

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
REGULAR MEETING AND PUBLIC HEARING
JANUARY 20, 2011**

A Regular Meeting and Public Hearing was held by the Planning Board on Thursday, January 20, 2011 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 Fred Wertz, Boardmember Jamie Cameron, Boardmember Eva Alligood, Boardmember Bruce Dale, Boardmember Ed Dandridge, Village Attorney Marianne Stecich, Building Inspector Deven Sharma, and Deputy Village Clerk Mary Ellen Healy

I. ROLL CALL

II. APPROVAL OF MINUTES

December 16, 2010

Chairperson Speranza: Are there any changes or modifications that should be made?

Boardmember Alligood: One correction on page 36 after Boardmember Cameron says, "*Right, OK. That's what I was looking for,*" that next set of statements is attributed to Boardmember Sullivan, but I believe I said it.

Chairperson Speranza: OK, the record will be noted. Anyone else?

On MOTION of Boardmember Dale, SECONDED by Boardmember Wertz with a voice vote of all in favor, the Minutes of the Regular Meeting and Public Hearing of December 26, 2010, were approved as amended.

III. PUBLIC HEARING - OLD BUSINESS

High Rose Realty Corp. for off-street parking in connection with an accessory dental office in the first floor dwelling of a two-dwelling building at 34 High Street; Sheet 40, Block 738, Lots 17 & 19 on the Village Tax Maps.

Chairperson Speranza: We have a public hearing for an application that was before us last month, High Rose Realty Corporation, that's site plan approval for off-street parking in connection with a home office which, as we know, is going to be a dental office.

I'm sorry I can't remember your name from the last meeting, but if you take the mic and introduce yourself we'll hear the changes.

Mr. Abillama, architect – 34 High Street: Thanks, Madam Chairman, for having us back. If you recall, the original application [off-mic] where the access was off of High Street. The concerns were, at the time, that it was a bit excessive for [off-mic] square footage of the lot. And that the access from High Street, which is a busy street, was also some concern of some members. The other thing, there were some concerns about setbacks and lighting.

[off-mic] at the time to propose, instead of eight parking spaces, six parking spaces, which [off-mic]. But, in turn, it would require ... recommend [off-mic] Zoning Board [off-mic] two parking spaces. The other suggestion was ...

Chairperson Speranza: Technical difficulty.

Building Inspector Sharma: Let me see if that microphone is on. How is it now?

Mr. Abillama: The other suggestion from the Board is to have the access off of Rose Street, where the existing access is at the moment.

Now, the way that we proposed for this application here – with the permission of the Board – is to have the six parking spaces by including the underground garage parking space with tandem spaces that are existing right now, which makes it an eight-parking-space lot. That makes it OK without having to go to the Zoning Board for approval. The reason for that is, we would like to file for the permit and get the work going. And if the Board so wishes, we will still need to reduce the size of the lot. We can still go to the Zoning Board in the meantime and get that approval.

Concern for the setbacks, we took care of that. We have the 10-foot buffer, landscape buffer. We have the 25-foot setback from the front yard, set back from the parking towards the parking here. And it will be provided with bollard-type lighting – we have the detail in here – in the areas where indicated.

This would be the four-parking-space lot. This would have to go to the Zoning Board, of course, for approval. But I'd just like to show you how it looks. We have copies also for the Boardmembers to look at.

Building Inspector Sharma: Speak in the microphone, please. And it's four plus two; it's altogether six parking spaces.

Mr. Abillama: So let me distribute some of the plans in here.

Boardmember Dandridge: Just a quick question. These are parallel spaces?

Mr. Abillama: The original one was eight spaces. Now we have six parallel spaces, plus two existing, which are in the basement garage and tandem.

Boardmember Dandridge: I'm sorry. Just one quick question. Of the six, each one is 18 feet across, 18 feet long, and 8 feet across wide?

Mr. Abillama: And 8 feet wide. With the permission of the Board.

Chairperson Speranza: Thank you.

Mr. Abillama: If you have any questions, please go ahead.

Chairperson Speranza: OK, but your application before us right now is for the six surface spaces.

Mr. Abillama: Yes.

Chairperson Speranza: OK. I do want to open it up for public question, public comment. But could you just explain the underground spaces. Is that just in a garage?

Mr. Abillama: In a garage.

Chairperson Speranza: OK, so it's not as if you're going to be excavating anything.

Mr. Abillama: No, it's existing.

Chairperson Speranza: With the structure as it is now.

Mr. Abillama: Exactly.

Boardmember Wertz: It's a two-car garage?

Mr. Abillama: It's a one-car garage with a space outside that could be utilized also.

Boardmember Cameron: Why don't you point at it. Is it this right in here?

Chairperson Speranza: I think you come under here.

Boardmember Dale: No, that's the office.

Mr. Abillama: You see this is the garage here right now, and this is the outdoor space.

Chairperson Speranza: Oh, I see. OK. Marianne, did you have something you wanted to mention?

Village Attorney Stecich: Yes. I think there could be an issue with this proposal, in that it exceeds coverage. Because the coverage can only be 25 percent.

Mr. Abillama: We took care of the coverage. It's 35 percent.

Village Attorney Stecich: Then you're over, because it can only be 25.

Mr. Abillama: No, 40 percent.

Village Attorney Stecich: No.

Mr. Abillama: Because building coverage is 30 percent. The overall coverage is 40 percent.

Village Attorney Stecich: No. I believe that's if it's a single-family house ... you are in the regular 2-R, right?

Mr. Abillama: Yes.

Village Attorney Stecich: No. As for single-family, it's 30 percent and 40 percent. But for all other uses, including a two-family – this is a two-family house, right? – then *"all buildings and structures on the lot shall together cover not more than 25 percent of the area of the lot."* So my point is they would have to go to the Zoning Board.

But this one for coverage ... the other one, with fewer parking spaces, may be only ... if this is 34 percent, it's conceivable that that's within the 25 percent, the other one. But in any event, it's not a question: They're going to have to go to the Zoning Board anyway.

Chairperson Speranza: Right. So it's either going to be for relief from the parking or for relief from coverage.

Village Attorney Stecich: Yes. Conceivably, the other one could be over on coverage. It won't be by as much, I'm sure.

Mr. Abillama: It's 29 percent, the other one.

Village Attorney Stecich: Oh, the other one's 29 percent. So you'd need a variance on that one.

Boardmember Sullivan: I think there's another point, which is parking in required setbacks, or required yards.

Village Attorney Stecich: I checked it. No, they're OK because the required yard for accessory structures is less; it's 8 feet in the back, 8 feet on the side. Deven and I talked about that this morning. When you see it says that for all accessory uses, which would be this parking lot, it's 8 feet.

And I believe there's a bit of it coming in, but that's probably the driveway. And the driveway would be in the setback.

Mr. Abillama: We have a note here indicating the setback from the parking space to the property line.

Village Attorney Stecich: Well, it wouldn't just be the parking space. It would be like that whole parking area. But I think that's 11 feet. Deven and I looked at it, and I double-checked with Deven.

Chairperson Speranza: This is a public hearing. Let me find out if there's anyone here who wishes to speak on this application. No?

Boardmember Dale: Could you describe the kind of light that the bollard causes? And would that be visible in the yard next door, to your neighbors?

Mr. Abillama: They'll be approximately 4 feet in height.

Boardmember Dale: On the plan it says "15 foot-candle." That refers to what?

Mr. Abillama: Are you talking about the bollard lighting?

Boardmember Dale: Yes.

Mr. Abillama: One second. So our detail indicates 29 inches to 38 inches in height.

Boardmember Dale: So the light itself is 3 feet off the ground? And the light is cast down?

Mr. Abillama: There are baffles, small diagonal baffles that would allow the light to cast down and to the right.

Boardmember Cameron: Just to go the other way, do you think the four of them – two at each end – are going to provide you with enough light? Maybe they will. You'll have to figure that out. I'm glad you put the bollards in because that was the point raised in the last meeting.

Mr. Abillama: It'll provide enough visibility. They're not going to [off-mic] at the borders of the parking lot.

Chairperson Speranza: Well, I want to thank you for really taking our comments from the last meeting to heart. Because it's certainly a much better application than what we saw, where you were even considering subdividing the property, as well. So this is much more reasonable.

I don't know what other Boardmembers think, but if you have to go to the Zoning Board of Appeals in any case I would love to see it based on a four-parking-space scenario and requested relief from the off-street parking variance. I know we heard at the last meeting that there was only going to be, and the plans show, just one "operatory," I guess that's known as a reception area.

So obviously there's no plan to have a lot of patients at the facility. So it would seem to me that the four spaces, and the two specifically for the residents, would be fine, and shrink the blacktop and just make it as minimal of an impact as we could.

Boardmember Wertz: I agree with you totally about that. I think four spaces is actually more than enough of what you'd need for the dental practice. I don't think we were thinking that any more than four would be needed; probably not even four would be needed. So six is overkill. And all that blacktop ... it is a residential neighborhood, and I think it's a good use to have the dental practice here.

And you want to accommodate the patients. But I think the smaller the blacktop, the asphalt, is, the better. And particularly if you don't need all six parking spaces, the four is far better. You have a much more significant greenspace at the far end of the yard, and I think that makes a huge difference.

Mr. Abillama: It requires moving the existing curbcut from each location.

I'd like to see if there's a way for us to obtain a conditional permit to do the work inside and, in the meantime, get the approval of the Zoning Board.

Chairperson Speranza: Are the interior changes subject to this, and they could go to the Zoning Board of Appeals just for the site work?

Village Attorney Stecich: They can only have the accessory use if they've got the parking. And the parking has to be approved.

Chairperson Speranza: I see what you're saying.

Village Attorney Stecich: If the Board will be comfortable with it one way or the other, I guess it is dependent on a variance from the Zoning Board. But I don't know how the Building Department would handle it.

Building Inspector Sharma: If the Zoning Board does not approve the variance, they will build the parking as required by law, which is two or three spaces.

Village Attorney Stecich: If they get the variance.

Building Inspector Sharma: [off-mic].

Boardmember Cameron: Yes.

Village Attorney Stecich: [off-mic]. It would be easy if they didn't need the coverage.

Mr. Abillama: Now the coverage ... does it mean asphalt pavement, or if you provide something other than the asphalt pavement, will this still be considered coverage?

Building Inspector Sharma: Development coverage is the parking. Is the driveway included in there? I'm not so sure.

Village Attorney Stecich: No, the driveway wouldn't be.

Building Inspector Sharma: There's a 960 square foot driveway permitted on new properties.

Village Attorney Stecich: Yes. It's permitted, but not that much driveway.

Building Inspector Sharma: [off-mic] the driveway, or is the parking space?

Village Attorney Stecich: Parking space.

Chairperson Speranza: It's still part of the coverage ratio.

Boardmember Alligood: Are you asking – just to clarify – that if you were, tonight, to change the request to this alternative scenario with four parking – well, six parking – spaces, and just say that rather than asphalt it would be those pavers that are ...

Mr. Abillama: The permeable pavers.

Boardmember Alligood: Permeable pavers, that what you're asking is that wouldn't be considered lot coverage?

Mr. Abillama: It would still be considered because it's not impervious surface, really.

Village Attorney Stecich: Well, wait. Yes, it would still be a structure, but wait. Maybe they can do the work inside if the Board ... it meets code and everything, they can do the building work inside. And if they don't get the approval they can't have it [off-mic].

I mean, it's probably not going to happen, but that's the protection the Village has.

Chairperson Speranza: There would certainly be no C of O for an accessory office use.

Village Attorney Stecich: Exactly.

Chairperson Speranza: Until the parking was resolved. But you could build it.

Mr. Abillama: At our own risk, yes.

Chairperson Speranza: Does that sound reasonable?

Boardmember Sullivan: Yes.

Chairperson Speranza: OK, then we have a couple of things. My recollection from the last meeting is we did have to issue a negative declaration on this.

Village Attorney Stecich: I'm not sure, but I want to be safe.

Chairperson Speranza: So the first motion for this would be to ... in compliance with the SEQRA statute, to make sure ... or to issue a negative declaration on a site plan for the home office, or for the parking associated with the home office, at 34 High Street. So I would need a motion on that.

On MOTION of Boardmember Dale, SECONDED by Boardmember Wertz, with a voice vote of all in favor, the Board resolved to approve a negative declaration on the environmental reviews of the parking associated with the home office at 34 High Street.

Chairperson Speranza: Next is a recommendation to the ... well, now how do we do this? We would do an approval of the site plan? I get the sense it's for the four improved spaces.

Boardmember Sullivan: For a total of six.

Chairperson Speranza: For a total of six parking spaces at 34 High Street.

Boardmember Sullivan: So we're making a recommendation for a decrease of two spaces.

Chairperson Speranza: Well, the first thing is to approve this site plan, and then we make a recommendation to the Zoning Board. So I need a motion to approve the site plan with six total parking spaces at 34 High Street.

On MOTION of Boardmember Alligood, SECONDED by Boardmember Dandridge, with a voice vote of all in favor, the Board resolved to approve the site plan with six total parking spaces at 34 High Street.

Chairperson Speranza: And the last is a recommendation to the Zoning Board of Appeals that they grant the zoning variance for the two ... for the parking area at 34 High Street to allow a total of six, rather than requiring a total of eight, parking spaces. It's a recommendation for them.

Boardmember Cameron: I think we should do it on the basis that this is going to operate with a single, as they call it, "operator room," There is actually space maybe to get a second one in there. Maybe we can't do that, but I just bring it up.

Chairperson Speranza: Well, I'm sure we can. We'll just have to undo everything we did. You'll have to make the motion, Jamie. Well, we can condition it on that.

Boardmember Cameron: I think we should. Because if we suddenly end up with two dentists working there, then we're ... since they don't need approval for renovations, I think we should make it clear that this is on the basis of a single operator room.

Mr. Abillama: I would like to discuss this with the client, whether they decided to have two operator rooms.

Boardmember Cameron: Well, then you need more parking.

Chairperson Speranza: Right.

Mr. Abillama: But within the same square footage.

Chairperson Speranza: Right. But you would have more clients, which may require more parking.

Boardmember Cameron: That's the exact issue on parking.

Chairperson Speranza: Right. Go ahead, take a few minutes.

Boardmember Alligood: I think there's enough parking.

Boardmember Dandridge: Frame it so that it's six per operator room, and then another two if you go to two, or four.

Boardmember Dale: No, two are for the residence.

Chairperson Speranza: We'd have them go for the full requirement then.

Village Attorney Stecich: I don't think that would be a permissible thing.

Chairperson Speranza: Well, that's it: would it be, if they built two operatories ... you're allowed to have an employee, right? In a home office?

Village Attorney Stecich: Hold on.

Chairperson Speranza: Or it could still be one dentist seeing more than one patient.

Building Inspector Sharma: But if they have an employee, then the off-street parking increases from eight to nine cars.

Boardmember Cameron: And that's fine with me, too, but we should be clear on that.

Chairperson Speranza: Right. Agreed. Yes?

Village Attorney Stecich: The condition is that it be carried on "*by a resident therein, with not more than one non-resident assistant, including partners, associates, and part-time and full-time employees.*" So under the code, you could have a second dentist working there.

Building Inspector Sharma: But then if you do, you need additional parking.

Chairperson Speranza: Right.

Building Inspector Sharma: For each additional employee, the law [off-mic]. So [off-mic].

Boardmember Cameron: Good. Because we're all pleased with not having more parking on their property. I think the people on Rose Street would be even less pleased if they had a couple of cars parking on their street at one time.

Village Attorney Stecich: Oh, they'd need a lot more, actually: "*four spaces for each medical or dental practitioner.*" So if they had a second dentist ...

Chairperson Speranza: They would need four more.

Boardmember Dale: They would need 10.

Village Attorney Stecich: A dental practitioner, I would say, is more than just a dentist. I would say one person who does cleanings and whatever would be a dental practitioner. And then they'd need another four spaces.

Mr. Abillama: So there could be a dentist and a dental practitioner for four parking spaces?

Boardmember Cameron: No.

Boardmember Dale: Eight spaces; four each.

Village Attorney Stecich: Then you would need eight plus the two for the house. Four spaces for each dental practitioner.

Mr. Abillama: Additional. It says "additional," and first it says you can have an assistant.

Building Inspector Sharma: If you want the two-family, they need four parking spaces [off-mic] for the two dwelling units and four additional for one dentist.

Mr. Abillama: Plus an assistant.

Building Inspector Sharma: Eight.

Village Attorney Stecich: No. Four spaces for each medical or dental practitioner. So if there's ... and I would say that the hygienist is a dental practitioner. So if you had a dentist and a hygienist you'd need eight for the business, plus the four for the house.

Mr. Abillama: So whatever the law requires we'll abide by, absolutely.

Chairperson Speranza: So we don't necessarily, then, have to condition it to one operatory because they'd have to come back in any case to get additional parking.

Boardmember Cameron: Well, I think we should just make it clear that – for the zoning portion, make it clear that – what they're waiving is the requirement to have this many spaces for having one dentist, not for having two; however they want to do that, whatever they're waiving. Maybe it's clear enough in the plans to say "for the level of use contained in plans."

Chairperson Speranza: Right. Well, clearly, that's our site plan. Our site plan shows the one operatory.

Boardmember Cameron: They were fine. I'm glad we cleared it up for them.

Boardmember Dale: Yes, but it's easy enough to install another operatory without coming back to us. Once a room is built, whatever happens in it is open. Here, it's just a label on a piece of paper that says it's "reception."

Mr. Abillama: But one operatory doesn't mean one dental practitioner. Two operatory rooms still mean one dental practitioner.

Boardmember Dale: But not necessarily.

Mr. Abillama: My dentist runs around from one room to another.

Boardmember Cameron: And charging both patients at the same time.

Village Attorney Stecich: One other thing to bear in mind. I'm not sure it's an issue, but Deven was suggesting it before. You also need a space for each employee that's different than the practitioner, so that if there were a reception ... let's say they had a receptionist or somebody who collected the bills or whatever. That person needs a space, too.

So just be aware that if you're approving ...

Building Inspector Sharma: It's strictly for one dentist and no employee except that family members can perhaps ...

Chairperson Speranza: I was going to say, in that situation the home office is for someone who lives in the house. So you don't need a parking space for that individual. It's mostly just whoever's going to be coming, And if there's an employee, I still think we're good with the four additional parking spaces and the two there.

So we're OK with the resolution we passed for site plan? Am I hearing that from Boardmembers? The question becomes any modifications to a recommendation to the Zoning Board of Appeals, where we recommend that they permit a reduction in the number of required off-street parking spaces, provided that ...

Boardmember Wertz: That there's only one dental practitioner.

Chairperson Speranza: Right. And should anything else happen, then it has to come back to review.

Boardmember Cameron: Maybe that's the best way to do it: that we were recommending to them, on the basis that there's only one practitioner.

Chairperson Speranza: Right. OK, so that's a recommendation to the Zoning Board. May I have a motion on that?

On MOTION of Boardmember Wertz, SECONDED by Boardmember Cameron with a voice vote of all in favor, the Board resolved to recommend to the Zoning Board of Appeals that they permit a reduction in the number of required off-street parking spaces, provided that there's only one dental practitioner.

Mr. Abillama: Thank you much.

Boardmember Dale: I have a question on the architecture, which is not our purview. Why is the entrance to the toilet in your living room rather than in the reception if it's meant for that, and why is there a corridor that's 14 feet long that's 3 feet wide rather than having it open space?

Mr. Abillama: The original design that we had proposed included an open room for people to traverse from one room to another. But that was of some concern to my client about the privacy issue: that she doesn't want people to see what's going on. If they go from the consultation to the exam room, well, somebody else is in the operatory room.

Boardmember Dale: Wouldn't you resolve that simply by opening the toilet into the reception area?

Mr. Abillama: But then they would have to go to the operatory room in order to get into the ...

Boardmember Dale: No. They come in here, and back over there. That's not our purview.

Chairperson Speranza: There's a suggestion.

Boardmember Dale: Not in our purview. I just question the loss of space for people to walk through reception.

Chairperson Speranza: OK. Good luck. Did you have a question of us? Sure, come on up. Just say your name.

Joseph Abirizk, owner – 34 High Street: Are we going to get the conditional permit? He asked for a conditional permit so we can do the interior.

Chairperson Speranza: You have one more stop. You have to go to the Zoning Board of Appeals now to get the ability to reduce the number of spaces; just for the spaces. You can start the renovations in your building.

Mr. Abirizk: Oh, we can start that.

Chairperson Speranza: In the building.

Village Attorney Stecich: But the Building Department ...

Chairperson Speranza: Right. You have to make another stop with Deven, but just no site work until you go to the Zoning Board of Appeals.

Mr. Abirizk: OK, thank you.

Building Inspector Sharma: So I have the Board's blessing that I can go ahead and give them the permit on a condition also that the Zoning Board will approve. If they don't, then ...

Chairperson Speranza: Right. Then they can't use it as a home office in that configuration.

Mr. Abirizk: Thank you.

IV. PUBLIC HEARING – NEW BUSINESS

1. View Preservation and Site Plan Approval – Application of Pacific Transglobal Construction Corp. for the construction of a deck at 61 Southside Ave.

Chairperson Speranza: We have a couple of view preservation applications on the agenda next. The first one is for the application of Pacific Transglobal Construction Corp. This is for construction of a deck at 61 Southside Avenue, and the applicant is here. You need the mic. State your name.

Louis Brutto, Pacific Transglobal Construction Corp.: I'm making application for the deck at 61 Southside Avenue.

Chairperson Speranza: OK, thank you. Can you just give us a little bit of background of what you're planning to do because there are people who watch this on TV ... so they'll have a good sense also.

Mr. Brutto: OK. The property that we're discussing consists of a first-floor existing masonry structure and a wood frame upper structure that houses a small office space. The wood frame upper structure's floor is approximately 5 feet above the roofline of the first-floor structure because it actually sits on earth behind the first-floor structure.

The front of the second-floor structure has an entrance to it that has a set of stairs that went into the entrance. And we're proposing to replace that set of stairs, and old front deck that's deteriorating now and is actually eroded and gone, with a new wood deck structure across the front of the building with a set of stairs leading to the south and to the cement stairwell that runs up the side of the first-floor structure.

Boardmember Sullivan: When did that deck deteriorate, the existing?

Mr. Brutto: There was some remnants when I started this process and started to actually paint and clean up the first-floor structure and file for application. I don't know. I can't speculate as to how long ago it was actually in use. I shored up one section where there were some stairs to go into the door just to make it safe for an open door that somebody would walk out onto something as opposed to just a fall of 5 feet. But I don't have any knowledge prior to when I started my involvement with the property.

Boardmember Sullivan: And when was that?

Mr. Brutto: Eight months ago, a little longer.

Chairperson Speranza: You're new to the Village?

Mr. Brutto: I'm not new to the Village, but I'm new to this property.

Chairperson Speranza: The company, OK. All right, great.

This is a public hearing on the application. Is there anyone here who's got any questions or concerns with the application? I did get something for the record. I'll just read this note.

"I have taken a look, and cannot see any reason not to allow this. My property is right above, and I won't be able to see it.

Thank you, Lawrence C. Young, 118 Palisades Street, Dobbs Ferry."

Well, the address is given as 118 Palisades Street, Dobbs Ferry. Clearly, he owns property above you, on the hillside above.

Mr. Brutto: I did have one gentleman stop by shortly after we sent out the certified notices. He was a very nice gentleman. He asked me what we were doing. I reviewed the plans with him, showed him where the structure was going to go.

Chairperson Speranza: Right.

Mr. Brutto: I believe it's the same person that you're referring to. He stated that he owned the property directly to the rear, and he thought that it was a great idea.

Chairperson Speranza: OK, then that's it for the public hearing portion of this.

Boardmembers, any issues, concerns with the application?

Boardmember Dandridge: Not an issue or concern, just a general query about lighting and what you plan to do with lights out on the deck.

Mr. Brutto: I don't plan to do anything with lights on the actual deck. There are some lights on the upper and lower structure around the perimeter that are in place and existing, and they kind of illuminate the stairwells and the surrounding area. They don't seem to be a hindrance.

I believe the street light that's on the telephone pole directly across the street from the building is probably actually brighter than the existing lights. But we did have some in the stairwell that helped the lighting on the stairs themselves.

Chairperson Speranza: OK. Marianne, do you have the ...

Village Attorney Stecich: Yes, the views are supposed to ...

Chairperson Speranza: Yes, the view. My recollection is it's the river and Palisades.

Village Attorney Stecich: Right. It's supposed to be "*sited, in dimensions and configuration, so as to cause the least possible destruction of the view of the Hudson River*"

and the Palisades for neighboring properties and adjacent public property, and rights-of-way."

Chairperson Speranza: OK, thank you. Any other questions or comments from the Boardmembers? Remember this is a recommendation to the Zoning Board of Appeals that we make for view preservation.

Boardmember Alligood: I just want to clarify. In the description it's not stated, but I think in the elevation it shows there is going to be a railing around the deck.

Mr. Brutto: Yes. You know, by code we're required to have a railing around the deck.

Chairperson Speranza: OK. Anything else?

Boardmember Sullivan: I had a couple of things. I went out and took a look. And I apologize, I climbed up your stairs.

Mr. Brutto: That's fine.

Boardmember Sullivan: So if anyone complains ... the property looks very well cared for. That's why I was curious about the deck having been there before, and you're kind of, in a sense, doing a replacement of sorts. Because the three existing floor supports were already in place, so they are existing that you're planning on reusing. Correct?

I don't have any problem with it as a view preservation. I think it's well sheltered from the people above and from the side. Just a comment was that, as I was looking at this, I saw that this is in a residential zone – a 2-R 33.5? So in a sense, your commercial use is a nonconforming use.

Chairperson Speranza: We actually mapped that after they were ... that was part of when we rezoned the Ridge Street area, that this building was already there. The structure was already there.

Boardmember Dandridge: So they're grandfathered in.

Boardmember Alligood: Preexisting.

Chairperson Speranza: Yes, it's a preexisting use.

Boardmember Sullivan: I wasn't suggesting anything. It did seem, with the nonconforming use, then, any addition was ... any modification to that use didn't ... you know, if you add volume, wanted to increase the size of the property, that might be a concern. But adding a deck seems to be very minimal. So that's the only reason why I bring it up. It seemed to be quite in keeping with improving something that had been grandfathered in.

The only other concern when I went up there is, the walkway – and this is a little bit out of the view preservation, but I just have to mention it – the concrete stairs are well cared for, in lovely shape. A concern of mine would be getting people across the deck, the existing roof, to the stairs. And I'm happy to hear that you're planning on replacing the stairs because in the drawings it says that they're going to remain. And they really look a little shaky.

Mr. Brutto: The stairs would be replaced, absolutely.

Boardmember Sullivan: Thank you. I'm glad to hear that. But just a concern is that, right now, you have some pieces of roofing laid down on top of the existing roof of the first-story structure?

Mr. Brutto: Yes, those are walk mats to protect the roofing paper underneath it.

Boardmember Sullivan: Just they look a little temporary, and I just had a concern – not knowing if you're bringing visitors to your office – it might be something that should be more secure. But this is outside the view preservation. I accept that 100 percent.

Mr. Brutto: When we drew up the plans, it was uncertain what the roofing material was going to be there and exactly how the railings were going to run. But my intention is – at the bottom of stairs, if the elevations work out properly – to make some type of permanent structure out of the same roof material that just lays on the roof that you could walk on, that's a level structure.

It's probably no more than, you know, 2 inches high that the railings would secure to so they wouldn't have to secure directly to the roof material. And then as they run along to the concrete walkway, then the railing could then be secured to the concrete walkway and then down the stairs with some railings. So I think that that's going to eliminate any trip-and-fall hazard because it'll work in conjunction with the deck.

Boardmember Sullivan: So the railing will be around the deck downstairs.

Mr. Brutto: The railing will be around the deck, down the stairs, and then across the roof – basically the stair-width wide – out to that cement staircase.

Boardmember Sullivan: I would say even that, as a view preservation issue, I don't think there's any concern with it.

Mr. Brutto: Yes, I think it's tucked under the surrounding walls enough that you wouldn't see it unless you were standing on it.

Boardmember Sullivan: Right.

Chairperson Speranza: OK. Anything else? Then I'll entertain a motion for recommendation to the Zoning Board of Appeals for approval of view preservation application for 61 Southside Avenue.

On MOTION of Boardmember Wertz, SECONDED by Boardmember Cameron with a voice vote of all in favor, the Board resolved to recommend to the Zoning Board of Appeals that they approve the view preservation application for 61 Southside Avenue.

Chairperson Speranza: OK, thank you.

Mr. Abirizk: I thank the Board very much for your time.

Building Inspector Sharma: Is there site plan approval?

Village Attorney Stecich: You also need site plan approval.

Chairperson Speranza: Oh, excuse me.

Building Inspector Sharma: It requires site plan approval, too.

Chairperson Speranza: Really?

Village Attorney Stecich: The notice said that you need site plan approval on anything that's not [off-mic].

Chairperson Speranza: Yes. And I see the application for site plan approval and, again, the Environmental Assessment Form.

Village Attorney Stecich: No, you don't have to do that on this one.

Chairperson Speranza: We don't have to do that?

Village Attorney Stecich: No. This one's a type two, so you don't have to do it.

Chairperson Speranza: All right, then. We also need an action to approve the site plan for the improvements at 61 Southside Avenue.

On MOTION of Boardmember Cameron, SECONDED by Boardmember Wertz with a voice vote of all in favor, the Board resolved to approve the site plan for the improvements at 61 Southside Avenue.

Mr. Brutto: Thank you again.

Chairperson Speranza: Sorry, I missed that one.

2. View Preservation – Application of Mary & James Lumalcuri for additions and alterations to their house at 35 Pinecrest Parkway.

Chairperson Speranza: OK, this is for a view preservation application for property at 35 Pinecrest Parkway. And is the applicant here?

Susan Riordan, architect – 35 Pinecrest Parkway: What we're doing here is, we're adding a second-floor addition above the existing living room. Currently, the second floor is 20 by 20, with two small bedrooms and a bath. And what we're doing is, we're adding this master bedroom, which is a little bigger, with views out to the Hudson, right above the existing living room. So we're not going outside the bounds of that.

But that living room actually extends 3-1/2 feet past the 20 by 20. So it adds about 3-1/2 feet here. This is, as you can see, the view as it is now. There'd be a sliver of 3-1/2 feet in the back coming out. But otherwise, we're within all our side yard setbacks and everything, so we're OK in that regard.

Building Inspector Sharma: By the way, you want to point out that the material that you submitted prior has changed, and the expansion of the second-floor is not the same as was

shown in the earlier drawings. And you've reduced the scope of work and, as such, don't require any variance. But it still requires view preservation.

So why don't you explain how what you're presenting is different from what was originally submitted to the Board?

Ms. Riordan: OK. Originally, what we were going to do was put an addition over this existing part here. But we decided that was too much, and we didn't want to block all that view. So what we did is, we put it just over the living room, which only extends about 3-1/2 feet out. The other thing is, those additions would get into the side yard setback. And we decided that wasn't necessary for the additions.

So we're keeping the existing two bedrooms the way they are, and just adding the master bedroom and moving the bath to the back of the house.

Building Inspector Sharma: Understand?

Village Attorney Stecich: No. It's really hard not having ... to see something different than the plans you have in the packet.

Chairperson Speranza: Yes, it's much less now.

Village Attorney Stecich: Yes, I can't tell about the front. Before, you needed a front yard setback, a front yard variance.

Building Inspector Sharma: In the original plan, all this was to extend out to here. And that portion, the extension of this in the second floor in line with this, has been eliminated. So what they're doing in the second floor in this area is within the existing wall.

Boardmember Cameron: Except for the sliver.

Boardmember Dandridge: The 3 feet.

Building Inspector Sharma: This is what they have changed back. They're taking that back. So the plan that you have shows the second floor is being constructed all the way out to here.

Village Attorney Stecich: But then it's set back the same as the rest of the house then, right? So don't you still need a front yard setback?

Ms. Riordan: No. We're not adding anything on the front, only in the back. Our addition is this little green area, which is basically the back of the house. We're leaving the front of the house as is. So the only addition is right above the living room, which is at the back of the house. And that little room is within all the normal setbacks of the side yard. So we're keeping it within the confines of that living room.

Boardmember Alligood: I have a question. The front elevation in my packet looks different from that. There's something that comes out on the side

Boardmember Dale: There's a garden gate.

Ms. Riordan: Originally we were going to add a front porch, but we decided against that as well.

Boardmember Alligood: OK, so this isn't the proposal.

Ms. Riordan: Right. We're keeping it as is. So basically, the front will not change at all.

Chairperson Speranza: OK, but some of your variances are still required when it gets before the Zoning Board because they're existing conditions, and you're adding on. I mean, just looking at the packet, the front yard setback. Well, you know what? I'm not going to worry about the variances. I think it would be really good for my Zoning Board colleagues to have the re-submittal done before they take this up.

One of the things that I found not really confusing, but lacking in the application for view preservation, was that there was no indication as to how far out the addition was going to come. The structure is here, the photos are here, but there's no indication of how much larger it would be. And I think that would be helpful for the Zoning Board, also.

So you might want to update the materials and get them to them before the meeting next Thursday.

Boardmember Alligood: I think, as a suggestion just to be helpful, we have examples of other submittals where somebody kind of sketches in what it's going to look like and that often really helps.

Ms. Riordan: Oh, in the photograph?

Boardmember Alligood: Yes. So maybe Deven can share with you just so that you don't have to explain. The visuals really help us figure out the impact because we have to look at the visual impact. So we need a representation of that.

Chairperson Speranza: Right. Any other comments, questions?

Boardmember Cameron: We got this letter from somebody that lives across the street.

Chairperson Speranza: Let Jamie read the letter.

Boardmember Cameron: I'll just read the letter, and what I want is confirmation that she actually saw what you are going to do now, not something else. It says:

"I am unable to make the meetings on January 20 and 27, but wish to express my support for Mary and James Lumalcuri's application for additions to their house at 35 Pinecrest Parkway next door to me."

I assume she's the next one over to the right, as you look down the hill.

Boardmember Dale: She's on the left. She's the one that's least impacted.

Ms. Lumalcuri, owner – 35 Pinecrest Parkway: On the left.

Boardmember Cameron: Oh, least impact. So she's not the one next to you.

Boardmember Dale: It's 33, which is the other way.

Boardmember Cameron: Well.

"The addition will not interfere with my view or quality of life, and will enhance their house and our neighborhood."

And that's the letter by Ruth B. Stern. I guess my question is, have you solicited the views of the person on the right as you look down the hill? Because they're the ones closest to you.

Ms. Lumalcuri: I did ask my neighbor on the right how she would feel about this. We've been neighbors for 40 years. Which is why I reduced it to what you see now.

Chairperson Speranza: Great. OK.

Boardmember Cameron: And she was happy with that.

Ms. Lumalcuri: Yes.

Chairperson Speranza: I was going to say, or she would have sent us a letter.

Ms. Lumalcuri: Or showed up.

Boardmember Cameron: I just can't resist.

Boardmember Dandridge: The process works.

Boardmember Cameron: And she was still furious.

Chairperson Speranza: OK. So for this application, the only thing we need is a recommendation and view preservation?

Boardmember Dale: If it's view preservation, what about the folks across the street who look at the house?

Chairperson Speranza: They're up the hill.

Boardmember Cameron: They can't see it.

Ms. Riordan: Because the street's up high above, they see right over. And people below, their roofs are below. It's very steep there.

Chairperson Speranza: Then I will entertain a motion for recommendation of view preservation approval for the property at 35 Pinecrest Parkway.

On MOTION of Boardmember Dandridge, SECONDED by Boardmember Cameron with a voice vote of all in favor, the Board resolved to recommend to the Zoning Board of Appeals that they approve the view preservation application for 35 Pinecrest Parkway.

V. DISCUSSION

1. Affordable Housing Set-Aside

Chairperson Speranza: OK, thank you very much. Hold on one minute. Bruce, could you fill us in a little bit on the changes in the affordable housing set-aside? I'm not sure if the Boardmembers are aware of it. It was certainly in the paper. I know the Board of Trustees had a meeting the other day.

Boardmember Dale: I actually have what was proposed.

Chairperson Speranza: Why don't you go ahead because I'm wondering if we, as a board, should weigh in on this.

Boardmember Dale: The proposal that's been made is largely in response to the lawsuit against the county, and the settlement. Because part of that settlement is that the Village will lose the ability to have set-aside for local preferences, which includes the police, fire, teachers, and Village employees.

So the proposal is to raise the requirement. Right now we have a requirement that if you build 10 or more units, 10 percent of those units must be affordable. The proposal is to raise that to 15 percent, and make the additional unit optional of affordable or workforce housing. The definition of workforce housing will be for a slightly higher income level than the affordable. The affordable is restricted to 80 percent of median income. I believe workforce goes to 120 percent of median income and will allow the Village to ... the developer has the option of whether they want to have 10 to 14 units.

If 10 to 14 units are built, either one must be affordable or two affordable, or one affordable and one workforce housing. When you get to 15 to 24 units, then you have three required under the 15 percent rule, two of which could be affordable and the third one workforce housing. And so on, up to 25 to 34 or whatever. It does not impact on less than 10 units, as the existing regulations do not either. And that's essentially the change that's been requested.

It was presented to the Board of Trustees initially. This past meeting, last Tuesday night, they had the public meeting. Only one person from the public spoke and he was essentially in favor of what the proposal was, but had suggestions about how to make the affordable housing rules and regulations more precise in certain circumstances. It was Jim Metzger.

But Sue responded to that by saying that it wasn't in this law; that this should be in the *policy*. And the Village does need to change the affordable housing policy to respond to the county's lawsuit because there is this conflict. Right now, the policy requires the local preferences. So in order to comply with the lawsuit we're going to have to amend that, and there will be a proposal to do so.

Boardmember Sullivan: Has the county's lawsuit settled out so we understand the requirements?

Boardmember Dale: No, not yet. But the lawsuit is in place, the county accepted it. They're supposed to produce an implementation plan, and that's not complete yet.

Boardmember Sullivan: So the issue of ... I mean, I'm highly supportive of what they're doing. And I only ask this because of my concern that we can make our policies go in line with where the county ends up. And that's my question, is that it seems that's still in evolution at this point.

Boardmember Dale: That's correct.

Boardmember Sullivan: So is there any ... when I heard that this was being proposed, in the Comprehensive Plan we were very influential in the recommendations and they were highly supportive of making changes. So I'm just concerned, is this jumping the gun? Are we comfortable that this is going to help us?

Boardmember Dale: We would support this change either way. It allows the Village to get more affordable housing and adds the concept of workforce housing as part of the requirement the developers have to meet. The policy issues that will grow out of the implementation plan would be in the policy recommendations that come behind this, which haven't been written yet.

Boardmember Sullivan: I'm just concerned how the county will ... and I'm trying to stay on top of this. It's a long lawsuit, and there are a lot of parts and a lot of controversy about implementation. But I'm just concerned that this concept of workforce housing ... and I've heard other communities have done it. I think Ardsley may have done it recently with a property.

But I'm just concerned that it's going to be accepted by what does Westchester County as things go forward. Because right now, the change in the plans at the county level have been to make it open; regionally and affordable housing under whatever name. That was a major

part of that enterprise. And is workforce housing something that they're going to recognize down the road.

Boardmember Dale: This goes beyond the requirements of the plan.

Village Attorney Stecich: But I think the Affordable Housing Committee understood that the workforce housing wasn't going to qualify as the Village's affordable housing obligation. They understand that.

Boardmember Dale: This goes beyond the obligation.

Village Attorney Stecich: So the point of making the change is twofold. One is, it might increase the affordable housing units, even if you don't, because for a lot of developers it's more advantageous for them to do affordable housing than workforce housing. Because they get subsidies and stuff that they wouldn't for workforce.

And then the other thing is, it's a way to also make some accommodation for local teachers, whatever, to be able to get them and to make that accommodation. It was pretty clear, I think. I mean, from everything I've been to it's pretty clear that the county's – well, and also just from the basis of the grounds of the lawsuit – that that's not going to count toward your ... you can have that preference and have it affordable.

Boardmember Dandridge: I find this discussion really helpful. Because if this was factoring in to meet the county requirement, then it raises all the questions that you were leading to. I think what's impressing me is that this is above and beyond, and it actually goes an additional step that satisfies the need to be open, to meet the county requirements that will seed diversity and affordability but, at the same time, will give some degree of preference, or an acknowledgment of preference, for people who are already here contributing to our vibrant civic network who otherwise wouldn't be able to qualify for affordable housing. We might otherwise lose them.

So this seems to be a win-win, and one of those rare instances where we don't have to choose.

Boardmember Cameron: Well, I wonder if this workforce housing unit goes into the mix of determining what an average unit is in the project when you're trying to build the affordable housing. Because it's supposed to be comparable to the average unit, isn't it?

Village Attorney Stecich: Actually, they're not. They're just supposed to look the same from the outside. I think we required it on something else. But on the statute, if you read the statute, they're supposed to not be able to be distinguishable from the outside.

Boardmember Cameron: But on the space, there's an agreement when we did it last that it had to be the number of bedrooms.

Village Attorney Stecich: The number of bedrooms, yes.

Boardmember Cameron: That's what I'm referring to, actually.

Village Attorney Stecich: Yes, right, the number of bedrooms.

Boardmember Dandridge: Yes, we're not talking granite countertops.

Boardmember Dale: If you recall, in 9-A the discussion was that they would be equally distributed the same way the distribution of the units was for the non-affordable. But in that case, they did not provide a workspace for the affordable units.

Chairperson Speranza: Is it the sense of the Board that ... I'm thinking that maybe we can move on a recommendation to the Board of Trustees just noting our support of the new revised affordable housing set-aside, recognizing that there will be policies that have to be changed. But I think anything that's going to be able to get us additional affordable housing would be very helpful.

Boardmember Alligood: Patty, I'd also like to add that I'm glad to see that our Village government is getting ahead of this and not waiting for the settlement of all the details of the lawsuit, or the implementation. The lawsuit has been settled, but the implementation hasn't.

That's the controversy. And this allows us to move forward in the spirit of what is trying to be addressed. And I think there are details to be worked out in the policy, and that'll have to follow.

Boardmember Dale: There will be more to come.

Boardmember Cameron: So we should say we're in favor of the concept.

Boardmember Alligood: Yes.

Boardmember Dale: They will meet on February 2 to vote on this amendment.

Chairperson Speranza: Do you have the local law number? I'm ready to request a motion that we indicate our support of Local Law Number ...

Boardmember Dale: It's Section 295, an amendment.

Village Attorney Stecich: It's a local law to increase the affordable housing set-aside.

Boardmember Dale: Proposed Local Law Number 1 of 2011 amending the zoning code of the Village of Hastings-on-Hudson, Westchester County, New York to increase the affordable housing set-aside requirement as follows.

Chairperson Speranza: So we'll make that into a motion. Motion to indicate our support to the Board of Trustees for adoption of Local Law Number 1:2011 to increase the set-aside of affordable housing units.

On MOTION of Boardmember Dale, SECONDED by Boardmember Alligood with a voice vote of all in favor, the Board resolved to indicate support to the Board of Trustees for adoption of Local Law Number 1:2011 to increase the set-aside of affordable housing units.

2. Planning Board Chairman

Chairperson Speranza: One more piece of business. It's the beginning of the year. There's supposed to be a vote for chairman. I mean, I can't believe it has been a year since we did this. I'll entertain any nominations.

Boardmember Dandridge: I nominate you.

Chairperson Speranza: I'll accept.

Boardmember Cameron: We should have a vote. I second the nomination. All in favor?

Boardmember Dandridge: Unanimous consent.

VI. ANNOUNCEMENTS

Next Meeting - February 17, 2011

VII. ADJOURNMENT

Chairperson Speranza: All right, then we're adjourned until February.