

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
REGULAR MEETING AND PUBLIC HEARING
OCTOBER 21, 2010**

A Regular Meeting and Public Hearing was held by the Planning Board on Thursday, October 21, 2010 at 8:15 p.m. in the Municipal Building Meeting Room, 7 Maple Avenue, Hastings-on-Hudson, New York, 10706.

PRESENT: Chairperson Patricia Speranza, Boardmember Kathleen Sullivan , Boardmember Eva Alligood, Boardmember Bruce Dale, Boardmember Ed Dandridge, Boardmember Rhoda Barr, Village Attorney Marianne Stecich, Building Inspector Deven Sharma, and Village Clerk Susan Maggiotto.

ABSENT: Boardmember Fred Wertz, Boardmember James Cameron.

I. Roll Call

Chairperson Speranza: We have a full agenda tonight so we will move as expediently as possible.

II. Approval of Minutes

Meeting of September 16, 2010

Chairperson Speranza: Does anyone have any questions or comments?

Boardmember Barr: I abstain because I was not here.

Boardmember Alligood: And so do I.

Boardmember Dale: I got two corrections.

Chairperson Speranza: Why don't you put them on the record, and then we'll pass the version we have and inform the members who aren't here.

Boardmember Dale: On page 34, the second time I'm speaking, about a third of the way down there's "*(crosstalk)*." The sentence should read: "It's visible pretty much from any direction."

Chairperson Speranza: OK, then we will ... that'll be on the record for the next meeting when we have the contingent of Planning Board members who were here at the last meeting to vote on the minutes.

III. Public Hearing – Continued

Application of Alex Cheng for Site Plan Approval & Recommendations for Vision Plan Approval for the additions and alterations to his property at 495 Warburton Avenue

Chairperson Speranza: The next item on the agenda is a public hearing, continuation of the public hearing, for site plan approval and recommendation for view preservation for a property at 495 Warburton Avenue. There have been some modifications to the application in the drawings.

Again, this is a public hearing so we will hear the applicant and then we will open it up for public comment. You will have to have a mic with you as you're speaking, and just name and address. Everybody must speak in the mic.

Alex Cheng, owner – 495 Warburton: I'm the owner of the new property, this property.

Annabelle Roland, Baldwin & Franklin Architects: I work with the architects for this project.

Mr. Cheng: The reason Annabelle is representing the company is because the architect is actually in transit from Italy back to the States.

Chairperson Speranza: Very nice for him.

Mr. Cheng: But he's been working on this with us over the Internet for the updates.

So we want to update ... there is an update to the plan, I guess, to address some of the issues raised by the Board last time. As you can see, there's a new set of drawings and also some pictures here to address view preservation. Some pictures were missing at that time, specifically these two.

Ms. Roland: And this one is taken from the Cropsey museum, and you only see 497 really; 495 is right here next to it. And same thing here – this one is taken from this roof across from the new building, Rivertown Lofts – the point being, we wanted to show how it does not affect the view, really.

And also there's not ... when you see on this picture, I think it showed ... you'd have to get closer on this Google Earth view, but it shows that there is really nothing in front of 495. It's all empty. It's a driveway, it's empty. The buildings are really ... they stop at the middle of

the other four townhouses that were built – 491 to 493A – which were built some years ago right next to Mr. Cheng's property, also built by our office.

Chairperson Speranza: And now I'd just like to refresh everybody. This is for site plan approval for the construction, or the conversion, of the existing building to a two-family condominium.

Mr. Cheng: And actually this is the building for people who pass by Warburton. It's been, I guess, in this condition for over 10 years. I'm new to the Village, but it seems like there's a lot of people that have been complaining about this property in this condition for a long time. This is building 493 that [Baldwin and company] have developed quite nice townhouses.

So we're looking to take this building and complete it with some modification. That's what we're looking to do.

Village Attorney Stecich: I think they're adding on ... isn't it also an addition? It's not just a conversion.

Mr. Cheng: We will get to it.

Village Attorney Stecich: Yes, so it's not just a conversion. There's an addition. You should explain what the addition is.

Mr. Cheng: I will. I will go through all this material, when I'm given a chance to do this.

Chairperson Speranza: Great. OK.

Mr. Cheng: It's quite a unique property. Actually, maybe I should use this plan because it was suggested that we should highlight what was there and what we're looking to do.

This property ... this is Warburton Avenue.

Boardmember Alligood: I'm sorry to interrupt you, but I can't see any of what you're ... I couldn't see the previous part of your presentation. If you lift it up, at least those of us on the end can see it. Maybe if you just pass it around that would help. Thank you.

Mr. Cheng: Should I wait?

Boardmember Alligood: Go ahead, and then just lift it up maybe at the end.

Building Inspector Sharma: One of you can hold it.

Boardmember Alligood: Now I can see it. Thank you.

Boardmember Dale: That's why I went to architecture school.

Mr. Cheng: This is Warburton Avenue, and this is actually the property line. This is adjoining the building that has been already developed, 493, on this side. And the property lines actually go square, like this, in a kind of strange niche by this 497, and then comes back in. To my knowledge, there was some dispute with the property line, but now it is all settled and this is the property line.

And this pink area is an existing structure. We highlighted it. That's been here. However, in the picture I'm going to show later on, you can see this structure is up, the roof is up. And this retaining wall is up, but the front was left in very terrible condition. That's what we're looking to complete.

What we are looking to do is ... because half of the backyard is usable and is a pretty big drop, about 15 feet, over 15 feet at some points, down. This is Village property.

Chairperson Speranza: Right. The municipal parking lot.

Mr. Cheng: Right. Leading to the municipal parking lot. This part is not used. Actually, it's in such a delicate state it's like a dumping ground. You can see what we're looking to do to address that issue, as well. What we are looking to do is, within this limit – within this boundary, property boundary – enclose this with a building with a roofline flush with the existing backyard. So it's more like it's above grade, but from here actually more like a basement.

We'll explain later on in the diagram, but this is connected to the building structurally by the axis. Because this part of one side of the wall, we are tying it up with this wall. There is no new wall. This is the wall. There will be accesses, staircases, leaded to this. So in terms of the mechanical and electrical structure, at the axis they are all integrated with the main building. So that's the part we're looking for, looking to do.

If you look at the plans – I believe they're all distributed to the Boardmembers – we have also, on page four ... this is what we have, again, standing today. We're looking to build access to the roof, but this is what we have today. It wasn't finished as nicely as this, but that's what we have today.

Page five, the side view, again it doesn't show the part we're looking to build as a staircase. But this building is what we have today. This page, six, is what we added to address the cutout with the profile of buildings at different points. If you look at the picture, the front may not be as clear as the one from the back. Actually, this is all boarded up basically by just plywood.

The structure on two sides is sound, to our knowledge. We're going to reuse this and just complete it. But the back part and the front part are all boarded up. If you look at this, it's probably 10 feet up from the parking lot. There's a drain hole, and this is standing on top of the drain hole and taking a picture. This is what you see. This is the retaining wall diagonally bisecting the back door, rendering this part of the back door useless.

You also see a lot of debris, and there is more debris over here because I guess neighbors just dump stuff over there. This is the view from the rear side, again from the Village property looking up.

So what we are looking to do is, first of all, finish up the existing structure and then fill up part of the backyard to make it usable. By doing that, I understand that we will be requiring some variance. But hopefully we can get all these issues – technical issues by reading the code, the zoning code – and, as you can see, put energy and effort in to improve the property. And, to my knowledge, all the neighbors are very excited and supportive of this project.

What we are hoping to do is to get the support from the Board to move forward and get a building permit, even though it might be contingent upon all these issues addressed, so we can tighten up this building before winter comes. It's a serious undertaking on my part, very risky on my part, but I'm hoping I can contribute to the Village. So far, I've been getting a lot of positive response.

Chairperson Speranza: OK, thank you.

I know this was taken up at the Zoning Board at the last meeting. Did they address some issues?

Village Attorney Stecich: Well, they didn't address too many issues because the Board couldn't tell what was what from the drawings. It had some of the same issues as this board, and wanted them to submit new drawings so they could better understand what the project was.

The one issue that I was supposed to ask them for an interpretation from the Zoning Board was, if they connected this essentially new building in the back to the front building by some

kind of a stairway, would it still be one building. But they didn't get to that because they couldn't understand what the project was at all. I think that's a moot point now because it seems that the applicant's changed the application and wants to keep it as a separate building; not to connect it.

Chairperson Speranza: I was going to say I thought I heard you say something different: that you're considering it be all connected because it's sharing the wall.

Village Attorney Stecich: No. What he was calling a structure in the back with the diagonal, there's not a building there. That's a retaining wall. It's not a structure that fills up that whole triangle. There the rectangle, and then that line across was a retaining wall. It wasn't part of any building.

I don't know, because Baldwin said in his letter, "*With respect to the use of the added structure, we submit that it is effectively part of the principle building.*" And that even should one argue that it's not, he proposes to "*use it as a workspace, common in many accessory structures in the Village.*" So I think they haven't quite made up their mind whether it's a second building or a connected building.

But if this board wants to treat it as a connected building, then that'll ... the Zoning Board has a ton of issues to deal with.

Boardmember Dandridge: Isn't the point they've got alternative theories? The primary one they'd like us to see is that it's part of it? And alternatively, if not, then, as there are with other accessory units, it's an independent structure that's being used for work space.

Village Attorney Stecich: I think so.

Chairperson Speranza: But did I hear you say, Mr. Cheng, that it's all one utility system? You're not in a separate building, where it's got independent utilities? So how is that, where is that, connection?

Mr. Cheng: The power, sewage, everything is going to come in from the same building. What we are talking about is, the reason this retaining wall is important is even to hold up 493. So that's the reason why there was a connection here. And I think, luckily, we have Ned Baldwin working on this project because he was trying to address this issue.

This retaining wall actually holds up this part of the earth and holds up this backyard for this part – for 493. And what we're looking to do is, we're going to strengthen it. This retaining

wall will actually be acting as the southern wall for this additional structure that we are looking to build.

Building Inspector Sharma: I think initially what you said is, this wall, in itself, is a connection between the two structures. So this wall is actually connecting the two structures, thereby making it one building as opposed to two.

Mr. Cheng: Right. And the staircase is also an access. At one point, we thought – maybe this is again, a technicality – that we need to have roof coverage. We said, well, we're even interested in building a roof – even though there's no roof necessary, in our mind, to cover the staircase – to make sure all the rooflines are connected.

But this is the whole structure. This part is holding up 493. This part of the backyard is connected to this space that we're looking to build. The staircase is going to be all poured concrete, reinforced concrete, to tie everything together. There's not going to be a separate meter, there's not going to be separate utilities. It's all integrated.

So our position is, it is the same building. Unfortunately, we used the wrong terminology and called it an "accessory office." It was never intended to be used as a professional office. I don't need it. There will never be a client visiting the place, there is no parking. At one point, we were somehow under this illusion that we could have access from the parking lot. We're not asking for that anymore.

There is no access. You have to get from the main building to get to this part. This is a workshop, a tool house, whatever we want to call it. It's a technical issue, a technicality that I'm hoping to get resolved.

Chairperson Speranza: OK. Let me take a break for a minute and see if there is anyone here from the public who would like to speak about this application or has comments or questions about it. No?

OK, Boardmembers. Kathy?

Boardmember Sullivan: I'll go first. I want to thank you for clarifying the existing building. That was not clear, even in the re-submittal of the drawings. And it's helpful to understand that the main structure is what is existing, and you're planning on renovating that.

I had a couple of concerns when I saw the second package. I'll just lay them out. I understand that initially you presented it as an accessory office, or an office space. And

looking at what the code suggests that it needs to be part of the main structure, not in a separate structure on the building, on the site.

So I have concerns about the addition of the added building in the back because of the potential use that it has. Because it's clearly not permitted in this particular district to have an office structure separate from the domicile, or from the dwelling. So I'm not sure. That was my reaction, I guess, and I present it just for conversation.

I had a concern about the height, having seen the revised site plan. But, given it's an existing building; I think it becomes, potentially, a moot point.

Village Attorney Stecich: No. Because I think you're going out some from the footprint of the existing building. My read of the drawings is, at certain points you're going out. Certainly on the side, there's a bump-out on that north side that's new. And if you go back to the drawing you had of the elevation, where you have the new stuff in pink, I don't think that goes out the full length of the building.

Mr. Cheng: This one?

Village Attorney Stecich: Maybe I'm not seeing it. So this is the existing building, this going out further here.

Ms. Roland: No, this is the neighbor.

Mr. Cheng: This is the building next door, 493.

Village Attorney Stecich: Well then that's OK. But there is a bit of a bump-out on the north side. On the drawings it looks like a stairway that runs up.

Ms. Roland: Are you talking about heights?

Village Attorney Stecich: No. Patty's question was, is it within the same footprint. And it's not exactly the same footprint.

Boardmember Dale: It's the stairwell.

Chairperson Speranza: We're seeing it with respect to the height.

Boardmember Dale: It's the back of the stairwell.

Boardmember Sullivan: This particular area is under a different kind of height definition. You know, you're allowed to go 40 feet back, and then you have to react to the slope and potentially drop the building down. So Marianne's correct. The stair tower to the north, or the stair protrusion, that's new, from what I understand. So whether that falls within the 40 feet or not ...

Ms. Roland: It does.

Mr. Cheng: This is existing.

Ms. Roland: Can I show it? This section is to address these issues. The point of this sheet was to really try to help with all this.

Boardmember Sullivan: And it was very helpful.

Ms. Roland: So the roof is existing. We're adding on just access to the roof, but we're adding on in a very similar way as 493A. The townhouse is next to it, which is what this dotted line shows. This is the profile of the house right next to it, and we wanted to show that we're not exceeding it; we're exactly at the same height.

Boardmember Sullivan: And the stair protrusion from the roof, that is within the first 40 feet from the front property line.

Ms. Roland: Yes.

Boardmember Sullivan: So in a sense, the whole steep slope issue, or the height calculation, is fine in this case.

Ms. Roland: Yes.

Boardmember Sullivan: The other thing and this is an issue I guess I'll bring up; initially this was presented as not needing a setback. And this is an unusual piece of property because it actually borders another zoning district, the CC district. By looking at the code and some of the general criteria for setbacks, this property looks like it needs to react to a setback. And that's from something in the code that says if you are in two districts you look to the more ... you have to look to both.

If you border two districts towards the north ... Village property is in the CC district, and it has a requirement that when it borders a residential or a two-family district there needs to be a 10-foot setback. And the zoning code says that your property needs to reflect that 10-foot

setback because it's adjoining on a district. So that, to me, is a concern for the stair tower and for any potential development in the back.

Ms. Roland: You're saying this is the CC zone?

Boardmember Sullivan: Yes.

Mr. Cheng: Now, I wasn't aware of this, but I thought this part was CC zoning.

Boardmember Sullivan: I think that's the MR-C. It's the same.

Mr. Cheng: This is MR-C.

Boardmember Sullivan: Yes, but the Village property is CC.

Mr. Cheng: OK, Village property. So this part is not CC?

Boardmember Sullivan: That seems to be MR-C as well, same as yours.

Mr. Cheng: So again, we can work on this, I'm sure, when Baldwin is back. And he could investigate and address all these issues, and have the proper setback. Or if doesn't make sense, then we can ask for maybe some kind of relief. Whatever we're going to request, we're just going to go through this proper process.

But what I'm trying to do, and hopefully we can resolve it today, is get permission to complete this part which is existing and get a building plan to do this before winter comes. And then we can start working on this and address all these issues.

Boardmember Sullivan: The last thing I'd like to say, the stair is the issue. So the stair would be within the 10-foot setback, the new stair that you're adding.

Mr. Cheng: We're building right to the property line, yes.

Boardmember Sullivan: Yes, and that would be ... so the stair that is in the back...

Mr. Cheng: You have to come back 10 feet. But this is already violating what you are saying.

Boardmember Sullivan: Correct.

Mr. Cheng: And this part is already violating what you're saying.

Boardmember Sullivan: The part right where you're at right now, it wouldn't be. It would just be the northern property line.

Mr. Cheng: This part, yes. This part is already violating.

Boardmember Sullivan: But you're adding a new stair.

Mr. Cheng: But this building is already there.

Boardmember Sullivan: Yes, but the stair is new. So that would be a potential protrusion into the setback.

Mr. Cheng: Well, we can investigate, I guess.

Chairperson Speranza: Which conceivably could be resolved by requesting a different variance.

Let me ask you, this building has been vacant and in a horrendous condition for a number of years. You would like somehow to be able to close it up for the winter, protect it through the winter. I'm wondering if there is a way to consider making this a two-phase project?

Mr. Cheng: That's what we're proposing.

Chairperson Speranza: And you can build the back addition. I'm wondering how we can do that within what we have. Because sites plan approval is for the entire building. Should the Board, and I want to hear from other Boardmembers, as well, move to approve the plan for the existing structure as well as the view preservation? I mean, there are several actions we have to take.

Because we do need an interpretation. I honestly don't know how to deal with is this one building or two buildings. And I'm willing to give that to the Zoning Board of Appeals and let them make an interpretation of that, since you've got to go to the Zoning Board for other things anyway.

But those are my thoughts. Eva, Rhoda, anything about the application as a whole?

Boardmember Alligood: I agree that I support your efforts to move it forward. It needs to move forward. There seem to be a few issues still to resolve, and I would propose to,

hopefully, help you move forward on the parts that don't have issues so you don't have to wait for the winter. That would be preferable. I don't know how that could be worked out.

And I think the other issues can be worked out, but they do ... it's a complicated site. It's not a straightforward project that you're proposing. So I think there's a bit of process left in working those issues out. But I support the ... it looks like a lovely project, and I want to see it move forward.

Mr. Cheng: Thank you.

Boardmember Barr: And I totally agree. I think we're very fortunate to have somebody who wants to tackle this, and who seems to be very cooperative. I think by whatever legal process, we ought to give them the authorization to move forward to what can reasonably be done; with the understanding that ...there is sort of a joint risk in that. Because he is going to be doing this with the understanding he might run into a problem on the second half.

On the other hand, we're also taking a chance. But I think that's very reasonable. I would endorse everything Eva said, word for word.

Boardmember Dale: I'd go further actually. This was an existing building. There was a fire; we've lived with it all these years, somebody's trying to fix the situation. The issue of whether the staircase bumps into the CC district doesn't bother me at all.

Clearly, the area to the north of this building is not going to be used and is certainly not going to be developed for commercial activity. To allow him what looks like probably a foot-and-a-half or two feet max seems to be a variance that should be easily agreed to, to allow proper access to a redesigned building, which we're all in favor of seeing built.

As far as the backyard and the office in the back, the question is, is zoning meant to be strict, or is it meant to be pragmatic and help create a village that functions. And are we able to achieve ... this was a functioning residential building, somebody has purchased it, and they're trying to make it work for them. Is he violating, in doing so, any of the regulations that have significant impact on the future of the Village or the life of the Village.

I think allowing him to have an office in the back does not impact, in a significant way, on the Village in any way and does make life in this building a whole lot more functional for the owner. There's a choice – he's offering us a choice – to see which one fits more comfortably into our zoning regulation, and I think that needs to be explored. And we do perhaps need time to make that decision; bring the Zoning Board into that discussion, as well.

But it seems to me there are two interpretations, and they're comfortable with the one that will allow them to create this space. And I think it's a nice addition to his property. It does, in fact, resolve the issue of a backyard with this retaining wall which is as now, if somebody wandered back there, it was dangerous, in effect. We've discussed retaining walls and their height, and it's been an issue for this board before.

He's going to mitigate that problem here by building this lower-story office portion with a roof deck on top, or a garden on top. So that retaining wall ceases to even be visible and becomes incorporated into his property in a way that I think, architecturally, makes a lot of sense in terms of use.

So I would definitely support approving the front half of this building as is, including the staircase. And if we need to give him a variance because he backs up against the CC district, I see no problem with that. And we should work with him to define a definition that'll allow him to build a basement in the back half. Because I think it's really a question of definition.

Chairperson Speranza: So I get the sense that you're ready to approve this plan as it is.

Boardmember Dale: If we had a definition that would ...

Chairperson Speranza: Provided, of course, that the Zoning Board would issue the proper variances.

Ed, anything?

Boardmember Dandridge: Oh, just a couple things. I think Mr. Cheng started by saying that he was being both ambitious and risky. And I think, to some degree, it's our responsibility – at least I view it as mine – to help reward the ambition, particularly when it's going to benefit the town and manage some of the risk. I think we all acknowledge that we need further clarification from the Zoning Board with respect to whether it's one or two, whatever our individual points of view would be.

So I'm with Bruce in the sense that I think I'm prepared to approve as is, even take a little bit of risk in terms of the stairs. Although I would say it's worth getting further clarification, maybe not for this purpose but for future precedent where we've got two zoning districts abutting one another.

My only piece of advice would be, I would really benefit from having more clearly defined schematics that give us a clearer sense of what it's going to look like on the other side. I realize that that's a cost and an investment. I suspect it's probably a small one in the scheme

of things that you're looking at investing in. It would just benefit us to have a much clearer sense of what it's going to look like afterwards.

Boardmember Sullivan: The other concern I had about the location of the stairs is – and this isn't a setback issue, but it's sort of a practical one – you're locating that very close to the back wall of your neighbor's building. And I don't know how that will affect their ability to maintain the rear of their structure, that corner, if they need to paint or replace siding. I don't think it's quite the same shared party wall as the other two side walls are.

And I don't know how much of that is a question we, as a planning board, mention. But if I was the owner of the adjacent property, I would be concerned about it. And I guess just to mention, I think my bigger concern about the setback is in the back property, not so much the stair itself. Any kind of building that you do in the back of your property, that's my concern. Because I know some of the conversations we had as part of the Comprehensive Plan was to potentially look at developing Zinsser at some point for the Village.

So I see it as sort of a way to potentially look ahead and not necessarily have ...to respect the various setbacks that are required in all of these sort of adjoining districts. Right now, it's not a piece of property that people look at as potentially developable for the Village, but it is potentially something that the Village could use to support as a different type use. So I had that in the back of my head as I was thinking about that CC district.

I understand, and I want to thank you for taking the project on. I failed to say that. But knowing a little bit of the conversation about the potential for Zinsser in a lot of different forms, I'd like to try to protect the possibility for that, as well. So, thank you.

Mr. Cheng: I'll just say, in response to the question that you raise, we did spend a lot of time ... and actually, I went to the owner's house of 497, and we had a lengthy discussion of what it would entail in this new construction. We're going to help them to enclose this part, which has been an issue for him for a long time. Because as you alluded to, it wasn't a party wall on 493. It's part, actually, of a joined wall. There was some leakage and some drainage issues.

So this is all going to address those. I want to make sure that we got a good neighbor. Actually, I should have asked him to ... and he expressed willingness to come in, in support of this project – both the tenant, long-term tenant, as well as the owner. So yes, we did look into it. I don't have anything else more to prove it, but that's what we have.

As for the line, yes, we will look into it. But to see it as it stands today, it's really inaccessible and is in a state that is ... actually, this long-term tenant has been telling me it's

an eyesore because every morning they wake up looking at this. It's a terrible situation. We are all going to address this with this creative solution.

Chairperson Speranza: My recollection is that there was one other item that we asked for more information on, and it had to do with the mirrors on the roof.

Mr. Cheng: There's something called heliostat . I have two copies so you could take a look. It's a set of mirrors mounted on a pole, and it's programmable so it follows the sun. And the light will be directed down to the lower floor. I think it's five feet high, or it could be lower. So from the viewpoint of view, it's not going to be...

Chairperson Speranza: And this is on the roof of the building?

Ms. Roland: When you look at the site plan I left here, [off-mic]. There are two of them, and they project [off-mic].

Building Inspector Sharma: Speak in the mic.

Ms. Roland: I'm sorry, I can't hold it.

Boardmember Barr: What page are you on?

Ms. Roland: The two right here, and they project ... you can see the roof there. It's easier for me to explain it on this one, I'm sorry.

Boardmember Dale: Patty, the question was whether that extended above the level of the building next door.

Ms. Roland: Look at the sections on page six. We really can have them quite low. When you look at the cut sheets, I think it shows that. They will still project into this tower. Here is the section of how they project down, OK?

Chairperson Speranza: is the light only down into the building?

Ms. Roland: Yes.

Chairperson Speranza: Or is it going to shine anyplace else, and create a reflection?

Ms. Roland: No. They move ... Ned is a bit of an engineer, and he's very technical about this stuff.

Mr. Cheng: I would add, if there is any stray light that means we wasted money.

Boardmember Dale: Patty, I thought the other issue was coverage because he required a variance for coverage.

Chairperson Speranza: Right, but that's Zoning Board. And it was not substantial.

Ms. Roland: So the heliostats were really to bring light into the lower unit.

Chairperson Speranza: Right.

All right, I hear ... we have a number of actions that we could take tonight. Any issue – looking at the attorney – with us approving the renovation, the construction, or the existing structure? Or are we bound by the submittal to vote on the entire thing?

Village Attorney Stecich: If I might suggest, I heard at least from a couple of Boardmembers ... I don't know if I heard from four, but if there were four members who were ready to ... there's two ways you could do it, OK? If there were four members who wanted to let the whole project go pretty much the way it's presented, this board could approve the whole project subject to their getting the parking variance, the coverage variance, the setback variance – you guys can't permit the stairs, they need a variance for that, it's not anything that's in your discretion -- and the Zoning Board's either interpreting this all to be one building, or granting a variance for the second building. That's one way you could do it.

The other way you could do it is ... and on either one of these you may want to make a recommendation on the variances, right?. Because a lot of people said you thought the side yard variance should be granted. If you want to make a recommendation, you could.

Alternatively, you could grant site plan approval for the front part, not the triangle structure, also subject to the side yard variance. That plan, I don't think they'd need the coverage variance because the coverage just kicks in because of this thing in the back, the parking variance. And also subject to their submitting ... they would have to submit new drawings showing what's been approved. Because you can't issue a building permit on these drawings; the building permit would have to be issued on a new set of drawings.

So you could go either way. Either way would work.

Building Inspector Sharma: Based on what they approve, I guess I could issue a permit.

Chairperson Speranza: Do we have SEQRA on this also? No?

Village Attorney Stecich: No, it's two-family.

Chairperson Speranza: So we're OK?

Village Attorney Stecich: You're OK on the two-family zone.

Chairperson Speranza: OK. Well, I have no problem approving this as it is, in its entirety, subject to the variances being granted by the Zoning Board. Obviously, I'm ready to hear a motion if anyone would like to proceed with a motion for the approval of the site plan as shown, the entire project.

Boardmember Dale: I would make that motion, subject to the conditions that Marianne defined that need to be approved by the Zoning Board.

Boardmember Alligood: So essentially what we're saying is, we're saying those issues will just be resolved by the other board because they're variances.

Boardmember Dale: They're a zoning issue. That we approve the plan, as is, subject to that.

Boardmember Sullivan: Knowing that there's a process for sorting out those remaining issues that come after.

Boardmember Dale: Right.

Chairperson Speranza: And should the Zoning Board find differently, then it comes back to us anyway.

Boardmember Alligood: OK.

Chairperson Speranza: Because it would result in the need to modify the site plan.

Boardmember Sullivan: Do you want to state what those variances are, the issues that are being left over?

Chairperson Speranza: Yes.

Boardmember Dale: Yes, Marianne will include them.

Chairperson Speranza: If I have a second.

So let's go through it. We're recommending approval of the site plan for development of the entire property, subject to variances being granted by the Zoning Board of Appeals for coverage, side yard, parking, and the resolution of the issue with respect to the building in the back. Am I forgetting anything?

On MOTION of Boardmember Dale, SECONDED by Boardmember Dandridge with a voice vote of all in favor, the Board recommended approval of the application of Alex Chen for site plan approval of the entire property, subject to variances being granted by the Zoning Board of Appeals for coverage, side yard, parking, and the resolution of the issue with respect to the rear building.

Chairperson Speranza: We have another piece of business.

Our second action on this property is a recommendation to the Zoning Board of Appeals for view preservation. We can't forget that. So is there a motion to recommend the Zoning Board of Appeals the approval of the application for view preservation?

On MOTION of Boardmember Sullivan, SECONDED by Boardmember Dandridge with a voice vote of all in favor, the Board recommended to the Zoning Board of Appeals approval of the application for view preservation.

Chairperson Speranza: OK, this is done. Thank you.

Mr. Cheng: Thank you.

Chairperson Speranza: And I want to compliment you on really taking the previous discussion we have as part of it, and making it very, very clear for us.

Boardmember Sullivan: Yes, thank you very much for your efforts.

Mr. Cheng: I know there's a lot more work to be done, but I'm committed to do this. Thank you.

Boardmember Dale: I hate to say, what would have made it a whole lot easier I think would be if you had a model.

Chairperson Speranza: OK? Thank you.

IV. Public Hearing – New

Application of Affordable Housing Fund, Inc. for subdivision at 184 Farragut Avenue

Chairperson Speranza: OK, the next item on our agenda is a public hearing, first time we're having a public hearing, on the application of the Affordable Housing Fund for a subdivision at 184 Farragut.

We had a preliminary discussion about this application at our meeting in September. This is a formal process now for the subdivision of the property. There will be other requirements or other actions that will be required to be taken by the Planning Board. But right now we'll start with the subdivision.

Sue Smith, 645 Broadway – president of the Fund: I'm sorry I wasn't here at the last meeting, but Jim Keaney stood in for me. And I realized that although we're just talking about the subdivision tonight, you've got three people who weren't at the meeting last month who might have questions on the plans, have had a chance to look at them at all. But there may be questions for us of clarification that they would have. The architects have the plans.

Boardmember Alligood: I think a lot of questions were asked at the last meeting, and I did take the time to read the minutes. So I feel prepared to hear the responses. I don't know about the others.

Boardmember Barr: Yes, the same thing is true of me.

Chairperson Speranza: Well, it doesn't hurt to just give an overview of what's being proposed, particularly in the action of subdivision – what action is going to occur. And you also need to go to the Zoning Board.

Warshauer, Gary, principal – Warshauer Mellusi Warshauer Architects: Our firm is the architect for the project. With me is Michael Stein, who is a principal with Hudson Engineering, the site engineers for the project.

In order to meet the affordable housing program that Sue and the Hastings-on-Hudson Affordable Housing Development Fund Corporation, Inc. is looking to meet, we are proposing to build a single-family, three-bedroom residence with a one-bedroom accessory apartment on this site. And the architecture is, we feel, very much in keeping with the adjacent residences on this block and the house immediately adjacent to this site.

One of the things that we have modified since the last meeting was, there was a discussion about the entrance for the accessory apartment. We've made a modification to actually move that to the side, and also create a better plaza/terrace area behind the existing garage in the proposed building. So that is the basic architecture that is proposed.

Again just to refresh, we're setting the existing – the proposed – building in a location of the site behind the existing garage in the location approximately of an existing wall. And the house is actually being stepped with that existing grade to work with the existing grades on the site.

The site plan that we are proposing – again, this is Farragut Parkway – there is an existing driveway that comes in that's an extremely wide driveway that serves the existing garage. And also the garage on the existing dwelling is there. Also, responding to comments at the last Planning Board meeting, we are reconfiguring the driveway to narrow it down to what is necessary to access the garage and proposed additional parking, which is picking up a significant amount of greenspace on either side so we're removing paved area.

We would extend the sidewalk on either side to continue the sidewalk. And then the path that comes out – the steps and the path from the existing residence – would be extended just to the existing driveway.

The proposed subdivision, in order to accomplish this we would need to subdivide the existing property into two lots. What we're calling Lot A would be the lot which would include the existing residence. Lot B would be the lot that would include the proposed new residence with the accessory apartment. And in order to maintain the existing garage to minimize the impact to the neighborhood and then the street – the garage would stay in that configuration.

The location of the lot line was done in a way that would allow the existing garage to remain without any further zoning requests. So the placement of that line, subdivision line, meets the side yard requirement for the existing garage for it to remain. We are asking for a variance from the Zoning Board because the proposed Lot A, the lot width is less than what would be required under the zoning.

And that would be the case no matter where we place the subdivision line because the total width of the lot does not have a dimension to accommodate two lots within the zoning. So that is the only variance relative to the subdivision, and we are on next week before the Zoning Board for the subdivision.

Village Attorney Stecich: Gary, you also need a variance to have the garage on a separate lot.

Mr. Warshauer: Yes, let me clarify it.

Village Attorney Stecich: That's required for the subdivision.

Mr. Warshauer: Oh, OK.

Village Attorney Stecich: Because you can't subdivide in a way that would make any lot nonconforming. And that would make the lot nonconforming, having the garage on another property. So just recognize you need that variance for the Zoning Board, too. And I think that's included in the notice because when we did the notice we made sure that variance was in there.

Mr. Warshauer: OK. There are several variances, you're exactly right. I apologize for the confusion. There are several variances that we are requesting from the Zoning Board. One of them is the reduced lot width. The other is to just confirm the existing residence and the existing garage are both nonconforming in terms of their front yard setbacks. So we are asking for the variance just to confirm, or sort of allow, those existing structures to remain because we're not changing them.

And then the other issue is the parking relative to Lot A. Parking for Lot A, in fact, would be on Lot B, with cross-easements in perpetuity as pursuant to the requirements, deed restrictions, and other compliance that the Board would ask. So I think those are basically the variances.

We feel, again, that what is proposed is very much in keeping with the scale and the character of the existing neighborhood of Farragut Parkway. Again, this is the existing residence, this is the existing garage. The proposed new residence would be behind the garage. And again, the scale and the character is in keeping with the neighborhood.

We will also be utilizing sustainable design criteria to the maximum extent that we can. There are cost issues, obviously, associated with that. But the building will be all Energy

Star equipment and will be insulated well for efficiency. The other things that we will be investigating are the opportunity for ... we'll be looking at geothermal. Again, we're evaluating the cost on this, whether we can do that or be a project issue.

We'll be looking at photovoltaics. Because of the exposure, there is an opportunity to incorporate some photovoltaics. And we are going to look at the new paved area being of a pervious pavement, a Flexi-Pave.

There is another item that I'd like Michael to just go into. In addition to the drainage on our site which, of course, we're handling in accordance with engineering principles, there is a drainage condition that exists behind us and sort of through. And there are adjacent properties that we're also addressing I think will help the neighborhood and help this drainage issue. I'd like Michael to go into that.

Michael Stein, Hudson Engineering: As Gary was saying, all the stormwater that's going to be coming from all the new pervious surfaces – the new house, the parking area – we're fully detaining all that on-site into underground drywells up to and including the 100-year storm event. So we'll actually be decreasing the amount of stormwater coming off the site. And then also by decreasing the size of the driveway entrance, we're going to be actually adding more grass, impervious area, for water to percolate into.

There was also a drainage issue that had been brought to our attention about trying to provide some assistance with. And that was the runoff coming from the street uphill from the property – that there is a significant amount of runoff coming down. So part of what our design included was, we put in a drain inlet and created a depressed area to the rear of the house. So any runoff coming down onto our property, we're going to be keeping it from going onto the neighboring property and conveying it to a catchbasin in the street which will be connected to one of the Village's catchbasins in Farragut Parkway.

Chairperson Speranza: I have one question about the area we received this evening. There's a bright green area next to the driveway. I'd like to think that's the section of what is existing pavement for the driveway that you're taking out.

Mr. Stein: Yes, that is correct.

Chairperson Speranza: New grass. OK, good.

Mr. Stein: What I tried to do there, and even on here, here it's a darker green in this area.

Chairperson Speranza: All right, good.

Mr. Stein: And actually, on both sides of the driveway, that is the area which we have reduced the paved area.

Chairperson Speranza: Excellent. Good.

OK, this is a public hearing so I do want to give people the opportunity to come up and ask questions or make comments about the proposal. Just come up to the mic, state your name and address for the record.

Eileen Hershenov, 98 Old Broadway: My husband, Dan Pool, and I have been here a little over five years in Hastings, have two kids in the school. My first time coming to a Planning Board. I just want to say this has my fervent support. I'm delighted, and one of the reasons I moved here is because you're doing things like this. And I think the commitment is wonderful.

I also know that one, for a variety of reasons at this time, has to be quite creative in how one fulfills the commitment to do affordable housing. So I think this is wonderful, and I think the committee, the corporation, and the Planning Board is terrific doing this.

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

David Skolnik, 47 Hillside Avenue: I was just maybe hoping for some clarification on three items, I think. And actually the first one, regarding the variances, I think may not be something you can address because the variances would be granted by the Zoning Board.

Chairperson Speranza: Right.

Mr. Skolnik: So we can cross that one off, or I can just tell you what it would have been. What I'm wondering, and what I would propose to them ... it's sneaky, I know.

Chairperson Speranza: Go ahead, you can ask.

Mr. Skolnik: Is whether the fact that it's an affordable project could ultimately make a difference in whether the variances are granted or not. Whether there's some tendency to extend it because of the nature of the project, as opposed to if it were a private project. So that's the question I would, and will, pose to the Zoning Board.

Chairperson Speranza: So they've got a week's head start.

Mr. Skolnik: Yes, they know if they watch this.

The second one was about the cross-easements in perpetuity. Can you explain, is that a solid legal structure, is there any way that at some point those easements could change, and then affect the nature of the arrangement?

Chairperson Speranza: I'd leave that to counsel. My understanding is, an easement is as it's written.

Village Attorney Stecich: Yes, it is. It depends who it runs in favor of. If the easement just runs between the two property owners, the two property owners could probably change it. But you could make it a condition of the certificate of occupancy that the things be ... that the easements remain in effect. I mean, there are going to be a lot of deed restrictions on these properties because of the affordable housing. So throw another one in, it's not going to be practical.

No, you don't like to put deed restrictions on property usually because it makes them more difficult to market. But these are limited in their marketability anyway.

Mr. Skolnik: And the third and last, especially since I'm sitting there and the easel is facing ... I don't want you to change it now. But it's radio. So I'm wondering, when it's described as keeping in scale and character with the neighborhood, is that something that is opinion? Is that something that could theoretically be open to disagreement?

Chairperson Speranza: Of course. Do you agree, do you disagree?

Mr. Skolnik: Well, from the back I can't tell. Neither am I an architect, so I couldn't.

Chairperson Speranza: Anything else? Anyone else?

OK, Planning Board members, questions? Comments? This is one action which comes ... the first of several actions. It will be back to the Planning Board. We have to approve accessory apartment, but we're starting with subdivision.

Boardmember Alligood: I'm all for more affordable housing in this village, so I fully support that. I think it's very hard to find sites, so I'm glad you found this site. I did agree with the concerns last time about the amount of paving you would see going down Farragut. That seems to be somewhat mitigated in this new plan.

I do hope that you actually do the pavers. That promise was made on another project and it didn't happen, and I don't want to see that happen again because it will look, and actually function, a lot better with the pavers, the pervious surface. So that's my one concern, which is addressed if it moves forward as ... I think the wording was you're "looking into it." I hope it goes beyond looking into it. I actually would like to see that happen.

Mr. Warshauer: So would I.

Chairperson Speranza: Rhoda, anything?

Boardmember Barr: No. I looked at the whole area and so forth, and it seems like a reasonable solution. While people might say, "What do you mean, character?" We're not putting in a six-story apartment house. It's in keeping with what's there.

Chairperson Speranza: Kathy, Bruce, Ed? This side?

Boardmember Sullivan: Although I didn't comment on it, I appreciate the decrease of the paving area in the front. It's in a required side yard, so there are some limitations on how much paving can be in the side yard. So it would be useful if you look at that. I think there's a limitation of about 900 square feet. It's an unusual situation with the driveway, then a turn to the left, and then parking. The parking spaces are on the side yard, but please look at the code for that, and confirm it.

It's unusual to take things in pieces because to talk about subdivision when I still have concerns about things that we look at in the future, the accessory apartment size. I appreciate the change in the entrance because it does start to change how I read this as making it seem like a one-family home, which fits better, I think, into the other homes on Farragut.

Because some of the height things I was looking into for some of the other projects, I am not sure – and we talked a little bit about it, and you reacted to it with how you were calculating height – that I agree with how you're calculating the grade. You mentioned that it's done by New York State building code. And that's true, but that's not the definition of grade in the Hastings zoning code.

One of the other concerns I had is this potential reading as a three-story building, not a two-story plus basement, as your grade calculations. I would like you to look into that. Because the code reads it as finish grade, which would be right at the basement level, or right at the bottom level, of the accessory apartment. This reads as a three-story building at this point, and some of my reaction was to that size, as well. So I just make that as a comment as I looked at it.

But vis-à-vis subdivision and the fact that there would be easements in place, I have some questions about their actual enforceability. But I'm comforted knowing that there are a fair number of other deed restrictions that'll be put into place. I will be happy knowing that. So vis-à-vis subdivision, like I said, I have other issues down the road. But subdivision, I think, with the deed restriction being enforceable, I'm comfortable.

Mr. Warshauer: Just related to the grade issue, we do actually have a drawing that shows how we calculated average grade and I'll take a look at it again.

Boardmember Sullivan: Well, again, you're looking at it. It's in the building code, which is true, and it's a very nice definition from what I understand. But it's not the one that is used in the zoning code. And I think the one in the zoning code, in this case, may restrict – may be worthwhile to look at – because I think it may have some restrictions on the height.

Chairperson Speranza: Bruce, Ed? Anything?

Boardmember Dale: I think it's an ingenious solution, where they inserted a house on a fairly steep slope in the existing terraced area which has mitigated that problem entirely; and that they're actually improving the site by restricting the driveway and inserting that; and be able to insert an affordable housing project in an ingenious way onto the land without further disturbing the environment, and having it fit.

I think I disagree about the accessory unit. It looks like a single-family house. I think from the street you can't tell what the uses of the volumes of this building are. It reads like a single-family house, and I don't think anybody can discern the use differences visually.

I think you made every effort to meet that concern by changing where the doorway is and creating it so it's not visible from the street so you don't have a clearly two-family house, but rather a one-family house with an accessory unit. I would not like to restrict the size of the accessory unit because we're talking about putting another affordable family into that and I think you need to have an adequate living space. Whether it's a slight variation from the 25 percent that's allowed, I see no problem with that.

So I would strongly support the project and approve it at this stage, and hope that it does well with the Zoning Board.

Chairperson Speranza: Ed?

Boardmember Dandridge: I suspect we're going to have an interesting conversation about the size of that accessory apartment. So I look forward to that discussion. I'll withhold my comments on that 'til later.

It does for me, though, raise the whole issue of the impact of parking, surface parking. So I just want to again confirm for the record what the current and likely future status is of the existing stucco garage right now in its usage.

Mr. Warshauer: The proposal is that the existing garage would remain. It's a two-car garage. The combined requirement is five cars for both the existing house ... it requires two cars, and the proposed house requires two cars for the main residence and one car for the accessory apartment.

Boardmember Dandridge: Right. And the stucco garage is currently in use?

Mr. Warshauer: That's correct. As a garage, that's correct.

Village Attorney Stecich: Could I ask one question? And it should be clarified in the record. I think you're fine, but I assume when you did the calculations for the size of the lot you deducted the relevant number of steep slopes.

Chairperson Speranza: I think you started to address this at the last meeting – whether or not there actually was the need for steep slope.

Mr. Warshauer: There are some steep slopes, but we're actually recalculating that. And I guess at our next meeting, when we talk about slopes, Michael will get into the analysis.

Village Attorney Stecich: Yes, but it makes a difference. Is this in R-7.5?

Mr. Warshauer: Yes.

Village Attorney Stecich: And if the lots ... it's just 7,500, and you have to deduct some steep slopes. Then it might be under? I thought we talked about that in one of the early meetings. But you shifted the line so I don't know if that's going to make a difference.

You know what? You're not going to be able to do it tonight. If that's the case, that's another variance you're going to need. So you should do the calculation before next Thursday's meeting just in case you're under. Does everybody understand what I'm saying? What's the area of the smaller of the two lots?

Mr. Warshauer: What is Lot A is 9,491 square feet.

Village Attorney Stecich: They'll probably be OK, but just do the calculations to save yourself one thing.

Mr. Warshauer: And the second lot is 12,000 square feet.

Village Attorney Stecich: It should probably be OK.

Chairperson Speranza: OK. I, too, want to commend you and I'm really glad that you've addressed some of the issues for the neighborhood, too.

OK, it's actually two actions here. We had, at our places today, the short form environmental assessment. Because it's a subdivision, it is subject to SEQRA. The first action would be, unless any of the Boardmembers disagree – first of all, let me close the public hearing – unless any of the Boardmembers disagree, we don't feel that there is any ... we know that it doesn't meet any Type 1 threshold under SEQRA as to whether or not there are going to be any impacts, any significant impacts ...

Village Attorney Stecich: Patty, you can't ... there's more than one agency making the decision, so you just have to declare ...

Chairperson Speranza: Oh, we have to do 30 days?

Village Attorney Stecich: Well, you won't have to wait 30 days. You have to declare your intent to be lead agency. Since the Zoning Board is meeting next Thursday, they can just waive it if they want: you know, say it's fine if you're lead agency. And then you'd be able to make your determination at the next meeting.

Chairperson Speranza: Can we take action?

Village Attorney Stecich: What?

Chairperson Speranza: Can we act on the subdivision request tonight?

Village Attorney Stecich: No, you can't anyway because of all the variances. I mean, it's probably not a good idea.

Chairperson Speranza: Well, that's what ... subject to approval by the Zoning Board.

Village Attorney Stecich: Yes, but they have to ... you know what? They have to come back anyway for steep slopes and for the accessory apartment. So the right way to do this is to just declare your intent to be lead agency.

Chairperson Speranza: Gosh, I thought they'd get so much further.

Village Attorney Stecich: You know what? The thing is, we don't have to do it often because most of what the Board does isn't subject to SEQRA. But this is because it's a subdivision.

Chairperson Speranza: And usually we're the only ones who are involved.

Village Attorney Stecich: That's right. If they didn't need variances you could do it all tonight, but they need variances so you can't.

Chairperson Speranza: OK, so I'll need a motion then to declare ourselves lead agency for subdivision of the property.

On MOTION of Boardmember Alligood, SECONDED by Boardmember Dandridge with a voice vote of all in favor, the Board resolved to declare itself lead agency for subdivision of property at 184 Farragut Avenue..

Village Attorney Stecich: Kind of anticlimactic.

On MOTION of Boardmember Dandridge, SECONDED by Boardmember Dale with a voice vote of all in favor, the Board resolved to recommend to the Zoning Board of Appeals that it approve the variances required for the subdivision of property at 184 Farragut Avenue.

Mr. Warshauer: Thank you very much.

V. Old Business

Application of T-Mobile for installation of antennas and associated equipment at 1337 Saw Mill River Road

Chairperson Speranza: Is there someone here from T-Mobile? Yes, hi.

I'm thinking that this may be short and sweet in terms of what we're going to do tonight? But maybe you could give a synopsis of what the proposal is, and we can talk about where we are and what we can do tonight.

Doug Warden, attorney - Snyder & Snyder: I'm here tonight on behalf of T-Mobile. T-Mobile, as you know, is seeking to locate a wireless telecommunications facility on the rooftop of the existing building at 1337 Saw Mill River Road.

The existing building is about 33 feet tall. We are proposing to locate a 35-foot tall flagpole on top of the existing building. And the idea is to disguise, or stealth, the antennas to within the flagpole so that they won't be seen. The flagpole will fly an American flag, 8 feet by 12 feet, and will be appropriately lit in accordance with all the appropriate rules and regulations that govern these things.

The application also involves the location of equipment on the rooftop of the building, which is a penthouse. And that will be screened by an equipment screening, which we hope you will agree is visually consistent with the existing building as it stands.

And that's the nature of the application.

Chairperson Speranza: OK. And we had ... at the last meeting, we had agreed that the Village was in need of some technical expertise to review the application, particularly with respect to the analysis of the radio frequencies, et cetera. An escrow was set up, which was great. We are in the process of procuring someone, a firm. So we will continue our mission to do that.

There was also an environmental assessment form that was submitted with the application you gave last month, and just as in the other application we have to declare lead agency. This will require a variance from the Zoning Board of Appeals because the location of the wireless facility is outside of the overlay district. So the Planning Board this evening can declare ourselves to be lead agency; the Zoning Board can then give it back to us, decide that they have no problem with us being lead agency.

Mr. Warden: I don't mean to interject, but perhaps the way to go would be ... and I know your able Village Attorney will correct me if I'm wrong. But I believe that you would be declaring your notice of intent to be lead agency.

Chairperson Speranza: Notice of intent, yes.

Village Attorney Stecich: Not their notice that they're declaring their intent, but it's understood. Thank you, Mr. Warden.

Mr. Warden: Just housekeeping.

Chairperson Speranza: OK. There was one question from our last discussion that I'm wondering ... and several Boardmembers have mentioned this to me, Boardmembers who couldn't be here this evening: another location where we could see this type of a stealth tower. We know about Oakley's car wash, and the Perkins in upstate New York has big flags. But I'm curious about this.

Mr. Warden: Well, I've got a list that I'd be glad to give to the Board of four other flagpoles that T-Mobile is on in Westchester County. Bear in mind, I believe the second one was constructed by another carrier, AT&T, and so it may not be sort of consistent with what we are proposing.

But I hope you'll take the opportunity while you're driving around the county to take a look of some of these other ones. I think I've indicated the various kinds of poles. Sometimes you have a flagpole free-standing; sometimes it's on top of any structure – a parking garage or something like that. So if the Board wants to do that, I have submitted a list.

Chairperson Speranza: OK. And for those who are interested, both on TV and in the audience here, there are some that are literally right up the street: Old Tarrytown Road in Greenburgh, and on Dobbs Ferry Road in Greenburgh. This is interesting because I frequently drive these roads.

Village Attorney Stecich: That's how stealth they are.

Chairperson Speranza: Well, I'm wondering now.

Boardmember Dale: The stealth tree that is on the east side of the county, is that T-Mobile's or somebody else?

Mr. Warden: It must be so well stealthed that I'm not familiar with it.

Boardmember Dandridge: It's not well-stealthed at all.

Mr. Warden: Must be another carrier.

Boardmember Dale: It's right near that gas station.

Chairperson Speranza: For the record, let me just read the address. It's 301-305 Old Tarrytown Road in Greenburgh, and 280 Dobbs Ferry Road in Greenburgh. One's 100 feet tall and one's 70 feet tall.

Mr. Warden: And again, the first of those ...

Chairperson Speranza: And you're looking at 35 feet tall on top of the 33.

Mr. Warden: That's right. And again, the first of those two that you just mentioned in Greenburgh ...

Chairperson Speranza: Is AT&T. So if it's not so stealth, we'll assume it's theirs.

Let me first ask, was there anything else that you were expecting from the Board tonight?

Mr. Warden: Let's see. Well, I kind of thought we were going to have retained consultants by now.

Chairperson Speranza: There's an evaluation process going on.

Mr. Warden: OK, and that's great. And if you're declaring your notice of intent to be lead agency, that's a positive step, as well. I don't know if the Board ... you had mentioned, of course, the Zoning Board's role in this. I don't know if the Board wants to refer us to the Zoning Board at this time.

Chairperson Speranza: Yes, we strongly then want to refer you to the Zoning Board.

Village Attorney Stecich: Just be aware – I don't know at what point – you also have to go to the Architectural Review Board.

Mr. Warden: And if you do refer it – when we're referred to the Zoning Board – will we be proceeding along parallel tracks? Is that the way it works? In other words, will I be able to appear on the next agenda before this board while my client's also – before the Zoning Board?

Chairperson Speranza: For whatever matter we can act on, before a Zoning Board action.

Mr. Warden: OK, good.

Chairperson Speranza: So if there are questions with respect to the plans, I see no reason why we couldn't do that.

Mr. Warden: OK.

Chairperson Speranza: We could start in, you could hear our concerns. Because last meeting we didn't do anything. So you'd make a presentation.

Village Attorney Stecich: And you know what else you could do that could shortcut the process because it gets so difficult because the Zoning Board can't make any decision until you ... I'm assuming the Zoning Board's not going to want to ... they're not going to disagree with your being lead agency.

Chairperson Speranza: Right.

Village Attorney Stecich: But they can't make a decision until you've made your decision on SEQRA. So you could, if you were ready at the ... I mean, this isn't one that's ... some of the applications, the thing may be moving around a lot. But this is what it is, so you would be able to do your SEQRA determination if you felt ready, if you had the information. And then the next time they were before the Zoning Board they could ...

Chairperson Speranza: OK. Anybody wish to speak, or have any questions about the application? You haven't heard specifics about the application, but ... just state your name and address.

Carolyn Caruso, 45 Marian Avenue: I understand you've retained somebody, or are in the process of. And I've got a great DVD that goes into detail on the effects of the radiation that's emitted from cell towers in the area. It was given to me and I was asked to submit it, so I'd like to maybe submit it and have you look at it or have your expert look at it.

Chairperson Speranza: OK, that's fine. One thing I will mention is that we do ... oh, what is it? It's federal law, right? That prohibits us from determining ... or from taking in health considerations.

Ms. Caruso: I understand that and they do go into it. But it's pretty scary, some of the things that are documented. And I mean, it's a neighborhood, there's children, and I think it's important. It's sad that it's not the number one issue.

And I also wonder, is there a dead zone in this area? What was the purpose, or why was this location picked?

Chairperson Speranza: In fairness, as I mentioned, the applicant has not had a real opportunity to present the project. Certainly you can speak now about it to respond to the question, but at the next meeting, they will have their presentation made with your plans and drawings.

Mr. Warden: Will that be a public hearing, the next meeting?

Chairperson Speranza: Oh, yes.

Ms. Caruso: And will we be ... the people in the area ...

Chairperson Speranza: You'll be noticed.

Ms. Caruso: Is there notice, then, because of the variance that's required?

Chairperson Speranza: Right. And for us, for the approval.

Ms. Caruso: Lead agency? OK. All right, should I leave this with anybody, or hold onto it?

Chairperson Speranza: OK, thank you. It's not from the video store. OK, anyone else? Questions?

Lynda Merchant, 35 Marian Avenue: I have a lot of questions because this.... T-Mobile kind of snuck up. After a meeting, I heard about it. So I really don't know a lot about it. I do know that I think the one you're talking about on Dobbs Ferry Road is at exit 5 on 287, and it's right there. I mean, it's huge. And it's a fatter flagpole than a flagpole.

Chairperson Speranza: Yes.

Ms. Merchant: I mean, they're this big around. So if we're putting one there everybody's going to notice it, OK?

The other thing I'm wondering, I don't understand the process of ... I do realize, I think, from meetings that there were sites picked around Hastings for this to happen, and this was not one

Chairperson Speranza: That's right.

Ms. Merchant: So how did it come about? I mean, like if you picked places they could put them, and now it isn't. So I don't understand that process.

Chairperson Speranza: And that's why the applicant has to go through the very stringent process. Because the firm will have to get a variance from the zoning code, which specifically locates, or specifically notes, where these facilities can be constructed. Because the application is for a site outside the zones, it's got to go for a variance before the Zoning Board of Appeals.

Ms. Merchant: OK. And with those variances, the Zoning Board ... I'm assuming the neighborhood gets notification. Is this going to be quick, ... I mean, nobody's a magician and can figure this out. But if we have to be there next Thursday, we have to be there next Thursday. The next zoning meeting, this will come up for us to listen to so we understand.

Chairperson Speranza: Likely, if the applicant is ready and there's room on the agenda for the next Planning Board meeting.

Ms. Merchant: Right. So we have at least these two...

Chairperson Speranza: That you will have notice before the next Planning Board meeting. The reason that you haven't received notice about this as of yet is because there is no ... the application has been considered, but there was no public hearing noticed at this point. So you did not receive notification.

Ms. Smith: We're kind of working through the bugs in the application process right now.

Village Attorney Stecich: Patty, I may have confused things when I said at the next Zoning Board meeting they could not object to their being lead agency. But they can do that without hearing the whole application. This is just to move it along. But there's been no notice. So there's no point coming on this application because that's all they'll do at that meeting. It's not even on the agenda, but we can ask them.

Am I right? The Zoning Board can weigh on a lead agency designation at that meeting, whether it's on the agenda or not.

Ms. Merchant: And nothing else.

Village Attorney Stecich: It's not on the agenda, so they can't. Then the next notice that goes out, and I'll send an e-mail to confirm this, the next public notice that goes out will be a public hearing for the Planning Board meeting and for the Zoning Board meeting. So all the notices will be out, and that will be for the third and fourth Thursdays in November. Or it'll be different because of Thanksgiving. I think it's the first of December.

Ms. Merchant: OK. All right, thanks.

Chairperson Speranza: November 18 is the next Planning Board meeting.

Village Attorney Stecich: Yes, and then the Zoning Board will probably be December because of Thanksgiving.

Marty Merchant, 35 Marian Avenue: I just need a little clarification on my part. What forces will be considered, or what's the dynamic that the Zoning Board and the Planning Board are going to consider to grant a variance? Is it an economic need on the part of the applicant? Is it an economic need on the part of the applicant, which they're trying to demonstrate this is the most effective – scientifically the most effective – position, or location, for the tower versus what the community feels is a benefit either aesthetically or economically for itself?

I don't understand what will be weighed, you know, what will be ... I don't want to cast it as a battle, but what will be weighed in the balance against the applicant's request that the tower be placed outside of what already was approved as places for it to go? Does that make sense?

Chairperson Speranza: Yes, I understand.

Mr. Merchant: Could you maybe clarify that a little?

Chairperson Speranza: I understand completely. Go ahead.

Village Attorney Stecich: Yes, we laid it out. It's actually not your classic variance, where you weigh, you know, the five factors. It's specifically laid out that they have to "*prove, by competent evidence, that the facility is needed to provide coverage to an area of the Village that currently has inadequate coverage and that is of the minimum height and aesthetic intrusion necessary to provide that coverage.*" That's A.

B: *"That all reasonable measures in siting the facility within the overlay district have been exhausted." And third: "That technical or space limitations prevent location or colocation of the facility in the overlay district."*

Mr. Merchant: So that T-Mobile will have to demonstrate their need that fulfills those three items.

Village Attorney Stecich: Those three things.

Mr. Merchant: OK, that's great.

Chairperson Speranza: Right. And that's one of the reasons that we, the Village, hire a consultant to evaluate the proposal. Because honestly, none of us have that kind of technical expertise to make that determination.

Mr. Merchant: Which T-Mobile will present as evidence, or as their compelling argument.

Chairperson Speranza: Yes, to make their case. Right.

Village Attorney Stecich: If you want to check, it's Section 295-85 of the code. The code's online. So it's a really long section, but it's in 295-85.

Chairperson Speranza: OK. Anything else? Then I need a motion – see, now you've got me all confused – to declare our intent to be lead agency. Need a motion, and a second.

On MOTION of Boardmember Alligood, SECONDED by Boardmember Barr with a voice vote of all in favor, the Board resolved to declare its intent to be lead agency for the T-Mobile application for the installation of antennas and associated equipment at 1337 Saw Mill River Road.

Chairperson Speranza: OK, thank you.

Mr. Warden: Well, I'll look forward to seeing you next time. Thank you all very much.

VI. New Business

Chairperson Speranza: We're getting there.

- 1. Preliminary review of application of Mirjana Alilovic for subdivision at 12 Prince Street.**

Chairperson Speranza: All right, we have preliminary review of an application. Deven, the steep slope, I meant to ask you. The steep slope application on Prince Street, that's noticed? They're here, and it was properly noticed?

Building Inspector Sharma: Only neighbors.

Chairperson Speranza: Right. So they are here?

Building Inspector Sharma: I don't know if they're here, but they've been notified.

Chairperson Speranza: We had a late start on the agenda. Both applications are on Prince Street, so we'll take the one that was on the agenda first, which is preliminary review of an application for subdivision at 12 Prince Street. Mr. Weinstein, good to see you again.

Edward Weinstein, Edward Weinstein Architecture & Planning, PC: I'm here tonight sort of on an informal basis to just get the sense of the Planning Board and some feedback on an application which we think is pretty straightforward.

I've highlighted in orange the site in question. The site is a little over 24,000 square feet. It is located in a two-family zone on Prince Street. Currently on the site there is a one-family house. The owner, who's here tonight, Mirjana Alilovic, desires to subdivide the property so that she can sell one of the lots. First let me show you a little more of the context. This is a larger version of the package that we sent to you.

This is the property, this is the location of the existing house, and there are photos showing the house and looking down both sides of the streets. Most significant, though, although Prince Street is mapped for the full length of the property all the way to the Uniontown playground – and the Uniontown playground abuts the property – there is a rather large rock outcropping; a small mountain. We'll get to the significance of that a little later in the presentation.

So I mention the house. The lot was about 24,000 square feet. It does have some steep slopes, and we have done a steep slope analysis that's going to be confirmed by a surveyor who's done the work already and pretty much confirms what we've concluded. We are talking about having two lots. Lot 1, where the existing house is, will have about 14,500 square feet gross area. After deductions for steep slopes, it will be about 10,000 square feet. The district requires 7,500 square feet.

Lot number 2 will have a gross area of about 10,000 square feet and a net area of about 7,522. So the owner wants to sell off a lot that's sufficient – you know, that meets the zoning – and keep the rest for herself. There is one issue that arises because of the rock outcropping, and that is that the zoning does require specifically that each lot has to have 70 percent of its frontage on a road improved to Village standards.

Now in order to comply, that rock would have to disappear, which I guess is theoretically possible but it really would be, we think, unnecessary and a burden, and actually would eliminate a feature in the neighborhood that people may have come to love and recognize. We don't want to blast away the rock.

The preliminary site plan we're showing you shows how each lot would have its own driveway. We might have to improve Prince Street a small amount up to the rock. The lots would have sufficient frontage on the mapped street, but it would not be improved to the Village standards. We think that Section 295-219 allows the Planning Board to waive that requirement. Of course, we seek confirmation from counsel.

And that's essentially the proposal. The block itself is not fully improved to the two-family underlying district. They're all one-family homes on the lot. There are four homes on the west side of the street and one additional home on the east side of the street, and there's actually a home being constructed directly across the street from the Alilovic property right on the other side of the rock.

So any questions?

Chairperson Speranza: Questions?

I see absolutely no reason to even contemplate doing anything with that rock. This would come to us as a subdivision. You need to go to the Zoning Board. Oh, no, we can waive it.

Village Attorney Stecich: No. But just by the way, it's not Section ... it's 295-19.

Mr. Weinstein: OK, I'm sorry.

Village Attorney Stecich: In case anybody goes to look for it. And no, it can be done by the Planning Board. So I don't think you would need a variance.

Chairperson Speranza: All right, great.

Boardmember Sullivan: Can I ask just a general question? The rationale behind having 70 percent of the required width of the lot as it borders on the street, is that for fire access, for emergency access?

Village Attorney Stecich: No. That was the Louise Leaf amendment. I remember Louise wanted that badly, to avoid lots.

Boardmember Dale: I remember, now that you mention it.

Village Attorney Stecich: You remember that? Yes. Wait, do people know what I mean by flag lot. A flag has a very ... you could have a lot that maybe only has the width of a driveway running down the street, and then it goes all the way back and then the lot's really in the back. So this was to avoid flag lots.

Boardmember Alligood: I just want to say I see no reason to blast away that rock. It makes sense to me. I looked at the site, and it's certainly in keeping with the rest of the street and I don't see any issues with it at all.

Chairperson Speranza: Anything else?

Mr. Weinstein: So I have, I guess, just one question.

Chairperson Speranza: It's too bad you weren't here for a vote.

Village Attorney Stecich: I had a question. Are the houses going to be ... is her house a one- or two-family?

Mr. Weinstein: It's one-family.

Village Attorney Stecich: Oh, they're one-family. You should clarify, because it's a different lot size.

Mr. Weinstein: OK, the existing home is a one-family. The buyer of the second home, you know, we don't know who that might be. It could be one- or two-family.

Village Attorney Stecich: Well, wait. How big is the bigger lot going to be?

Mr. Weinstein: Ten-thousand, after the deductions for steep slope.

Chairperson Speranza: Well, they're going to have to comply with the zoning.

Mr. Weinstein: Both lots will be compliant.

Chairperson Speranza: The lot gets created.

Village Attorney Stecich: Well, I didn't know. If the existing house was a two-family, he didn't have enough space. So clarify that.

Mr. Weinstein: I guess my question now is, will the Planning Board be willing to entertain skipping the preliminary plat session and go right to final plat, which we would have prepared by a surveyor?

Chairperson Speranza: At the public meeting.

Mr. Weinstein: Yes, we would present that in advance of the next meeting, or as soon as we could prepare it. But I don't see any reason to go through another preliminary session. I think we could go right to a final plat, if that pleases the Board.

Chairperson Speranza: That's fine.

Mr. Weinstein: Thank you very much.

Village Attorney Stecich: Just make sure you submit an Environmental Assessment Form, because they have to do SEQRA on this.

Mr. Weinstein: The short form?

Village Attorney Stecich: The short form's probably fine.

Mr. Weinstein: Thank you.

Chairperson Speranza: OK, thank you.

2. Steep Slope Submittal – 16 Prince Street

Chairperson Speranza: We have one more addition to the agenda: new neighbors. We got to look at two sites with one trip. That's great.

So because this was not on the agenda, let me just say that it's a steep slope submittal for a property at 16 Prince Street. My understanding is that it was noticed to the adjacent neighbors. Of course, one of them is here.

OK, your show.

Boardmember Dale: Is this a preliminary or an actual presentation?

Chairperson Speranza: The documentation has been submitted for action. Steep slopes does not require the public hearing. It says "*regular notification to the adjacent neighbors.*"

Boardmember Dale: I did not have an opportunity, since it was submitted late, to actually visit the site.

Chairperson Speranza: OK. It's right next to the other one.

Boardmember Dale: I had the weekend for the other one.

Boardmember Sullivan: Actually, I didn't receive anything on this at all.

Boardmember Dale: It's across the street.

Boardmember Sullivan: I didn't receive any information at all.

Chairperson Speranza: OK, why don't you make the presentation, then we'll determine how we're going to do it.

Jay Brandford, property owner – 16 Prince Street: Thanks a lot for seeing us on short notice. Thanks for facilitating getting us seen.

Chairperson Speranza: We'll see, because some of our members haven't had an opportunity to review it appropriately.

Boardmember Sullivan: Or receive it.

Mr. Brandford: Well, thanks for being flexible. I hope I can answer what questions you've got, and we can get as far as we can today. I'm one of the owners. This is Loryn Altsher, my wife, the other owner at 16 Prince Street. And we need your steep slope permission as part of a little project we have on the property.

The lot that you see here, we've got this house here right at 16 Prince Street and we'd like to make a renovation and addition at the back of the property. It's pretty small. We're only adding about 300 square feet to the footprint of the structure. Then past that, continuing on to the east, we're adding a patio and a deck.

Steep slopes become an issue right away because there's a band of steep slope right through the middle of the property. The patio will intrude about 250 square feet into the steep slope area. So we hired the engineering firm Gabriel Senor to come up with a plan for runoff mitigation, and that's what we want you to review with us here. And we hope you'll approve of that.

The plan is pretty straightforward. What they're going to help us with – what they have helped us with – and I think it's shown pretty well on the page you have that's called "the site and erosion control plan," we're going to put in a drywell. The house now ... if you look on this page now, this is Prince Street down here. The house is down here. The steep slopes run like this, through there. We're going to put a drywell over here, OK?

It's past the steep slope area, it's still well away from all the property lines, and we will have six-inch buried pipes connecting the drywell to the downspouts from the roof. So the runoff from the entire east half of the roof, which includes the new area – the 300 square feet plus several hundred more square feet – will all flow into the drywell. The drywell will also have a surface drain, a 10-1/2 inch surface drain, as specified here.

That's it. What questions can I answer for you?

Chairperson Speranza: Well, I have to say we're kind of at a disadvantage here because we've got two Boardmembers who did not receive the packets, did not receive the supplemental information, and one who received it but at an inopportune time – not enough time to actually review it and go to the site.

Any questions from anybody? I'm getting to the point where I'm saying I don't think we're going to be able to take action on this tonight. But it's good you've gone through it and we've heard it. Rhoda, do you have any questions? It seemed pretty straightforward to me. I did notice that you do have ... there will be ... Mr. Senor will have to affix his seal. The statement is there.

Mr. Brandford: Is the seal there? I believe so.

Chairperson Speranza: Oh, OK. It wasn't on the one with the statement. But that's OK. I want to tell you, I think your letter specifically identifying everything that was required and how you've addressed it was very good. Thank you very much.

Building Inspector Sharma: [off-mic]

Village Attorney Stecich: But don't there have to be calculations of how much of the steep slope is disturbed? That's what I didn't see. Remember, we have the percentage of the steep slope that can be disturbed, and I couldn't find that.

Mr. Brandford: On this drawing, I hope it's down here in the lower left: "slope analysis."

Village Attorney Stecich: Oh, OK.

Boardmember Sullivan: It's 12.2 percent.

Chairperson Speranza: And the calculations are also contained on the plans, too, which I think is very clever.

Village Attorney Stecich: Oh, I didn't find that. OK.

Chairperson Speranza: Saves paper, as well.

Mr. Brandford: For those for whom this is all a fresh issue, I'd be happy to go over any details that I can that would help you feel comfortable with what we have planned.

Chairperson Speranza: I think we're going to have to table this until the next meeting. Because if we were to vote right now, it would end up being no.

Boardmember Sullivan: I'd have to abstain, and I apologize.

Chairperson Speranza: So we will make sure that the Boardmembers get the materials.

Boardmember Barr: I did get the packet.

Boardmember Dandridge: I did not.

Chairperson Speranza: Ed didn't get it, and Kathy didn't get it.

Building Inspector Sharma: [off-mic].

Chairperson Speranza: OK, we will make sure that you are first item on the agenda at our November meeting. How's that?

Mr. Brandford: Sounds good. See you in November.

3. Discussion of proposed Day Care Center, Route 9-A and Jackson Avenue

Chairperson Speranza: OK, last item. David, why don't you come on up. For those of you who might have seen the Board of Trustees meeting a couple of weeks ago, or if you're really a government meeting watcher maybe you saw the Town of Greenburgh planning board meeting several weeks ago. And actually this is something that's been on our horizon now for about a year.

It was proposed a year ago to put a daycare center in the old State Farm insurance building at the corner of Jackson Avenue and 9-A. The building was, well, as we know, an office for State Farm. And then it was proposed to be a funeral parlor. And then there was an application for a child care center. The first operator of the child care center, or proposed child care center, withdrew his application, or withdrew the application, when it was recommended that there be a police officer stationed at the driveway to the facility. The driveway is the existing driveway off of Jackson Avenue.

There is a new ... the applicant, the owner of the property, has submitted – or I don't know if they consider it a new application or ... it's come back to life with a new operator for the child care center. You've noticed construction going on at Jackson Avenue and 9-A. They are putting in a turn lane for eastbound vehicles, and this raises some concerns. Mr. Skolnik has brought it to the attention to the Board of Trustees. I had heard various things about it and thought, well, there's no way it's ever going to be approved because how are you going to get the vehicles in and out safely.

So it was on a work session agenda for the Town of Greenburgh planning department, planning board, which streams their meetings, live. So I was able to watch it live. Now, they operate a little different than we do. They have a work session which is closed for public comment. They don't hear public comment. Then they go into their public hearings. And then when they can, if they have time at the end of the public hearings, they go back into the work session.

I made it through the first part of the work session when this daycare proposal was heard. There were concerns expressed by the chief of police for the Town of Greenburgh with respect to the movements in and out. They're estimating 50 trips in and out of the property

every day. And he was not confident that even with a patrol officer there every day they would be able to manage the traffic. Because now you would have someone who was, conceivably leaving the child care center, making a left turn, having to cross westbound traffic and traffic in the turning lane. So it just makes things extremely awkward.

So they ended up going back, to a work session on this topic. And set a public hearing date now for comments for November 3, you mentioned.

Mr. Skolnik: Right.

Chairperson Speranza: David was kind enough to fork up the money to foil the plans for the 9-A/Jackson Avenue intersection in terms of what's going to be constructed there, or how the roadway network is going to be constructed there.

David, did you have a sense ... why don't you come up and give your read on this. Again, I did not hear your comments at the Board of Trustees meeting, so you can go again.

Mr. Skolnik: Can I make a request to not stand up just because my back's hurting a little bit. Is that legitimate?

Chairperson Speranza: Sure, as long as we can hear you. Can we see him on the camera?

Mr. Skolnik: Yes, I'm sure he can. He's very good.

First of all, I appreciate your putting this on the agenda. I should make it clear I have nothing ... I don't have a hot dog stand anywhere in the vicinity. I have no stake, personal stake, in this. It's just that, like most of us, I use it. I use it, I'm around there, and the insanity there has made itself apparent for a long time.

I have other issues about this area, and I wanted to make sure that on the one hand I was going to both ask your indulgence and also ask your help. Because I don't want to go off on a tangent that doesn't pertain to exactly what's on the agenda and why it's on the agenda. So my issues with this intersection, as I mentioned to you about the lack of pedestrian crossing, is something that I've been trying to push through. And it's been challenging me to try to gather the information, to find out who it is that is really responsible for the project itself.

I think it would be important for you as a board, and the Board of Trustees, for everyone, to really understand a little bit of the history. But I don't think it's so much essential to go into that right now. In other words, the work that's being done is related to Ridge Hill, but it's not part of the settlement that was reached with the villages that was recently before the Trustees.

But I was unable, so far, to track any of the finding statements, any documentation in the discussion, in all the Ridge Hill material about this particular location and the intent – anything that would document the intent – for our city to do something here.

The reason why that's important, ultimately, to my purposes – but not to the purpose here – is that in the conversations I've already had with the DOT and with Greenburgh there's a very definite procedure that has to be followed if either the Village, or I as an individual, were going to try to pursue the goal of trying to address a pedestrian crossing there. But for the moment, that issue is not the same as this.

My point, and why I wanted this before you, was because while we don't have ... this is not Hastings. This is Greenburgh, the site itself is Greenburgh, so we have no direct stake in it. We have no direct ...

Chairperson Speranza: Authority.

Mr. Skolnik: Exactly. Well, we do have a stake. And that's the differentiation. This area affects us, and what's done with it affects us a great deal. So it's partly to bring the awareness, and for the Village to see how we would address, how you would address, Greenburgh as this process goes along.

The irony is that it's not Hastings, but the people that are immediately affected by it in Donald Park are part of the school system. So the entity there, and the people who are most likely to be at this meeting or certainly concerned about it and affected, and we as a village, can't really address a lot of those issues: how it would affect their living, and whether they would like to see something else there. But clearly, the traffic is what is likely, is guaranteed, to affect us.

Chairperson Speranza: One of the reasons I was glad that they did this, they were having a work session on this, was so we could kind of gather together and certainly – as the planning board of the Village of Hastings – go on record expressing our concerns with respect to the proposal and the traffic that would be generated by it, particularly given the new alignment. I have no problem. We can crack the latter, and go on record with the Town of Greenburgh planning board. They don't have anything ... we can't veto, should they decide to approve it, but we can at least go on record.

David and I would have no problem either, including "and by the way, there should be some sort of pedestrian access included in the plans for the intersection redevelopment." Or two separate letters. I'll do it as two separate letters.

Boardmember Dale: Patty, what's interesting is that there's a proposal to fix that bridge and they came to Hastings and did a public presentation. When I saw the work started, I thought it was that. Now it turns out that it's really totally separate. The question would be, why wasn't a presentation made to us that were so affected by it, even though it's in Greenburgh.

Chairperson Speranza: For the roadway improvements you mean. I believe likely because none of it is ... well, no, some of it is Hastings. I don't know. Susan, do you have any idea?

Village Clerk Manager Maggiotto: We were just talking about it.

Chairperson Speranza: That's a mystery. Certainly, our ability ... and it's something that has been included in the comprehensive plan, to make things more walkable. And this is one area, pedestrian crossing. I'll put on my county transportation planner hat for a minute and say we've got bus stops there also.

Mr. Skolnik: That's right.

Chairperson Speranza: And you're seeing now there's a sidewalk here. It would be very nice to have a safe path for individuals to cross back and forth to the bus stops, as well.

Boardmember Dale: Are there sidewalks? Is that these thin strips?

Chairperson Speranza: Oh, I'm sorry. Sidewalks, but no crosswalks.

Boardmember Dale: Right. But these thin strips are, in fact, sidewalks? They seem too small.

Boardmember Alligood: They took away the existing sidewalk and rebuilt it. Because I was watching carefully, so that's there. But I agree that they have not accounted for how people get across that intersection. And it's going to be even more hazardous with the turn lanes.

Boardmember Dale: Well, with a turn lane you have a right-of-way to keep moving, where before you didn't because you had to wait for traffic to open up.

Boardmember Dandridge: But that's just only part of it. The other part is that there is really nothing in terms of a full stop on the right turn on red for traffic on 9-A. Anyone who's traveled east off of Ravensdale onto Jackson, even though you have the clear right-of-way you very often end up giving yield to northbound traffic on 9-A, making a sharp turn heading up to Stew's. And that is particularly dangerous for pedestrians.

Boardmember Sullivan: One question. This is for my knowledge. When Greenburgh is adjacent to Hastings, when do they have to notice on any action that they're taking adjacent to our property? Like is this a change of use that's going on in the daycare center? Is there any time that they have to reach out to us or, conversely, we reach out to them?

Chairperson Speranza: Yes.

Boardmember Sullivan: That question came up.

Village Attorney Stecich: We were noticed.

Chairperson Speranza: We were noticed under general municipal ...

Village Attorney Stecich: Well, under SEQRA. At a minimum, under SEQRA, you have to notify any adjoining municipalities. And my guess, we have a provision in our code that if you're making certain changes, and you're within so many feet of a municipality, you have to notify other municipalities. I imagine the same thing's in Greenburgh. The Village got noticed.

Boardmember Sullivan: I think this is sort of related to the T-Mobile application, as well, since that's on a border with Greenburgh. At some point will they need to reach out to Greenburgh? Because there's a fair number of residences on the hill on the east side of 9-A.

Chairperson Speranza: Yes, that might actually be Yonkers at that point.

Boardmember Dale: It is Yonkers, I think.

Village Attorney Stecich: Yes, but that'll be in the notice area, won't it?

Chairperson Speranza: Yes.

Boardmember Sullivan: I'm just curious about the logistics.

Boardmember Dale: That came up when we had the proposal, the same building, to expand that building.

Mr. Skolnik: I would add that when Greenburgh came and did their presentation – and this is going back, I can't remember exactly, but I think it was Tom Madden who came – I spoke with him afterwards about the lack of the pedestrian provision. I was frustrated at ... I'm

sorry Tom ... at the response which seemed to ... what he seemed to indicate was that if we had had something in a comprehensive plan, then somehow that would have been the basis of dealing with it.

Which, of course, it's frustrating because it's been – if not officially as part of a comprehensive plan – it's certainly been, as Kathy pointed out ... the discussion about walkability has been on the minds not only here, but in the entire area.

Boardmember Sullivan: Actually, Patty brought that up.

Mr. Skolnik: I'm sorry.

Boardmember Sullivan: Patty, I think to your point, I think I'd be happy to be part of a letter expressing concern about a daycare center in that vicinity. Having used them myself in the past, there are a lot of trips in precise times before drop-off and pickup. So this looks, just with a driveway alignment, like it would be a very difficult situation and potentially very dangerous.

Chairperson Speranza: Right at peak hours, and that's the problem.

Boardmember Dandridge: I would also add, as someone who lives on Ravensdale and has young kids who take the bus, we are already dealing with a significant challenge with impatient encroaching commercial traffic really sort of challenging buses picking up young kids right on that street.

So our police are already stretched in having to sort of now, particularly during morning rush hour, go through that area. The notion that we would have parents heading both east and west, trying to drop off kids on that street, is just inconceivable. It's just an accident waiting to happen.

Chairperson Speranza: So I'll do something on behalf of the Planning Board.

Boardmember Sullivan: Thank you.

Mr. Skolnik: Would it possible, without violating the process here, to have ... and we don't have to do it now, but if we have some further communication about it. Because I can certainly tell you my thoughts in a little more detail.

Chairperson Speranza: Yes, we can talk. Are you going to go to the meeting on the 3rd?

Mr. Skolnik: Given how much source I've given them, I would expect they'll ...

Chairperson Speranza: They're going to expect you to be there.

Mr. Skolnik: Yes, they will. They already have my name on a seat. Thanks.

Chairperson Speranza: OK. And we're going to pursue it. I will pursue also pedestrian crossings there. There's just no reason. I mean, right now it's ... there's no reason that they can't be included in the project. Maybe they're saying it'll be included in the Ravensdale Avenue bridge rehabilitation, which is way out there.

Mr. Skolnik: It's 2018.

Boardmember Dale: They said no. I recall a discussion where they were asked. Because the concern was to have access to the old railroad underneath, and they said that was outside of the purview of their work so they had no interest in it. There would be a sidewalk on the bridge, but that would be it. That was as far as they were concerned.

Chairperson Speranza: Well, there's plenty of time. There's nobody for that project right now so there's plenty of time to make them reconsider.

Boardmember Dale: Is that part of the stimulus plan?

Chairperson Speranza: No. Any other items?

VII. 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 10:15 p.m.

FILED
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LORI MARRONE

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