

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
REGULAR MEETING AND PUBLIC HEARING
MAY 17, 2007

A **Regular Meeting and Public Hearing** was held by the Planning Board on **Thursday, May 17, 2007 at 8:15p.m.** in the Municipal Building Meeting Room, 7 Maple Avenue, Hastings-on-Hudson, New York, 10706.

PRESENT: Chairperson Patricia Speranza, Boardmembers Jamie Cameron, Eva Alligood, Bruce Dale, Village Attorney Marianne Stecich, and Village Planner Angela Witkowski.

ABSENT: Boardmembers David Hutson, William Logan, and Fred Wertz.

I. Roll Call

II. Approval of Minutes:
Approval of Minutes - April 19, 2007 meeting

Chairperson Speranza: Does anyone have any questions?

Boardmember Cameron: One change on page 43. It read: "I think I basically agree with..." and then in brackets it says "the merchants." It's "the neighbors."

Boardmember Alligood: Page 6, the second time I'm speaking there, the last sentence. It should read: "I guess I'm saying, 'where is the presentation that shows this actually meets building code?'"

First sentence, third paragraph down, on page 7. Boardmember Hutson in speaking in the third paragraph: "...because I think that's part of 'her' point."

On page 8, where I'm speaking, part way down. In the second line it should read: "...won't be buildable 'because' it doesn't meet code." And then start a new sentence: "Is that what I'm hearing you all say?" And then the third line, "...but," take out "that" after "but."

Boardmember Cameron: I have some changes on page 44. It's my comments, where it says "I," cross out the word "could," leave in the word "agree," cross out the word "actually." And go down four lines, the last word in the middle of the sentence is: "...going to change the neighborhood." Cross out the word "there." That's fine.

Chairperson Speranza: On page 22 toward the bottom of the page where Mr. Weinstein is speaking. What I heard him say was, with respect to whether or not there was a stream on the property: "...if there is a subsurface stream, it's not something we're aware of."

Then on page 24, it's the second paragraph where Mr. Davis is speaking ... fourth line down, where it starts "Tonight": "Tonight, as everything has largely been said, you've asked people not to inconvenience themselves. We don't ask people to inconvenience themselves..." It should be "we've asked people," meaning the applicant.

Boardmember Alligood: I'm sorry, on page 24, one more. At the very top it should read: Boardmember Alligood: "Do I need to 'state' why," before the word "why"...

On MOTION of Boardmember Dale, SECONDED by Boardmember Alligood with a voice vote of all in favor, the Minutes of the Meeting of April 19, 2007 were approved as amended.

Chairperson Speranza: Because there are four Planning Board members here tonight, it does create a special circumstance for people when we take action. We have a series of public hearings and a series of requests. What I'd like is for Marianne Stecich, our attorney, to just explain what that means.

Village Attorney Stecich: With four members of the Planning Board, that's a quorum, so that they could take an action. But anybody who has an action that's on tonight, you would need the vote of all four members to get your approval or whatever it is, if they're actually voting tonight. If one of the applications comes up and there's a vote of 3-to-1, you lose because you need four votes. So I guess this never happens on this board. We occasionally get in front of the Zoning Board, and if there's an action and the action is going to happen ... they usually give the applicants the choice of adjournment if they want to.

Chairperson Speranza: And we'll go through this again as we hear each of the cases.

III. Old & New Business

1. Public Hearing. Site Plan Approval. Comfort Restaurant. John Halko, 583 Warburton Avenue. Sheet 12 / Block 630 / Lot 18. Conversion of first floor of existing building to restaurant which will also include outdoor seating area.

Chairperson Speranza: For those of us who have been around for awhile, this used to be Sam's Cup & Saucer, and then Pino Gareri's electronics store. Angie, are you going to give the report on this? Everything is in order? Mailings?

Village Planner Witkowski: The mailings are in order. We also sent out another mailing because originally the applicant wasn't going to put the outside seating area in the back on the plan. But then they decided since they were going for site plan approval anyway they might as well show it. We sent out another notice indicating that there was also an outside seating area. So those were all sent out.

The existing restaurant will still be there. This is a secondary one, which would be an actual full-service restaurant, and the existing restaurant would be more for catering and take-out. The applicant and the architect are here so they can explain the rest.

Dan Stoika: I am in the employ of the architect of record for this project, for the reconversion of the existing to a restaurant at 583 Warburton Avenue.

The project will not challenge the existing envelope in any way. The building is as it stands, and we propose to keep it unchanged. We will renovate, obviously, the inside to accommodate the kitchen and seating for a full-service restaurant. Additionally, we propose seating in the back yard area for approximately 16 to 20 people. The rear yard currently is about 30 feet from the property line. There is a code provision that regulates setbacks from putting separate zones between commercial and residential zones, and requires a 15-foot planted buffer and otherwise fenced in. We propose to allow for that, certainly. This would be back here, and the property line is here. As you can see clearly, this is the outside seating that we are proposing. The nearest property is 15 feet away. There will be a planted buffer zone between, as well as a fence to separate, the two zones. The fence would be an acoustical fence to further reduce whatever noise may permeate through.

You can see here the photographs of the back yard as it stands. This is, obviously, the front of the restaurant. We propose the changes I mentioned. This is the back yard here, and this is a photograph taken looking toward the neighbors. It is in this area that we propose a 6-foot fence to separate the two areas. The Board has received letters of support from the community, I believe, endorsing this change. I will also distribute this amongst you.

Chairperson Speranza: Because this is a public meeting, I'll read the essence of the letters we've received. And then what we want to do is open it up for public comment, and then Board discussion.

"To the Planning Board: I'm anxiously awaiting the day when John Halko will move to larger quarters across the street from his present location. John's establishment has been a wonderful addition to our downtown. He works hard to provide healthy and extremely well-prepared meals for his growing clientele. John lives in Hastings, works in our town, employs local youths. I hope for a favorable decision." It looks like it's Erika Ektid XXX.

And then there's another letter in support of the application for permission to convert Gareri Electronics store back to a restaurant.

"Comfort has been a wonderful addition to our community. John has demonstrated a commitment to hiring local young people and training them. The Halkos live in Hastings, have a child in Hillside School. Comfort's Organic and Heathful Food is an attraction for all of us. John's success has outgrown his space. We are eagerly awaiting a larger Comfort, and are pleased that the Halkos have chosen to keep Comfort in Hastings. We strongly support the application, including the outdoor seating, which will make a great addition to our village." And that's Denise and Gary Rosenberg.

This a public meeting. Is there anyone from the public who wishes to speak?

Village Planner Witkowski: Should I mention the phone call?

Chairperson Speranza: We'll talk about that later.

Village Attorney Stecich: I was a little concerned because this is in the view preservation area and there wasn't a real preservation notice. But I talked it over with Deven, and since we thought no structure was going up it wouldn't need preservation approval. Today's the first time I heard there's a fence. I don't see that on the board.

Mr. Stoika: The plans that were submitted have been amended in the meantime.

Village Attorney Stecich: Since this is in the view preservation area, if a fence were going up it would need view preservation approval. I just want to give you a warning on that -- that you could go ahead and approve the rest of it, but not the fence because it does need view preservation.

Chairperson Speranza: Well, it's not on our plans. So with that in mind, there were people who wanted to speak?

Georgia Honovich, 28 Maple Avenue: I happen to live behind that garage. See the top right? That is my house. Can I show it to you? I can explain a lot from here. I happen to live here. This is my garage. My property extends about a foot beyond the back here, the survey. Nobody can put a fence up here, and there are many other problems which I'll address ... You can't put a fence up here. I put these posts here. The post office banged this post in, bent my garage. I've got to have this whole area clear. You cannot put trees here. I'm trying to get this tree cut down, but I had problems with a neighbor. No way can you get trees here, otherwise I'll be chopping them off here. That's my right.

Another serious problem, the south side of the building has a leader running down. All the water comes down, flows from the south side. It runs down here, it runs down my step. You cannot put a patio in. It would block; the water would not soak into the ground. It would run faster, and I will have more flooding problems in my yard. I just wanted to make that clear.

But I have a whole list. I don't mind it being a little restaurant. I spoke to Mr. Halko...

Chairperson Speranza: Ms. Honovich, excuse me. Why don't you talk to us now, if you're done with the drawings.

Ms. Honovich: Excuse me ... My name is Georgia Honovich, and I've lived there 40 years. It's been a nice, quiet neighborhood. I have wonderful neighbors. We've had Dr. Toepper behind us, and he's always been so nice to us. A few years back he put in overhead lighting. My bedroom is in the back of the building. The lights hit me all night, my husband and I could not sleep. I mentioned it to him once, he turned them off. It's overhead lighting.

I spoke to Mr. Halko a couple of days ago and I told him I was very upset about the patio. He told me he thought there was going to be a lot of opposition. He said, "Don't worry. I may even withdraw it." So I came, I was very relaxed. ... He had no intentions of doing that. I don't object to the restaurant. I did tell him that. I'm very truthful.

I was born and raised in Hastings. I said I didn't object to the restaurant, but it was the patio that upset me. He said, "Well, don't worry about it." There are other concerns. There are letters of support, and I'll address that, from the community. But I don't know whether you gave the address of those people. They probably don't live there. That makes a difference. In Hastings, if you live up on the hill or any other area, you just don't care because you don't live there. Of course, they love good food, and I understand his restaurant is a wonderful place. But I'm sure, not one of those people live behind the restaurant.

We're worried about the generation of noise. With a lovely little patio, it looks beautiful. They'll have garden parties, there'll be evening hours, might even have a bachelor party. He will apply for a liquor license. He told me that. Okay, so that would mean this place could be open weekends -- Thursday, Friday, Saturday night -- until 10 or 11. My husband and I were born in Hastings, and I'd like to be able to stay in my house, not be driven out. I'm sorry if I'm nervous, but I'm being very emotional. I've got to get my point across.

But that water will drain down. They either have to put a drywell underneath all of that, or something. The odors. Well I'm sure you're going to have it vented, but outside, during the summer we did have rats at one time and other neighbors have told me the same thing. Skunks. During the summer there will be a family of skunks there, mother and father and three little skunks. They will be in the neighborhood, and every other day the neighborhood smells. I think any neighbor will vouch for that. It would smell.

Now, trespassing at night. If you had the back terrace there, the parents maybe, their children get tired of sitting at the table. They might climb up on my garage. See, I'm only about 3 feet...see the steps going down to my house. It's only about that high. That could be very attractive to a lively 10-year-old child. It wouldn't work out ... They might see that little pathway. I have a problem with people cutting through my yard. Every day I stop somebody. They think it's a walkway. And if parking gets a little heavy -- they may decide to park on Maple Avenue. "Oh, there's a nice shortcut going through my yard."

I walked up today to see the alleyway where the garbage will be. How wide did it mention?

Mr. Halko: I would say 3-1/2 feet.

Ms. Honovich: Three-and-a-half feet. Now, in order to store trash for a restaurant of that size with outside seating, I would say you need at least half a dozen cans. These cans you use now...and to get by and fill these half a dozen cans, it's going to be a problem. I don't know how they will get them out. Their property will be closed off. Of course, the vet is next door. That's his problem. Unless he can get it out in the front, but I can't see a wide can and maybe a couple of workers that are maybe as wide as the cans. I don't mean it in a derogatory way, but it could happen.

Chairperson Speranza: Ms. Hanovich, I'd like to ask you a question. You mentioned that your property line actually ends at the top of the stairs?

Ms. Hanovich: No. It ends about here. Part of the stairwell...I come up on the vet's property here. So let's see, yes. It's probably someplace there, okay?

Chairperson Speranza: Okay, thank you.

Ms. Honovich: That's all I can think of right now unless I think of something else that may conflict.

Chairperson Speranza: Okay, thank you. Anyone else?

Bill Tepper, Veterinarian – Warburton Avenue: To begin with, I want to say philosophically I feel very deeply about this. I don't want to interfere with my neighbor's use of his property. I think it's his property, they should be able to do basically what they want, as long as they have the community in mind, if they want to put a restaurant in there or whatever. But I can't have it interfering with my place of business. It's my profession.

There are a few things that I do want to mention. Number one is the garbage. I've been on very good terms with all my neighbors. I've been there for 30 years. I keep a very clean place. There hasn't been a complaint in 30 years about me. Pino once had a major problem when they opened up the food stores next to him. He ended up with a major rat problem. He had to seal off his basement. He even put glass shreds or whatever you call that in the walls to kill the animals coming through. I have not had a mouse or a rat in this place in 30 years, and I'm very concerned about that. Putting the garbage outside...Mary, who had the Cup & Saucer, did not store her garbage outside. That's one thing that concerns me.

The legalities also are use of that back yard and access to that. They do not have an easement on my property. We've been on very good terms. In order to get more parking in the Village, Pino, and even Mary, we agreed to one thing: they could park their cars against my building and theirs, and I would have the two spaces behind theirs and could fit about three other cars in. So there's a lot of free parking back there for my clients and whoever has access to that building. If they do this -- there's no fence on these plans -- a fence has to be put up between his property and my property, with a very large sign -- not a small sign, but a very large sign -- saying "No Parking." They do not have access to the back. I've had lawsuits with the post office, and settled it over 20 years ago. People block that driveway. Inevitably they assume that it's my clients who are blocking the driveway.

They can't get the postal trucks in. I've got major problems with the post office. That's another story. But they can't get their postal trucks in there, so they come in the building all the time, "Could you have your clients move their cars?" I don't think in the last five or six years I had a client block that driveway. They know that they're not allowed to block that driveway. Otherwise I go bananas on them, all right? So signs have got to be put up. If people want to stop off and pick up food they cannot block the driveway, they can't drive in there, and they can't use my back yard. And I have no way to prevent that.

As we're addressing the driveway totally off the record, so to speak, the post office cannot plow their back yard without crossing my property. It's sort of been an unwritten agreement. What we have done, and with Pino's permission, too, the post office would take the snow and plow it across my property, across Pino's property, and against the old movie theater wall. Basically we got free plowing, and everybody was happy. If there's a fence up there it just can't be done. Because the post office is going to end up putting their snow on my property. I wouldn't be able to use those spaces in the winter. You can't fight the post office. They have wrecked my building over and over again, and I just gave up on them. Even the postmaster, he laughs about it, too. If you look at the side of my building it's all striped up from the postal trucks. And if you look at the parking lot back there, the asphalt doesn't even exist anymore because the large trucks actually ground down my asphalt. Every time I repaired it, within six weeks it was ground down again. That's why these huge trucks back up into the driveway, if you ever watch them. They knocked down the lamppost on Warburton Avenue, they broke the water pipes, they've wrecked...but that's not their problem. I don't want to go off on the post office.

Now, I've got to have my list. I'm sorry, but once again I'm not opposed to this restaurant. I want that understood. I want it understood that they do not have access. I also have an odd problem. I'm a good neighbor, at least I think I am. Across the street there's a 24-hour deli. The customers throw garbage. The deli can't help it. Every morning I'm cleaning up garbage, throwing away all sorts of stuff. If I have another place next door with a large volume with people behind it, who do I complain to? I really can't complain about my neighbors. I just don't do that. It's not nice.

And then the water runoff is another problem, that my neighbor just mentioned, if that is a patio back there. The water runs across his parking lot onto my parking lot, and sort of soaks in there because the post office wrecked the parking lot. My neighbor doesn't get that much water. Once all that water starts flowing through there's going to be a problem. Not to me, but to the neighbor. And there'll be an ice problem in the winter.

I pretty much went over all my cares. It's the garbage, and I don't even know how they would get the garbage out of there if I'm a stickler and I don't give them permission to cross my property. If the garbage cans are outside on the side, they can't bring it up the alleyway. There isn't enough room, and there's a fence up between what was the post office and that building. So if they take away that fence, it'll be access to kids going in there. Pino and I were always cleaning out beer bottles between the two buildings. Before he passed away that was one of his main concerns. He always wanted to keep that place clean, and it's a big problem. It's not really an alleyway.

If I could just perhaps enlighten you, my neighbor is concerned about that fence. If I'm not mistaken, she only has about that much, I don't even think it's 2 feet, of property between her garage and where that fence would be. It's just going to be a lovely place for garbage and debris to form and then, once again, I'm worried about vermin. Thank you.

Ms. Honovich: Could I say just a brief statement? I wanted to apologize to Mr. Halko. I did not say I was objecting to his establishment. I just made it very clear to you that it was the outdoor patio that would be of concern, and I'm sorry if I implied anything else.

Mr. Halko: Thank you for expressing your concern.

Ms. Honovich: Yes, I'm honest. And I know you are.

Chairperson Speranza: Anyone else?

Jeff Honovich, 28 Maple Avenue: I would just like to clarify some things about the outdoor patio and how I think it would affect my parents. From looking at the plans, this fence would be an attempt to isolate, I guess, the sounds and the people and the lighting from interfering on my parents' property. I'd like to say my parents' bedroom is located right about here, so there's really just about a clear line of sight from here into where this patio would be. So if they only have this back fence, this back fence will only go about two-thirds of the way across the back of the garage, leaving, as I said, a line of sight -- which I believe the light and the noise will cross directly into my parents' bedroom, the back window, which is their only window on their back bedroom. I believe it would have definite effect on their ability to sleep at night, if they have evening hours particularly. I didn't see any evidence of a side fence in the drawings that would stop, as I say, line-of-sight sound coming through.

I think, as I said also, the alleyway is very narrow. I think there's going to be a real problem of storing trash in that alleyway and getting it out. So I think that's the main issues: the signs and perhaps some odors. Odors may come from that back patio because this back area is almost like a canyon. There are high walls on this side, there are walls on this side. Therefore, the direction of winds or odors would tend to go into my parents' back yard.

So I think the big issue is, will that fence effectively seal off the noise and the lights coming from that back patio. I think that's the major environmental effect on my parents' property. That would be it. Thank you.

Chairperson Speranza: Thank you. Does any other member of the public wish to speak?

Michael Ross, 24 Maple: I live in the house which is a little bit, I guess, south. I'm basically right behind the movie theater and the Euro Deli. It wouldn't affect me as much as the other people who've already spoken. But I do have three children under the age of 10 -- 9, 5, and 1 -- and we have no air conditioning. We always have our bedroom windows open in the summer. I'm just worried if they do have 20 people -- especially with alcohol late at night, and my kids are light sleepers -- it would make it difficult for them in the evenings.

Also, the neighbor between Honovich -- is that what your names are? -- and us, an elderly woman named Patricia, couldn't be here tonight. But she also expressed a lot of concerns to us as well about the noise.

Chairperson Speranza: Okay, thank you. And I believe that she called the Village. Angie, you spoke to someone, Patricia McFarland?

Village Planner Witkowski: It was Patricia McEldon. She had some concerns.

Chairperson Speranza: Okay, any other member of the public right now?

Kelly Topilnycky, 18 Maple: From those pictures, it's not really clear about the fencing. I guess they want to put a fence behind the Honovich's driveway, or the garage? That would also...the neighbors, Patricia and the Ross's, right now you have sort of a public easement because of where the property lines are. They use that as an access to get to the Village. So if they put a fence up with plantings, that would also impede people's access to cut out. As Ms. Honovich was saying, she has difficulty with people cutting through. She is the only one who has a driveway. The other people don't have driveways. They use their back yard as an easement.

I'm concerned with the noise. You know, I have other problems with the deli and things, but a restaurant is vastly different, and it would be an evening type of thing, and drinking, and dishes. So we are concerned about the noise issue. And again, the Honovichs are impacted the most, but we're concerned not with the restaurant itself -- because clearly it was a restaurant, I guess, twice before. It's more with the rear seating that would be the issue.

And the parking also. There's not a whole lot of parking in the Village, and people invariably park on Maple Avenue. That's something to be addressed, too. I don't know if that's in their site plan about parking. Thank you. I did have one last thing, the mailing. Are they supposed to be sent out certified mail?, because they were sent out mail.

Village Attorney Stecich: They don't have to be certified mail.

Ms. Topilnycky: Okay. Because all the other mailings were certified.

Village Attorney Stecich: I know, but there just needs to be proof of delivery. It doesn't need to be certified.

Ms. Topilnycky: Okay.

Chairperson Speranza: Okay, anyone else in the audience? The applicant? I do have some questions. There have been some points that have been raised here, certainly questions that I have had with respect to some of the issues that have been brought up. I'm sure that also my fellow Boardmembers have some of the same issues.

I did notice on the plan that there is, in the establishment, a bar. That is ... a liquor bar? Because it just makes it different when we were talking about outdoor seating and what's permissible. We don't have anything on our plans that show any type of fencing, any kind of division, of the back seating area. That is, in terms of the application, a problem because we don't have a full site plan that identifies all of those features that we have to act on. Lighting... I'm assuming that your intention is to have the back area lighted?

Mr. Halko: Yes, it would be low, ambient lighting. Also to reiterate, I don't want to be a bad neighbor. I would much rather be a good neighbor to all of our community. I would much rather have my outdoor seating, the patrons, come inside after a certain amount of time. I think like 10 o'clock at night would probably be the latest that I would allow any seating outside. Because dinnertime...most of our business is fading at that point. I'm well aware of the sound issues, and I've done some research with some soundproofing. And the plantings would also improve the sound barrier.

As far as the drainage is concerned, I think if we took it into consideration she would probably benefit with some of the drainage if we took care of that when we did the plantings. There are always some drainage things that we could come up with. I think that you have some fencing in the works as far as on the plan, I believe.

Mr. Stoika: We can ameliorate whatever water issues by means of drywells, and otherwise eliminate whatever runoff may be onto the neighbor's property. I'm convinced that this can be easily resolved. It's not an issue.

So I think it's important to keep in mind that this outdoor seating is a seasonal affair. It will only take place, certainly, with three or four months out of the year, not year round. As to when it would happen, the hours of operation, the Village certainly regulates that as well as John could take that into account.

Mr. Halko: Another thing about the soundproofing is, if we install a 6-foot fence, the 6-foot fence is probably going to come to the peak of the garage here. The actual seating, because we have a 15-foot easement, will probably not take place until the left-hand side of this car. So if we have a 6-foot fence here, any of the sound that is going to come from a table, from someone sitting down, is going to go over the fence and basically it would probably clear the top of this building. If there are any issues with the ground floor, bedrooms on the ground floor or on the bottom level here, the sound generally -- if we do the soundproofing correctly, and there's a lot of technology out there these days -- probably won't even go this direction. It'll be bounced back towards our building. If there is any, it will probably be projected up and over the building. I know sound travels a lot at nighttime. In the summer hours we're looking at 8:30 or so for sundown. I don't think it would be a real issue, especially if the ownership would take control of the situation and the patrons would come inside at a certain time.

I think there is a good way of doing it, and we're not trying to make a lot of noise. We're just trying to provide some additional seating, some nice outdoor trees.

Chairperson Speranza: Are you thinking that there would be service, or someone ordering from inside the restaurant?

Mr. Halko: No it would be full service. A waiter or a waitress would come outside, take their orders, and then come back inside and get the food and bring it out.

As far as the garbage is concerned, we're in the midst of trying to communicate with the landlord from the movie house to see if we can't get a locking gate on this left-hand side of the building here. You can't see it because there is a tree here, but there is a little bit of a gate in the alleyway which would allow us to bring the garbage from the rear of the building up to the front. There is enough room, there is plenty of room for six or seven garbage cans, to go along the alleyway and to physically carry them out. I've done it myself with an existing garbage can. The 36 inches is certainly clear enough to carry a 24-inch garbage can through the alleyway.

Chairperson Speranza: What is your intention as far as the surface? You're saying outdoor seating, a patio, but you're thinking it's blacktop.

Mr. Halko: Well, we're looking at a gravel.

Chairperson Speranza: And the reason I'm asking is because of the differentiation between your neighbor's property, Dr. Tepper's property, and your property -- how that would be defined. If there's going to be a fence, is it just ground level and then a fence surrounding the outdoor seating?

Mr. Stoika: Since we started speaking about fences, I imagine -- and I see it with all the concerns voiced -- we would certainly now apply to enclose the whole area with a fence. As far as the pavement is concerned, it could be some sort of semi-permeable pavement to allow some water to be absorbed into the earth. Not blacktop, as it's not very attractive as an eating environment as well. I hope this answers the question.

Boardmember Dale: Considering the issues that were raised -- unfortunately we got this on Monday, actually Friday, and I have not had a chance to visit the site -- there is no site plan enclosed, just the line of the property. There's no diagram indicating what buildings are next door, what the distances are. I was not aware that that was a driveway, having not had the opportunity to visit the site. I would rather postpone decisions about this until I have a chance to visit the site, or have a site plan that's a little clearer where I can understand the objections of the neighbors.

Boardmember Alligood: I did visit the site today, and I wondered how the neighbor in the back felt about this. From the plans, I thought it looked great. I did wonder why the plans didn't show the buildings surrounding it because that's part of a site plan. But I had concerns, and now I've heard, that the neighbors feel that this would be an intrusion.

So I think we need to see another plan that shows how you would construct the fences, and maybe more detail in how you would soundproof it and deal with the concerns of the neighbors. Other than the patio, I see no issues with the restaurant itself. I support it. I think it would be a nice addition to our downtown.

Boardmember Cameron: I also like the restaurant. I also would like to see a lot more information about the fencing and the drainage and the height change in relationship with the other buildings. I think that's very important. I'm also a little concerned about going down a 36-inch wide alleyway with the garbage cans, and would like to explore that a bit more. I don't know what you do. Will you walk around the garbage cans and then pull them out one by one the other way, or you can actually walk by them while you have a garbage can, a 36-inch alleyway? Sounds pretty tough to me.

Boardmember Dale: Garbage collection. When you have a restaurant, do you have private collection? Is that daily?

Mr. Halko: I was just going to mention, the garbage is picked up every day by the municipality. It's picked up every day, so it's a matter of like four or five cans an evening. So the buildup is not so much.

Boardmember Dale: I also did comment on the restaurant. I'm very pleased with Comfort now, and having a larger Comfort would be nice.

Mr. Halko: Thank you. I look forward to serving the community.

Boardmember Dale: There's never any tables.

Mr. Halko: Yes, we're very confined there, and I've been confined as a chef.

Boardmember Dale: I do think that there are serious concerns on the part of the neighbors, and I would like to see how you solve those in a way that this plan doesn't indicate at all.

Boardmember Alligood: I just want to make a suggestion, too, in terms of the process. That I would advise you, before you come back with another plan, to discuss what you're considering with the neighbors and see what they think to save you the trouble of coming back and then hearing your neighbor say none of our concerns were addressed. That's what I would recommend. Try to work something out with them.

Mr. Halko: Okay.

Boardmember Alligood: And show them the new plans.

Chairperson Speranza: There are a couple of things that you should be careful are included on that, and Marianne will go through...

Village Attorney Stecich: Make sure you show the property lines. I think there could be an issue if the paving is going to be closer than 30 feet from the property line.

Boardmember Cameron: But even as 15...

Chairperson Speranza: It abuts a residential district.

Village Attorney Stecich: Yes, because it abuts a residential district. Deven, correct me. Because it abuts a residential district in the CC, it's got a 30-foot rear yard setback. You can't have paving in a required yard.

Building Inspector Sharma: Unless it is already paved.

Village Attorney Stecich: If it's paved then it's an existing nonconformity. But you can't pave within 30 feet if it's not already paved. So you have to deal with that issue.

Mr. Halko: Yes, gravel is an option.

Village Attorney Stecich: All right, just be aware of it.'

Mr. Halko: It could be very informal. We're not looking for high heels here.

Village Attorney Stecich: Just be aware of it. Then the other thing is, because you're in the view preservation district and you're putting up fences you're going to have to go through view preservation approval, it's going to mean another notice. It'll be a combined notice to this board and the Zoning Board. Besides showing the neighboring property, you have to show the distances from all of them because you have some zoning compliance issues here.

Mr. Halko: Okay. So aside from the fact that we have no opposition with the restaurant, if the outdoor seating is the only issue it seems to me then if maybe we could get the okay for the approval for the restaurant through the change of use for the facility, then we could go ahead and continue with some demolition and continue the interior project, and then therefore proceed with a secondary meeting about the back yard. The back yard is almost like a luxury for us. What we would like to do it get into the building and start our construction process, which is going to take some time. And this outdoor portion of it is irrelevant at this point, but it would be a nice luxury for some of our patrons because we do serve a lot of the community. As we show here, we're only looking at about 16 to 20 seats. So the additional seating is not going to really improve our overall capacity, but what it is is just allowing some patrons to have some fresh air and keep the family friendly. The outdoor portion is almost like a secondary application.

Chairperson Speranza: I haven't heard any complaints, any public comments, concerns about the restaurant itself. As long as we legally can approve, we are approving the site plan for the interior renovations.

Village Attorney Stecich: It's unusual, but I think there's enough information here for you to make that determination. You could then do partial site plan approval if you were so disposed, and they just couldn't do anything with the outside.

Chairperson Speranza: Right. There could be nothing done on the outside until there was another plan that showed the landscaping and the drainage and the fencing and all of that.

Boardmember Alligood: Lighting.

Mr. Halko: Exactly, yes.

Chairperson Speranza: Lighting, very important.

Building Inspector Sharma: I remember when the issue of site plan approval came about and we talked about the outside seating maybe becoming a major issue. They were almost ready to drop it right away. It was only later, as long as you're going for the site plan, may as well put in the seating as well and see how the Board reacts. I think it may be a good idea. They are very ready with their plans to get going with the construction, and I think these two could be totally separate, the restaurant and outside. And later they come back with the view preservation issue and the landscaping. If it gets approved, you have to do it in a way that's supporting. It doesn't happen, your restaurant is still a viable thing. And if that happens, good. But in the meantime the restaurant itself would, I think, be a good thing to do. Keep that back yard outside whatever happens there, totally separate and independent.

Chairperson Speranza: And that's fine. The site plan we received showed the outdoor seating -- which is why we ended up re-noticing it also, because it had to be.

Building Inspector Sharma: But right now they seem willing and ready to remove, take out, that aspect altogether.

Mr. Halko: We need to get open.

Boardmember Dale: Deven, have you reviewed the interior of the restaurant?

Building Inspector Sharma: Yes, I have.

Boardmember Dale: You've finished, completed, your review of it?

Building Inspector Sharma: Yes, I have. I sat with the architects, and it seemed like we were all ready to issue the permit except we realized they do have to go for the site plan review as well. That's when this process started, and then I mentioned that they had to come to this meeting. It's the back, whatever they do outside -- the seating and everything -- that may become a problem. They were immediately ready -- "Okay, we won't do it" -- because they're so anxious and ready and willing and excited about what they have to do inside. I think it would only be fair that they go ahead and do it, and pursue the other things. If it works, great. If it doesn't, it'll still be fine, right?

Mr. Halko: Yes.

Dr. Tepper: There are two things. I'm still concerned about construction debris and vehicles in the back yard. They have to cross my property, and I really don't want to give permission for construction vehicles to cross my property because of nails, etc., etc. I'm fine with the restaurant. I really don't want to cause you trouble. It's the outdoor garbage that bothers me. I'm really concerned about vermin coming into my building. It's a clean place, I keep a very clean shop inside, and I'm really worried about mice. You can't keep mice out once they start coming in. Thank you.

Boardmember Dale: Which side of the building are you on?

Boardmember Cameron: North.

Dr. Tepper: I'm on the north side of the building.

Mr. Halko: And the garbage is on the south side.

Dr. Tepper: The point is that Pino had a problem and the wall was sealed between...I don't know which restaurant it was. I don't want to say bad things about other restaurants, but there are two places that handle food there. There's the coffee shop and the deli. Once they opened that up, Pino had a problem with rats. The building that used to be the movie theater is a solid cement building from one end to the other. Thank you.

Chairperson Speranza: Have you given any thought to how you would actually do this, and especially knowing now that some things have to be worked out with the neighbors? Staging of construction is certainly one of them.

Mr. Halko: Yes, we would need to acquire the permits to put the dumpster or the containers on Warburton for an allotted time, and the construction debris go out through the front of the building. Any contractors that are there, we could obviously stage their vans in front of the building, I guess, if we need to.

Chairperson Speranza: And as far as the garbage, I can't imagine that a restaurant wants to have a pileup of garbage. If you're going to come back for anything else, we'll hear if there's an issue.

Mr. Halko: I think garbage is a secondary issue at this point. I think as an owner and as a chef I can certainly figure out the proper dispersement of our rubbish.

Boardmember Dale: Have you had trouble with garbage in your current location?

Mr. Halko: No.

Boardmember Dale: No violations?

Mr. Halko: No.

Chairperson Speranza: So people are aware, there is an environmental review document that was prepared. It's what's known in SEQRA language as a full environmental assessment form. Given that the application now is only for interior renovations, we do not have to go through this. Since it's interior renovations, there are no adverse impacts on the environment like he anticipated. Should that change, however -- if another application comes forward for the outdoor seating area -- we will have to go through that. So we will hold on to this for the next time.

So is there a motion from the Board with respect to this application for site plan approval for interior renovations?

Boardmember Dale: Is this only a use change? We're approving the use of it as a restaurant?

Chairperson Speranza: Use change and the alterations. For some reason, site plan approval does include interior renovations also. It's odd, but it does.

On MOTION of Boardmember Alligood, SECONDED by Boardmember Dale with a voice vote of all in favor, the Board resolved to approve the interior renovations of the Comfort Restaurant at 583 Warburton Avenue.

Mr. Halko: Thank you.

2. Public Hearing. View Preservation and Site Plan. Mirjana Alilovic of Euro Deli, 575 Warburton Avenue (Sheet 12, Block 630, Lot 20) for proposed construction of a walk in cooler on a 10' x 10' raised platform and screening enclosure in the rear yard of the property.

Chairperson Speranza: We've had an application for Euro Deli which has been here a couple of times. I'm going out of order because these folks have been here a couple of times and we should try to get over this.

This was an application that came in a couple of months ago for view preservation, at which point we made a recommendation to the Zoning Board of Appeals. As we were discussing the application at the Planning Board meeting, we realized that it did have to come to us for site plan approval. There is a refrigerator, and a structure to house the refrigerator, that is being added to the back of the existing building. There was some concern expressed by neighbors and by Boardmembers as far as the treatment of the area behind the building and how it could be treated better. Now, would you like to come up and explain what you're proposing now as part of site plan?

Zlata Pericic, Project Architect: What I am proposing is adding evergreen to screen the unit, which is going to, if you look at the elevation, eventually grow 10 to 15 feet. So they're going to screen the unit and it's not going to be visible from the other side. That's eventually what it's going to be.

Chairperson Speranza: This has gone to the Architectural Review Board, and we do have notes from their minutes, the evergreen trees. Solid fence? Is there a fence proposed?

Ms. Pericic: No, I don't think it is necessary. If you look, it's 10 feet that we have to really block. This is the passageway going to the street, so we cannot really block this. They have a fire escape over here that needs to be free. So it's really just this screening.

Boardmember Cameron: So how tall are the trees, clear from the ground, you are going to plant actually?

Ms. Pericic: I'm actually proposing to start 6 to 7 feet tall.

Boardmember Alligood: The tree that's closest to the back steps...

Ms. Pericic: They are behind the steps.

Boardmember Alligood: I'm looking at the site plan.

Ms. Pericic: These are steps for them, and I'm proposing to put them behind so they actually cover these steps as well. It's not going to be viewed.

Boardmember Alligood: I understand. I'm a little concerned about that being so close to the back door because those trees are going to grow.

Ms. Pericic: But they are narrow, tall trees.

Boardmember Alligood: You're just going to trim them.

Ms. Pericic: Right.

Chairperson Speranza: And I'm sure, as the property owner, it's going to be a situation where the functionality of being able to get in and out of the building is going to drive the tree plantings. Our concern was that there be screening between the back of the property, the back of the unit, and the neighbor on the other side.

Boardmember Cameron: Are these cedars you're putting up, or what are they? What kind of tree are you planning to put up?

Ms. Pericic: What they are using for the screening?

Boardmember Cameron: Well, they could be cedar.

Ms. Pericic: Hold on one second. I just have the name.

Boardmember Dale: The Architectural Review Board's comments, they seem to be listing more than just the evergreen. They also have a solid fence. It's a little hard to read. What is the actual recommendation? Is there an alternative?

Village Attorney Stecich: It says meeting adjourned to review proposal. If Christina's around maybe you could ask her.

Boardmember Cameron: It says "ideas for screening are as follows."

Ms. Pericic: I'm actually proposing to put...

Chairperson Speranza: I'm not a landscape person.

Ms. Pericic: Yes, I'm not either.

Boardmember Cameron: Arbor vitae is a cedar.

Ms. Pericic: Okay, thank you.

Chairperson Speranza: We're trying to see if we can get the head of the Architectural Review Board here. There was also concern about the amount of stuff in your back yard: sinks, bicycles. I'm just wondering if that's gone.

Ms. Pericic: That is gone. This is the picture.

Chairperson Speranza: Oh, this is a picture now.

Ms. Pericic: This is the picture now, and I can remove this. There's nothing behind.

Chairperson Speranza: Great. While we're waiting, anyone wish to talk about this application?

Ms. Topilnycky: I was at the ARB meeting. It was an alternate to the trees, for the fencing.

Chairperson Speranza: Oh, it was an alternate.

Ms. Topilnycky: Yes. Because there was a concern from the owner that no matter how high you put a tree it's going to take forever to grow. She can't reasonably purchase a 14-foot tree to cover the entire platform and everything. So they were talking about a 6-foot-5 fence. It was a suggestion; I don't know where it went from there.

Originally we supported the deli if they did a proper job shielding the freezer from the view of the houses behind it, but I'd like to point out that they are making alterations to a leased space that has lasting consequences with homeowners that live behind them.

Chairperson Speranza: That's irrelevant to this.

Ms. Topilnycky: We've lived in the house 45 years and never had to deal with this type issue before about a freezer or the stack event. It is an echo zone, as we were saying about the noise level with the other restaurant. You're sort of in a cavern because of the way the buildings are. We did have an issue with the stack vent, which hasn't been addressed.

Chairperson Speranza: What is your issue? Just the noise?

Ms. Topilnycky: Visually it's an ugly-looking thing sitting on the roof. Deven came by and took some pictures today but, of course, it's nice and green now from all the rain. But six months of the year there are no leaves on the trees; you can see everything visually, including the freezer because it's so high up.

Also, the disposal of trash, rubbish, garbage. Yes, she did clean up the yard. It took her 10 months to clean it up, and repeated requests. So it wasn't an easy task to get her to clean up the yard. I'd like to know -- and of course we have raccoons and skunks and things -- if, in the site plan, she's got something for the disposal of trash. She's gathered used cooking oil gallon jugs. They're visually unappetizing, but I don't know if they attract the animals or not because I'm not out there in the middle of the night. But I don't know what they're doing with their garbage or how they're disposing of it. It was never raised prior to this. And I did thank her for cleaning the yard up at the last meeting.

It's not only the noise of the stack, it's also the smell. Because we are getting an odor from her cooking into our yard. As far as the noise, I know that they did a noise test for the abatement issue. But again, it wasn't performed from more than one or two spots, and it was level with their yard. It wasn't in our yard, which is down because of the way the acoustics go. It also wasn't at the height of the vent, which is even with an apartment that's right above it. They're comparing it to the sound of an air conditioner compressor, and that's not the kind of noise it makes. A compressor comes on and off. This is a constant whirring. It's a higher frequency, very hard to describe. I also don't think that their noise abatement test took that into consideration.

Chairperson Speranza: Whose noise abatement test?

Ms. Topilnycky: The Building Inspector did the noise abatement test.

But in looking at the plans for the restaurant, I was going to suggest that the stack company might have a solution to the noise. I'm sure it's not the first time they've run into the problem where something's too loud like that. They could make suggestions. But the restaurant, they had the same type of thing. They have the vent on a lower roof, but they have some of it leading up to the higher roof, to the upper roof. Because right now she's only on the lower roof. She hasn't strung that vent up to the higher roof, which is 35 feet or whatever it is. But the prior plans that they showed you for the restaurant has some sort of venting that goes from the roof all the way up to the main roof for the building. So maybe that's an alternate compromise to the issue.

Because I understand she needs the vent for the stove. We don't dispute that. The problem is the enjoyment of your yard, too. You know, we have a nice patio. We like to sit out there at dinnertime, and it's very difficult to sit there when you can't hear yourself. My mother-in-law already has a hearing problem. Again, it's quiet enjoyment of our property. We have a 6-foot fence on either side and a 4-foot fence in the back, and that in no way cuts down the noise coming from the vent. The freezer noise. No, I didn't hear the compressor when it was running. But then again, she's got three window air conditioners, the stack vent, and another vent on the side. So the noise abatement test, I don't believe, included all those things on at the same time.

Chairperson Speranza: I want to find out a little more about that. Anything else?

Ms. Topilnycky: Yes. Living next to a commercial district, we make compromises ourselves. There is a certain amount of noise and activity: trains, planes, we get the boats on the river, and automobiles. Our concern here is you're allowing them to proceed with the walk-in freezer that, at some point, will be connected to the building, from what she says. It becomes an addition, not just simply a stand-alone structure like a shed or something. Some other businesses in the Village could all of a sudden say, "Well, we'd like to expand our square footage by erecting a movable or a temporary structure for use of storage."

Chairperson Speranza: Just so you know, you can expand a building with site plan approval.

Ms. Topilnycky: Frankly, in addition, it would have been a nicer-looking freezer, but for the platform that they put there. So we didn't object to the fence. I'm not so sure about the trees, depending on their heights, how high they will grow. Just so you're aware, that area is a lot of fill. It's very difficult to dig down. They might have trouble digging for a 12-foot tree. If it has a really big root ball, they might have difficulty. It was construction material, I guess, they used to fill in that back yard. That's been an issue with other trees growing there.

Anyway, those are the concerns. The concerns are the garbage disposal, the vent with the stack. It's not so much the freezer, since it's sort of a done deal. We are concerned, though, if she does for some reason leave at some point -- her lease expires or whatever, and she leaves and that platform remains -- what kind of uses...can the Board say, Well, you can't use that platform for outdoor seating. If another deli moves in there, or another restaurant, they would have to come for approval again before the Board. We just want to know if that can be limited with the platform. That's it.

Chairperson Speranza: You can limit anything, I think, right? Okay, Mr. Sharma, talk to us about this noise testing you did, please.

Building Inspector Sharma: I brought this gadget with me that measures noise. We did go out to the site. Let me just show you a couple of things. This shows the property, the reference to the subject property here, the red dot here fairly proportional to what's being done and where it is situated with reference to the other property. Mr. and Mrs. Topolniky live in that property here. About 10 feet of that property kind of overlaps with the property in question. This property has 20 feet backing onto it.

I did go out today to see the view situation, and here are some of the pictures. The first one is a picture taken from here looking into the other properties. So with the foliage growing, seasons changing, there's not a lot you can see back there. Then I took some pictures from their property into Euro Deli, and you can see what you can or cannot actually see there. That was one issue. Screening might make it better -- further height, the new structure -- but as it is, you hardly can make where the structure is or where that exhaust vent is.

With regard to the noise, we have an air conditioner in our office downstairs and we sometimes use this gadget to measure what kind of noise it makes. We did that, and then we went out to the site and took the noise meter readings from different points on the site. It came to about the same as the air conditioning noise that was in our office. If we all be quiet in here I'll be able to tell what kind of noise...the air conditioning is not shut off, though. Now, with the air conditioning going I believe it will be about the same kind of noise, about 50 decibels or so, and that was the level of noise we were able to actually...when we went down there to the Euro Deli site I had to ask the owner to turn it on because that exhaust vent was not turned on at the time.

This evening also when I went down to take the pictures it was not turned on. I'm told it only gets turned on in the morning for a few hours, and it's not like it's on all day. That was my experience. Because when I went down to measure with my deputy, Charlie Wucherer we had to go in there and ask Mirjana to please turn that on so we can measure what kind of noise it makes. That is with regard to the noise and view.

As for the structure itself, it would seem the material, of course, can be screened. But if you put some kind of siding on it, that has become more acceptable. I'm not quite sure what exactly is objectionable about it when you compare it to the rest of the building. I think in some of the photographs you see the building around it -- the wood, the old existing building. That doesn't look any cleaner or neater than the new structure. I do call it a structure because it does have walls and roof and shelving. The only difference between this and a regular storage shed is this has a temperature control device so you can keep things cold in there. But otherwise it's just a little shed. They do propose to kind of connect it. There is a door from the restaurant portion that leads into it. I think they're proposing to do some kind of canopy enclosure so it will be an attached extension of the restaurant and cold storage.

Any other specific questions? I did speak with Eva and left a message with Mr. Cameron. I was going to do it, because I had already spoken to you, if they had any specific questions that I could answer that have bearing on the site plan review aspect. As for the garbage in the back yard, that's a property maintenance issue. We could, from time to time, go after people who are not maintaining their front yards, side yards, or back yards or keeping junk in there that we had to take care of anyway. That's not so much of a site plan issue.

Boardmember Alligood: I just want to acknowledge that did have quite a few questions last time, and I did speak to Deven. It's not clear. It sounds like whatever code compliance issues come up he'll deal with when they apply for the actual building permit. But you don't think that, in terms of the site plan, that anything needs to be moved?

Building Inspector Sharma: No. You asked me if it had any violations, whether it conforms to code. Obviously not, because it has been constructed without the due process. So that's the reason I gave them a violation notice. It certainly is in violation of a lot of codes; a lot of local codes, and many of the state codes. No, it would not need to be made taller or wider or smaller. They would have to follow the process of having to go the process of view preservation, obviously. It has no bearing whatsoever on the view preservation issue. It has no environmental issue whatsoever. You know, it doesn't cause, or create, any kind of visual environment, the Topolniky's are concerned of course, with some kind of screening. I think I spoke with Christina, too, and she presented some kinds of alternatives. At this point I think they are ready: "Tell us what you want us to do. This kind of tree. Not happy? Tell us what kind of trees you want. You don't like it here? You want us to move it 5 feet over, we'll do it."

Obviously she shouldn't have done it when she did. But what she's done is not really wrong, and she's willing and ready to fix it, make it right. You know, do whatever this board requires, whatever the Building Inspector needs. It'll be done right. And Eva, the shape, size, or location would not have to move in order to comply with the codes.

Chairperson Speranza: Thank you. Bruce, you have a sense of this?

Boardmember Dale: I'm okay with it.

Chairperson Speranza: Eva, Jamie, any comments, questions?

Boardmember Cameron: It seems like they're going in the direction of the trees. I would just like to make sure that if they go in the direction of the trees and we approve it that they have the obligation to plant new trees if the old ones die, and they have to really maintain it. Because unless you really water ... they're just going to die. As much as cedar trees are nice to look at, they're really ugly when they're dead. So it would make the situation worse.

Building Inspector Sharma: Can I just say one more thing? They say it happens in Croton all the time: the planning board gets somewhat concerned about the site plan approval conditions not being pursued later in terms of enforcement of them. Right now, for example ... A&P -- there were some deficiencies with regard to continuing maintenance of the site for approval conditions. I did go after them; a lot of things are already happening. So it most certainly has become my ... office's responsibility, that whatever conditions you attach to the approval -- whatever kinds of trees -- it then becomes my responsibility to make sure those trees do get planted, they get maintained; if they die they get replaced; due diligence is done to maintain them. So that, obviously, becomes the responsibility of my office.

Chairperson Speranza: Then it sounds to me that we are ready for a motion.

Boardmember Alligood: I didn't express my opinion. I want to say that I think it's extremely unsightly. That's why we're putting so much effort into covering it. I have to say, I don't think it's the standard to which we should be aspiring in our downtown, to put a piece of equipment ... Even if it's being interpreted as a structure, it's a piece of equipment on a wooden platform, on stilts. I don't think it's up to the standard we should be upholding. I am not going to disapprove the project because my vote will essentially require that they not get approved. I don't want to take it that far. I just want to express my concern.

It is adjoining a residential area. I think the residents have a right to be concerned about what's next to their back yards in terms of the aesthetic quality. I carefully looked at our guidance in terms of site plan review, and one of the things that we're looking at ... is "the site plan and overall appearance of all buildings, structures, and land in a proposed development are such that they will have a harmonious relationship with existing or permitted development of contiguous land, of adjacent neighborhoods, and will have no material adverse effect upon the desirability of such neighbors for the use contemplated by the comprehensive plan."

I just want to flag it as an issue. I'm not going to vote against it, but I think this could have been constructed in a way that I would feel comfortable with it. I'm going to let them just screen it. I can hear the neighbors -- you know, they've done work with the neighbors, they're going to work it out -- but I do just want to put that on the table.

Boardmember Dale: The issue about trees and maintenance of trees. Maybe, when listening to you assuming responsibility -- there's a lot of areas that need responsibility -- that your work, going around town looking for trees and how they're maintained, doesn't seem right. My neighbor has a pool and put up a chain link fence because the law requires it. Then to screen the chain link fence she put up a bunch of evergreens. Some of them have done well and some of them haven't. The ones that haven't done well cease to function as a screen. They're not dead yet, they're partially alive. I think I might prefer the wooden fence. A nicely-designed wooden fence might act as a more effective screen to the neighbor.

Chairperson Speranza: Just in time: Christina, chairperson of the Architectural Review Board. Could you please brief us, the report from the Architectural Review Board, on the Euro Deli property? It mentions evergreen trees, it mentions a solid fence.

Christina Griffin, chairperson - ARB: We looked at a rough plan that showed a few trees, and we asked if they could make a submission that specified exactly how they would screen the platform and the new refrigerator. We actually talked about lots of options: improving the look of the underside of the deck; screening it from the neighbors. I think we decided, either by evergreens or by fencing, that we wanted the submission to be more specific: a description of the species, what height they would be when they're originally planted, spacing. Because you know, sometimes these don't actually work properly over time if it's not done the right way. So we wanted to take a look at something more specific than what they came in with.

Chairperson Speranza: Great. Good to hear. What I would like to suggest -- we could go back and forth, fence, trees, fence, trees, fence and trees -- certainly the design of our downtown, even if it's the back in the commercial district and the back of a residential area, should somehow be harmonious as much as it could be. What I would like to suggest is that we approve the site plan conditioned upon final approval from the Architectural Review Board with respect to satisfactory treatment of screening this from the neighbors. Not to dump this on your board, but you certainly have...if Planning Board members are fine, I certainly don't feel as capable as you and the members of your board with respect to should it be trees, should it be a fence. If there's any disagreement from my other Planning Board members, tell me.

Boardmember Dale: No.

Boardmember Cameron: It's fine.

Ms. Topilnycky: I have a question. The question included in the site plan was supposed to be the stack and vent. So if you approve the site plan overall, does that mean you're approving...

Chairperson Speranza: The stack and vent, based on..

Ms. Topilnycky: As is, or...

Chairperson Speranza: Based on what I've heard from the Building Inspector with respect to the noise monitoring that he did.

Ms. Topilnycky: And I'm saying that the noise monitoring that he did was not thorough because of the acoustical issue. We offered to him to come down to the yard and do it. He did not do that. It was told to me by Charlie that he was not qualified to give us an answer about the acoustics.

Chairperson Speranza: Based on our Building Inspector's input to this case, I, at least, am satisfied.

Boardmember Cameron: I as well.

Ms. Topilnycky: So they don't have to do anything about the noise and the vent.

Chairperson Speranza: Correct. Not based on site plan approval.

Village Attorney Stecich: There is a noise ordinance, which is irrespective of the site plan approval. So if at any point they're violating the noise ordinance, that can still be...

Ms. Topilnycky: My concern is that Deven comes up here, he says...

Village Attorney Stecich: All I'm saying is that's not for site plan approval.

Chairperson Speranza: Excuse me. We're not going to be arguing.

Village Attorney Stecich: I'm just saying that's separate. That's a separate approval and has nothing to do with site plan approval. That can still be dealt with, no matter what the Board does tonight.

On MOTION of Boardmember Dale, SECONDED by Boardmember Alligood with a voice vote of all in favor, the Board resolved site plan approval subject to approval by the Architectural Review Board of the final landscaping, or treatment, of the yard, and also that the landscaping and property are maintained in accordance with the Village property code; and that the Architectural Review Board screening recommendation is implemented to the satisfaction of the Building Inspector.

3. Public Hearing. Site Plan Approval. Restaurant Renovation. Thomas Devlin, 555 Warburton Avenue. Sheet 12 / Block 630 / Lot 28. Establishment of expanded restaurant in the former Hastings House Restaurant. (Variance will be requested of ZBA for off-street parking.)

Chairperson Speranza: Angie, mailings are in order? This is also going to be the subject of a Zoning Board meeting to be held on May 24th for a variance for parking requirements.

Village Planner Witkowski: Yes, mailings are in order. Also, I put on the dais the EAF that was dropped off here.

Christina Griffin, project architect: I've been engaged by Faye and Rosemary Devlin. They are now the current owners of 555 Warburton. The plan is to renovate the building -- the entire exterior -- and to make interior alterations. This is one of the very attractive buildings in the downtown. It was built in 1916, originally, as a restaurant and tavern. We're planning to bring it back to its former glory: replace all the windows, restore the metal cornice at the top, clean and improve the brickwork. But we are not planning, at this point, to extend the building. We're simply planning to renovate the interior.

The building was originally designed to have a restaurant and bar on the first floor. These are some photographs that we have obtained from the Historical Society. The building is three stories. The first floor is the restaurant, the second floor was meant to be rooms for a tavern, the third floor was designed to be an elegant banquet room, which was used for wedding receptions, and the basement was actually a bowling alley. This was called The Farragut Inn during the Roaring '20s, and it was actually raided by federal agents during Prohibition. In 1962 it was bought by a new owner, who converted it to the Hastings House. This is a little history I'd just like you to know because it's important to the new design. They took out the bowling alley, but the lower level was used for catering and meeting space for the Chamber of Commerce. The top floor was used for the karate studio, which it is now. The second floor, which used to be rooms for the tavern, became two apartments.

This is a rendering of our proposed improvements to the building. It's simply showing a new window layout, a new cornice. We'll be putting new signage up. We may be putting back the hanging marquee in front of this entry. These are photographs of the building as it exists now. It is not in operation at the moment. You can see all the windows have been closed down, and a lot of the changes over the years have not been consistent with the original design of the building. We plan to change that.

With regard to the interior changes, these are the floor plans of each level. The basement plan is currently a kitchen and a catering space. This entire floor we plan to convert into one kitchen and restrooms for the restaurant. The first floor use will be the same and will be upgraded with new bar and dining areas. On this sheet, I brought with me just a summary of the changes. Because I thought this all relates to parking, which is probably what the Planning Board's going to focus on. We are maintaining a very similar use to the first floor.

On the second floor we're going to remove the apartments that are there and create a mezzanine level, which is going to be additional dining area and part of the restaurant that's below. So it'll be a two-story space when you enter, a bar and a lounge area only on the first floor, and the upper second floor will be looking into that space.

Then on the top floor, this is a terrific space. The ceiling height is over 15 feet. It's a clear span, and we want to return it as special banquet rooms for wedding receptions. The owners plan to use this in May and June and then, I think, in December for special events.

Chairperson Speranza: Christina, what you said I think is very important. May? That's it? Three months a year?

Paul Walter, project consultant: The main seasons for the ballroom would be May and June for christenings and graduations, and, of course, December for parties. I would think that there would be probably two or three parties a month at the most, if we could get them. The third floor really is something that we need to get approved, but may not do, until the business actually calls for us to renovate that third floor. Because, I explained to the owner, doing so many seats in this small town without having the reputation, you're not going to bring in that business until you get a reputation, which you need to build over two or three years. That is included because that's what we want to do eventually. It doesn't mean we will do it right away, but it does relate to the parking as well.

Ms. Griffin: With regard to the operation, we can ask Paul questions later on about the specifics. This is our site plan, which is simply based on the survey showing the existing footprint of the building. This is currently the funeral parlor next door. The property actually includes these seven parking spaces, which are used by the Bank of New York, which is now Chase. Their lease is up, and the use is going to be returned to the new owners. These seven spaces, however, will not be fully operational. Two of them will be used as part of a delivery area, just during the day, to get access to the kitchen.

Boardmember Dale: The access to that area would be from the bank -- the access to those seven spots?

Ms. Griffin: To the parking, yes.

Chairperson Speranza: And where are the property lines?

Ms. Griffin: The property line is over here. It's a little more than 20 feet away from the building. The property line actually comes back here and then comes back along the funeral parlor, and then is following the footprint of the building. The building comes right up to the edge of the property line. It comes out, kind of an L-shape.

I prepared a parking analysis because I wanted to show the Board how we looked at the requirements for parking that is in the Hastings zoning code. We've provided another sheet showing an area of the downtown with all the parking areas in the vicinity and a parking analysis.

Actually, I'd like to give out sheets because I don't think you can see the summary that I have there, if you could just pass that along. Now, if you look at our parking analysis, I just wanted to review the requirements by the Hastings Zoning Code, down at the bottom. The off-street parking for restaurant use is one space per employee per shift, plus the greater of one space for each four seats, or one space for 100 square feet of gross floor area. If you take the gross floor area of the entire building, you'd actually do four stories. Each floor you would count because the entire building's going to be used as a food establishment. You would end up with 133 required spaces: 103 for the one per 100 square feet, and then 30 employees, a total of 133. I have a handwritten description of the parking requirement by number of seats because it's so different. I just wanted you to know that if you look at the restaurant, one space for four seats comes to 43. There are 30 employees, so 73 spaces are required. For the banquet room -- I pulled out separately because it will be seasonal -- we will need 30 seats by Hastings zoning code. So you add the 30 to 73, you end up with 103.

Because we have so little parking here, we did a study of the spaces that are available within a two-week period in the downtown. The total spaces that we counted are 588, including Zinsser parking. From March 19th to April 1st, we had a study done at each of four hours -- 5, 6, 7, and 8 o'clock. And we have four categories -- Monday through Thursday, Friday, Saturday and Sunday. This was to demonstrate what kind of parking is available during the hours of operation of this restaurant (from 5 to 10 PM, or later). This diagram indicates the parking lots in the downtown, and also a 750-foot radius. The reason for that is because there's a section in the code called substitution of equivalent parking. It says: "Where for practical difficulties, strict compliance with the minimal off-street parking requirements specified in this chapter cannot be attained on that lot, the Board of Appeals, after notice and hearing, and upon recommendation of the Planning Board, may permit the substitution, therefore, of equivalent off-street parking space on another lot, provided that the entrance for the substituted parking area is not over 750 feet by normal pedestrian travel, and at no point the substitute parking area is greater than 750 from the building to which use is pertinent."

So what we did with this drawing is just to demonstrate, if you took a 750-foot radius -- which is probably based on what is maximum travel for the pedestrian -- you would actually be able to include the Zinsser parking lot and all the parking areas that we have on our list. If you look at this survey you'll see that at most times, except for Monday through Thursday at 5 o'clock, there will be at least 133 spaces available in the parking lot areas in the downtown. This is an important consideration because when people come to the restaurant there will be, based on what we have now in the downtown, sufficient spaces to be used by patrons. Also the owners plan to offer valet parking if they can come up with a agreement with the Village, if they would be open to that, to take customers to the commuter parking area because it's open to the public at night.

Boardmember Alligood: I have a question about the valet parking. Where would that take place? Where would the pickup and drop-off take place?

Mr. Walter: The staging area for that would be those seven parking spaces. So they would pull in, you would have somebody receiving the car, and then two or three valets bringing them down. It all depends on the time of day, but at 5 o'clock I know my parents would be driving to one of these upper parking lots and walking because they don't like to valet park. You can look down the street -- and I did the survey -- the 5:05 comes in and only a couple of people get off. But every subsequent train, 20 or 30 cars are leaving from that lot. So our business, which really is going to kick in from 6:30 to 9:00, that lot would be available, especially with valet parking.

Boardmember Alligood: Do you have permission from the bank to be using their lot?

Mr. Walter: Well, all of it's going to have to be worked out because of those parking spaces. The owner is probably going to allow them to use those parking spaces during the day for access to their lot at night. He's not done anything, and he's not going to do anything, until he sits with them. But he didn't want to renew the lease because he wanted to open this restaurant and then work out a deal with them. You know what I'm saying? We would ask that those first two parking spaces be available for us for deliveries from 10 o'clock until 2. So they would lose two spots during the day.

Boardmember Alligood: But they have delivery trucks going through the bank parking lot, right?

Mr. Walter: Yes.

Boardmember Alligood: That's significant there. I know, I use that bank. That's a big deal to have trucks coming in, where they would have to stop and unload. You know, that's not a lot of space there. People use that drive-in bank window there and they come around.

Ms. Griffin: That has been there throughout the years. That entry has always been the delivery area for the building.

Boardmember Alligood: But it's a significantly bigger business, so there'd be more traffic. It's just a concern.

Mr. Walter: I could walk you over to the site and you could see the three parking spaces that would be cordoned off. Of course, we'd have to coordinate with the bank and with deliveries. The meat delivery's only coming on Mondays and Thursdays, and then dry goods comes twice a week. Vegetables come every day, and dairy comes twice a week as well. So those would all have to be written out for you, but at this point that's the proposal on this. Of course, we still have to talk to the bank. They don't really have the use of those...not that we're not going to let them use them, but technically Mr. Devlin owns those seven spaces.

Chairperson Speranza: So the bank doesn't know this yet?

Mr. Walter: I don't think so.

Ms. Griffin: You're the first step because this is an idea on paper. We want your comments, just so we have a feeling about whether we can move to the next level. There is a lease that's up on this.

Mr. Walter: Yes, it expired...

Ms. Griffin: It can be renegotiated, but we want to see whether this is even feasible, whether there need to be changes. We want your comments.

Mr. Walter: As an alternative, if the Village would allow us -- on Spring Street, that no-parking from Christina's office to Warburton -- there also is an access door to the restaurant. If the Village would let us make deliveries there, then that whole scenario goes away.

Chairperson Speranza: So that becomes a loading space, then, essentially on Spring Street.

Mr. Walter: I have seen trucks park behind the metered parked cars and make deliveries to the health food store. But it's not going to be anything like ours, of course. That would have to be worked out with the Village.

Chairperson Speranza: You know what we need to do? If you've finished your presentation, this is a public hearing so we've got to open it up.

Village Attorney Stecich: Can I just clarify one thing? Christina, I just want to make sure you understand --because it wasn't clear to me from your presentation and from the materials you gave us -- that substitution of the parking isn't like "oh-the-parking-spaces-are-there." It means that somebody would give you a document that says...

Ms. Griffin: Actually, Marianne, I think that's what it means.

Village Attorney Stecich: Let me finish explaining so the public understands. Before you can get substituted parking you have to have an agreement with somebody. So maybe there's a church that says, "Yes, you can use 20 of my parking spaces." They have to provide a document that says, yes, they're entitled to use these 20 parking spaces, and they can be marked off for them and nobody else is going to use those 20 parking spaces. I'm not saying the analysis isn't important because the analysis lets you know what parking is around. I don't think it helps that substitution of parking is going to work for you unless you can get somebody to essentially deed you the spaces for a certain period.

Chairperson Speranza: We don't have in our code provision that if the use is located within a certain square footage of a public parking lot...

Village Attorney Stecich: I'll double-check that one. But that's different than the substitution of parking.

Chairperson Speranza: I was thinking this was within a certain area of public parking.

Village Attorney Stecich: Let me check on that. I don't think we do, but let me see.

Chairperson Speranza: Is there anyone from the public who wishes to speak?

Jim Metzger, 427 Warburton Avenue: First, I'd like to say I'm excited about the fact that somebody wants to come and restore the building. I think it's great. I love to see new businesses coming into the Village. That being said, this is possibly the single largest business that's going to be seen in the Village in terms of people coming in and out, with the exception of the A&P which, obviously, has its own dedicated parking.

I'm a little worried that this may become something similar to Harvest, in that when you try and go down to MacEachron Park when Harvest has an affair there's no parking to be found for the public. Their valet parking effectively takes over the entire lot, and the Village gets squeezed out. So that concerns me. The definition that Christina read about the 750 feet, I believe that's through normal means of travel, not as a radius. What that means is, I don't believe the Zinsser lot actually falls within that 750 feet if you walk down Spring Street, take the left turn go down the hill and around by the train station. So that may or may not be part of the parking equation in terms of available spaces. That being said, of course on the weekend that lot is virtually empty for the most part, and it might work.

My fear is that a project of this size, if you have a big affair going on, could squeeze out parking for every other business in Hastings. If everybody shows up at 5 o'clock in the afternoon for a wedding, where are they going to park for every other restaurant that wants to bring people into the downtown? It could overwhelm all of the smaller businesses. That's my biggest concern. Aside from that, I'd love to see new businesses come in. I don't know how we're going to balance that. Thank you.

Chairperson Speranza: Anyone else?

Ms. Topilnycky: I have a couple of questions about delivery. First, on Spring Street, when you come around that corner, if there's a car parked there or a delivery van, you have a problem getting around the corner from either direction. It blocks traffic, so that's a concern.

If they do come to some sort of agreement with Chase Bank because of the seven spaces that they own, a lot of people who live in the Village and also some of the volunteer firemen all park in that lot. So my question is, are they trying to get a deal with Chase where they can use Chase's lot as alternate parking? What happens to people in the Village? I know Chase Bank had a problem recently. They had somebody's car towed out of there, I guess, at 7 a.m. or something and somebody came in and raised hell with them. Anyway, it's a concern also because you do have residents, again, that live right behind the bank parking lot also. So if they're going to use that as a delivery, I understand it's from 10 a.m. to 2 p.m. But the question about garbage pickup: where is their garbage disposal going to be, if they're going to have a dumpster/ and also if they're going to have early-morning deliveries, or would those deliveries always be set between 10 and 2, which is a busy time in the Village also.

Again, Maple Avenue would also fall into that 750-foot radius for alternate parking. We already have a parking problem on Maple, which is brought up in other meetings. It also raises that question. Thank you.

Michael Curtis, 328 Warburton: I am delighted to see a nice proposal like this, and I hope the parking situation is worked out. I think it would contribute to a vital downtown. I would prefer to see our buildings in use and not abandoned. And I think it might be a nice way to bring other people into the community that can help the rest of our businesses by introducing outsiders to our small commercial area. So I'm in support of the proposal. I hope that the parking situation is worked out. Thank you.

Mr. Ross: I have just a comment, and a question actually. I am certainly concerned a little bit about the parking availability on Maple Avenue. I have a question. What percentage of the total parking that was mentioned is Zinsser? I mean, is Zinsser pretty much the whole equation? The other possible suggestion is that I wonder of St. Matthews, where the school is, if they'd be amenable to borrowing their parking lot. Especially in the evenings I don't think it's being used anyway.

Chairperson Speranza: Thank you.

Ms. Griffin: Do you want me to answer that?

Chairperson Speranza: Sure.

Ms. Griffin: I think if you take a close look at our analysis -- in the two-week period that we looked at the available spots at 5, 6, 7, and 8 -- let's say at 6 o'clock, we found Monday through Thursday there were 150 spaces. And of that 53, and as it gets later in the evening the Zinsser parking lot opens up, all the parking lots open up. By 8 o'clock, we found 303 spaces available in the downtown, an average Monday through Thursday, and Friday 318; Saturday 401; and Sunday 417. So the parking spaces that we need, according to the gross square footage of the building, was 133. For the amount of seats that we have, we came to 103. But that includes the banquet hall that's not used all the time.

So I feel like this town, if you look historically, has not been that healthy, the downtown. If you can bring businesses like this -- especially in a building that is conducive to it because it was designed with very high ceilings, has a 15-foot high ceiling, huge spans on the top floor -- that it could really bring outsiders and help to revitalize the downtown. I hope that we can find a solution. We may not have it tonight, but we'd like to work on different options so that we can make sure that there is adequate parking. Of course we don't want to upset the balance to have any negative impact on other businesses. But the downtown does open up very much at night for parking.

Chairperson Speranza: Okay, thank you.

Ms. Hunter: I won't talk long. I'm a resident on Maple Avenue, and I've seen people that live on that street suffer because they cannot find spaces to park. It's a disaster area. If there were something big going on, I don't know where people would park. I sympathize with my neighbors, people that live in the apartment. I would count that out as additional available parking space. I've got to make it clear: I have a driveway, and I feel fortunate I do.

Chairperson Speranza: Thank you.

Boardmember Cameron: I have a couple of comments. One thing which maybe the applicant should think about is how you can force people to take the valet parking. People will have that natural reaction just to park in the nearest spot as they're cruising along. If they have the option to park in the street they will suck up every spot downtown, including the 30 employees working in the place who will be there from noon on cooking the food or whatever. Also, I guess one question I have is what stops this organization, once it's formed and running, from opening for lunch. There's no restriction on opening for lunch.

Chairperson Speranza: That's something that we haven't heard about, what the hours of operation would be. But that is something that could be subject to a site plan or a condition of our site plan. You can condition it.

Boardmember Cameron: Those are my thoughts at this time.

Boardmember Alligood: I'd love to see that building get used and renovated and restored. I think that's a great idea. I do have serious concerns about the traffic. Not just parking, I'm saying traffic, too, just how this all would flow through the Village. I think this plan of parking areas is not very accurate. Even if you look at the building itself, next to it, it shows the funeral home and then a grocery store. It doesn't even show the actual paved area next to the funeral home. Across the street...there's just a lot of that, and I don't need to go into all the details. But I think that if we really want to look at how this would work we need an accurate picture of the downtown and where people would walk to park. The pathway that runs along the hardware store to get to Boulanger parking lot is not shown. I think we need to see how people would walk through the downtown to get to the parking areas. So I think we're lacking information here. I think it was presented to us as a concept so that you could get an initial reaction. I realize that it's not meant to be a fully detailed plan. But I think the whole thing hinges on making the parking and the traffic work so we need that information.

Boardmember Dale: The definition of parking requirements for an establishment of this sort is that they have to have dedicated parking as opposed to available spots?

Chairperson Speranza: In our code, yes.

Boardmember Dale: So they're asking for a variance based on parking and based on this concept of a 750-foot radius.

Chairperson Speranza: Yes.

Village Attorney Stecich: They actually need a variance for, I don't know if it's the whole 133 spaces or 126 or whatever, depending on what happens with the spaces at the bank. And the 750-foot radius, how is that going to apply in this situation? Because that only applies when you get a contract from somebody saying you can use these spaces and nobody else.

Boardmember Dale: So they're dedicated.

Village Attorney Stecich: Exactly. I'm not saying it's not a useful analysis. It's useful to know what parking is available, but you can't count it as your substituted parking.

Boardmember Dale: I repeat what everybody else has said. It's wonderful to see this building put to this use. I think downtown Hastings after about 6 o'clock is dead. There's not a lot of action, and certainly limited life on the weekends. So to have a good restaurant, and a good place to have banquets occasionally where you celebrate family events and things, would be, I think, an important addition to the downtown area.

I think it's quiet enough downtown that I'm not concerned about traffic, per se. I do think there's this concern about the parking issue. And I think the analysis, if acceptable legally to us -- that it's entitled to a variance based on this concept -- does demonstrate that there is adequate parking available in the Village after these hours. The question that I have in mind is how is that variance approved.

Chairperson Speranza: That's approved by the Zoning Board.

Boardmember Dale: That would be approved by the Zoning Board. It's not a decision that we need to make, so we need to approve...

Village Attorney Stecich: ...make a recommendation. In a situation like this, I think the Planning Board recommendation would make a lot of sense on the parking.

Boardmember Alligood: It says it here.

Village Attorney Stecich: Well, that's for the substituted parking, which doesn't apply.

Boardmember Dale: The concept use of the building this way, etc. I have absolutely no problem with. The parking, I would like to hear what the zoning people feel about this, whether this is an acceptable variance.

Chairperson Speranza: They may not act on the variance request until such time as they get a recommendation from us.

Boardmember Alligood: Patty, I just want to clarify my questions or concerns about the traffic. I agree that if you're going to look at downtown at 6 o'clock at night there isn't a big problem with traffic, and I think it would be nice to make our downtown a little more busy in the evenings. I agree with that. But I think, obviously, a restaurant of this size and magnitude is going to generate a lot of traffic in the hours before they open, and that's my concern. It's the deliveries, it's the pickup of the garbage, and this is a really tricky site for those kinds of issues. And this is in the heart, the center, of our downtown. So that's what I mean by traffic issues.

Boardmember Dale: But I like the idea that if they can actually...since they own the seven spots and can negotiate some sort of a quid pro quo with the bank, and giving back the spots during the day and reserving that place...but getting the actual deliveries off-site, off the street, into the back of the building would make it a lot more...I think it could work.

Chairperson Speranza: Yes, certainly knowing that this was a restaurant -- but it was a restaurant, karate studio, and two apartments -- just now it's the scale of the operation that is creating the real concern about the parking. Because there wasn't such an issue when the Hastings House was operating. There wasn't an issue with parking except maybe picking up and dropping off your kids for karate. I want to see it filled, I want to see it successful, but it does create quite a quandary with respect to parking. Christina, I wish we had a better suggestion for parking alternatives. I don't know that this level of a variance is something that the Village could, in fact, deal with.

Ms. Griffin: First of all, I just want to point out one thing before we decide how to proceed. One thing you should know: the basement level is already set up for catering for, they say in the story, up to 100 people. So it's not like we're putting the restaurant on all four floors. You remember, we're replacing the restaurant/bar on the first floor. The second floor does become a restaurant, but only two-thirds. It's a mezzanine level, it's not the whole floor. The karate space becomes the banquet room that it once was years ago. Of course, there were less cars then. So I just wanted to explain, it hasn't doubled in size. Actually, we have a square footage account on one of the sheets there you can look at.

How to move forward? I think we could come back with developed ideas on how we can make deliveries and where the waste would be. We can start discussing how we might share use of those parking spaces in the bank and also open up discussion with the Village to see if they would consider this idea of valet parking, and just come back with more information, more developed ideas or different options, on how we might take care of these problems.

Chairperson Speranza: Okay, that's good. What are the intended hours? Is it just dinner?

Mr. Walter: Possibly dinner early on a Sunday where you open at 3 or 4 -- and it's not 5 o'clock, or even 2 -- depending on what kind of business we end up doing. But the biggest thing about the parking is that if we can work out with the Village to be able to use Zinsser we don't touch anybody else, residential or commercial parking spaces. Because yes, like you said, certain people area going to gravitate towards parking themselves. But of course we would try to educate our guests that we do need to do the valet parking. And of course we're going to offer it for free, and it's going to be insured and the whole nine yards.

Village Attorney Stecich: No tips.

Mr. Walter: There is right next to here a guardrail and then a fence that Hastings House had for their garbage. They only had garbage pails, but we can extend that further. There is a door for the deliveries right there, and on either side would be a dumpster that would be removed at night, and it's removed after the restaurant is closed. As far as my experience with restaurants, you can't really have garbage pickup during the day. I don't know what happens in Hastings, but it's at night when there is no traffic, and boom. That's also our grease collection area, which my sister says we have to filter so they can use it for the new cars, I guess. I don't know.

Georgia Honovich, Maple Avenue: I was born here 80 years ago. It's a beautiful place. We've got to find a way to keep it. We've got to work hard.

Chairperson Speranza: I think we all want that.

Ms. Honovich: Patricia was born here, too. We're all for it, so work with them, please.

Cindy Travis, 427 Warburton: Where is the passenger drop-off? You know, a lot of people like to drive up and get out and then somebody parks the car. Where would that occur? That's my question.

Chairperson Speranza: I believe the answer was in the area of those seven spaces.

Ms. Travis: In the back? Passenger drop-off.

Chairperson Speranza: Isn't that what you said?

Mr. Walter: That would be valet parking. Passenger drop-off is just like dropping in front, dropping somebody with laundry in front of the laundromat, instead of behind. Like I saw today, three or four people just put on their blinkers. That's not under our control, somebody dropping three of their four guests and then going somewhere to park. As a restaurateur you can't control, nor can the people in front of the hardware store or the stationery store. They double-park and somebody jumps out. Hopefully we can get the Village to agree on Spring Street maybe even further down, or even ask the funeral home if we can use that as a staging area, which is a possibility. We'll trade dinners for parking spaces.

Chairperson Speranza: I tend to agree. I don't think we have to have a separate pull-out area for people to get dropped off. The valet function potentially could do it. You could drive around the bank and drop somebody off. [But] the way that this building is constructed I don't know that you could do that without making significant changes to the building.

Michael Curtis: In support of consideration of a variance or whatever it takes, as a member of the Palisades Boat Club we used to have our annual dinners in the basement. I think we probably put 60, 70 people down there while the bar and restaurant business was going upstairs. So I agree in the real experience, in the concrete world, that we participated in the use of that building a few times with in excess of 100 people using the building and I don't remember being frustrated about parking.

I understand that you have to do this analysis, and that there are formal traffic studies that have to be undertaken. But I wonder if, in the real world, it'll just plain work out. When you think about it, most people dine a little later. And I bet the Village residents have parked their cars and gone to their homes, say, on a Saturday or Sunday evening by 5 p.m., and that people that are coming in to use the restaurant are probably arriving a little later. They're the ones that would probably have to make do with the alternate parking. I don't think it's going to be such an inconvenience to the Hastings residents in the real experience. I think it's the diners who are going to have to worry about retrieving their cars at the end of the evening. I don't have more to say. I'm really supportive of it, and I think the traffic issues would actually work out.

Chairperson Speranza: Okay, thank you. Anyone else want to speak? Then we will hear back from you ... You've heard some of our thoughts initially.

Ms. Griffin: We're going to the Zoning Board in a week, so we can, I guess, adjourn and come back to you. Or how does that work?

Village Attorney Stecich: My recommendation is that you not go before the Zoning Board. I think on something like this the Planning Board recommendation will be really important.

Ms. Griffin: So that comes first.

Village Attorney Stecich: That would be my recommendation: get a recommendation of the Planning Board before you go to the Zoning Board. I think it could only help, and it'll be more thought out. I don't see, based on what's here, that the Zoning Board would be ready to make a decision anyway. So my suggestion, and I'll talk to the chairman, would be to adjourn it. I'll call him tomorrow.

Ms. Griffin: They probably want the Planning Board recommendation to make a decision..

Village Attorney Stecich: The truth is they don't give parking variances very often -- certainly nothing of this scope.

Ms. Griffin: I guess we're asking for an adjournment so we can come back with more information, and develop our ideas?

Chairperson Speranza: Yes, and the public record remains open.

Ms. Griffin: Thanks very much.

4. Public Hearing. Saw Mill Lofts. Site Plan Approval and Resubdivision for proposed mixed-use development with 54 live / work condominium units and 6 affordable residential condominium units on 7.45 acre parcel on Route 9A (Sheet 22, Parcels P4 and P4A) zoned MUPPD. Concept plan was approved by Village Board of Trustees on 6-20-06.

Chairperson Speranza: Mr. Normoyle, good to see you. So you're here with some more information, some changes from the submittal you made back in September.

Patrick Normoyle, GDC: Yes. My name is Patrick Normoyle, I'm with Ginsburg Development Companies. The last time GDC was before this board was at a special meeting on September 28th. You probably all know Susan Newman, who was running this project previously. Towards the end of '06 Susan decided to go on her own. We still have a good relationship with her, she's still available to the project, but she's pursuing independent pursuits. So it was my pleasure to take over this project. I want to introduce Tony Castillo, whom you know from previous meetings. He's with SESI Consulting Engineers. We also have Vivy Lee from Do Chung & Partners, the architect on this project.

I do want to start off with one small thing about me. I was born and raised in Hastings, not quite so many years ago -- maybe about 34 years ago -- and my parents still live at 9 Clarence, which is where I grew up. It's about a half-mile from the project site ... Prior to working for GDC I worked for the Greystone Foundation in Yonkers, where we developed affordable housing. I've read the transcript about six or seven times from your September meeting. That, obviously, was a fairly important issue to the Planning Board, in which I think we made some good strides in addressing your concerns raised at that meeting. I think the result [of meetings we've had over the last several months] is a much better plan than what we had in September. So we hope you feel the same.

I would like to walk through the transmittal letter that was included in your package. I also have several extra copies here if anybody needs one ... In the hearing notice there were three pieces of business advertised. One was site plan review, which is basically, I think, what we'll spend the bulk of this meeting on. Number two was the steep slopes analysis. We have packets here, one that we're going to deliver to the Building Inspector. We have extra copies for each of the Planning Board members. So we would like to submit that officially today and begin that official steep slopes review in conformance with the regulations.

A third item that was listed was the proposed resubdivision of the property. That's something that I had moved forward with, but we actually want to withdraw that action from consideration at this time. I think it was discussed at the September meeting that essentially we're going to be developing this site for the next two, two-and-a-half years. We are obligated to donate a 1.75 acre parcel of the land. But between now and then we're going to be using that site primarily for construction staging. We'll also be using it for a temporary sales office. Currently, the property is one tax lot. I think just for our preference we'd like to keep it as one tax lot until we're closer to that dedication event. That was one thing we had planned to move forward with, but we'd actually like to withdraw that request at this time.

Chairperson Speranza: Patrick, just to aid my recollection on this, years ago when the proposal came in there was a request to subdivide a piece at the north end. I don't see that mentioned in here anymore. I seem to recall that it was going to be handled by an easement.

Mr. Normoyle: Correct.

Chairperson Speranza: Remind me how that works.

Mr. Normoyle: Sure. The neighbor to the north -- he is John Ferrari -- and there is a small parcel, which I can highlight on the map here, that I think earlier that was a consideration -- that we would carve out a certain piece and give to him. As of the September meeting...in your September packet you actually got a draft of our easement agreement with Ferrari Associates. I have a copy here. We can easily give that to you again. But I think an earlier plan was to carve out that piece of land. We basically came up with an arrangement with him where he could maintain his access benefit through this easement agreement rather than going through a subdivision. So that's another change that did happen previously.

Chairperson Speranza: I was just trying to remember which way it was going -- from him to you, or you to him. He has the easement over your property.

Mr. Normoyle: Exactly, correct. We own this entire parcel, and it's the one tax lot.

Chairperson Speranza: Got it.

Mr. Normoyle: So the north of this site, it's an area in white.

Mr. Castillo: Basically this area between would be the village border, and the edge of pavement is here, which runs perpendicular to Saw Mill River Road and then makes an angle and comes back down. It's this irregularly shaped area here that's included in that easement.

Mr. Normoyle: So if we could move forward, again, I'll touch on all of the issues that were in the transmittal letter. There are a few pieces of new information that I'd like to share towards the end. Tony is available to answer any questions. He'll also point out on that site plan what we're discussing.

Mr. Castillo: I'll play the role of Vanna this evening.

Mr. Normoyle: That's exactly right. In reading the September transcript, clearly one of the biggest issues to the Planning Board was achieving comparability between the market rate units and the affordable units confined to the residential space. Susan stated that night that if the Planning Board wanted all of the two-bedroom units to be close in size to the affordable two-bedroom size that we would try and standardize all of the two-bedroom units. In September, we had three different-sized two-bedroom units, some that were quite large. They're summarized in your packet. Since the time of that meeting we've worked with Do's office and created two different types of two-bedroom units, one within the interior of the hallway and one at the corner. The net result of that is reducing the two-bedroom market rate units and making the affordable unit identical to the interior two-bedroom unit.

In your packet there's a table that summarizes the September, 2006 unit plans, where it shows that a two-bedroom small was 1,380 square feet of living space, ranging up to the two-bedroom end unit which was over 1,700 square feet of living space. Just below that, there's another table that shows the current plans ... The two-bedroom typical, which is the smallest one we have, is 1,326 square feet. That's identical to the two-bedroom affordable, also 1,326 square feet. There is another type of two-bedroom unit, which is called the two-bedroom corner because it's located at the corner of the building. That unit is a bit larger. Primarily, that's a function of the fact that there's no corridor running through that unit. That accounts for essentially 110 to 120 square feet of the additional space that the corner unit gets. In addition, that corner unit has a smaller workspace, and that's another reason why that corner unit looks a little bit bigger than the typical two-bedroom.

That was the driving force behind our redesign of the building. So when we worked through all of those issues for the one-bedroom, three-bedroom, and the other two-bedrooms it yielded a smaller building footprint which should be summarized on page one of your letter.

The building footprint goes down from 24,000 square feet to just over 21,000 square feet. The buildings previously were 320 feet by 75 feet deep. Now they're just over 300 feet and a tad over 70 feet wide. So that was one issue. We have another chart which shows an overlay of the old site plan versus the current site plan, which we'll get to after we summarize all these changes.

By shrinking the building that 20 feet in the north-south direction we did lose three parking spaces that previously were provided in the parking garage. As you may recall, the Zoning Board had determined that 174 spaces were needed on-site. We still provide 174 total spaces, so that's unchanged. That change due to the building footprint reduction is: we had to move three spaces from [each] parking garage to the surface parking lot. So we lost six total parking garage spaces, and we've replaced them with six parking spaces outside.

Another change that came up -- which was a function of both trying to accommodate more parking outside the buildings and, in response to something the fire inspector had brought up -- we've changed the angle parking that was previously provided to perpendicular parking. Angle parking -- and Tony can comment on this -- you can get away with, or what's allowed in terms of standards, are a 17-foot right-of-way. We were providing a 17-foot right-of-way with a 3-foot asphalt strip. In discussions with the Fire Inspector, he was commenting that for fire safety equipment they preferred, or code required, a 20-foot right-of-way. Given that input from the Fire Inspector, and the need to create more parking spaces, we considered changing it to perpendicular parking and creating a wider right-of-way. So the current plan shows perpendicular parking to the east of the buildings, and a 24-foot right-of-way.

One question that I think may have come up in a letter from STV : as before, the circulation on-site is still one-way, from the south to the north. That remains unchanged. So if there is some confusion, we'll make sure that we adequately mark the pavement as well as provide signs. But the one-way circulation remains constant.

Then in terms of some other changes that came out of discussions with the Fire Inspector -- and it did come up, actually, at the September Planning Board meeting, too -- were concerns about accessing the rear of the building in case there was a fire or other emergency access required. When I came on board there was some discussion about having a fire lane at the rear of the building. I think you know better than I that on the west side of the buildings the intent was to disturb as little of the west side as possible. So bringing a fire lane behind both buildings B and A seemed like not the greatest way to go, given what people cared about.

GDC brought in one of our fire consultants, Pelton Holdsworth, for a meeting with Tony Castillo and Jim Drumm. We came up with an alternate proposal to provide a 15-foot flat surface behind both building A and B, and in the parking garages for each, create a dedicated fire protection closet. The reason ... Jim Drumm wanted some kind of fire lane in the rear was if the fire department needed to do any rescue from the third floor they would need to get one of their bigger trucks to the rear of the building.

Our fire consultant [asked him] what the concerns were and proposed this alternative; we would have hoses, fire ladders, and other equipment that the fire department would need, rather than on their fire truck located in dedicated fire department closets in the garage.

I have a letter here, the proposal from our fire consultant to Jim Drumm, that spells that out. I can distribute that a little bit later. Jim thought that was adequate. He consulted with the chiefs, and I think he thought it was an adequate resolution to balance the needs for emergency and fire rescue with the hope of minimizing the disturbance to the west of the property. One change that did bring about was, at the northwest corner of building B there was previously proposed a fairly large retaining wall. If you turn up the other overlay, Tony will show you where that was and we'll fully describe this chart after we go through all the changes. But he'll point out the green line that indicates the old retaining wall.

Mr. Castillo: Right. It essentially followed the exterior portion of the northern wall of building B, and followed a portion of the western building wall for building B. That was removed, and we replaced that wall with a graded slope going down towards the river.

Mr. Normoyle: One more comment. The retaining wall at that location was as high as 16 feet, so it was pretty substantial. At your last meeting you did ask for some details and sections. At that time I don't think we had them. I think that's something ... the previous plans had, with the wall too close to the building, that would have [made it] difficult in terms of emergency rescue that might be needed at this building. So essentially what we came up with was creating at least a 15-foot band of flat area to the west of both buildings and then grading down from there. So that is definitely a change from the previous proposal.

Chairperson Speranza: I have a question about that. Okay, so you've changed the grading plan. What kind of impact has that had on any of the drainage calculations or anything?

Mr. Castillo: It doesn't have an impact in terms of drainage. In terms of the minor increase in flood storage, there is a change. Initially what we had calculated back when we first started this exercise, we calculated how much additional flood storage will be created with the previous design, which had the wall. We determined at that time it was approximately 79 to 80 cubic yards of fill that would take place on the flood plain. We looked at this, now replacing the wall and going in with the graded area here, and what that impact would be. What we determined is that the volume would be approximately 450 cubic yards. When you step back and look at that in relation to the overall flood storage on this property, we had done that analysis previously and it came out to approximately 11,700 cubic yards of flood storage on this property. So when you look at, say, 450 for this new grading plan in relation to that, that's approximately 3.5% of the overall flood storage.

In our opinion, as you look at removing the wall and addressing the public safety and health issues, and also the aesthetics of having this 16-foot high wall, and now going in with grading, we felt that the benefits would outweigh the negatives in this case.

Mr. Normoyle: If you could comment also on the net change to the impervious area of the September plans versus this one... give them the specifics.

Mr. Castillo: Initially, in an existing condition, this site has 2.3 acres of impervious coverage. Back in September of 2006 the number had been reduced to 2.1. Based on this new, revised layout that number has lowered even further, to 1.97 acres. So there is a downward trend here. What we also looked at was how that was distributed throughout the site, because we had four areas of storm water treatment and storage and so forth. We wanted to see how those areas were impacted. What we noticed was that for these areas there was no increase in impervious areas to three out of the four. This area here, there was a very slight increase. What I mean by a slight increase is by a hundredth of an acre of increase in impervious cover towards this particular bioretention area. The way you address that is, number one, by elongating this area a little bit to address that additional storage that'll be required. So in terms of just the overall, there is a decrease in impervious cover. The fact of the matter is that for all storms we still maintain that for those regulatory storms -- the 2-year, 10-year, and 100-year storms from this site -- we are reducing peak rates of runoff.

Chairperson Speranza: You may have to work with our engineer about this because I'm not real comfortable.

Village Attorney Stecich: It was sent to Carpenter, who's our engineer on this. Here I have a letter, and you can see he just sent it to me today. It was Steve Garabed before, but now it's Rob Pape who is handling it for Carpenter. I guess Angie advised them to send the plans to STV for traffic, to Carpenter for this, and also to Molly McQueen, although it probably doesn't affect anything. Anyway, I talked to Rob Pape a couple of times. First he had sent a letter saying, "I reviewed it, and it's fine." I said, "Why don't you give the Board a little bit more detail." I asked Patty whether he needed to be at the meeting tonight, and she said not tonight, maybe later. But he has reviewed it, and I pushed him on the particular things to review, which he had anyway. He didn't have any issues, actually, with the sufficiency of the water retention. But this latest study, which you probably didn't see, does have -- I guess you should have a copy -- a few issues really just about the straw bales and stuff like during construction. There's some issues you'll see on the second page of this.

Chairperson Speranza: Yes, I'm going to have to look at that.

Mr. Castillo: Those are items we can work with Carpenter on and address those issues. That's part of an erosion control plan. We don't know whether we have to get approval from this board, but from DEC we will, in order to gain coverage under their storm water program.

Chairperson Speranza: One thing that concerns me is ... in the letter he says: "The regrading requires the increase of an additional 370 cubic yards of soil in storage. This redesign is satisfactory." We have to follow up. I don't know what that means in terms of...this is obviously a change compared from the environmental analysis that was done I want to make sure that, in total, all of these little changes here and there don't come up to one big impact.

Mr. Normoyle: Right. But I think Tony's point was, one, we have been able to benefit from a reduction in impervious area, if that's a benefit. His other point is that there was some fill proposed previously, even with the previous retaining wall design, and were proposing a bit more fill. As was discussed at the September meeting, this is a constrained site. There's a lot of give-and-take between different priorities. So we're happy to proceed however you want. This, based on previous comments, we think is the best plan. But we'll work with the engineer, provide them with whatever calculations and data they need and, hopefully, by the next meeting have at least this part of the change understood and analyzed.

Now, in terms of just two other minor things on the site plan I'll mention. To the north side of the site we have a Grasscrete area. That was another request from the Fire Inspector, but probably could also be beneficial to DPW trucks in terms of getting in and out of the site. Then it was noted by, I think, Jim Metzger at the last meeting about trash areas. So we actually have now shown trash areas to the north of building A. There is a 10 by 12 foot concrete pad on the north side of building A and also on the south side of building B. We did meet with Mike Gunther to review the adequacy of the size; what equipment Hastings DPW prefers. We had the building B trash enclosure closer to the building. That didn't make as much sense for their trucks so we actually moved it to the other side.

The other thing noted in your transmittal letter is that we're working on trash enclosures for both. That was another issue mentioned at the September meeting -- that we are putting trash enclosure right next to the dedicated open space. It actually works best from a DPW perspective. We're going to fully enclose that trash. So we'll come back to you with a real design for that and, hopefully, that's adequate in terms of providing enough screening. The other thing I will mention about trash ... both buildings have their own trash compactors. The superintendent, on collection days, would take the trash from the internal trash area that's in the parking garage and bring it out to that area. So it's not like you have trash sitting there for days upon days. It's brought out the night before the day of collection. So we don't think there's going to be odor or rodent issues, given how that will be managed.

Then we can talk more about the comparability of the affordable to the market [rate units]. I did give you the broad strokes in rough numbers. I did meet twice with the Affordable Housing Committee. I believe you have a letter now from Sue Smith ... I've had two very productive meetings with them. One interesting issue that did come up was whether or not the affordable unit should have a balcony. I will point out that all first floor units, including the affordable unit, do have walk-out patios. So, it's not an issue on the first floor.

On the second and third floors, I will also mention that the affordable units are on the east side of the building. So they face the Saw Mill River Road. The balconies that we have proposed for these buildings are recessed into the unit. For the market rate units, they're recessed into the work suite area. So they don't eat into the residential living space; they take up some of what would be workspace. In the affordable unit, since we don't have a workspace, they actually kind of carve into the living room space.

We brought both options to the Affordable Housing Committee, and said, "If you want a balcony, we'll do a balcony. If you don't want a balcony, you get more living space." ... A balcony is an amenity, it's an add-on, and we think the living space in the living room is actually much more valuable. In addition, I think three of the members of the Affordable Housing Committee did ask which side the affordable units are on. I think the fact that they're on the Saw Mill River Road side also worked against having a balcony for those locations. We'll do whatever the Village wants, but I think the Affordable Housing Committee did conclude that they would opt for the usable living space over the balcony.

Another thing that did come up again -- Jim mentioned this in September, the Affordable Housing Committee mentioned this as well, and some Planning Board members, the fact that the affordable units did not have a workspace. So the latest design that we came up with for the affordable units actually provides for an enclosed den. We presented that at the last meeting, to the Affordable Housing Committee. I think that was very well-received. Under the configuration that we presented that night they only had one full bathroom because the enclosed den took up too much space. The feedback from that meeting was they liked the enclosed den, but would like to add a second, at least, powder room to the unit -- if possible, with a shower. We're going to work on that, but I do have a revised design that actually does show the enclosed den with one full bath -- with two sinks, bath, and shower -- as well as no powder room. This one I'd like to hand out. There is a slight printing error.

Boardmember Dale: Would the enclosed den have to have mechanical ventilation?

Vivy Lee, Do Chung & Partners: Yes. The entire apartment is heated and cooled.

Boardmember Dale: No, I mean just because it has no windows.

Mr. Lee: It's part of the whole unit, so it would have a supply duct for air conditioning.

Mr. Normoyle: All of our units here will have self-contained HVAC units. They're probably shown on some of the unit plans. It's one closet in one unit that supplies both the heating and air conditioning. So all of the spaces within the unit would have vents that provide heating and air conditioning and required ventilation.

So we hope to go back to the Affordable Housing Committee with this plan. We'll try another revision as well, and bring it back to them. But I think they did express a preference for a powder room. We've been able to accomplish that. They would like a powder room with a shower. We'll see if we can do that. The other thing that did come up -- we were always trying to maintain a side-by-side washer/dryer. They would prefer that, but there's going to be potentially some trade-offs; like a side-by-side washer/dryer versus stackable versus having a second shower in the unit. So we'll try and come up with a few options, put it back to them, and let them make their recommendation. Any questions thus far? I'll skip out of line here before we get to the architectural.

Another request from the Planning Board, this is pretty easy and we complied ... You had asked that the pedestrian bridge which, as of the September meeting, was located on the parcel that will be owned by the Village of Hastings [be moved]. We've moved that to the Saw Mill Lofts property. Tony can point that out. As Susan had mentioned, there were some concerns about getting the proper insurance. I think James had pointed out that it sounded doable to you, and he was right. So we actually did speak with our attorney and our insurance broker. The HOA will be able to get the required insurance at a reasonable cost ... I think James had also mentioned an easement for public access, so we will also provide that. That's very routine, so we'll make sure that's included. We did locate it towards the southern end of our parcel. It's obviously located close to the parking lot. There are 10 spaces very close to the pedestrian bridge. In addition, we wanted to keep it as far to the south to facilitate the connection with the planned pedestrian linkage coming from Ravensdale's bridge to this pedestrian bridge. So that's basically where we sited it.

Chairperson Speranza: That was a little confusing to me, just the way that it's worded. The connection is to the South County Trailway.

Mr. Normoyle: Yes, there are two connections. You're right. One is this bridge for ... Saw Mill Lofts residents, as well as anybody from the public who comes and parks here, to go to this bridge, cross it, and they're on the South County Trailway. Separately, the Village had submitted an application to create another parking lot and pedestrian connection -- Angie probably could describe this a little bit better -- on county-owned property to the south.

Chairperson Speranza: But there's no new trail. It's a parking lot and a trail head.

Boardmember Cameron: It was a parking lot. But we should get the letter out. It was asked at the Trustees meeting when they approved this that not only did you have the parking down there, the ability to go from the South County Trailway -- I guess over the existing bridge to the old railroad station for the bottom line there --but also to have a small trail leading down to the Ravensdale bridge. Because you're still about, I'd say, 90 to 100 feet from where that comes out until you get to the Ravensdale bridge. So when you come out of the old railway station you go across the bridge -- which is there, a nice concrete bridge -- you come up to the road, and then you've got another 100 feet to go until you come to the Ravensdale bridge. It was to try to create some sort of sidewalk type thing going from there.

Chairperson Speranza: This is worded oddly: a proposed new trailway from the south.

Village Planner Witkowski: I can address that. It's going to be by the old trestle bridge that's there now. There'll be a parking lot next to that bridge ...for the county. Then from that [new County] parking lot there'll be a walkway going down along 9-A to the bus stop

Mr. Normoyle: Then I may be wrong because I thought the grant that the Village got...I thought that new trailway would also connect right here. So sorry.

Village Planner Witkowski: No, that's how it will be.

Chairperson Speranza: That's worth correcting in the letter.

Mr. Normoyle: Sure. We'll correct that. Maybe at this point we'll turn to the architectural.

Boardmember Cameron: This language that my colleague has [pointed out] here is that you would participate in the grant request and make a matching contribution.

Mr. Normoyle: Yes, that's a condition of our approval, and we're on board.

Mr. Lee: I'll just start with the parking plan. Changes that we've made in shrinking the building by about 30 feet meant that we lost a single parking bay. So what we did instead, in order to maximize the use of this garage for parking, we condensed the elevator lobby and centered the parking. I think in the September iteration we had all of the parking against one side and we had storage all on the other side. In this new proposal we've centered all the parking, and both sides of parking have storage space; about a 4-foot bank across either side. We've also, as Patrick mentioned before, introduced a 4-foot wide by 36-foot fire closet that'll accommodate a 10-foot ladder that can be extended to 40 feet, I believe.

Boardmember Cameron: While we're there, I have one question. This parking all is below ground. We had some uncommon rain recently. Do you have any idea how far up it came towards your development?

Mr. Lee: Actually, I asked Tony that. I'll let Tony answer.

Boardmember Cameron: ... I was curious -- that since this is all underground how far up the water came at that time.

Mr. Castillo : My understanding, after speaking with the USGS is -- I wanted to get an idea, first of all, whether that storm really was specific to the Saw Mill River -- they have a flood gauge at Yonkers, and their estimation is that this was a 70-year flood event at Yonkers. My understanding is that the water did not go above the banks of the Saw Mill River around this property here. That's all I know. I have not seen pictures, but I've just heard comments.

Boardmember Cameron: Well, you could have paddled a canoe down the Saw Mill River parkway, so I'm not sure if that's true or not.

Chairperson Speranza: I was out that Monday and drove on 9-A. In some parts, the water was close to the roadway. I did not see anything on this property from 9-A.

Boardmember Cameron: Just because this entire parking area is underground.

Mr. Castillo: Right, but the parking area is set at or above...actually it's set at least above the 100-year flood elevation.

Boardmember Cameron: I know. But that's the last 100 years, not the next 100 years.

Boardmember Dale: The problem a lot of Hastings houses experienced in that storm was water literally coming up through concrete slabs. Will you experience that in this building or is there something you'll do to protect, since you're so close to the Saw Mill River?

Mr. Castillo: Again, what we did was took a look at this in terms of just providing additional factors of safety and making sure that building A, which actually has a slightly lower garage floor...we set that at elevation 124, which is at least 2 feet above the 100-year flood to provide an additional mitigation against any rise in groundwater elevations at all. So our anticipation is that these garage floors will be dry even during the 100-year flood event.

Chairperson Speranza: Okay, let's keep going.

Mr. Lee: I'll continue on to the first floor. Basically, the typical building is three stories of residential above a parking structure, each floor containing 10 dwelling units. The dwelling units are broken down into eight 2-bedroom units, one 3-bedroom, and one 1-bedroom. Of the two bedrooms, we've got four two-bedroom corner units. We have three standard two-bedroom units, one two-bedroom affordable unit, a three-bedroom unit looking out back toward the river, and a one-bedroom unit looking back out to the river. On the ground floor ... every unit has a patio. The units that are looking toward the Saw Mill River Road have an extended patio, a 15-foot buffer essentially, between the building and the parking in front of it. The units to the rear, facing the river, have a smaller patio which is really just a deck extension because we wanted to minimize the impact of that area going out to the river.

Boardmember Dale: A number of drawings of the apartments show a dotted line, which is sort of a partition in a two-bedroom unit. Is that a wall that will or will not be built?

Chairperson Speranza: I noticed that, too ... It's on the smaller diagrams.

Mr. Lee: You know, the design of the units is a new loft style. It's like a modern loft. And those dotted lines represent a soffit line above.

Boardmember Dale: So it's a bedroom with walls.

Mr. Lee: It's not a bedroom. It's the kitchen and the living/dining room.

Mr. Normoyle: And the second bedrooms would have that as well. This is, I think, a marketing issue -- those dash lines...I think we are going to make available to potential purchasers to either build a wall or not.

What Martin Ginsburg had wanted and requested is that this is Saw Mill Lofts, but it's a modern, new building. So we've been attempting to replicate the feeling of actual loft units in this design. So the higher ceiling heights are one. These ceiling heights in these units may be 11 or 11-1/2 feet. We considered having some exposed ductwork ... at this point we're not going to. The other part was trying to create an open-floor feel. Where that happens in the two-bedroom units, the second bedroom could have that full wall there, or not.

Boardmember Dale: Some of them are showing an 8-foot wall.

Mr. Normoyle: Exactly. That's another element where, again, we bring walls part of the way up, but not necessarily all the way up, to create that open feel. But I think that's a marketing question which we have to get through. I think we will offer, if people wanted full walls in their units, to accommodate their request. But I think our appeal here was to create this open loft feel, and those were some of the elements.

Mr. Lee: In the elevations, what we've proposed that's different from the September proposal is a stone wall approximately 3 foot 10 inches high, with a 2-foot metal decorative metal railing on top of it, really to act as a screen between the parking and, the patio into the unit. Aesthetically it really sets the building off, I think. We're in a rustic environment, and then behind this rustic wall we have a modern lifestyle building. I think that's about it, if you have any questions, please.

Boardmember Alligood: Can you describe what is behind the triple-height center of the building. What does that look like?

Mr. Lee: That's the main lobby. It's the main elevator lobby.

Boardmember Alligood: It's three stories, open? It's not open.

Mr. Lee: It's not open. It's three stories. On the ground floor is the main entry lobby. Second and third floor is an amenity space.

Mr. Normoyle: So we may have a small gym on -- let's say the third floor -- and on the second floor we may have a lounge or flex office space, maybe a conference room. So the second and third floor of each building have that space. We haven't fully programmed what will go in there, but it's definitely going to be common space available to all residents.

Boardmember Alligood: It strikes me...from the outside it looks like it would be something that's triple height, and it gives a commercial feel to it rather than residential to me, that central part.

Chairperson Speranza: That's part of it.

Mr. Lee: That's part of the design, yes.

Boardmember Alligood: It's intended to look that way?

Mr. Lee: Yes.

Mr. Normoyle: ... Any other questions for now? We're going to work with Vivy and see if we can get to the Architectural Review Board for the June 7th meeting. Another issue raised at a previous meeting was about the roof mechanicals. I think that's the only thing we haven't fully incorporated into these plans, but I think we're close enough to go to the ARB. If we can make that work, we're going to. I know the submission deadline is a week before, so we're going to try and hit that so that we can be to the ARB for their June 7th meeting.

Boardmember Cameron: I think we also wanted, when we asked last time, to see more detail on the facades of the building with even these diagrams. I think last time you were rushed and didn't have enough time, but you were going to give us better drawings.

Mr. Normoyle: Probably Exhibit 3-D of your packet, behind tab 3.

Mr. Lee: Right. They should include these.

Mr. Normoyle: There should have been a partial elevation that had material specifications.

Boardmember Dale: It's included.

Mr. Normoyle: It's included in your packet. It's an 11 by...

Boardmember Cameron: It's not really a picture. If you want to go out and read all the magazines about what a certain kind of material is you can go and look it up and find it, but it's not very easy for us to do that.

Mr. Normoyle: Oh, yes. Vivy and I were talking about this earlier this evening for the ARB in terms of the materials, colors, things like that. So I think by the time we're back in front of you we can have that information included. But you want more detail. That's fine.

Mr. Castillo: Maybe that's good.

Mr. Normoyle: Then I don't know how much time we want to spend on this now, but there were a lot of questions at the last meeting about the trees on the site I believe, James, you had brought up several items. Unfortunately, I think the information that was provided to you back in September was very out of date. I went down looking for that 60-inch elm, another 32-inch other tree, and many of those trees were dead and long gone. So I went through it in detail in your submission. I could recap here, but I'd say about four or five of the trees that were noted on a previous tree preservation plan that we submitted in September don't even exist. Then there was the question about the spruce -- the southernmost spruce. I included a few photos in there, as well as a report from our arborist. He showed up on-site, I met him, and he was like, "That needs to come down. It is basically dead about 70% up one side." And when construction happens, and we're doing other things, I think that tree could definitely represent a toppling hazard. In reviewing some of the earlier SEQRA documents, I think the health of that tree was always in question. So in your packet you do have the tree evaluation report, from the arborist as well as my photo. We would like to have saved it, but that tree I think, sadly is one of the ones that needs to come down just for safety reasons.

Boardmember Cameron: It looked like it died through neglect, actually. If you would have just left the vines on it until finally in the...

Mr. Normoyle: Yes, if you're down there you'll see many trees up and down the Saw Mill River covered with many vines. So the trees that we intend to save, we're actually going to prune away all of those vines. We'll do what we can to improve the prospects for them surviving.

Chairperson Speranza: You'll be back. Because I think there will be a lot of interest in the landscaping plan as it relates to the lighting plan also.

Mr. Normoyle: Perfect. That's good. Just to touch on that, David Ferris Miller is our landscape architect. He was basically away for the entire winter and returned at the end of April. We included in your previous packet his conceptual plan. We actually have updated it as part of the inclusion for the steep slopes analysis. But what we intend to submit for the June meeting is a detailed planting plan consistent with the landscaping plan we've submitted, with actual numbers of trees and exact locations spelled out on that plan. So we'll deal with that in June. The lighting plan is essentially done. But that needs to be tweaked and coordinated with the final planting plan. So we can deal with that at the next meeting.

I think, at this point, I just would like to hand out a couple of pieces of information. I have a letter here from John Collins Engineering reporting on the highway permit. We're getting ready to file for that. Preliminary plans have been informally reviewed with DOT. John Collins has also submitted preliminary plans for the signal improvements at Jackson, Ravensdale, and 9-A to the DOT. We also are going to keep an eye on the 9-A/Lawrence Street intersection. I think a condition of approval by the Village Board was to do a traffic study six months after project completion, so we'll keep that on our radar.

More imminently, we need to do the site improvements at that intersection, which I think consists of potentially pruning the trees, clearing that out to improve the site in that area. Then also commented on is the timing modification for the light at Lawrence Street/Saw Mill River Parkway. I have a letter from him which I'll distribute for your record. I'll also distribute the letter from our fire consultant regarding that fire equipment closet.

Chairperson Speranza: You mentioned the state DOT highway access permit. There was a condition that there be a berm. I noticed on the plans that it now is a bioretention facility. So talk to me about how that happened.

Mr. Normoyle: I'm going to ask you. Clearly, I think that was something that there was some miscommunication previously.

Chairperson Speranza: I think it's a condition of your approval.

Mr. Normoyle: It is, it's in there. But I don't know how we can comply with that at this point, given that that was the location for one of the bioretention basins. So I'm not exactly sure how that was made a condition, when all the stormwater analysis, I think, relied on a basin being in that area. So I don't have an answer yet.

Chairperson Speranza: I don't recall the whole frontage along 9-A being bioretention.

Mr. Normoyle: Well, that's true. It's not.

Chairperson Speranza: That's what the plan seems to show now.

Mr. Normoyle: It's longer. Definitely, that swale is longer. I'm not sure, Patty, if you know, what was the intention behind the berm? Was it a visual screening?

Chairperson Speranza: Yes.

Mr. Normoyle: Was it a sound screening?

Chairperson Speranza: No, it was visual.

Mr. Normoyle: So would it be possible instead of a berm to do something like a stone wall? I mean, it's very tight. Tony can point out where it's very tight.

Mr. Castillo : Well, here's our property line. There are constraints. We've also shown a bioretention area in portions of these areas here parallel to Saw Mill River Road, and there's always been a very minor swale that conveyed runoff, too, to this one in particular here on this side of the property and another slight one also doing the same on the other side. In terms of constructing a berm, we don't have grades in order to accomplish the berm and at the same time come back down and create that little depressed area, if you will, that the bioretention area relies on in order to pond that area so that treatment occurs and also provides an additional flood storage. So that's the issue.

Chairperson Speranza: Yes, we'll have to go back and see where we lost that.

Mr. Normoyle: Because that was also the condition of the plans as of the September meeting. I know you had brought, I forget who brought it up, a berm versus swale was definitely highlighted by, was it James? And that's something that I don't know how...

Chairperson Speranza: The response I recall us receiving at that point was that it was unlikely that the state DOT would allow us to have a berm, given site distances.

Mr. Normoyle: Yes, that was something that was offered. Given their concern about preserving safe site distances, that obviously works against it.

Chairperson Speranza: But now it's the retention facility.

Mr. Normoyle: But now it's a storm water issue. There was inconsistency between the approval document and the storm water analysis that was reviewed. There was definitely a basin there, and then a berm, asked for. So that's not new. I think there was already inconsistency previously. We'll check our records. But if we can see what we can do to achieve it in some other way, given the fact that we don't have a lot of land on that portion of our property. If a wall was acceptable I would think that we don't have to worry about grading up and down to a wall. It's basically the width of the wall, which is much simpler.

Boardmember Alligood: We're going to be looking at two walls. You've got the wall up against the building, and the wall along the road. That seems like a lot of walls to me.

Mr. Normoyle: I'm open to other ideas.

Chairperson Speranza: We'll go back through our notes. So it's a lengthy process.

Boardmember Dale: I had a question on the area behind the building, which was for fire access, not bringing vehicles back there. But nonetheless, in the corner of the buildings there's a change in grade of almost 6 feet. So it becomes like a hill to climb up. Will that be negotiable, with the equipment that's necessary?

Mr. Normoyle: Would you be talking about the southeast side of building B, for example?

Boardmember Dale: No, the west side.

Mr. Normoyle: Southwest. Tony can comment. How's the grading?

Boardmember Dale: On both sides of the building from the west side? Both corners?

Mr. Normoyle: Right there.

Boardmember Dale: There seems a great difference in grade.

Mr. Castillo: I don't recall it being that severe.

Mr. Normoyle: I'd like to know that, if that's the case. If that were to be the case...

Boardmember Dale: It's clearly marked.

Mr. Normoyle: So that's the case. Then I think back to the fire access or rescue access. Essentially they need some flat area, and the equipment they need to rescue people. They wouldn't do it in that exact corner where the grade is.

Boardmember Dale: If the equipment's stored in the basement, that means they've got to bring it up out of the basement, up the 6-foot hill.

Mr. Normoyle: That's correct.

Boardmember Dale: My question was, is that negotiable. For instance, on both sides, would that be an issue?

Mr. Normoyle: I'd like for the firefighters to move the equipment? That's something we could consult with them [about]. But I think -- 6 feet -- they would be able to handle without a problem. But that's something we can directly address with them. You can comment on the grading back there. How steep of a slope is it? It's actually not that steep.

Mr. Castillo: If we're talking about 6 feet, it would be 3 or 3.5 to 1 slope. That's something we could work out, potentially flattening the slope. I'm not familiar with the 6-foot...

Boardmember Dale: It's a question.

Mr. Normoyle: No, that's a good point.

Chairperson Speranza: Certainly.

Mr. Normoyle: Jim Drumm, I think, did issue a letter commenting on it.

Boardmember Dale: Putting the flat area behind the building I think makes great sense. That's something we asked about. My question is: is it easily negotiated with equipment.

Mr. Normoyle: Well, we're going to meet with him again. Obviously, there are more things to work out. The other thing I will mention, I think you did know from last week that this is a fully sprinklered building. So obviously that's another safety measure we have in here. But we'll definitely discuss that with him next time. That's a good point.

Boardmember Cameron: You mentioned that you wanted to hang on to our lovely 1.75 acres. Can you tell me how long ... and when it'll be turned over?

Mr. Normoyle: We could make a firm commitment, if you want. Essentially, if we get approved here in the next few months, then we would plan to start construction come fall -- September, October -- then it's basically a two-year construction schedule for both buildings. So I think we would be looking at somewhere around two years from September. So maybe September '09 would be when we would be off the site. If there were some desire by the Village to acquire that parcel sooner, we can work with you on that. Just between now and then, for ease of being able to access the site as our site and make tax payments, it was just...

Boardmember Cameron: Yes, we don't have a big need for them. There's nobody living in the buildings. But as people live in the buildings we gradually gain our need for it, and to have that amenity.

Chairperson Speranza: I wouldn't want to see us take title to that land until everything's completed because why should we have that headache. Let it stay their headache.

Boardmember Cameron: They agreed we have to go and look at that again.

Mr. Normoyle: When we're done and it's being transferred over to the Village, we have to remove the asphalt that's there, we have to plant it. I know there was an issue about compaction mentioned last meeting because of the potential construction vehicles on-site. But it's a nice situation where we have extra land to use for staging and for sales purposes. I think once a building is constructed we will try to move the sales function inside as soon as we can. But without a doubt, the construction trailer and other parking and things like that, we don't often have the luxury of an extra space so we definitely want to use it during construction. But then at the tail end of construction, when we're just doing the final units, at that point there would be no need for the 1.75 acres and we could easily complete the work and transfer it over at that time. We'd be happy if the Village, sometime between now and two years, if there was a need for it, I think we would try to work with you in terms of our construction staging and get it to you on your time frame.

Boardmember Cameron: The one other thing I have, maybe at the next meeting because it's pretty late, we might get a short thing for what comparable means for affordable units. Because we really have to look at that issue: if the affordable units are comparable within the definition. Maybe we could look at the definition next time and have a short session.

Mr. Normoyle: You'll see on your plans the affordable and the interior medium rate units have the exact same dimensions and yield the exact same square footage.

Boardmember Dale: But one has no workspace, one has no balcony. Just to look at those things and see where you come out on, in spite of the enthusiasm of the Affordable Housing committee.

Mr. Normoyle: Yes, sure. We thought we did well with them. So anyway, we'll keep trying ... For the record, this is the affidavit of mailing, with return receipts and certified mailing evidence. And then, I'll hand out these other documents: the letter from our fire consultant on the fire equipment closet, and then the letter from John Collins' organization.

We'll also submit the steep slopes analysis packet to each of the Boardmembers. The original is going to Deven Sharma for his review.

Chairperson Speranza: Comments?

Mr. Metzger: Some issues have been raised about storm water and how it affects this building. Last Tuesday night we had a very enlightening discussion about the effect of the recent storm, the nor'easter, on residents who are living in Hastings down around the area of Farragut Avenue. Jane Gross wrote a very poignant letter to the Board of Trustees about the raw sewage that was spewing out of drains in her basement. Based upon the discussion we had that night, apparently the storm water runoff overwhelmed waste treatment facilities down in Yonkers, where we feed all of our sewage.

My question is, does this building end up tying into that same sewage line that runs down into Yonkers. Are we pumping another 60 units of sewage into that area in addition to the storm water. It seems like we have these 70-year storm events about every two or three years. I'd like to know if any of the engineering studies that were done as part of the SEQRA process looked at the effect of the flow from this building as it affects the part of Hastings that's south of this, and ultimately how it runs into Yonkers. I'd really hate for these events to become more frequent rather than less frequent. The Mayor very pointedly stated we don't have the money to go in and do the improvements that would be necessary to relieve this. The question is, are we now making it worse? I don't know who can answer that question, but I think it's a question that needs to be answered. Thank you.

Chairperson Speranza: I believe there was a section in the environmental review. This is a tough area, and I'm no expert. I hear some of this at the county level with respect to the kinds of flow. There are two kinds of piping. Unfortunately, the City of Yonkers and, likely, our village, have combined sewers that handle storm water as well as sewage. So when you have a massive increase in storm water and it does not have any place to go quickly it does get backed up -- because everything's heading towards the sewage treatment plant -- it does become a problem. However, there was a signoff in the environmental review from Westchester County saying that they had capacity at the plant to handle this additional flow.

Mr. Metzger: They were wrong. Clearly, that was based on information from this supposed last 100-year flood. I think that's an issue that should be reopened, given the recent disaster that we had. FEMA is now in the county. We're a disaster area. Those issues weren't here two weeks ago. Instead of sticking our head in the flood water and ignoring the issue we should be revisiting this and preventing this problem rather than exacerbating it. Thank you.

Village Trustee Goodman: Thank you, Patty, for raising the issue about our engineer looking at the flood retention. If I could remind everybody, because I followed the project from the start, the area in the back between the two buildings is the flood plain. I think the official documents that were submitted by the applicant made a representation that they weren't going to disturb the flood plain. So I don't know how this new grading affects that.

The other thing is the trees that are just above the flood plain. After the storm I drove to 9-A, too. Where the buildings are situated now is basically where the two paved lots are. But the area behind the trees, which is the flood plain, some of that was submerged. You couldn't see it from the road, but I drove into the parking lot. There's a lot of vegetation there now, and some of that was underwater. So clearly, the flood plain was flooded.

Chairperson Speranza: The flood plain works.

Village Trustee Goodman: Yes, but now that it's going to be landscaped and graded, I just wondered if it isn't going to cause some disturbance or backwash toward the buildings. Thank you, Mr. Cameron, for raising the trees. I would make this request. The community was concerned about that spruce grove, and one tree has been taken out by the invasive vines. I'm a member of the Saw Mill River Coalition and the volunteer vine cutters. I would ask if I could ask that group, Ann Marie Mitroff, who's head, if we could go in there and just make sure that the other trees aren't going to be sacrificed. Because it is neglect. Someone could have gone in there and simply cut those vines from the ground. I could get a team in there at no cost to you. But to try to save the trees while we delay with the construction, we're going to have nothing left. I don't know how we could negotiate that, but there are people that would go in at no charge and do it. Thank you.

Mr. Normoyle: In response to that last one, the two Norway spruces, I'll have the arborist who's been on-site come up with a plan to address the issue that she recommended. They are the ones who are going to be on-site for us trying to help the other trees. I'll report back next meeting. We may have that already taken care of. I think that third tree, the one to the south -- I'm not sure how long it's been like that, but I think that one is just too far gone.

In addition, I will comment that SESI has been very careful in terms of the other utility lines, trying to keep them clear of those trees so that during construction they're not further disturbed. So we've heard you loud and clear, and we've been trying to do what we can to save the trees that we can. We'll definitely do our part to save the two northern Norway spruces, and I'll report back next meeting about what we can do right now.

Chairperson Speranza: Great. Anything else?

V. Discussion

Chairperson Speranza: There are some things that I want to bring up, and it's very relevant. This was a long meeting. In terms of developing agendas for the meetings from now on, and making sure that the meetings are very worthwhile -- and each topic was worthwhile tonight -- there were just too many of them. I'm going to be working with Angie, with Marianne, with the Building Department in order to come up with a good time frame, the end date by which people, applicants, have to have their materials in to Village. I'm thinking now our next meeting is June 14th, I believe.

Village Attorney Stecich: No, it would be the 21st, right?

Village Planner Witkowski: The 21st. I've already been telling people: at least 15 days ahead of time.

Chairperson Speranza: I'm thinking that it would be good...what I would like to see for June, because there are some housekeeping items we have to get back to, to be on the June 21st meeting I would like to have people have their applications in, or their materials in, or some sense that they want to be on the agenda by June 1st.

Village Planner Witkowski: I agree, definitely.

Chairperson Speranza: Because between the public hearing notice that's going to be published, the mailings that have to go out, the review of these plans by the Village and, in some cases, consultants, we have to make sure it can be done and organized so that we're not here until midnight. Eleven o'clock I can stand, midnight I can't.

Mr. Metzger: You have another 7 minutes.

VI. Adjournment

On MOTION of Boardmember Dale, SECONDED by Boardmember Alligood with a voice vote of all in favor, Chairperson Speranza adjourned the Regular Meeting at 11:55 PM.