have no issues with any of them. If you ask them to do something they don't have a problem with it. This has been nine months since I actually put a request in to try to shield it or do something, and nothing's been done. The only thing that's been done is more items have appeared outside. As we're getting into warmer weather the raccoons are coming out into the garbage and stuff.

We are willing to work with them. In the event that they have to do something with this platform ... we don't really want them to go through an expensive type of thing to accommodate our needs. I think that ... a trellis with ivy growing on it is about as cheap as you can get... fifty bucks. That wouldn't decrease our property value; it would enhance what you're looking at. They wouldn't have to put any more money into a place that they don't own. Commercially it doesn't affect...if Roger Elkcrief wanted to sell that building. he wouldn't have a problem. But if we tried to sell our house I believe that we would have an issue. Because people are going to look at the freezer, the vent, and at some of the other stuff that's going on there and it would be an issue. I did write a separate letter for the freezer specifically because I didn't approach that with the Building Department. That was coming to you. I included some pictures so you can understand the view from our property to them.

**Chairperson Speranza:** And you gave that to...

**Ms. Topilnycky:** No, I have them here, so you guys can have copies of these. If you need more copies I have a couple of extra ones. Just include some pictures because we're talking about a different level. We're down like 4 or 5 feet from them, but yet we can still see the freezer. I tried to provide a view from both sides of our yard. We don't have a small house. It's a 50-foot, so they're about 75 feet away with the freezer. So like I said, some sort of screening would be perfectly adequate as long as they do some of the other things through the Building Department, obviously. That's it. Thank you for your time.

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

**Ms. Alilovic:** I just want to apologize. It took a long time. We did that at the end of July because we're planning to open the business in September, but you guys were on vacation. I found out we could not apply for anything before September or so. Then in the meantime, my owner has not given me the survey. I have to make a new survey and fighting with him. All these issues, I apologize again because the building is not mine. If this was my property maybe I could do it differently. That's one thing.

Another thing, that's the back yard. Before, we opened the door and didn't see what was over there. It's full of garbage ... Now we're planning a clean back yard, making the back yard nice and useful. If you use some property it automatically means it's going to be clean and nice. That garbage she was talking about is only leather and some material. The health department again made me change to a different sink. Because of the snow and everything we could not remove. We're going to change the sink back in. That's why I haven't removed this and moved it in my house. That's what I'm waiting for. I don't really see this as garbage. It's only things like wood that we're waiting to finish with. I just want to apologize for that. I don't see any garbage. All garbage has been cleaned. That's bottles, everything. I don't even talk about what we found there in this back yard because nobody ever used it, nobody took care of it or anything. Now we opened a second door to be able to go in the back yard and take care of it and have fresh air in the kitchen. When I'm cooking I would maybe go out in the fresh air. I don't want to see garbage around that.

**Chairperson Speranza:** Marianne, there is no rear yard requirement in the CC, is there?

**Boardmember Hutson:** Marianne, would this be defined as a structure in any way?

**Village Attorney Stecich:** I was just asked that. I would suggest several issues that came up that might be relevant to this. It's certainly a view preservation issue. I would suggest that maybe I sit down with Deven and talk about some of those things. It's a big issue. It's a structure, but is it typically accessory to this kind of use. I guess that's an issue. Maybe it has to be in something. I'll talk to Deven about it. Certainly there do seem to be property maintenance issues. It seems to me that that might make sense as a next step for me, to sit down with the Building Inspector.

**Boardmember Hutson:** Because I don't know the extent to which, in a commercial area, additional structure would require any kind of site plan review.

**Chairperson Speranza:** In the CC I think it does. But is it a structure?

**Village Attorney Stecich:** Yes that's the question: is it a structure?

**Boardmember Hutson:** In regard to certain other things that would come up over the years, height and bulk, regardless of what the nature of the material is, is going to determine structure. Certainly this height, I think, would qualify it. The other thing is, I assume that so long as anything that you put up is not actually impeding the view that it doesn't matter...

**Village Attorney Stecich:** The view of the Hudson and the Palisades. We say "the view," but it's the view of the Hudson and the Palisades.

**Boardmember Hutson:** Right, that it doesn't matter. This positioning issue doesn't come into play.

**Village Attorney Stecich:** Not for the view preservation review, no. But I think you raised some good points that just jumped out to me when Ms. Topilnycky and the business owner spoke. I'll talk to Deven, and if further review is required he'll see me.

**Boardmember Hutson:** The other thing, obviously, although it doesn't come before this board, are noise abatement issues and so on. Certainly the Village has some provisions to deal with those kinds of things.

**Boardmember Alligood:** I just want to say that when I looked at it, it immediately struck me that this isn't really view preservation in terms of preserving the views of the Palisades so it's not really for our review in that sense. I do want to say, since it's before me, that I have a problem with the fact that it's already up and has been up for several months. Also what struck me is that it doesn't look like a structure; it's a piece of industrial equipment, and it should be reviewed before it's put into place. It's not under our jurisdiction, but since it's before me I have to say that publicly.

**Village Attorney Stecich:** I think that's why it ended up here. Deven went out, I think probably on the basis of the complaint, and saw it and then it started this. The applicant, I think, explained how things often get slowed down.

**Boardmember Alligood:** The Building Department is not closed over the summer.

**Boardmember Cameron:** It is a walk-in cooler. At some point in time... they bought it prefab and put it on the location. If they'd gone and built it, and put cooler motors behind it, you would have called it a structure immediately. But this is a prefab. I'm not saying it's like a trailer home, but it is a movable room which has been put on the location. So I think it's close to being a structure because people go into it ... and she's planning to connect it to the building by putting sides on it, to make it indoors so they don't have to go outside, if I heard her testimony correctly.

**Chairperson Speranza:** We had another application like this. Dave and I were trying to remember what it was. It might have been site plan approval. It was for 19 Main; [not Bloom]. When it was being renovated to be 19 Main they were proposing an outdoor cooler.

**Village Attorney Stecich:** Okay, I'll bring all these things to Deven.

**Chairperson Speranza:** Okay. So we will not take any action on this. We will consider the public hearing still open on this.

**Village Attorney Stecich:** To the extent it's a view preservation, you just want to wait.

**Chairperson Speranza:** I would rather hear the whole story on this because if there's any site plan approval or anything...does anyone have any problem with waiting?

**Boardmember Logan:** I'd rather wait also.

**Ms. Topilnycky:** I just wanted to say, about property maintenance, Roger Elkrief, who is the owner, he has been ... cooperative. When I speak to him -- and we have phone calls every once in awhile because that piece of property does get overgrown with vines and occasionally it does accumulate garbage; the firehouse is right next door so they have some responsibility for some of the mess that's out there now; hopefully they'll be working on cleaning that up -- but Roger Elkrief has always been very cooperative as far as property maintenance. It takes a phone call or even just a quick jotted note to him and he sends somebody in and cleans it up. I'm not talking about just garbage. I'm talking about vines and weeds. You get poison ivy back there. He is very cooperative as far as cleaning up. There is some garbage that's floated around there, and I don't know where it has come from.

My concern was physically the stuff under the platform. I wasn't referring to cardboard boxes that got soaked. Because I actually go back there. Because our property line's right up against that, I maintain it and I actually clean up and I clean up the firehouse stuff, too. Because I'm the one who's looking at it, and I can't expect everybody to do everything. But I wouldn't go over and touch things that don't belong to me. I don't know where they are with their renovation. Thank you for your time. We're confident everything will work out.

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

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

**Chairperson Speranza:** The next item on our agenda is a petition to rezone property on Saw Mill River Road. This had been before us in a different form two months ago, and it's back in a different permutation. Eva will be recusing herself on this because her husband does do some work for Mr. Tarricone's family.



**Boardmember Alligood:** Not on this, but I will recuse myself.

**Robert Davis, attorney - Shamberg Marwell Davis & Hollis:** I'm the attorney for the Tarricones and JAC, who are two of the four petitioners. I'll take, if I may, about 10 minutes of your time. This is, as you noted, the second referral to your board. It's a result of our revised petition. As the Board is well familiar with the matter, I will not restate all of the points we've been at since last September. But in response to comments of your board and the public over the past few months, we've substantially modified the petition. So we'll focus on the modifications tonight. We believe that we've substantially addressed the concerns raised by the neighbors and also the Board in its prior report.

First, the properties involved have been substantially reduced. The original petition was to rezone the entire neighborhood. Then it was later reduced to nine properties, which included some which were on Edison Avenue and Holly Place and did not front on Rte. 9A/Saw Mill River Road. In response to concerns expressed by the neighbors and your board about possible commercial intrusion into the residential portion of the neighborhood, the interior properties have been eliminated. Now there are only four properties involved totaling about 1-1/3 acres, which are included in the petition. All of those have frontage on Route 9-A, and they are the properties that are most affected by the commercial development there and therefore most appropriate for development other than perhaps with a single one- or two-family home. It's significant that two of the four properties involved are already developed for commercial use so that only two properties would be altered under the proposed rezoning. And, in fact, our research has indicated that all of these properties were previously zoned for commercial use. The Tarricone property on the corner of 9-A and Holly Place extends only to Edison across from the other corner of Holly Place and 9-A. The use of that site for a proposed self-storage building under our revised proposal would be subject to a Zoning Board special permit, your board's site plan review, and Architectural Review Board approval, and also to extensive bulk and use restrictions which we've proposed.

Our clients own each of the properties which would directly adjoin the new self-storage, both to the west on Holly Place and north on 9-A. The owners of the only two properties to the south, directly across on the other corner of Holly Place and 9-A, expressly support the storage use, as do the owners of the properties directly to the east across 9-A in Greenburgh, one of which happens to also be owned by our clients. The owners of the only other property which would be newly developed under our revised proposal on the south corner of Holly Place and 9-A -- which already has a two-family house -- wish to subdivide and add another two-family house and have indicated that, as a stipulation ultimately of your board's approval, would agree to a deed restriction against commercial use on that particular corner.

With respect to the other two existing commercial properties to be rezoned, the self-storage that exists would remain as is and become conforming. The Birelli property with his plumbing business, and the Nextel site, would be rendered nearly conforming and be given an opportunity in the future to convert to one of the conforming uses permitted in the zone.

With respect to the requested rezoning, and in response to the concern of your board and the neighbors that the MR-C designation would allow much more intensive development than permitted in the 2-R, the MR-C designation has been withdrawn and replaced with the less intensive, more restrictive, MR-O designation. So not only is this prior concern now largely irrelevant due to the limitation to the four properties on 9-A -- two of which are already commercial -- but the MR use and bulk requirements are more restrictive and consistent with the existing conditions in the neighborhood. Other than the petitioning properties, as we've demonstrated to you in what we've provided you, the entire neighborhood is nonconforming. So the 2-R requirements really bear no relationship to reality. We've given you a chart setting forth all of the nonconforming bulk figures for the neighborhood lots, as best we can estimate them in some instances, as well as an appraiser's opinion that the MR-O will have no negative impact on the values of the residential properties. We've also given you a chart that compares the bulk requirements of the MR-O, the MR-C, the 2-R, and the average existing conditions of the neighborhood lots.

Among the more restrictive aspects of MR-O as compared to MR-C (the prior proposal), MR-O permits only 50% lot coverage versus 80% in MR-C. MR-O requires a 10-foot front yard setback; MR-C requires no front yard. The average front yard in the neighborhood is only 11 feet 6 inches. MR-O allows a 35-foot height versus 40 in the MR-C, whereas MR-C required a minimum lot size of only 2,500 square feet for any use, MR-O requires 5,000 for a two-family dwelling; 1,500 for each additional dwelling; 3,500 for any other use. The average neighborhood lot is only 5,200, pretty close to the MR-O requirement, and often contains a two-family house. The MR-O has greater lot width, rear yard, and side yard requirements as well. It is important to note that in addition to the greater bulk restrictions, a number of the uses in MR-C are permitted as-of-right and only by special permit in MR-O.

In addition to limiting the properties to those on 9-A and the more restrictive MR-O requirements, we've also added more restrictions to the proposed text change to permit self-storage. The self-storage use would now also be permitted only by special permit. Thus it would be subject to approval by three boards. In addition to the more restrictive bulk requirements of the MR-O, the self-storage would be subject to even more stringent bulk requirements, including the following that we've added: access must be only from a state road, which would be 9-A, not neighborhood streets; the self-storage building may not extend more than an average of 150 feet from a state road; any yard adjoining the street, including Holly Place and 9-A, would have to be at least 15 feet, which exceeds the general MR-O requirements of 10 and 8 feet for front and side yards; the minimum lot size must be 12,500 square feet, not 3,500 as otherwise permitted in the zone for non-residential; and building coverage would be restricted to 50%, as is provided in the MR-O. There are many other proposed restrictions that we've set forth in the enumerated special permit requirements that we've proposed. Finally, to the extent practical, the petitioner is proposing a more residential-style appearance for any new self-storage building.

It's significant to note that Westchester County planning board, which reviewed the original MR-C proposal after your board's last report, stated: "We support the proposed zoning map amendment to change the then-existing eight parcels along Saw Mill River Road from 2-R to MR-C. The properties in question are currently nonconforming to the 2-R regulations due to their small lot sizes and would conform to MR-C. The MR-C would also serve as a mixed use residential / business transition between the industrial uses and existing residences. Further, we have no objection to the addition of self-storage units as a permitted principle use." The county also recognized "the real opportunity cost of lost tax revenues associated with any delay in the proposed rezoning," and in this case that would be about \$150,000 a year. This very day the county reconfirmed its support in the revised proposal as well.

The only other thing I want to talk about is the Planning Board's prior recommendation and how we've addressed that. We did respectfully disagree with a number of the comments. But we do believe ... we've now substantially satisfied them. With respect to the concern that the property sought to be rezoned is part of a residential neighborhood, of the four properties to which the rezoning is now limited two are already commercial and the other two are directly abutting 9-A as well as its commercial development. As the rezoning is no longer sought for any lots on the interior of the neighborhood, the residential character will not be undermined, although we note the nonconforming junkyard in the middle. The main gateway to this residential portion of the neighborhood is probably Tomkins Avenue rather than 9-A via Holly Place. The Holly Place corner, which is already substantially affected by all of the commercial development in the immediate area, would not be characterized merely by two-family houses on one side and a residentially-designed self-storage building on the other which would screen the existing industrial-style building. So we don't believe there can any longer be a reasonable contention that the revised proposal would "submerge" the residential character of the neighborhood, as the Planning Board originally feared.

With respect to the intent of the Village vision plan to preserve residential areas, for all of the reasons we've noted we think the modified plan does that. In particular, it prevents the petitioning properties from falling into non-owner occupancy and disrepair due to the impact of commercial development on 9-A. As noted by the county, it provides an appropriate transitional buffer protecting the residential interior of the neighborhood from the existing commercial exterior. We would note that the vision plan was also concerned about tax burdens and actually referred to 9-A as Hastings' back door, and a dense, heavily traveled urban strip. That was 10 years ago. The concern about the differences in the use and bulk requirements between 2-R and MR-C is no longer relevant because the amended proposal is limited to four properties, two of which are commercial. The proposals for the other two properties are limited to two-family residential and an additional self-storage building. The MR-O district is more restrictive and closer in its provisions to the 2-R and to the existing conditions in the neighborhood than the MR-C, notwithstanding, the 2-R regulations really bear no relationship to the existing development in that neighborhood.

We've also added substantial administrative review requirements, and use and bulk restrictions. Furthermore, the Planning Board's fear about having more than one zoning classification in a compact area, detracting from the cohesiveness of the neighborhood and being inconsistent with zoning principles, we feel is now rectified. The properties which adjoin 9-A are already in a different situation from the properties which do not, and the revised proposal simply recognizes the difference between the two areas in the neighborhood. It's typical, as you know, throughout the county to have a more intense zoning district adjoining a commercial corridor such as 9-A, with residential to the interior and the rear. You heard someone mention tonight 2-R adjoining commercial elsewhere. There are many small and adjoining zoning districts throughout the Village. The Village is only 2 square miles. There are numerous examples of it.

While there may have been different considerations for the original MR-C and MR-O districts, which were only enacted a couple of years ago for the downtown, the current proposal is completely consistent with the stated primary intent of the MR-O district as a transitional zone between commercial and residential neighborhoods which preserves residential areas while encouraging, but not requiring, limited compatible commercial uses in the transitional area. The Planning Board didn't really offer a basis for its prior opinion that self-storage use, which serves primarily residential local customers for storage of their household and personal effects -- and in this day and age is almost an accessory to residential use -- would be inconsistent with the other business uses in the MR-C -- now the MR-O -- particularly when it will have such substantial restrictions as we've noted, be designed with a residential style architecture, screen other commercial uses, have no access within the neighborhood, and generate far less traffic than the other permitted uses. Certainly, the county planning board sees no such inconsistency. The current larger storage use has demonstrated itself to be a clean and quiet use to the adjoining neighborhood, and this will be smaller than that. The added restrictions we've proposed will ensure consistency of the additional self-storage use with the permitted uses in the zone and the neighborhood itself.

The Planning Board's prior contention that zoning amendments should not be enacted to meet the needs of an individual property owner independent of the needs of the district as a whole was somewhat misplaced. There have always been multiple petitioners on this issue, and there are still three unrelated petitioners under the modified proposal. The zoning ordinance does afford individual property owners the right to petition for a rezoning under such circumstances. Rezoning, as you know, is often initiated by individual property owners. The fact that it benefits individuals does not mean that it doesn't serve a proper planning rationale or benefit the community as a whole, as this one does. There are different portions of this neighborhood that aren't similarly situated. The limited transitional nature of our revised proposal, I think, recognizes both the interests of the residential people and the petitioners on 9-A.

Finally, with respect to the rezoning, while the Village is in the beginning of considering a new comprehensive plan, it again bears noting, I think, that this is a very unique area of the Village; separated by the parkway; represents less than 1/10 of 1% of all of the acreage in the Village, so it doesn't really affect 99.99%. It's hard to anticipate how any comprehensive plan could come up with a significantly different or more reasonable proposal for these properties on 9-A that would recognize existing conditions and promote conformity. There are many other points on that issue which I raised. In the interest of time, I refer you to my January 10th letter to the Village Board and my January 9th public hearing presentation, which the boards have copies of and is even more relevant to the revised proposal.

Just lastly, the Planning Board itself recognized that the self-storage would be a source of increased revenue, albeit outweighed at that point by negative factors in the Board's opinion. We would simply submit that the modified proposal significantly mitigates or eliminates those negative factors. We would respectfully request your favorable recommendation on the revised proposal. Thanks for hearing me.

**Anthony Tarricone, 15 Holly Place:** I'm one of the petitioners. I first want to thank my neighbors and community for showing up in support, or against, this application. I'd like to take a brief moment to cover the changes of the proposal since its original submission. I'd like to explain how we're going to address the concerns of the neighborhood and the Planning Board. I believe we're in keeping with the Village's vision plan, and I'm going to summarize the net effect of the change.

This is quick. Originally there were nine property owners that petitioned to change the zoning designation from 2-R to MR-C: one, two, three, four, five, six, seven, eight, nine. Now there are four: one, two, three, four. In the current proposal the properties that are now being presented all front 9-A. This is Saw Mill River Road: so one, two, three, four. This is already commercial, this is commercial, this is the proposed self-storage site, and this is the site that we're proposing another subdivision and two-family house. The area of change is substantially smaller, thereby limiting the unanticipated effects, negative or positive, to the balance of the neighborhood. The Shea family has submitted a written stipulation that will deed restrict their property to residential use upon its approval of a subdivision and the building of one two-family house on their 9,200 square foot parcel, which is here, which is also on Saw Mill River Road. This eliminates the concern of future development on the site. Another interesting fact was discovered during research. In 1934 this exact property was zoned Business. You have these maps, by the way. I've submitted them.

**Chairperson Speranza:** This one I don't think we have.

**Boardmember Hutson:** Yes, these later ones.

**Mr. Tarricone:** I've submitted all of this to you.

**Boardmember Hutson:** Tonight. We just got it tonight.

**Mr. Tarricone:** In 1934 -- actually, what we're asking for is this piece here, which fronts on Saw Mill River Road -- but in 1934 it was all of this piece, this piece, and actually this piece was owned by the county at that time. But obviously, the parcels that were on 9-A/Saw Mill River Road were zoned business. It was changed in 1939 back to Residence, and changed again in 1950 back to Business, and then rezoned in 1952 back to Residence-B. As far as the forefathers and the vision plan are concerned, this parcel of land located on Saw Mill River Road has always been considered both commercial and residential, as evidenced by the continual zone changes. We pulled some of the information from the vision plan written in 1997, which refers to the 9-A corridor as the back door to Hastings. It talks about 9-A becoming dense, heavily-traveled, urban strip as a result of the development by surrounding communities which Hastings has no control over.

I'd like to do a comparison of the MR-C to the MR-O zone. We've submitted to the Board individual bulk regulation comparisons with each regulation compared to the actual conditions and applied them to the MR-O zone. Or in English, a comparison of the zoning for the current 2-R zone compared with the proposed MR-O zone as it relates to existing conditions. This chart summarizes the current zone of 2-R with MR-C and MR-O zone districts. The bottom line is, if you exclude the four properties petitioning for the change, not one piece of land in this 2-R zone meets the current zone. The proposed MR-O actually matches existing conditions better than the existing 2-R zone. The Planning Board was concerned about having no front yard setback in the MR-C zone. The new proposal, MR-O, has a 10-foot front yard setback requirement and an 8-foot side yard requirement. For the record, 13 of the 22 existing properties have an existing front yard setback of 10 feet or less. We have listened very closely to the Planning Board's concerns and, as a result, are proposing a larger setback requirement as it relates to the property that will be the proposed self-storage. We will make the setback requirements 15 feet on all the property lines adjoining our road. This increases the requirement by 5 feet for front yard setbacks and 8 feet for side yard setbacks. Because we're on a corner, there will be a 15-foot setback on all adjoining roads. So this piece of property would have 15 feet even though it's not required.

The Planning Board was concerned about having more than one classification in a compact area. This is the zoning map of the Village of Hastings, if I can get it out, and this is one without any color. Everywhere that you see red is a classification of a compact area. However, it's the norm for Hastings, as evidenced by the zoning map, with over 10 similar-size zones. The areas shaded in red are pockets of small zones throughout the Village. This is what we're asking for; this is what's already existing. These are all small areas. This one, with this little one here. You've got a little one there, one there, here -- they're all over.

I want to talk about the vision plan for one second. Although the vision plan is not an adopted Village document, it does serve as a guideline. The vision plan wants to preserve the retail downtown in the Village. This will prevent the slow death of the Village retailer as happens across the nation.

If you flip it, if the 9-A corridor is developed with retail it'll siphon off the retail Village stores, who will eventually perish. So the desired effect is to increase the net tax revenue on 9-A while limiting the retail and traffic impact. Our proposal does exactly that. It does not siphon off local retailers from the Village. It has a low impact on traffic and the Village infrastructure, and has a high net tax revenue and one two-family house.

Back to the proposal. To summarize, there's a total of four properties now applying for the MR-O zone designation, all of which are situated on the frontage of Saw Mill River Road. Two of these properties are already existing commercial uses -- Nextel dealership, existing self-storage -- and these properties will have no physical change whatsoever. Therefore, the net result is the removal of one home, which is here, and it's replaced on Saw Mill River Road, further completing the screening of 9-A/Saw Mill River Road from the residential neighborhood, which would be here; the addition of a self-storage building, residentially designed and screened; and a deed restriction that would eliminate any further commercial development on this corner here, upon approval of the subdivision.

The underlying bottom line responsibility is balancing what is best for the Village in the long run. Saw Mill River Road/9-A is a commercial road. This has been recognized for as far back as 1934 when the exact property in question was zoned business, and reaffirmed as a dense, heavily-traveled urban strip in the 1997 vision plan. We submit to you that this request is responsible, as it addresses the concerns of the various boards and local neighborhood. Most importantly, it's valuable and viable for the Village of Hastings. We have demonstrated huge community support for this proposal. The Village Trustees are in possession of over 100 signed petitions in favor of the proposal. The neighbors who are closest, and thereby affected most dramatically, have spoken in favor and submitted petitions in favor of the change. There is no doubt that the Village could use some additional tax revenue and offset its tax burned. The change will afford the Village much-needed tax relief on a commercial road while preserving the neighborhood behind it, having minimal to no impact to the surrounding area.

We have been working on various residential treatments that would fit in well with the neighborhood. This is our latest, very preliminary, rendering. The roofline and distance between the ground and the roofline are consistent with the existing buildings in the area. The views from the west looking from Marion up Holly Place -- we have made copies so that you get a better feel for the building -- it beautifies the entrance to the neighborhood with a new building, while screening the neighborhood from both the sights and sounds of the commercial area it abuts. This is a win-win proposal, and we respectfully ask that you provide a positive recommendation to the Board of Trustees. We also have with us a real estate evaluation expert, Mr. Ned Parone, who has concluded in a report, which you've read, that it will have a negative impact on the neighborhood.

Do you have any questions?

**Chairperson Speranza:** I'd like to get questions from the Board. We'll hear the public, and then we'll talk. But are there specific questions, first, from any of the Boardmembers?

**Boardmember Logan:** Yes, I have one. On the rendering, this requires, you say, a 15-foot setback from 9-A but also maximum 50% lot coverage. Well, it looks from this rendering like this is more like 80% lot coverage.

**Mr. Tarricone:** It's not drawn to scale. It will be what is required as a bulk requirement.

**Mr. Davis:** And this, of course, would be before your board for a site plan approval, along with special permit and architectural review. We're in conceptual stages of it. We wanted to give a sense of the fact that if you look -- you can't see the existing self-storage -- that building has no windows. It's totally an industrial building. We want to give you the sense that what we're trying to build is something that looks a lot different, with textured siding, colors, windows, doors, a different form of roof, landscaping, and things of that nature.

**Mr. Tarricone:** The door is fake and so are the windows. They're just there for appearance. As we've said, the entrance is on Saw Mill River Road, so that door in Holly Place is fake. This is an actual map from Google Earth of the existing neighborhood. It's pretty good.

**Boardmember Cameron:** Would the two buildings be connected? I noticed in your prior diagram you had the buildings connected.

**Mr. Tarricone:** You mean with the existing self-storage?

**Boardmember Cameron:** Right.

**Mr. Tarricone:** I don't think so.

**Mr. Davis:** They're too disparate in their appearance.

**Boardmember Cameron:** What is the depth of the property that your house is on?

**Mr. Tarricone:** 150 feet.

**Boardmember Cameron:** Why does it say "may not extend more than an average of 150 feet"?

**Mr. Davis:** First of all, that provision was in there originally when there were properties beyond Anthony's current property that were in the petition. There were at least two more properties to the west. We always wanted to point out the fact that it would never extend to those properties or beyond, basically, Edison Place and Anthony's current property. The reason why it says average is not because one side would be 150, but because of the curvature of 9-A. There are just some nuances of a matter of a couple of feet here or there. So we wanted to say average because in one spot it might be 151, in one spot it might be 149.

**Mr. Tarricone:** The road curves right there. If you just look at the other map you can see it.

**Mr. Davis:** But in no event would it go beyond where his existing house is.



**Boardmember Cameron:** This is more of a comment than a question. If you look at the four pieces of land there, we have the first two in the north which were already commercial.

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

**Boardmember Cameron:** Then we have the one on the far south that, for some unknown reason, wants to keep residential there. So we really have one site, which is yours, that actually wants the commercial at the present time. In fact, it's the one that can go commercial; the other two are already commercial. So we seem to be doing something to create a commercial site for your client, and the other people seem to want to stay residential.

**Mr. Davis:** That's not totally accurate. There are a couple of aspects of that. First of all, on the south corner, there's a big difference between what's required for a two-family house in the 2-R zone from what's required in MR-O. The difference is 10,000 in one, 5,000 in another. Their current lot is about 94-and-change so they would need an area variance or a reconfiguration of the lot line -- they own the property to the rear of them -- to get a few feet.

With respect to the other two commercial properties, there are huge implications to being a conforming use as opposed to a nonconforming use. Generally, as has been pointed out in the past, when you have a nonconforming use you're basically stuck with it. You can't change it, you can't convert it. For example, the Birelli piece, which is now a bit of a hodge-podge, may well be more valuable and usable and better from a planning perspective in the future because it could be changed to one of the conforming uses in the MR zone, such as an office use or something of that nature. So it's important, even though uses are existing commercial, to have a conforming designation as opposed to a nonconforming. But you're correct that as presently proposed, the property which would have a commercial change, if you will, of immediacy would be the one on the corner next to the adjoining self-storage.

**Boardmember Cameron:** They could come for a variance to go residential, which they might well get.

**Mr. Tarricone:** It'd be a very substantial variance.

**Chairperson Speranza:** I think that's something those owners should be very aware of because we can't approve a subdivision for lots that are not conforming.

**Mr. Tarricone:** Of course not.

**Chairperson Speranza:** So it's not a simple process for them. They would have to go to the Zoning Board to get an area variance before we could even consider a subdivision.

**Mr. Davis:** As Mrs. Stecich knows, there's a provision in state law now that if you're proposing a subdivision, site plan, what have you, you have the right to go to the Zoning Board without having to appeal from the Building Inspector. But as I alluded, they also have adjoining property that, by a lot line change, could probably pick up the amount of property without going for a zoning change.

**Village Attorney Stecich:** We don't have lot line changes here.

**Mr. Davis:** Yes, I'm not suggesting otherwise.

**Village Attorney Stecich:** Some municipalities do.

**Mr. Davis:** No, I'm not suggesting otherwise. It would be part of a subdivision application.

**Boardmember Cameron:** What is the depth of the existing storage facility?

**Mr. Tarricone:** It's much deeper. I believe the building itself is 200 feet deep.

**Boardmember Cameron:** So how would it become conforming if we pass something that says you can have a building 150 feet?

**Mr. Davis:** First of all, the use would become conforming. The length of the building probably is 150 feet, or just beyond it.

**Boardmember Cameron:** This is 230.

**Mr. Davis:** The property is longer than the building.

**Boardmember Cameron:** You can see on the map the building's too long.

**Mr. Davis:** The length of the building could not be extended. But the use would be conforming in other aspects, including the lot size, because it has more than the 12,500 square feet.

**Boardmember Hutson:** I don't see, at this juncture, why the 150 serves any purpose really from anybody's point of view. It seems irrelevant now that the zone is what it is.

**Mr. Davis:** It may be. It was a part of the original proposal because people were concerned that the self-storage would extend beyond what we said it would be.

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

**Mr. Davis:** But you're right. It has less, if any, relevance now.

**Boardmember Hutson:** Right. What would be the total acreage of the whole zone?

**Mr. Davis:** I think it's something we have totaled on our charts. I believe it's 55,000- to 56,000 square feet.

**Boardmember Hutson:** So what is that, 1-1/4?

**Mr. Davis:** We had about 1-1/3, but right around that number in terms of acreage.

**Boardmember Hutson:** The existing house to the south, where they would like to have the stipulation for the additional two-family that would be two houses at this time, 10,000 square feet roughly?

**Mr. Davis:** Yes, exactly.

**Boardmember Hutson:** That, you're saying, in comparison to the 2-R...

**Mr. Davis:** 2-R requires 10,000 for one two-family home. In MR-O it's only 5,000, so it's half the requirement.

**Boardmember Hutson:** One of the guidelines that we've had as we were thinking about the property to the north across from what was Ciba-Geigy property was to try and keep the density somewhat in line with the 7.5 zone. The MR-O, in terms of the density issue for residential, you're right about the transition part, but it was transition in the downtown area; from that kind of commercial downtown to housing that was closer to the downtown than this is. I point that out as a feature in our previous thinking that might be applied here.

**Mr. Davis:** Understood. And that's why we did a rather exhaustive study of what the actual conditions are because that should certainly have some bearing as well. It would be one thing if all of those lots were conforming to the 2-R requirements, but they generally don't even come close, if you take a look at them.

**Boardmember Hutson:** Right.

**Mr. Davis:** And the average size is only 5,200.

**Boardmember Hutson:** The idea would be to seek the desired, not to try and imitate the existing. That's the way we've come at it from a planning point of view.

**Mr. Davis:** That would be true if you were going to really redesign it just for residential use. But I think here you have to take into account -- I'm sure you will--the fact that it is on the commercial corridor, which is not residential in character. That's all I'm trying to point out.

**Boardmember Hutson:** For those things that are nonresidential. That's what we did in regard to the MUPDD up the way. The adjoining zones, now -- outside of the Village, across in the Yonkers area -- the zone is what?

**Mr. Davis:** Across the street is Greenburgh, which is light industrial; Yonkers is a potpourri.

**Boardmember Hutson:** Not the existing. What is the zone?

**Mr. Davis:** The zone to the immediate south, I think, is two-family. We have that depicted. But there are a number of nonconforming commercial uses, as you know better than I.

**Mr. Tarricone:** It's commercial on the west side, two-family on the east side until you go to the top. Then it's just all commercial all the way straight down. Directly across the street's commercial, and all the way down the road. But in practice it's all commercial. It's zoned one thing, but they're actually using it as commercial.

**Boardmember Hutson:** Okay, thank you.

**Chairperson Speranza:** Any of the other Boardmembers have questions at this point?

**Boardmember Dale:** In the earlier presentations you indicated that you thought the value in terms of taxes for the Village was \$90,000, and in this presentation it's \$150,000?

**Mr. Davis:** I personally have never said 90. I've always said 150. That's based on the fact, as was pointed out at the March 1st public hearing, the current taxes for the existing self-storage are, I believe, \$165,000. So we estimated \$150,000 just for the self-storage use.

**Chairperson Speranza:** Is that just for the Village? To the Village, or the school district?

**Mr. Davis:** We did the percentages last time and pointed out at the March 1st hearing that I believe 82% goes to the Village; 82% of the taxes go to the Village and the rest go, I guess, to the Town.

**Chairperson Speranza:** Not to the school district?

**Boardmember Hutson:** I think he's including the schools.

**Mr. Davis:** Including schools. Yes, when I say 82% that includes the school.

**Boardmember Dale:** The \$90,000 presentation was actually...you weren't here for the first presentation to the Planning Board.

**Mr. Davis:** I don't know the reason. But the public record is clear, and no one disputes the fact, that the current self-storage pays \$165,000. We discussed this matter with the local tax assessor to make sure of the percentages.

**Boardmember Dale:** And the square footage of this building compared to the original?

**Mr. Davis:** The square footage of the proposed building?

**Boardmember Dale:** Of the proposed building compared to the original. The square footage of the existing self-storage.

**Mr. Tarricone:** 50,000 square feet.

**Mr. Davis:** 50,000.

**Boardmember Dale:** And the square footage of this proposal?

**Mr. Davis:** It would be much smaller.

**Mr. Tarricone:** It's not quite 40,000 -- 35 or 36 thousand. I haven't really calculated it.

**Mr. Davis:** As the other gentleman pointed out, we cannot exceed the 50% lot coverage or the height requirement of 35 feet. The other building, to some extent, does. The other building had variances that went along with it as well.

**Boardmember Logan:** You say that the access will only be from a state road, that is 9-A?

**Mr. Davis:** Yes.

**Boardmember Logan:** And also we have a 15-foot side yard minimum for Holly Place. This would imply, I guess, that all the parking would be off of 9-A.

**Mr. Davis:** One of the good features of this proposal would be that we could better configure our parking that is currently located on 9-A to have a better traffic configuration and flow. No one would see parking from Holly Place. The parking is contemplated on the other side of the building between the new building and the existing storage building, in the area where the current parking is. So no residences would see parking.

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

**Boardmember Hutson:** I had one other thing. Going back to the business of why the interest in restricting to the two-family to the south, why not have the same restrictions, the same provisions, for the whole zone? I mean from the applicant's point of view.

**Mr. Davis:** Well, you do have the same provisions for the whole zone. You have an MR-O district and there are a number of different uses. Because of the fact that it's a transitional zone, as you know, it has a mixture of commercial and residential provisions. In this case Mr. Tarricone's corner, of course, directly abuts the huge industrial self-storage building. It's nearer to the other commercial uses. Where there's more of a separation on this corner, and the current property owner, simply in terms of his own personal desires, wants to build a two-family house for another family member. That's what he prefers to do. Mr. Tarricone already has a business there. His property, which is also a bus stop -- which the other property isn't -- is closer to the commercial uses in Hastings than is the other corner.

**Boardmember Hutson:** So the property south of Holly Place -- their interest in the petition is a matter of being able to do more with that property from a residential point of view.

**Mr. Davis:** Certainly they have actively supported the self-storage use, they're written to that effect, and they are in favor of that because it's more of a screen to their property than they see now with the existing self-storage building. It's one of the reasons they're in favor of it. But their particular intent is to have the ability for a more intensive residential use than is currently permitted in 2-R.

**Boardmember Hutson:** Right. But from the planning point of view, if there is logic to having the availability for commercial space along 9-A, then it would make sense to continue that all along 9-A. Except you're saying it provides more of a buffer for a residential area.

**Mr. Davis:** What I would also say to you is, again, we're trying to make an effort to accommodate the desire of some of the neighbors who have been contrary to this in terms of fears of what would happen. It's certainly not mandatory for the people that own the other parcel to put a restriction against commercial use. Currently they don't want to do commercial use, and they'd be more than happy not to have the restriction against it. They've simply offered it. If it was a concern of the neighboring property owners, this would be an accommodation they would be willing to make.

**Boardmember Hutson:** So it would allow for some additional development, but it would be more of a buffer than straight commercial.

**Mr. Davis:** Yes, correct.

**Boardmember Cameron:** What percent of your site is covered by the [existing] building?

**Mr. Davis:** We do have that figure. I think we were limited on that site.

**Boardmember Cameron:** Do you think it's in the discussion of the Planning Board?

**Mr. Davis:** What happened was, the reason why I hesitate is, because we had two proceedings before the Zoning Board. When we designed the building we went back and got some additional variances. I think what they did was, when they looked at lot coverage the original lot coverage figure was based on the Birelli property which, at the time, was owned by Mr. Tarricone. So when they did their lot coverage which, I think was at one point 42%, that included not only what is now the self-storage site but what is the Birelli site because it was in common ownership and a common site plan at the time. At the time, had the contract with Mr. Birelli not gone through, there was a provision in the Zoning Board that the self-storage could have extended in that direction. For some reason, in the 40s for the total site sticks in my mind. I can easily get that answer. I don't have the resolution with me.

**Chairperson Speranza:** Would someone like to speak on this? Come up to the microphone, state your name for the record.

**Rick Shea, 42 Edison/1327 Saw Mill:** I plan to build a two-family home. This plan seems the only way that I have a possibility of doing it. It seems to be farfetched, but building my first house was tough. I had to have 25-foot setbacks all around because I had a corner house. If this plan helps, I see no problem with a storage center to the left or to the right of me, or industrial across. I've got a son and a nephew that want to stay in Hastings ... I've been 52 years here. My parents own the house behind me. Whatever it takes: I get turned down, I get turned down – but if this helps me a little, I'm all for it. It's just the way it is.

**Boardmember Logan:** A question. Have you gone through your site plan and actually figured out whether you could put a house on that, subdivide it with the MR-O language?

**Mr. Shea:** Not with the new plan. But the way it stands now there would be no chance.

**Boardmember Logan:** So you haven't really checked to see if it would work.

**Mr. Shea:** No, we've been going over figures. This might give me a better chance.

**Boardmember Logan:** Do you have any idea if the square footages work?

**Mr. Shea:** I don't know exactly what the square footage will be with the MR-O. If it's 5,000, and I've got 9,400 or 9,200 square foot left, I might have a shot of subdividing. There's a legal easement along the side of my house on 42 Edison that comes to the back yard for additional parking or whatever. So I have an easement to that property already.

**Mr. Davis:** He could also subdivide under MR-O, which we've talked about, as-of-right if he were doing another single-family. Because right now he's nonconforming as it is under 2-R because he has less than 10,000 for a two-family. If he was MR-O -- where a single-family only requires 3,500, two-family 5,000 -- he could subdivide as-of-right, if you will, to have another single-family home as well, which he could not do today.

**Mr. Shea:** Whatever it takes. If it's good, bad, give it a shot. I got nothing to lose.

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

**Suzanne Malici, 1 Mendham Avenue:** I have heard many speakers at these meetings, and I've heard the concerns of the neighbors. To my understanding, he now proposes much less lot coverage and more setbacks. Now there are only four properties that would be amended as opposed to the original nine. The neighbors were also worried as to what could happen to the properties that would be changed to an MR-O. I believe that you addressed this by also discussing with the other petitioner that there would be a stipulation that his property would be for residential use only. Obviously, this has all been discussed.

This business has a very low traffic flow. People use this facility to drop off or pick up their belongings. They're not there to visit their stuff. He has shown visuals of how the building would work, and it's aesthetically pleasing and would not change the character of the neighborhood. It was also said at a meeting that Mr. Tarricone is just a businessman. Well, I know he and his family care very much about their neighbors and the neighborhood that the Tarricones have lived in for decades. I am in support of the Tarricone proposal. Thank you.

**Chairperson Speranza:** Thank you. Yes, sir.

**Marty Merchant, 35 Marion Avenue:** I would probably not be able to be as sequential as I'd like to be, and I'll try to keep my comments pertinent to the Planning Board's realm of influence or decision-making. I don't pretend to speak for my neighbors. They can speak for themselves. I want to bring a resident in the neighborhood that's opposed to this zoning change: I want to bring my perspective to you. I think we need a perspective on what's going on here. I've heard words mentioned in this meeting and a great many other meetings.

I want to start with this business of the new proposal being substantially modified. First of all, let us remember that the number of homes, the number of applicants, on this petition have been dropped not because of any decision on the applicant's part. Because as the other petitioners found out what actually was going to take place as a result of the zoning change they decided to drop themselves.

I have to speak as a layman, but there may be a great many nonconforming residences throughout Hastings. I am a little suspicious of characterizing our neighborhood as some bizarre little enclave that's got nothing but nonconforming properties. I don't know that that's such a strange or unusual circumstance throughout a village that's been built over so many years. I'm a little concerned about that. I would like us all to get the proper perspective on that kind of statement.

The commercial development along this corridor and 9-A. From virtually any home in this area the only commercial structure that we see, we see residences up on the hillside up above in the Town of Greenburgh area up on the hill at the other side of the valley. The only commercial that we see, the only commercial presence that we have in our neighborhood, is this three-story tall storage facility that towers over the residences along Holly Place for the entire length of Holly Place. That's the commercial presence for us. I think that probably this diagram is not off the mark when it captures the flavor of tearing down a residence and adding -- however you configure it, however you decorate it -- a commercial property.

Which brings me to this other. I'm a little curious about the use of the word "transitional." I find, at least in my vocabulary, that when you tear down a residence in a residentially-zoned area and build a commercial building, that's not transition from residential to commercial -- that's making it commercial. Although we've had assurances from the property owner on the south side of Holly Place, as far as I can see -- again, from a homeowner's perspective -- I'm not quite sure that I'm reassured that additional commercial properties can't be built. I understand that there are additional limitations on this kind of zoning change. But, again from a homeowner's and a layman's perspective, the applicant gets exactly what they started out to get with the other commercial designation. He's still going to build a property, he's going to build as big a building as he had planned to build before. Although we have the appearance of an accommodation to the neighborhood, I don't know that the net result really is any different than what we were looking at before.

I have heard over and over again the discussion about the advantage to Hastings of the taxes for this building. Again, as far as I could tell, as a matter of public record, the business at 1337 Saw Mill River Road challenged its Village assessment for four years, from 1996 to 2000. The discussion, or the negotiation, of that kind of grievance to an assessed value looks like, to me, kept up over the next two or three years. I wasn't able to find out what the resolution of that was, but I do believe, my perception is, that that assessment was substantially reduced. I've heard the figure of \$150,000 thrown around, but I also know it's a matter of public record that for seven years in a row this property owner has grieved his assessment with the Town of Greenburgh and has actually proposed a 90% reduction in the assessed value of his property.

I don't have an issue with somebody's right, as a businessman and a property owner, to make the most of their asset. But I think, again, from the neighborhood's perspective, this is a businessman who wants to maximize his property, or the value of his property. I guess I'm conjecturing that he can't sell it outright, tear it down and build something that conforms to the current zoning, and maximize the amount of value that he gets out of that property. In order to do that he has to change zoning, tear down a house, and expand his business.

The last thing I'd like to say is that the applicant was kind enough to provide the neighborhood with a great many documents, one of which is this appraisal.



Although many of us have talked to local real estate agents, their response to us, and of course our own common sense tells us, that you can't tear down a house, you can't downzone an area, and expect it not to have a negative impact on the property values. To me, that's just common sense. I don't see in the letter that there's any substantiated research, any documentation, of a similar area that has been downzoned where there hasn't been a negative -- or positive, for that matter -- impact on the property value. So what we've got is a letter from a notable firm, by the president of the firm, who gives his opinion that, in fact, the property values wouldn't be impacted negatively. Again, common sense: it just doesn't seem plausible to me that that's true. We've talked to real estate agents. The real estate agents that we've talked to don't want to come in here and stand up here and give you their opinion. They want to research the matter, they want to look for similar areas, similar residential areas, that have been downzoned and try to document whether or not the property values have been impacted positively or negatively.

I just have to say, at the end of the letter I was a little annoyed at the kind of gratuitous comment that the zoning change might actually encourage the updating of property. It would seem to me, I don't want to impugn anybody's professionalism at all, just like me, if one had to take a look at the area and do some research on our residential zone -- take a look at the variances, the building permits for the new homes, the beautiful new homes that have been built, the new porches, decks, swimming pools, roofs, siding, fences, garages -- if you'd looked at that area, at the escalating value of the properties in that area, not only in Hastings but adjacent in Yonkers, I don't know that you'd be able to make a statement that would imply that building this commercial structure would encourage us to improve our properties. I find that logic spurious. Anyway, thanks a lot for letting me share my thoughts with you.

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

**Ned Parone, Real Estate Appraiser:** I'm the appraiser that produced the report. First of all, it was not an appraisal. There is not a study because, frankly, it's nearly impossible to do that sort of thing. But the fact of the matter, at least in my opinion, what this zoning change does is legitimize two properties that are there. When I talked about encouraging some improvement in the area, I was thinking about those two properties. It would give them the encouragement to perhaps do more landscaping on the Birelli property and make some changes that were more acceptable in terms of commercial uses. As it is now with the nonconforming use, you really don't have that incentive.

But as far as impact on the neighborhood, the only real change that you would see under this proposed plan is the addition of the one self-storage building. I think in terms of the majority of the neighborhood on the other side of Holly it actually screens them more from the existing self-storage building and from 9-A and the impacts that are associated with that.

Thanks.

**Chairperson Speranza:** Thank you. Sir?

**Jesse Merchant, 35 Marion Avenue:** Would you mind if I used some of this stuff? See if I can find it. Can you guys kind of see that?

I obviously have a lot of concerns, but I'm going to try to only address one which concerns me very much. From my front door I know that I can see a portion of the existing self-storage facility. I would have to guess that I'm about 100 yards, maybe a football field, from that storage facility. Many houses, many houses, are in between me and that facility. We are looking at the back of it, not the front; this end here, my house being over here at 35 Marion Avenue. That impact is probably as minimal as it can get to 35 Marion Avenue. All of these other houses having to deal with more and more impact, including any of these houses right here and everyone in between. The proposed addition of a new, and possibly unattached, storage facility, I guess a shade less than 40,000 square feet, if the existing is 50,000 square feet and it stretches from -- I don't know the numbers, but I'm going to guess -- 30 feet from Saw Mill River Road, and it stretches all the way back, that 40,000 square foot storage facility has to be somewhere. To me that means it's going to grow taller or wider, leaving a huge footprint of a new storage facility there. As far as I can tell, it has been said many times that it's there to shield us from the existing facility. From what I can see, it's only shielding these other people who are involved in this proposal. It has done nothing to shield much of this block, Marion Avenue, and the rest of Holly Place. So that, as a defense to this proposal, does not seem to ring true for me.

Whether you come down Holly Place or you're coming off of the Saw Mill River Parkway, there is a lot of traffic and this is something that you see. Whether it's the existing facility, the houses that you pass coming down Saw Mill River Road, I just wanted to make sure that...again, I don't know exactly the sizes and I can only kind of put it out there that I wonder where, if this is 50,000 square feet, where 40,000 square feet is going to go. Thank you for your time. I appreciate you listening.

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

**Mr. Tarricone:** On clarification, it's underground. There's two stories underground; that's where the square footage is.

**Chairperson Speranza:** So there would be two stories.

**Mr. Tarricone:** There are, in the existing facility, two stories underground. That's why you talk about a building, that's where it is -- underground.

**Boardmember Dale:** The proposed building will not have...

**Mr. Tarricone:** No, it will probably. That's where it's getting the size.

**Chairperson Speranza:** The square footage.

**Mr. Tarricone:** The square footage that everybody's talking about. You're probably talking in the neighborhood of a 6,900 square foot footprint. I haven't really mapped it out because we haven't been that close.

**Boardmember Logan:** Do you happen to know what the size of the property is? I got a sense that one dimension is 150 east-to-west. Do you know the width in the other direction?

**Mr. Tarricone:** This is 150. I think this is 283.

**Boardmember Logan:** I'm talking about the other property, the corner property.

**Mr. Tarricone:** This is 150 by 100.

**Chairperson Speranza:** Yes?

**Carolyn Caruso, 45 Marion Avenue:** I would just like to touch upon a few things that my neighbor Marty Merchant said in addressing the modifications that Mr. Davis spoke about. The nine property owners that originally petitioned the Board, now reduced to four -- they withdrew one person out of that and the other four people opted out once the plans were realized -- I don't think that can count as their modification other than the rental property.

Their address is 15 Holly Place, not Saw Mill River Road. Their house is down. If you know the area, it's set below Saw Mill River Road. It's not on Saw Mill River Road. It is what begins our stretch into this little alcove of Edison and Marion. I don't understand how this entrance would be on Saw Mill River Road when their entrance is on Holly Place to their home, being that it is set below the street level. It being a bus stop, how would moving vans and trucks -- what you see at the current storage facility -- be able to access that as well?

We're 21 homes in the area. The only commercial structure in the area is the current self-storage facility, and nineteen of us homeowners are against this proposal. I know that they made reference to petitions signed by people in the area. Other than the applicants, I don't know who in our area is for this petition. I'd love to know who because I think we've spoken and met with everyone in our neighborhood.

As far as the property value, I also have spoken to several real estate appraisers and brokers. They tell me that this is clearly a downzoning. This isn't an upgrading of zoning, this isn't a neighborhood revitalization. Actually, the question that a local real estate agent asked me to pose to the Board and to the Village Attorney is that if you lived in a single-family or a two-family home in a residential neighborhood, and the home next to you was being leveled and a commercial structure being put in, how could that not affect your property value. I don't see how it can't. If anybody wants to comment on that I welcome your thoughts.

The last thing I'd like to add is, many people have gotten up at the public hearing. And again tonight I see other people here, none of which live in our area. I think that speaks volumes. I know one person that has spoken before you this evening is fighting a commercial building, the State Farm building, in the village of Greenburgh. So it's clearly okay in your back yard, but not mine. I strongly urge you to deny this application, and thank you for your time.

**Ms. Malici:** I'm the person that owns the house behind State Farm and yes, we are fighting that fight for State Farm. But we are not fighting for the State Farm building to all of a sudden become anything other than what it is: OB-1, office building. We don't care; another business wants to come in, another commercial business wants to come in, that's fine. A three-story mega funeral home is a different story.

**Chairperson Speranza:** That's got nothing to do with this.

**Ms. Malici:** But what I'm saying is that I'm not trying to change an existing building that she's saying that I'm fighting for. I'm not trying to change a building.

**Chairperson Speranza:** That whole issue has nothing to do with deliberations. Yes?

**Sal Gargiulo, 1-A Holly Place:** It's so hard to tell the truth. Now, I've been here in this village 73 years; 73 years in Hastings-on-Hudson. I know my neighbors now. We run a low-key business down there, a construction yard. I'm getting too old for that. The truth is, why was that building 40 foot high? It's 20 foot higher than every house on Holly Place and there's only one window, one window in it. And it extends from one end of Holly Place, or just about 20 feet from the road, and goes all the way back about 400 feet. We didn't say anything when he went for the proposal and the variance. I suspected that he was trying to make a living. No one said anything. But the truth is, we have a neighborhood there where people have been there for 20 years, have very little homes. They took it, no variance. They just fixed their porches, they just fixed the interior, and they're beautiful people.

There are 18 homes down there that they cared so much for. I used to wave to them when I walked along the path. I didn't know them. Then I was invited to a meeting: "Sal, we got a problem." Okay. I go in there, they were such good people. They're pretty homes, smaller homes; not big homes, small homes but pretty homes. Everyone brought gifts. I said this before. It was wonderful. I finally found neighbors. I was surprised. And the truth, what is the truth here? Why are we going again? He says he cares about the neighborhood, and yet he's taking his grandmother and grandfather's house down to put this storage facility in. Is that right? Is there something wrong?

Well, I'm for my neighbors. I think they're wonderful people and they've worked hard. They worked so hard to fix those little homes, and they're beautiful little homes. I'm against this proposal. I'm certainly against it because we gave him a break the first time, but that's it. It's not going back and it's not right. In fact, he was moving a piano there the other day. He's moving a piano with a trailer, and he's up on top of Saw Mill telling the driver for the traffic going across. I came up there to get across. I waited about 4 minutes to get out of Holly Place. Can you imagine if that storage place goes up there and that whole front would be commercial. We'll never get out of there. Look at when the parkway's flooded. They're bumper to bumper in front of that street going up to Saw Mill. And then coming back south, believe me it's impossible to have that and not ruin our neighborhood. All I know is I love my neighbors and they've worked so hard for the little house they have. Thank you.

**Chairperson Speranza:** Thank you. Yes, sir.

**Mark Kaufman, 65 Lefurgy Avenue:** One of the things that's surprising about hearing the neighbors speaking about the present existing storage facility is that my understanding is this doesn't affect changing that or tearing that down. So the present appearance of that is not something that's at issue in front of us. The other thing that doesn't seem to be addressed is that this area abutting Saw Mill River Road is largely commercial. I mean, you go up and down there and across the street from the entrance to this neighborhood is one commercial facility, and the storage facility's already there, and Birelli is a couple of lots up -- the general neighborhood there. Making this change, to my understanding of visiting the place, is not going to substantially change what is there, which is the Saw Mill River Road.

The appearance of the planned new facility seems to be more residential than the present facility. So if there's a complaint that the present one doesn't look good in the view of the people who are living right there, the residential appearance is going to be improving that. Even if they don't like the present one, the new one would be an improvement. The property values that are being complained about, these phantom brokers that have told various people what they are, those brokers aren't here and we have a different appraisal from someone else that's indicated that at least the existing commercial uses would be improved at least to become consistent with where they actually are. I don't know what's the value of someone saying someone else told me something. My understanding is that's hearsay and that's not something that's presented to the Planning Board here.

The traffic, I understand, is pretty minimal because there's not a lot of people coming in. The visits to the storage facility are relatively quick. There's been no complaints or any indication, besides the last gentleman, of having to wait. There's been no indication that there's any impact that the addition of the building is going to change. The Saw Mill River Road is what it is; it's not going to be affected by the addition.

And lastly, the thing that seems to be minimized is, even for those of us who don't live in the immediate neighborhood, we do live in Hastings and an increase in the tax base is significant: \$90,000 or \$150,000 is something that this town can use. It seems if there's a responsible way to bring in more tax dollars, and fix the zoning and not change the downtown that we have here, I'm not sure of a better way to do it than what seems to be provided here. I'm here out of my self-concern, which is how to keep the village that I've moved into fiscally healthy. This seems to me the most responsible way I've heard to add tax dollars, or tax revenue, to the coffers. Thank you.

**Chairperson Speranza:** Thank you. Yes?

**Claire Podalski - 1337 Saw Mill River Road:** I just wanted to correct the statement regarding the tax certiorari that we had done between 1996 and 2000. That is, because there wasn't a building there we were trying to build the existing facility. So yes, we did seek some tax relief during that period of time. I wanted to correct the record on that. Thanks.

**Chairperson Speranza:** Okay. Thank you. No other comments? Yes?

**Niles Yaeger, 67 Hillside Avenue:** I just want to urge the Board to consider that the changes in the zoning from the last plan are significant and I think the Board should take it seriously. I think the fact that some of us don't live in the neighborhood doesn't mean we don't have a valid opinion about it. Those of you on this panel that are going to be voting on this don't necessarily live in the neighborhood. I don't think we should take that viewpoint. I understand it's difficult. It seems to me he's trying to address some of the concerns of the neighbors. In a blue-sky situation you get to wait a few years and go carefully over the zoning and everything like that. I think the zoning that's being proposed could be absorbed into whatever future very easily that the panel might see for that neighborhood. Thank you.

**Chairperson Speranza:** Thank you.

**Diane Klein, 115 Hillside Avenue:** I would just like to support this proposal. I feel that Saw Mill River Road is a commercial zone. We've given away commercial properties to residential, we've lost tax base. It's a commercial zone, and we would like you strongly to consider it. Thank you.

**Chairperson Speranza:** Thank you. Yes?

**Peter Kolbert, 7 Oxford Road:** I've been in some of the prior hearings and I hear the emotion that is presented to you for the decision you have to make and the recommendation you need to make. The applicant has narrowed his application. At a prior meeting there was a statement that perhaps what was being presented was inconsistent, that it did not really meet a solid zoning plan. I think the term was "checkerboard": one part would be residential, something would be commercial. I think the revisions have identified that it's going to be a change only on Saw Mill River Road, and that makes sense. If you drive down Saw Mill River Road, it is a commercial road. I think that's a fact that needs to be accepted. To deny that is to deny the reality. Before you vote, and if before you make your recommendation you get in your car and you drive down that street, the overwhelming feeling on Saw Mill River Road is that that is a commercial street.

As far as the statements made about excessive use on Saw Mill River Road when there's flooding in the parkway, whether the Tarricone residence remains as a residence or it's changed into some other use that flooding in the Saw Mill River Parkway is something that continues. Hopefully not too often, but it's something that occurs.

As far as changes in traffic patterns within that neighborhood, I think the applicants have indicated time and again that the entrance will be on Saw Mill River Road. I think they've made every effort. As I've been to the prior hearings, it seems that they have been responsive and they are trying to tailor something that would best fit the needs of the community.

There's nothing wrong with a landowner trying to say, What are my options? Perhaps one of the reasons that somebody is looking at the options and saying, Should I make this a commercial property or should I keep it as a residential property?, is a recognition that residentially the house isn't worth as much because it is located in an inherently commercial corridor. It's location, location, location. This house is on a commercial corridor.

I think one of the prior speakers did mention that we have an obligation and an opportunity to try and do something to adjust the tax base for our village. I think everybody that lives in the Village has an interest in that. We need to look at ways and opportunities to try and improve the tax base here. If not this plan at this time, then what plan? If this isn't a reasonable proposal to help our Village, then I ask you to ask yourselves what is. Because it seems to me that this meets the criteria. It is a good idea at a good location. The existing facility, I'm not aware of any complaints about the existing facility. I'm not aware of any problems related to the existing facility. I think the plan has even been revised to make the appearance of the structure more residential in nature. I think in a balancing of interests here you need to look at that, and you need to say we do have an applicant who...granted, the application has been cut back, and that's the very purpose of this process. It has been tailored to try and address the multi different needs that are here, and I think it meets that. I think it's something that's right for the Village and I urge you to adopt it. Thank you.

**Chairperson Speranza:** Thank you. Yes?

**Joseph Capuano, 30 Clunie Avenue:** I just want to say that in the original proposal that the Tarricones gave there was a lot of concern from the neighbors about certain things: the way it was built and different ideas as far as how it was going to look. I think the Tarricones have done more than enough to incorporate it with the neighborhood and to use it in the best scheme of the neighborhood with the residential and the commercial area. I think that they've gone well beyond their idea of what it could look like. I think that it would be great as far as income for the Village. And I think that their concern for how it would look as far as a residential area, I think they'll do everything that they have done to make it aesthetically pleasing for everybody in the neighborhood.

**Chairperson Speranza:** Thank you. Okay, anyone else? Yes, sir.

**Dana Madigan, 93 Farragut Avenue:** I've been a resident of Hastings for 33 years. I'm not sure that anyone in the room would wish to take away anything from the residents of the neighborhood that oppose the application. Clearly, they're arguing in favor of something that they believe in. At the same time, the Tarricones are the property owners of that parcel abutting a commercial district. And as you know, this is just great. This is unfortunately...or fortunately, this scrape is the scrape that can have a positive outcome, and that's really the mandate to the Planning Board. How do you fulfill the needs and the wants of the current neighborhood along with allowing the Tarricones to do what's commercially viable for them on the property that they own.

My suggestion is, you prescribe precisely the type of structure that will act as a buffer, that fits in the commercial zone on the 9-A corridor, which it clearly is. As a resident of Hastings, the existing facility is 100% subscribed. It's full, it has a waiting list. There's a need for storage. So from the tax perspective, from the use of the residents in the surrounding towns, the need for a storage facility I think is clearly there. So the question becomes how can you make that facility such that it's congruous with the existing neighborhood, and I think the solution can be found. Thank you.

**Peter Linder, 49 Pinecrest Parkway:** I'll make this brief. We've heard a lot of discussion today, and it seems to me like the Tarricones have done their best to balance out the needs of everybody here and they're doing their best. That's what you guys are here to do is figure out what's right and what's wrong. But I would just urge you, from my perspective, to support the revised proposal. Thank you.

**Chairperson Speranza:** Thank you. Okay, last call. Anyone else want to speak tonight? I think we're ready to close the public hearing. We have to have our discussion and determine whether or not we're ready to make a recommendation. The Board of Trustees needs a recommendation from us and the Zoning Board. They're taking this up again in April.

**Village Attorney Stecich:** The Board of Trustees had the public hearing on it just recently. I believe they closed it, but it would remain open for the reports from Planning Board and Zoning Board. It is on the Zoning Board's next agenda which is next week. So the Board of Trustees wouldn't take it up at its next meeting because that's the election night meeting. It would be the April meeting if there is a recommendation from the Planning Board. So if there weren't a recommendation until your April meeting they would wait for it.

**Mr. Davis:** The Board of Trustees did close the public hearing, and they left it open-ended as to when they would consider it. They didn't set a specific date.

**Chairperson Speranza:** All right, we have some things to talk about and to think about. Why don't we start the discussion and see if we're going to end up anywhere tonight.

**Boardmember Logan:** I think there may be a sweet spot here where we could get something for the Village in terms of revenues, but also for the community. It has to do with the site plan and what the implications are for the different setbacks. Because if we start with 50% lot coverage, that means that the footprint of this building can't be more than about 7,500 square feet. You can achieve that by a 65-foot wide by 120-foot building. If that could be shoved all the way to the north, that leaves you with about a 35-foot potentially green zone on Holly Place. I have qualms about this sort of residential design. I think it's going to be a sham; with fake windows, fake doors. I think we can mitigate the scale. The 35-foot height helps. It is similar to the residential scale. But if that was a serious green space, it was really screened with trees and perhaps even accessible to the neighborhood -- where that becomes a 35-foot setback potentially from Holly Place, which is residential in character, that is, with appropriate landscaping, screening, trees big enough to mask this thing.



But where I think we could run into trouble is if we have to stick with the setback on the north side, which is adjacent to the existing building. But I think in terms of the functioning of this thing, if we could say, All right, there is serious tax revenue and there's the potential as part of this mitigation exercise to create a residentially-designed space to get a real greenspace on that Holly Street edge which would continue to function as kind of the gateway to this residential area and have some serious residential quality and actually be an amenity, I think it's physically possible. But studying the site plan and doing it. You know, even within the MR-O language I think it may be possible to design a solution. We don't have a site plan in front of us, but I think the potential is there.

So I respect the fact that if you put a commercial building in a residential neighborhood it's going to have a negative impact on property values. But I think that could be balanced out with good design and a nicely landscaped greenspace that would fulfill the function -- this kind of gateway function -- that existing greenspace is. Because right now that is very green. The residence is set back, you come around the corner, it does say Gateway to Residential Community. With the 50% maximum lot coverage we might be able to get close to that.

**Boardmember Cameron:** One comment about the 50% which I haven't figured out yet. If we were having 35- to 40-thousand square feet you need a five-story building.

**Boardmember Logan:** Two stories below grade. If you have an 8-foot floor-to-floor you could do it four above, one below. Because you've got a 7,500 square foot footprint, right? It's 15,000 square feet.

**Boardmember Cameron:** 7,450 is what you've got.

**Boardmember Logan:** So let's call it 35,000 divided by 7,500. So that's five floors. But if they're 8-foot floors, they could be four above grade below 35 feet and one below grade. Height restriction is 35 in the MR-O.

**Boardmember Hutson:** Let me ask one clarifying question. Are we talking about building coverage or lot coverage with the 50%?

**Boardmember Logan:** Well, that's a good question.

**Mr. Davis:** I believe maximum building coverage is the phraseology that's used in the code.

**Boardmember Logan:** It doesn't include parking?

**Boardmember Hutson:** See, then the parking could take up...

**Chairperson Speranza:** That's generally how it's measured.

**Village Attorney Stecich:** Remember, under our code when you're talking about lot coverage you're just talking about structures. The Building Department or the boards have never included parking lots as structures. So the coverage really is just the building coverage. It would not include the driveways.

**Boardmember Hutson:** I'm just thinking in terms of Bill's thought: it could impact the amount of green. There would need to take parking out of the other 50%.

**Boardmember Cameron:** You also might want to get a fire truck down between the two buildings, so your 35 feet you're right up against the other lot line.

**Boardmember Logan:** But it looked like the other building is not on a lot.

**Mr. Davis:** It's not on the line.

**Boardmember Cameron:** No, it's not.

**Boardmember Hutson:** What are the setbacks on the existing building, could we ask?

**Mr. Davis:** There's 8 feet.

**Boardmember Hutson:** To the south?

**Mr. Davis:** I believe it's 12 and 8. There's 12 on this side, 8 on this side.

**Boardmember Logan:** You can drive a truck through there.

**Mr. Davis:** Yes. That's exactly why they made us do it.

**Boardmember Logan:** So the implication of that is, if we latch onto the MR-O zone we would have to get a variance for the side yard on the north lot line to get the wider space to work. If we couldn't get it, then it becomes a 24-foot strip as opposed to a 35-foot strip.

**Boardmember Cameron:** One of the questions I will have later if we go forward on this is how we make sure you don't combine two lots; that suddenly you don't have a setback at all. We don't know about that.

**Chairperson Speranza:** I think that there are a lot of components to this. There is the whole concept of using zoning, and this is the planner in me, to effect a change like this. I'm not comfortable with that. I certainly understand that particular lot, the issue that it has in terms of fronting on 9-A. But again, I'm not convinced that allowing it to be converted to a non-residential use is good for the area. I'm grappling with a lot of things.

**Boardmember Wertz:** I see the same conflict of interest, going back to the last proposal. The main reason I voted against it was that I wanted to protect this historical and currently residential district from commercial encroachment. The other lots that have withdrawn from the proposal make the current one less noxious than the first because it doesn't leave open the possibility of commercial development within the Holly Place area. So that's good.

But I guess for me the question still remains whether the current proposal has too much commercial encroachment on this residential area, which I think is small and vulnerable and does have character, does have people there, and does have historical and contemporary value to the Village. I think that there's an appearance that Saw Mill River Road is commercial, but it isn't, in that area of it or on that side of it, zoned commercial.

I don't think that the current use of commercial in the area justifies an expansion of commercial zoning there. Because I think there were reservations expressed on the Planning Board about going in that direction in the first place. I would have had them then, I continue to have them now. I think there are regrets among people in the neighborhood that that happened in the first place. But it did, and we accept it, and it's there.

But now to follow in those footsteps and expand that even further...and I'm not sure I'm even totally comfortable with it on Saw Mill River Road. But when it takes the house on Holly Place and does actually convert that clearly residential lot into a commercial lot there -- where we're not talking about transition I think as one of the residents there put it -- we're talking about really a change from residential to commercial. I think that may be the point on which my view of this would turn. And that would be too much of a movement in the direction of commercial in this very vulnerable and precious residential district in the Village. So I think I would probably tend to be against the proposal for that reason.

But I like Bill's idea. It's creative. I don't think that the fake windows and doors are really in keeping with the character of the residential neighborhood now. I don't know if moving it back 30 feet would be sufficient. I'd really have to be convinced of that. And then also jamming that building with the current storage lot, to kind of concentrate almost like a little commercial complex there without even having any room in between the buildings, I mean that's the wrong kind of look and character to me, although maybe I could be convinced. But right now I don't think I am.

**Boardmember Dale:** I find it interesting that people keep referring to Saw Mill River Road as a commercial road. Huge stretches of it are not. South of here in Yonkers it is clearly a commercial road, but this is the last residential enclave before that development happens. If you go north from here there's a couple of large office buildings on the right, but the rest of it is country road. It's not a commercial street entirely.

**Chairperson Speranza:** I couldn't characterize it as a country road.

**Boardmember Dale:** Having grown up in the city, it's a country road.

**Boardmember Hutson:** You must have been in Manhattan.

**Boardmember Dale:** I found, walking around in the area, the presence of the existing facility very harmful to the residential character of the neighborhood. I think Bill's attempt to put up a green strip comes the closest to making this acceptable in that sense. I think Bill's other point, made again tonight, but also made originally about this being the gateway to a residential neighborhood, yes, it may not be the main entrance. I'm not sure how people use the community, not living there; whether they're coming in from the other side or from here. I think it is a gateway to this residential enclave and the enclave is worth protecting, and it's been damaged.

Screening it from Saw Mill River Road, initially when it was first proposed I felt that he overreached initially with the original proposal by a lot in trying to change the whole character of that area. And that had he only proposed what he's proposing now it would have made more sense, and does make more sense as screening the residential from that zone. But unless a solution like the one that Bill is proposing is feasible, I think I would be against putting a large commercial facility there. I think what this type of facility is, it's bulky. It's a huge square bulk, or rectangular bulk, and there's very little you can do to make it feel that it's anything other than a large wall 35 feet tall by 150 feet long.

**Boardmember Logan:** 120 feet.

**Boardmember Dale:** So 120 feet by 30 feet high is a wall, and a big one.

**Boardmember Hutson:** I think the current proposal at least merits serious consideration, whereas I didn't think that the prior one did. In regard to the nature of Saw Mill River Road, definitely it is a mixed use area. You have to say if anything is mixed use, it is. There's a lot of commercial, even in this area right across the street and not too far down the road. We have promoted, really, mixed use not too far down the road in terms of some of our other deliberations. I think the thing that we're particularly concerned about here is, most of those other areas where you have commercial along 9-A and then there's residential mixed in it doesn't run so deep. In other words, this is a neighborhood that's more fully developed as residential almost from front to back so we're particularly concerned about the incursion. I agree with the point that knocking down a house is pretty graphic as far as intrusion. That seems clear to me.

The other thing I think we have to think about is that certainly the property, the corner house that's being proposed for the self-storage, if that is large enough, I guess, for a new two-family residence to be built and would be as-of-right by the property size and so on. Even though the taxes would not be \$150,000, single-family houses -- new ones, these days are \$25-, 30-thousand in Hastings, total taxes -- this would be something more than that. It's location would determine, so the tax revenue could be enhanced over what it probably is now. Not to the same extent, but it could be increased.

But I do think that this additional facility in that location would not be really a terrible negative impact on the existing residential thing. I must say that, and try to put myself in the place of folks who live there. It's hard to do, obviously, but I really don't think it would necessarily be a terrible negative impact. I do question, as Patty raised, whether the way to get at that -- even if you assumed that that's a desirable goal -- would be for a zone change. I mean, we did entertain and recommend a zone change for 7-plus acres down the road, but this is 1-1/4 acres. And as Mr. Tarricone pointed out, there are other places where you don't have huge pieces of property that, for one reason or another, got zoned a certain way. I'm not saying that was a good idea then or now.

Marianne, I don't know if there's any way to come to clear thinking on whether applying for variances would be a more appropriate way to go, whether there's any precedent or anything in that regard, and whether we would have any influence on such recommendation toward variance even if we thought that this whole proposal was a good idea, at least in some form.

**Chairperson Speranza:** I don't think that a variance is the way to go here either. I don't think the zoning is right, I don't think variance is right.

**Boardmember Hutson:** What's another option?

**Chairperson Speranza:** This is indicative as to one of the reasons why the zoning in this area has gone back and forth and back and forth and back and forth over all of these years. Through all of these years, this neighborhood has been here. But the businesses which have been here...or there has been business here for a number of years. And, in fact, at the very end of the neighborhood, the very end of Holly Place, there is a business. I think we have to have a discussion about what exactly...we know what the applicant would like, we know what the current residential property owners would like. I think we have to make the determination and, dare I say, start from scratch to take the steps not to say exactly what can be constructed here, but what do we think is going to be in the best interests.

**Boardmember Hutson:** I think there's an argument for there being elements that are in the best interest of the Village related to this proposal. One of the things I'd like to understand a little more clearly is the impact...and the gentleman who was...are you a realtor?

**Mr. Parone:** I'm a real estate appraiser.

**Boardmember Hutson:** The impact on these other commercial properties, where you're feeling that they would be enhanced in terms of...under the MR zone, would their size be adequate for any reasonable enhancement? I'm not talking about planting a couple of shrubs. What's the size we're talking about of those properties, and what would it allow?

**Mr. Parone:** I don't think you're going to see any change on the existing storage facility.

**Boardmember Hutson:** The other one.

**Mr. Parone:** The one to the north, I think you could do a lot in terms of cleaning it up and having it ultimately be used for offices or something of that sort.

**Boardmember Hutson:** Be involved in the structure in order for it to matter, wouldn't it?

**Mr. Parone:** No, an addition or a change or a reconfiguration is possible. The other thing is there are times when these properties are difficult to mortgage in terms of a sale. Lenders worry about nonconforming uses. We sign off on a lot of properties that if they're more than 50% destroyed by fire you can't rebuild them as-of-right. Lenders shy away from placing loans on properties like that because if there's a massive amount of destruction they may not be able to get their investment back. So legitimizing those uses on the other two properties would help that situation quite a bit. As far as the one property where the gentleman's proposing a two-family house, that steps out of what we're seeing here in terms of the three commercial uses. But certainly it's not inconsistent with the neighborhood.

**Boardmember Hutson:** What's the square footage of the northernmost property?

**Mr. Tarricone:** The land? I think it's approximately 8,000 square feet.

**Mr. Parone:** So you're talking about a maximum 50% coverage of 4,000 footprint.

**Village Attorney Stecich:** There are a lot of other issues though. I don't think it meets any of the setbacks if the drawing is accurate. The side yard setbacks wouldn't be right. The rear yard is 35 feet. That doesn't look like that's met. The front is 10, part of it might. So there would be some issues with it, and it's probably real close to the 50%. Although when you actually draw it out and you do it by square footage it usually looks like more than 50% when it's drawn, if it's not a straight line. But I see some setback issues. So it would be nonconforming in any event.

**Mr. Parone:** But the fact of the matter is, with the existing nonconformity you wouldn't have any incentive at all to touch the building because you could lose that particular use based on its existing zoning. Whereas if it's zoned to what's proposed, then there is some possibility of constructing a new building that does otherwise conform. But at least it gives them a greater number of uses that don't exist at this point from a commercial point of view.

**Boardmember Hutson:** I'm probing only in terms of what the net benefit to the Village might potentially be.

**Boardmember Cameron:** I like Bill's idea. I thought it was an interesting idea, having 35-foot setback. And that's useful when you're driving into the residential area. It's not really that useful once you're in it, though, because there's very little overlap between the new building and the old building that sits up there. That's one of the problems visually. Then I said to myself, Oh well, we can just plant trees along there. But then I realized we've got to have the fire truck going through there.

**Boardmember Hutson:** They'd have to be real tall trees because that building's pretty tall.

**Boardmember Cameron:** Sure, 40-foot trees. And I'm not saying they're going to plant them immediately, but I was just trying to think of ways to reduce the impact.

**Boardmember Dale:** Even if they were 40 you would still have like 15 feet of trunk and you would see that wall.

**Boardmember Cameron:** Yes, that's true. It probably wouldn't cover it.

**Boardmember Dale:** I think if I were the lender on the commercial property to the north I would look more to insurance than to rebuilding the property after a fire.

**Boardmember Cameron:** Probably the insurance you could buy takes that into consideration.

**Boardmember Logan:** This is a site that wants to be crafted very carefully to get the most amount of revenue out of it for the Village, but also to keep the residential character or enhance the residential character that's there. It's very hard to do that with this blunt instrument we have of zoning. It'll never be exactly right. To get it right we'll have to bend things and push things and see things. Some of this, I think, is really an exercise in visualization. That maybe this doesn't work, maybe it does. I think apparently there are a lot of pros and cons, and we've heard that all evening. But I'm just wondering if, for example, the potential residential subdivision on the south side of Holly Place, if we could see what that could be; if we could see a site plan of generally what the footprint of this is. Is there some value in just not deciding right now, but trying to get a little bit clearer visually? I'm not sold one way or the other. But it's tantalizing, both aspects of it, and I'd just like to have some clarity, some exploration here.

**Boardmember Wertz:** The lot on the south is an issue. The intent of the owner would be to build a second residential home. First of all, there's nothing in the zoning that would require him to do that, and I guess he could have a provision that he would not go commercial with it, I suppose.

**Chairperson Speranza:** Yes, he said that.

**Boardmember Wertz:** But it's hard to visualize exactly what will happen, if anything.

**Boardmember Logan:** Yes, can you put a house on that?

**Boardmember Wertz:** Yes, I'm not sure. So I'm not quite sure what the purpose is in rezoning that, given the intent of the owner and even the provision for noncommercial use. Then it doesn't make sense.

**Boardmember Cameron:** He could build a single-family residence as-of-right. Not now, but with the zoning change.

**Chairperson Speranza:** Right, he could build a single-family.

**Boardmember Hutson:** Even now.

**Boardmember Cameron:** Not now. Only with the zoning change, as-of-right he could build a single-family. He thinks he could borrow property that his family owns to the west of it. But as I understand it, that's already nonconforming as well since it's in the 2-R zone. And based on the map, it's no larger. It's questionable whether he can get his two-family house.

**Boardmember Wertz:** Bill, can you think of an instrument that would be more precise?

**Boardmember Logan:** Yes, let the applicant come with a site plan that addresses this, and shows us how it could be done and what they would commit to. Almost like have a pre-preview of what the site plan might be.

**Boardmember Wertz:** But would rezoning even be necessary for something like that?

**Chairperson Speranza:** Yes, because the use is not permitted.

**Boardmember Hutson:** The use variance is so difficult.

**Village Attorney Stecich:** That's what I was going to address. Fred, you brought it up; David, you did earlier and went on. To get a use variance, there's not a lot of give. Let's say Mr. Tarricone was coming in for a use variance just for the property with this house on it to say he wants to put a self-storage there. He would have to be able to prove --there's no balancing, no weighing or anything -- he would have to be able to provide, with competent financial evidence, that there's no way that he could get a reasonable return on the property using it for a use that's permitted. I don't want to, obviously, prejudge it. But I think it's pretty unlikely that he would be able to meet the standard in this case.

**Boardmember Wertz:** Okay, I get that.

**Chairperson Speranza:** I'm not so sure about rezoning in accordance with a site plan.

**Village Attorney Stecich:** One of the things that's going on in this application is, ordinarily you would be conducting SEQRA along with the rezoning request. But we decided, well, let's see whether anybody even has any interest in rezoning this before SEQRA's open. What happened the first round is, none of the Board seemed to be interested in the rezoning because it was just not conceived the same way. Then there would have been no point in going through SEQRA. But let's say this one was the first one that came up. Maybe you would open SEQRA. In looking at SEQRA, you may very well look at issues like that because you would be looking at mitigating impacts and that would certainly be relevant to it. So one way that gets to be part of the mix and you don't have to make a determination, if you think that perhaps this makes sense and you just want to think about it some more, the recommendation could be that we're not saying we're supporting the rezoning but we're thinking it's something that's worth considering and maybe in going through a SEQRA process. I'm just suggesting that as an alternative. I'm not suggesting you do that, but it is an alternative. You would be able to look at a lot of those issues that you raised, and maybe you could. Outside of that context, eventually you're going to have to do some from of SEQRA. But in terms of, Patty, looking at the propriety of considering a site plan in this context, that might be a mechanical vehicle for doing it.

**Chairperson Speranza:** So the application, the environmental review for this application, of course, would have to take in the impacts of rezoning the other properties. So it would not just be driven on one site plan.

**Boardmember Logan:** Well, *the* other property.

**Chairperson Speranza:** The two.

**Boardmember Cameron:** All four.



**Village Attorney Stecich:** Four properties.

**Boardmember Cameron:** There's no change to the existing facility, and as far as we know there's no change in the one to the north of that.

**Village Attorney Stecich:** It doesn't necessarily have to be an EIS. It could be you want further consideration.

**Chairperson Speranza:** We've done that, yes.

**Village Attorney Stecich:** We've done that on other applications. You could identify, essentially target, the impact areas you want looked at. Impact on schools; well, that's probably not a deal. You may want traffic looked at, I don't know. Clearly, the impact on the neighborhood visually you would want looked at. So you could ask that that be looked at. You could ask for a study on that before you could make a recommendation. I think that certainly would be appropriate.

**Chairperson Speranza:** Now, just in terms of process I think getting all that information organized in that kind of a way would be very helpful for us. And we have to come to our next meeting and prepare for this, too. The Board of Trustees is the lead agency, we're not.

**Village Attorney Stecich:** Not yet, but they would be because they're the ones who make the decision.

**Boardmember Hutson:** You mean in regard to SEQRA?

**Village Attorney Stecich:** Yes, they haven't made a determination. They don't necessarily have to, because if this thing went forward it does require other action. It requires site plan review as well. So there's more than one involved agency. The Planning Board's an involved agency, too. So that would have to be a designation by the Board of Trustees. We just didn't get there yet. Again, if the plan was dead in the water there was no point going through SEQRA. If it looks like something you want considered, well, maybe that's the next step and maybe we have to think a little bit about procedurally how to handle it. We can figure out a way. I think you should figure out what you want to do, and then procedurally we'll figure out a way that works.

**Boardmember Hutson:** I guess looking at it, in part from the applicant's point of view, one of the issues is my sense that the idea of expanding a commercial zone that includes knocking down a house probably stands less than a 50/50 chance. And that's just trying to give a sense of it. So it involves a real time commitment not only on the part of the Board, but time and expense on the part of the applicant, for something that is still, in my view, a bit of a long shot. I'm just saying I think there's certainly some merit to it from the Village point of view.

**Chairperson Speranza:** Yes. Let me throw this out as a way to proceed. There has been no Environmental Assessment Form?

**Mr. Davis:** Yes, there has.

**Village Attorney Stecich:** There's been one, but nobody's gone through it yet.

**Chairperson Speranza:** We haven't seen it. Nobody's gone through it yet. Perhaps at the next meeting that could be sent to us in time for the meeting. I don't get the sense that we're ready to make a decision to make a recommendation to the Board of Trustees. Am I reading the Boardmembers correctly? We're not ready tonight?

**Boardmember Logan:** I don't think we're ready. I think it would be ill-served to sort of rush into this.

**Chairperson Speranza:** I agree. Why don't you distribute the EAF. I assume it was prepared.

**Boardmember Hutson:** That may have to be modified to this proposal.

**Chairperson Speranza:** This has to be on the agenda for April, okay? It has to be number one, first item, okay? We should be prepared at that meeting to recommend revisions to the proposal or state our reasons for recommending against the rezoning, against this specific zone change, or approving this. We'll make sure that we handle it. The extra information that we have from the EAF I think will be helpful. We've got to digest all this, go out again, take another look, and see what other innovative thoughts we can bring to this.

**Boardmember Logan:** I think the EAF could be useful, but I think a real analysis and site plan, or preliminary site plan, could also be a tool to fathom whether this is a starter or not.

**Boardmember Cameron:** Without some sort of a site plan I think the EAF doesn't do it.

**Boardmember Logan:** It's too abstract.

**Boardmember Wertz:** It's not precise enough.

**Chairperson Speranza:** We would get a site plan on one property.

**Boardmember Logan:** I'd say get a site plan for the whole area that's proposed to be rezoned. See if that residential property to the south can actually fit an additional multi-family house on there, and that affects the revenues to the Village. It affects more residences available. Maybe there are revenues, maybe they're this, maybe they're that. Can it be done, is it possible. And presumably the owner of that property would want to leverage what he's got. He could build a single-family home there, fine, but he could build a multi-family home there and the Village gets more revenue. That's part of the mix, I think, here. Because we're tearing down one home, but yes, maybe we're building another and maybe we're getting a greenspace. But maybe we're getting an overly large metal box. So I think it's in the balance.

**Boardmember Hutson:** Jamie had mentioned the trees on the existing building. We probably won't all live to see those babies get up there. But maybe there are mitigating actions that could be taken regarding the impact of that existing building. I don't know.

**Boardmember Logan:** Dummy windows.

**Boardmember Hutson:** But I'm talking about looking at the whole, maybe even the existing. But not to assume that it has to be what it is.

**Chairperson Speranza:** Is that something, Mr. Tarricone, that you would be...

**Mr. Tarricone:** Could you just tell us when the next meeting would be?

**Chairperson Speranza:** That's the third Thursday in April.

**Village Planner Witkowski:** April 19th.

**Mr. Tarricone:** You know, when you talk about site planning, obviously, as you well know, that's something that takes some time.

**Chairperson Speranza:** If it's not April, then it's May.

**Mr. Tarricone:** The EAF, as you know, is a relatively simplistic document. That's not going to give you any of the information that you need. What you're looking for is really a better sense of how the site would appear. We've heard some of the things that you've said - which I thought were very good ideas and things that we've thought about -- about creating more greenspace. For example, one thing you could do in the MR zone, you could say that a setback abutting a commercial site could be reduced to zero. So you could create a situation where you could have greater setback along Holly Place and then eliminate the setback, assuming there's proper egress room, on that side. So there's a few things that can accomplish what you said that mechanically may be fairly easy to do. But I hear what you're saying about creating what it would look like. There's not much to say what the property on the south would look like. It's either going to be one additional two-family house, or a one-family house sitting right here.

**Boardmember Hutson:** Yes, but Bill was talking about feasibility.

**Boardmember Logan:** It would be nice to know what it would look like. It would be speculating, but I think you can be pretty precise with what footprints in the site plan would be like: where is entrance, where is parking, where does the building sit.

**Mr. Tarricone:** Oh, for the self-storage, yes.

**Village Attorney Stecich:** No, no, the other house.

**Mr. Tarricone:** Oh, where the access would be.

**Boardmember Wertz:** The house to the south.

**Boardmember Logan:** And how would it sort out, given the setbacks and the lot coverage. I think that's a half-day exercise for an architect.

**Mr. Tarricone:** I'm assuming you mean as if it were complying with the MR-O requirements that are being proposed.

**Boardmember Logan:** Yes, and perhaps the option of eliminating the side yard setback on the north side of the commercial property. As strict interpretation of MR-O, and with the variance.

**Chairperson Speranza:** Right. And I think that's important because the way that this has been proposed is as a special permit within the MR-O.

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

**Chairperson Speranza:** So if we believe that maybe it shouldn't be a 15-foot setback because it's adjacent to a residential neighborhood and therefore it should be 35 feet, and then give that kind of a parameter. Think creatively. Think in the interests of anyone who's there, who's living there.

**Mr. Tarricone:** That's our intent.

**Chairperson Speranza:** And don't be hung up with this zoning that you have already proposed for this area.

**Mr. Tarricone:** Okay. That's what I wanted to have a sense of. Because obviously, as you've alluded to, you can recommend tweaking, if you will, of the proposal that we've made. If it's something that interests you, you can say, We'd rather see this setback than another setback.

**Boardmember Dale:** Patty, you had an objection to merging the two lots. If you merge the two lots and you use the existing front yard of the existing facility, and put it right on the lot line so that parking and all the access happened in that little courtyard, assuming there's space for that...

**Mr. Tarricone:** No, it's doable.

**Boardmember Dale:** ...then you would have the 35 feet on the other side of the building.

**Boardmember Cameron:** You could even get more by sliding the building all the way across the lot line and coming in next to their house on 9/Holly as the fire entrance. The stuff on that property, make it so you come in there.

**Mr. Tarricone:** I'm not sure what the width is because we don't, of course, own the...are you saying come in on the north side?

**Boardmember Cameron:** Just come in the west side of an existing house. Just above your finger. A little higher, a little higher. Right there would be the strip that you'd come in by and the fire trucks would come in. At that point you could take the building and slide it all the way over onto your existing property. Have it sitting on both sides. You could even actually propose planting trees on the back of your property to help hide it.

**Chairperson Speranza:** You know what? We're off-mic and off camera over there.

**Mr. Tarricone:** Thank you for taking the time.

**Boardmember Hutson:** And then the one last thing, that property farthest to the north. Some idea just of what is possible under the zoning on that property; that if there's anything that could be done that would be conforming.

**Chairperson Speranza:** Marianne, does it matter that there are stories below ground? Does that matter? I know if you're building a residential building there's a big difference between a cellar and a basement.

**Village Attorney Stecich:** Yes. I'm not going to say because I don't know what the restrictions are under the state building code. I know our zoning code doesn't talk about stuff below the ground. You just start measuring from the ground, you're right, except for the basement/cellar business. But there could be stuff in the state building code.

**Boardmember Dale:** The existing facility has two stories below ground?

**Mr. Tarricone:** A story and a half. Two stories in the front and a story and a half.

**Village Attorney Stecich:** I never knew that before. But I don't think that ever came up, did it? I don't remember that ever being an issue before the Zoning Board, with the things underground.

**Mr. Tarricone:** Not before the Board. It came up a lot before the Building Department. It was very looked at there.

**Village Attorney Stecich:** Yes, see, I think it's more of a Building Department issue than a zoning issue.

**Boardmember Cameron:** So how tall are your floors? I use a different storage facility and they are quite tall.

**Mr. Tarricone:** I think it's 40 feet. As little as 8-1/2 is, I think, as small as you can go. I think you can even do 8, but I've got to check.

**Boardmember Dale:** What's the height of the floor itself?

**Mr. Tarricone:** Five-and-a-half inches.

**Boardmember Logan:** So you've got 8-foot clear.

**Mr. Tarricone:** I think it's 8 exactly because you've got to hang fire suppression.

**Boardmember Cameron:** You've got to have sprinklers and you've got to have a gap for air.

**Mr. Tarricone:** Right. Sprinklers, gap for air.

**Boardmember Cameron:** You've got to get your 7-foot high mattress there.

**Chairperson Speranza:** I think we've taken this application tonight as far as we can. Don't pack up to leave yet.

**Mr. Tarricone:** Okay, thank you very much.

**Village Attorney Stecich:** On the cellar/basement thing, what it says is you can have 2-1/2 stories. But a cellar is not a story and a cellar is anything that is half or more below ground. So I guess you could go down as far as...

**Chairperson Speranza:** Oh, a half or more. Okay.

**Boardmember Dale:** There are restrictions on a cellar?

**Village Attorney Stecich:** Then it's a cellar, but a cellar isn't counted as a story.

## V. Discussion Items

### 1. Steep Slopes

**Chairperson Speranza:** I just want to have two more items. First one, steep slopes. I've received comments from Bruce. Jamie, you weighed in a couple of months ago, before your trip, before the April meeting which we committed to dealing with steep slopes. Be prepared at the April meeting to talk about what you feel are the inadequacies or why our steep slopes code as it is is perfectly adequate. Let's try to put this...either we take the steps to begin the process to modify provisions in the code or we put it aside again.

**Boardmember Hutson:** And you're going to do that the same night we discuss this?

**Chairperson Speranza:** Yes. Well, if they're here in April. If they come back with a site plan in April.

**Village Attorney Stecich:** What, Saw Mill Lofts?

**Chairperson Speranza:** No. I will be honest with you. Saw Mill Lofts, one of the reasons we didn't do steep slopes tonight was because we were expecting Saw Mill Lofts tonight as well, and they weren't ready. If they come, tell them May.

**Village Attorney Stecich:** Okay, I'll call them and tell them May. They're dragging their feet on a lot of stuff.

**Chairperson Speranza:** It's been a couple of months now that we've been expecting to hear from them.

**Village Attorney Stecich:** Okay, so April's full.

**Chairperson Speranza:** April's full. They've got to come back May, okay?

**Boardmember Dale:** Can we get each other's comments?

**Chairperson Speranza:** Yes.

**Boardmember Cameron:** I only sent them to you.

**Chairperson Speranza:** You sent them to me?

**Boardmember Cameron:** And I said please distribute as you feel...

**Chairperson Speranza:** You know what? Because we really didn't talk about it last month when you weren't here..

**Boardmember Cameron:** I've changed my mind about it anyway. No, I've revised it a little bit. I'll send it.

**Boardmember Hutson:** 180 degrees.

**Chairperson Speranza:** Just send them to everybody. You don't have to just send them to me.

**Village Attorney Stecich:** I don't know that I'm on the circulation list. So at least for the steep slopes stuff, put me on the list.

**Boardmember Cameron:** I just sent them to Patty because I was racing out the door.

**Chairperson Speranza:** And I said, "I don't have to worry about these tonight."

**Boardmember Cameron:** Yes, you came back to me in an e-mail and said, "Well, don't worry. We're not talking about it."

## **2. Transportation Report**

**Chairperson Speranza:** Angie, is there anything going to happen with this? Are we going to have another forum to release the report?

**Village Planner Witkowski:** Susan Fasnacht and I met with the DOT and Westchester County DPW. She was out of town for two weeks. That was just recently. We are going to, as soon as she gets back, get together with George to address the concerns that the county and the state had because they had a lot of comments about things. They made some good suggestions. So Susan was going to have the engineers look at it and see if they could make some revisions, and then after we take care of those then we'll have a public meeting. Probably come to Planning Board first, though, I think with those.

**Boardmember Alligood:** Can I just say that I've had numerous conversations with people, the public, who have ideas. We've gotten copies of letters. I think the need is really to have that community conversation. I don't see why it has to be divorced from the conversations taking place with the county and the state, especially because maybe some of the things that you're trying to work out with the county and state are not the priorities of the community. Especially since it's been a long gap since that draft report came out.

**Village Planner Witkowski:** But the intent would be to come up with these new proposals and bring them to the community and have people take a look at it, the revisions to it. But they have to have something to respond to.

**Boardmember Alligood:** But the report that we got in the fall has never been officially released to the public.

**Chairperson Speranza:** Right, nobody's ever seen it.

**Boardmember Alligood:** But it's being discussed now by the county officials, and it just seems to me that it would be helpful to see how the community feels about the things that are being considered. Especially since there's a lot of interest in it.

**Village Planner Witkowski:** They will, but they have to do those revisions.

**Boardmember Hutson:** She's saying have a response to the draft report. That might help shape it.

**Village Planner Witkowski:** Yes, we could do that. We could put the draft report up and get comments on that.

**Boardmember Dale:** I think that's a good idea.

**Village Planner Witkowski:** We were basically just waiting to see what would happen. We're waiting to have this meeting with the county and the state, which took some time to get to them. I'll get with George maybe sometime next week and we can make the revisions that the Planning Board suggested. There are a couple of things that we needed to take care of in terms of the report itself. And then we'll put it up on the Website.

**Boardmember Cameron:** I guess what we were trying to do -- one of the things in the report was there are a number of projects which are fairly expensive -- I think we were trying to find out whether the state was sufficiently interested in them that they would fund them. Because we either want people to reject them out of hand because it's more money than Hastings is willing to spend, or get enamored with them and then Hastings having to tell them, I'm sorry, we don't have the money to do it. Have we got any indication from them?

**Village Planner Witkowski:** When we had the meeting with the state and with the county, that was just to talk to them and just get an initial reaction from them. That's where they gave us some other suggestions as to what they did or didn't like. So those things have to be revised in the drawings. It's not a real expensive or huge budget.



**Boardmember Hutson:** Did they say, given those revisions was there any suggestion, that perhaps they're fundable? Did you get any sense of that?

**Village Planner Witkowski:** Yes, they would be. There is, but nobody knows whether anything's fundable because we don't know what funds are going to be available. The state doesn't know.

**Boardmember Cameron:** A simple example would be are they funding any roundabouts?

**Village Planner Witkowski:** They have in a couple of places.

**Boardmember Cameron:** I know there's one in Bronxville, but it's been there forever.

**Village Planner Witkowski:** No, there's one up near Albany. And then they just did the one, I think, over by the airport.

**Chairperson Speranza:** Well, the state didn't do that.

**Village Planner Witkowski:** No, the county did.

**Boardmember Hutson:** Jamie, any roundabouts built would have some public monies in them probably.

**Chairperson Speranza:** I think Eva's point is that beyond the discussion of the roundabout, which is such a big dramatic project, there are other components to the plan...

**Village Planner Witkowski:** Yes, we talked about all of those.

**Chairperson Speranza:** ...that aren't being aired and aren't being pursued because the report's been hung up with the big project.

**Boardmember Cameron:** I think Eva eloquently said we blew it on planning around the school, and I agree with that. We should be trying to get comment on that and see if we can come up with some better suggestions, some more dramatic ones, on how to reorganize traffic.

**Village Planner Witkowski:** I have passed on all of the comments, the suggestions, everything to our consultants. What I'll do is, probably next week -- I've got to talk to Georges and to Susan Fasnacht -- see if we can schedule something for us to get together and just make all the revisions that we need to make at this point, get it on the Website, and schedule a meeting. Maybe we could have them, not at the next Planning Board meeting because I think there's going to be a lot more...

**Boardmember Alligood:** I'd like to clarify my overall feeling about the process, which is just that I think it calls for a community participatory process that's ongoing. That's my only point. My only point is that I understand the consultants are revising and talking to the state, but I think that it doesn't need to happen separately from the participation of the community. That's my only point.

**Boardmember Dale:** I think what Angie was saying was that we have a draft report, we responded to it with comments, and the consultants are now amending the drawings, the proposals, to reflect those comments. And that shouldn't be put out to the public before it's negotiated with the county.

**Village Planner Witkowski:** Right.

**Chairperson Speranza:** It makes sense for us to try to make a commitment, then, to say, Okay, well, we'll set something up in May and then force their hand. We can make it happen.

**Village Planner Witkowski:** As far as the public input, the RFP and everything that was given to them to start on it all came from the walkable communities workshop. These were all of the things that they were looking at. They were taking a closer look at all of those suggestions that came from the community. We had the first meeting, the second meeting, to go over those things. So we have had public input. They had to take those comments back and work on those. So there has been public input.

**Chairperson Speranza:** This last piece has taken a long time for the consultants to respond, but let's work on this. Let's see if we can pull something together in May, regroup with everybody, and have their revisions done. I don't want to do it after June. After June we start to lose people. I guess it could be early June because school's still in session.

## **VI. Adjournment**

**On MOTION of Boardmember Hutson, SECONDED by Boardmember Cameron with a voice vote of all in favor, Chairperson Speranza adjourned the Regular Meeting at 11:25 p.m.**