

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
REGULAR MEETING AND PUBLIC HEARING
DECEMBER 15, 2011**

A Regular Meeting and Public Hearing was held by the Planning Board on Thursday, December 15, 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 Eva Alligood (8:20 p.m.), Boardmember James Cameron, Boardmember Rebecca Strutton, Boardmember Kathleen Sullivan, Village Attorney Marianne Stecich, Building Inspector Deven Sharma, Deputy Building Inspector Charles Minozzi, Jr., and Deputy Village Clerk Mary Ellen Healy

Chairperson Speranza: I'm going to call the meeting to order. This is the meeting of the Village Planning Board, December 15, 2011.

I. Roll Call

II. Approval of Minutes

Meeting of November 17, 2011

Chairperson Speranza: The next order of business is the approval of the minutes from our meeting on November 17. I do have a few changes, so let me go through those first.

There was one place on page 21 of the minutes. There are comments that are being attributed to me, and I can tell by the technical content of the comments they were not mine, having to do with the radio frequency.

Deputy Village Clerk Healy: What page?

Chairperson Speranza: It's page 21, where I'm speaking. And I will take credit for "*Yes, whether or not they could be made smaller, the cabinets and the antennas, because we've seen in previous cases where the equipment size could be shrinking.*" And then I think from there on we're back to our technology expert, Mr. Fishman, OK? That the rest of that was his.

And then I do want to make a correction to the vote that's recorded on page 27. It's on a motion of Boardmember Sullivan, seconded by Boardmember Alligood, with a voice vote of

"5-to-1." Because there were only six Boardmembers there that night and Mr. Dandridge had abstained.

Boardmember Strutton: Well, then the count should have been 4-to-1. At least on the front it says Speranza, Alligood, Cameron, Dandridge, Sullivan.

Building Inspector Sharma: I think he abstained, didn't he?

Chairperson Speranza: He voted "no." You're right, it should be 4-to-1.

And that was all I had. Anyone else?

Boardmember Cameron: My minutes didn't seem to have page numbers on them – but about page 12 I'm talking about 800 square feet – at least the one I had on the Internet. The first time you have it right. It's 800 feet. But after that, I said if you moved the thing 8 feet you should get ... it comes out 100 feet. It should be 800 feet. Because eight times the 100-foot wide site would come out to 800.

Chairperson Speranza: Do you want to mark it, and I can give it to Marianne?

Boardmember Cameron: It's the one for Boardmember Cameron, the middle of page 12, the second time ... or the time where it says "*100 feet*" it should be "800 feet.

Chairperson Speranza: OK. Anything else, anyone?

Boardmember Strutton: I wasn't there, so can I approve them?

Chairperson Speranza: Or abstain.

On MOTION of Boardmember Sullivan, SECONDED by Boardmember Cameron with a voice vote of all in favor, the Minutes of the Regular Meeting and Public Hearing of November 17, 2011 were approved as amended.

III. OLD BUSINESS

Steep Slopes Approval – Application of Alan Sanseverino for the construction of a new two-story, single- family dwelling and driveway on the vacant lot next to 78 High Street.

Chairperson Speranza: Next order of business. We have an application for steep slopes approval for a property, a vacant lot, next to 78 High Street. Mr. Sanseverino, you've been here a couple of times before us. I know that you've made additional changes to your proposed development on this lot.

I did want to mention that we did receive a comment from one of your neighbors. This was Heather Harpham and Brian Morton.

Steven Costa, engineer – 78 High Street: To the right, yes.

Chairperson Speranza: And they simply said ... since it's not a public hearing, but we did solicit comment from your neighbors:

*"As we won't be able to" – this was actually received before the last meeting.
"As we won't be able to attend in person, we would like to note our two primary concerns about the new construction.*

Firstly, we want to ensure that proper drainage is provided in the plans for the new house and site, including all impermeable surfaces such that we don't receive runoff water. At this time, we have no issues with flooding in our basement nor around the perimeter of our house, and we are hoping this continues.

Secondly, we are hoping that the new house will be built in keeping with the spirit of the neighborhood in terms of size. A very large house on that lot would impose on a neighborhood that has fairly modest homes and, more importantly, ample open space, vegetation, and plantings around most homes.

We hope to hear more about the project as it progresses."

And as I said, it's 78 High Street, Heather Harpham and Brian Morton. OK, Mr. Costa?

Mr. Costa: Thank you. I apologize for getting you the full set of plans this evening. But the site plan is what you did receive in your package, with a little clarification.

Since the last meeting, the north side wall – which we had proposed was pulled in closer to the house, away from the property line – in doing another calculation we did lower the first floor another 6 inches. The other modification since the last meeting was in the rear of the structure. The sliding door was eliminated, and there are windows under the deck. Again,

the elevations were reworked, and the average grade is as shown in sheet one; so as to height and story of the cellar, which is a not a story.

Chairperson Speranza: Because it is a cellar. Deven, that has been resolved?

Building Inspector Sharma: We did look into it, yes. By definition, it is a cellar.

Village Attorney Stecich: Not because of re-grading. It's just from the existing?

Mr. Costa: It's the proposed grades.

Building Inspector Sharma: The proposed final grades.

Village Attorney Stecich: So are they going to build up to get to that grade?

Building Inspector Sharma: Between building up and lowering.

Village Attorney Stecich: This is a little bit tricky because the measurement for height is before there is any grading for the square footage. I guess the issue isn't the same for the number of floors.

Building Inspector Sharma: The definition of a cellar is 50 percent or more below the immediately adjoining grade.

Mr. Costa: Again, the grade, as far as height it is a cellar, so it's not considered a story. And we're under three stories; it's not a three-story building.

Village Attorney Stecich: I'm sorry, show me the number of feet on that drawing.

Mr. Costa: The calculation is right here as far as elevation.

Village Attorney Stecich: I know. On what you gave me, it was so small I couldn't read it even with my glasses. Show me on the drawing what the height is on what you're calling the cellar level.

Mr. Costa: The line here, that is the basement, or the cellar floor. That is your cellar floor on the elevations. The dark line is your grade line. Even visually looking at it, without any calculations, you can see that it's half.

Village Attorney Stecich: I know, but do you have existing grade? That's the grade you're going to be building.

Mr. Costa: That's the proposed grade, correct.

Village Attorney Stecich: And just roughly where's the existing grade?

Mr. Costa: It varies as you go around. The existing grade is probably 4 feet or more in the rear, and in the front it's actually below. The existing grade for the front of the house is roughly 4 feet of fill.

Village Attorney Stecich: Thank you.

Mr. Costa: And again, the site plan that is hatched on sheet one comes out to 34.7 percent of the lot area. And in the back there was a comment that we are going to disturb this area as far as putting in the infiltration system for drainage, but the slope is going to be put back to the existing conditions. That's another 3 percent. So the total disturbed area between the area for the drainage and the proposed building site is 37.7 percent. In the original application it was 59. So based on steps, and comments from the Board, we got it down to about 38 percent – 37.7 percent.

Chairperson Speranza: Kathy, did you have anything? I know you had some comments on this.

Boardmember Sullivan: I have two questions. Could you explain the heights of the wall on the right side that borders the neighbors. I want to know what the top of wall would be, and what the bottom of wall would be.

Mr. Costa: They're labeled on the new drawings, top and bottom of wall. Toward the front of the house, the top elevation of the wall is 195, and the grade adjacent to that is 193. So it's a roughly 2-foot wall toward the front of the property, and it's about 5 feet toward the rear of the property.

Again, in doing the grades I didn't want to put a big wall adjacent to the neighbor and bring the grade up even higher. So we tried to keep this wall to a minimum on this side. Toward the back, the wall varies from 4-1/2 to 6 feet on the northern side curve.

Boardmember Sullivan: For example, in the front, top of wall is 195; bottom of wall is 183. So that's a 2-foot wall, correct?

Mr. Costa: Yes.

Chairperson Speranza: It's 193.

Boardmember Sullivan: And at the end of the straight part, before it curves, what's the height there?

Mr. Costa: Before it curves, the bottom of the wall is 188.5 and the top of the wall is going to be 193.

Boardmember Sullivan: So doing the math, that's ...

Mr. Costa: It's 4-1/2 feet.

Boardmember Sullivan: So at the house's corner it's 198? Is that correct?

Mr. Costa: Correct.

Boardmember Sullivan: So you're having a slope from that house down to the top of the wall of 5 feet.

Mr. Costa: Correct. Again, I'm trying to minimize the wall to the neighbor.

Boardmember Sullivan: Yeah, I understand that. But that's a fairly steep slope.

Mr. Costa: If the Board feels, we can raise that back corner of the wall. I wouldn't like to go higher than 6 feet eye level, just for the comfort of the neighbors.

Boardmember Sullivan: What's going to happen if I am standing in that yard at that corner, in your neighbor's yard at that corner? I'm going to have a 4-1/2 foot high wall that I'm looking at. And I'm going to see a house that's 5 feet above where ...

Mr. Costa: No. Right above the wall, a line from the beginning of the wall toward the front of the house all the way through the whole length, there is going to be [a rabtee] XXX.

Boardmember Sullivan: No, I appreciate that. But what I'm saying is that at that particular point there's a 4-1/2 foot high wall, and the house itself is 5 feet higher than that.

Mr. Costa: Correct.

Boardmember Sullivan: OK. So it's a fairly formidable arrangement, I would say, for your neighbor.

The other question I had is, on the left-hand side you're showing ... this is at the wall that sort of curves around on the left-hand side. You're showing an existing elevation of 198.5 ... excuse me, a proposed elevation of 198.5?

Mr. Costa: Correct.

Boardmember Sullivan: I looked at the contour lines. One of my comments last time was it would be very helpful to have existing contour lines put on this plan. I believe you actually have an existing contour of 194. So I don't know how you're accommodating that 4-foot drop, 4-1/2 foot drop.

Mr. Costa: Where exactly are you speaking?

Boardmember Sullivan: When you look at your drawing, you have ... you're showing an existing grade of 198. This is towards the front of the property.

Mr. Costa: Over here?

Boardmember Sullivan: You're showing that property, you're showing 198. You're showing 186. And then someplace you're going to have ... I looked at your existing site plan and transposed the contours to the plan I received in my package, and 194 comes across. Where you show an existing grade of 198, I believe that's incorrect.

Mr. Costa: If I could just see where you're ...

Boardmember Sullivan: Sure. Sorry, 198, 196, 194; 194 approximately comes across the property here. So you have a conflict of one-half foot right in this corner.

Mr. Costa: Well, where you're speaking, this is going to be a wall.

Boardmember Sullivan: No, I'm speaking about the transition from 198, which you're showing very close to that wall, to where you have a grade of 194, and actually 192 down here. So I think this has been a problem of mine with your proposal because the elevations are not ... the proposed elevations are not clearly marked.

Chairperson Speranza: And, Kathy, you got those contours from the previous set of plans.

Boardmember Sullivan: What I did is, I went to the original application, I transferred them by hand, eyeballed them. It's something I do somewhat professionally.

Mr. Costa: I understand. My error is in this one number of 198. That's my error.

Boardmember Sullivan: I am very concerned about the area that you've shown for disturbance. You are showing here an elevation of 198.5, and in the area that you're showing not being disturbed you're showing existing contours of 194 and 192, which are significantly below 198.5. So I think it just needs a little bit more thought.

Mr. Costa: Again, I can adjust that to satisfy your concerns, where we won't have a drop.

Boardmember Sullivan: Yeah, and Patty you asked me. My last real comment is, I'm concerned about how this will impact your neighbors, especially with the wall that's on the property line. I'm concerned about how this is going to impact ... I'm concerned about this inconsistency of not really working through the contours at the front of the house. So those are the feelings that I've expressed.

Chairperson Speranza: Eva, Jamie, Rebecca? Any comments on this?

Boardmember Alligood: I was reading over the minutes from last time, and I remember Kathy asking for these. I really think we need the information there. I'm very grateful that you have expertise to transpose information for the applicant, but we should have plans that show us what you asked for because that is what we need to analyze the impact of this project. So I'm very uncomfortable with just saying OK, we'll fix that. I mean, it should be clearly shown, and we should be able to understand it in one place.

Boardmember Strutton: Especially if the inaccuracy increases the area that's disturbed, and we're being told it was 37.7 and it's greater than that – the grade.

Chairperson Speranza: I'm certainly glad for your diligence on this. And it does keep ... the numbers seemingly keep coming down. But we do need to have the information correct.

Mr. Costa: OK. Is there any other areas that you're concerned with?

Boardmember Sullivan: I think one thing that would help – and this gets to Marianne's point ... because what we have seen on other steep slope applications is a site section. We rely on Marianne to help us with some of the height issues, but I think a section through the site in both directions would be very helpful.

Mr. Costa: On the original, would you like a section with the house on it? Is that what you're saying? The house imposed on this?

Boardmember Sullivan: Not on that particular one because the horizontal and vertical scales are different.

Mr. Costa: Right.

Boardmember Sullivan: Right. But if you could do a simple site section showing the existing grade, showing the fill that you're adding, that would be very helpful.

Mr. Costa: OK.

Boardmember Sullivan: And I think also to show us through the house, in the short side of the site, to understand what's happening to the neighbor's side, as well.

Mr. Costa: Very good.

Boardmember Sullivan: That's been helpful, I think, when we've gotten that from other applicants. So that would be very much appreciated.

Village Attorney Stecich: Patty, there's one thing. On this drawing, is the part you're ... when you're calculating the area of disturbance, is it where you've got the pink crosses?

Mr. Costa: Correct.

Village Attorney Stecich: But there's more being disturbed than that. If you're putting in the Cultec Rechargers ...

Mr. Costa: That's calculated right here in the top corner: Cultec. The number in the box here is divided to two. It's the hatched area, plus the Cultec area.

Village Attorney Stecich: That was my question. OK. But see, when you're looking at disturbance you're not supposed to only look at the disturbance at the end, like how much at the end is going to be disturbed. It's how much is going to be disturbed during construction. I don't think this is an accurate reflection of ... because I can't imagine you're putting in the Cultec Chargers (sic) and then doing this work, and this space in between isn't getting disturbed. See, I think disturbance is any disturbance, not just finally what's there. It's disturbance while you're working on the steep slope.

So I don't think this is ... you may be comfortable with the work they're doing eventually, but you need to know what the real number is. My guess is it's more than 37 percent being disturbed, and I think we need a more accurate calculation.

Mr. Costa: Again, at the last meeting – I don't believe you were here ...

Village Attorney Stecich: I read the minutes, though.

Mr. Costa: Right. But to that end, OK, under this proposal this was all taken into consideration where you are going to be disturbing. In the final project, yes, you're not. But during construction, in practicality you will be. Now, on the definition, do you want the total, quote, unquote "disturbed area," and then the final disturbed area?

Chairperson Speranza: Why do we get two numbers?

Mr. Costa: Again, because ...

Chairperson Speranza: Because you've got ...

Mr. Costa: I pulled this wall in.

Chairperson Speranza: You pulled it in, right. Right, I know.

Mr. Costa: And I said last time, conservatively where the soil was being stored we're really not changing the grade.

Chairperson Speranza: Right.

Mr. Costa: And you asked to have that calculation redone.

Chairperson Speranza: Right, yes.

Building Inspector Sharma: When Steve and I looked at the definition, we're talking about a steep slope or any kind of slope that would be developed or re-graded or something. It could be disturbed, but if it's restored back to the same old grades, then from my understanding and interpretation of the code, yes, it's disturbed but we're not really changing or modifying the slope. That was my understanding.

So yes, you are disturbing the soil. But after you put the contacts in, you put the soil back and you put it back to the same grade, we have not modified, we have not developed, we haven't paved over it.

Village Attorney Stecich: So the grading is staying the same. OK.

Building Inspector Sharma: And certainly it can be re-graded or paved over or developed. So anything that is rebuilt on the same level ...

[cross-talk]

Village Attorney Stecich: And you can strip vegetation as long as you replace it.

Building Inspector Sharma: ... that was my understanding.

Village Attorney Stecich: OK, so that's going back to the grade it was.

Building Inspector Sharma: Yeah.

Boardmember Sullivan: I think, Deven, we should take into account the area that you're going to need to put footings in for these walls. So going right to the outside face of the wall may not be appropriate. You should give yourself the dimensions that you're going to need to do a safe excavation for the footing for the retaining wall.

Mr. Costa: On these type of walls, they are the geotechnic pre-engineered walls. There are no footings. They're put on gravel base, 1 foot below the existing grade.

Boardmember Sullivan: OK.

Mr. Costa: There's no excavation for the footing, there's no width of a footing.

Building Inspector Sharma: Again, the interpretation – and if I'm wrong I'm wrong – is that if you do excavate, build what you need to build, and then you bring the grade back to where it needs to be ... so that part of the slope, in my opinion, by the definition, is not disturbed.

Village Attorney Stecich: Is not developed. Yeah, if the language were "disturbed," it's problematic.

Building Inspector Sharma: It's disturbed, but it's not ...

[cross-talk]

Village Attorney Stecich: ... developed ...

[cross-talk]

Building Inspector Sharma: ... according to the definition.

Chairperson Speranza: And I think that's where it gets tricky with our Steep Slopes Law. Because it's talking about the percent of the property to be disturbed.

Building Inspector Sharma: No. What does it say – re-graded, developed, or paved?

Chairperson Speranza: Right. But the percentages relate to disturbance, right? The area of disturbance? You have to resolve that corner ...

[cross-talk]

Mr. Costa: Right. I have to resolve the corner. But again, just keep in mind when I did present this case it was for a hardship case saying that we could not be 35 percent.

Chairperson Speranza: And that's why you're still here now.

Mr. Costa: Right.

Chairperson Speranza: Because you've made the case, I believe, to all of us that this lot can't be developed within the disturbed. The question becomes, then ...

Mr. Costa: The minimum.

Chairperson Speranza: What's the minimum.

Mr. Costa: Right.

Chairperson Speranza: Getting it as close as possible.

Boardmember Sullivan: Well, I'd like to discuss that. Because I stated this last time, and I'll try to repeat it again. This is a very large lot, and so there really could be no hardship in disturbing the property. I mean, it's oversized for the zone, it's got ... you have ample ability

for meeting all the zoning setbacks. Even I had some dialogue about this. You know, I had expressed – and the applicant mentioned another point – but there's really a certain design that's being imposed on the site that is causing all this fill to be added. So I don't really believe that a hardship ...

Chairperson Speranza: Oh, so you're not convinced with the hardship.

Boardmember Sullivan: No, I'm not convinced of the hardship, not at all. I mean, I think there's a lot of fill being added here to basically level the site and to put in a basement garage. And we actually have – and I don't want to compare applications – but we have another steep slopes applicant today who shows putting a garage on the first level of a lovely home that they're planning. And that doesn't seem to be the same aesthetic.

So there's a certain design desire to accomplish a garage in the basement, raising up the first level a half-story or so, and that's driving the addition of the fill. And that's hard to accomplish ...

Mr. Costa: Yeah, but in this case ...

Boardmember Sullivan: It's hard – excuse me – it's hard to accomplish all of that on a site that's sloping away from you. So bringing the fill in has been the requirement, or been the necessity, to accomplish that design. And I think it's a very ... though very steep, it's very buildable if it's approached with thinking how not to disturb the steep slopes instead of how to level it out and make it a flat site.

Boardmember Cameron: Following up on Kathy's point, I think it would be useful in your next set of drawings of this if you would show us, actually, the ground level presently at the edge of your property, compared to where the basement level and the first floor level will be in the new house. Because, you know, there is quite something to what Kathy says that you've got this house perched up.

And vis-à-vis the person next door, you seem to have a house which is 10 or 12 or more feet above the present ground level when you look at it from the person next door. Which, since you are 8 feet from the other person's property, is quite something to see sitting up next to you. I think you need to look at that very carefully. I still don't understand why the house is so close to this neighbor here and not farther over to the end.

Mr. Costa: Because by zoning code, this is a street. Whether it's improved or not, that is a zoning setback on the other side, on the north side of the house.

Boardmember Cameron: Well, you could talk to us about that, too, I'm sure. But that is an unlikely-developed street. Not that I'm saying you stick it over because I happen to know the people on the other side of the road. But you are awfully close to the person next to you, and you are building the thing up very high when you get right down to it. So I think it would be useful to see that profile when you come back with your next set of diagrams.

Mr. Costa: Very good.

Chairperson Speranza: OK? Thank you.

Mr. Costa: Thank you.

IV. NEW BUSINESS

1. Steep Slopes Approval

Application of Mirjana Alilovic for additions and alterations to her house at 12 Prince Street. Said property is in the 2-R zoning district and is also known as Sheet 40, Block 733 and Lots 13, 14, 15 & 16 on Village tax maps.

Chairperson Speranza: All right, next on our agenda is another steep slopes application for additions and alterations to property at 12 Prince Street.

Tom Abillama, architect – 12 Prince Street: I'm the architect for the applicant. This application is in regard to an addition and alteration to an existing one-and-a-half story wood frame house. This is the existing shape here of the house. The addition is mainly a two-car garage in tandem on the side of the house. Also, we're adding decks floating above the grade on posts all around the house almost.

Obviously, you're familiar with the site. And you remember that access to the site used to be through the adjacent property. Right now, we're relocating the access from the front of the property into the two-car garage. By the way, the two-car space that is provided here is in answer to the condition that was put in during the subdivision process.

I just would like to also make a point that really the area disturbance of the steep slope is within this area here. It's a little bit over 1,000 square feet. That's why we're here before the Board. Also, in addition, my client would like to see the relationship between the basement and the grade get a little more friendlier, so to speak. Because right now, we're at about 188

at the basement, and the site slopes back to 182. So there's a 6-foot, 7-foot drop probably that we'd like to level.

So in essence, whether we have to put a retaining wall in the back, which would not be the preference of my client, or slope it back in directly, we'll have to determine that at a later day; not to affect the neighboring property.

If you remember a couple of months ago when we did the other adjacent property, there was concern when we were recreating the site that the adjacent property, Mirjana's property, would be affected. Therefore, we proposed a retaining wall between the two properties. Now that Mirjana is developing her property, there is no more need for the retaining wall. That will give us the opportunity to make a nice smooth transition between the two structures.

Above the garage, we are having a second apartment, proposing a second apartment, that would be utilized by a member of Mirjana's family. Actually, I'm going to run you through the floor plans and the elevations. Actually, we did the diagram for the cross-section of the house in relationship to the parallelogram that's needed for the height. We complied with it.

This is a cross-section of the area that's being disturbed. As you can see, this is a steep slope in here. It's smoothed a little bit here. There's a little bit of fill in the front where the driveway is.

This is the existing basement here, and this is the addition of the two-car garage. We're also providing a cellar underneath it because of the situation we have in the steep slope. The first floor, we're adding a vestibule in the front. And we're really gutting the whole floor, the whole space, by providing a space like this: living room, dining room, family room and a kitchen, and a two-story space above the stairway. Also we're adding a front porch, and a side and a rear porch to the house.

On the second floor, we're providing for three bedrooms and two baths, and an apartment which would be accessed independently from the other side. As far as the finishes, the materials we're using are going to be similar to the materials we've used on the adjacent house. Although the geometry is totally different, there will be some similarities in materials.

If you have any questions, please?

Chairperson Speranza: When you were initially speaking, you said something about needing a retaining wall in the rear of the property.

Mr. Abillama: Right. A retaining wall could be utilized.

Chairperson Speranza: Right. That sounds to me like there may be a dramatic change to the slope.

Mr. Abillama: Well, not really. It's only about a 3- to 4-foot high wall, if that. Actually, it could be omitted by having a smooth slope towards the back. The idea is just simply to have a nice open area, from the access to the outside from the basement, be much smoother than it is right now. Right now, you go outside and you have a bit of a hill. That's the whole idea really behind it. Now, whether we really have it totally flat or up to this point, or we slope it from this point back by eliminating the retaining wall, that's something we have to contemplate and discuss with Mirjana as well as the neighbors, who are present here.

Chairperson Speranza: I know, that's ...

Village Attorney Stecich: It's got to be on this application. The application is for what you're going to build.

Mr. Abillama: I understand, I understand.

Village Attorney Stecich: Because your application is supposed to have any proposed construction. So you have to decide on what you're going to do before you can come to the Board.

Mr. Abillama: I mean, this is the proposal here. If there's going to be some kind of an agreement between the neighbors and Mirjana about not having the retaining wall, or having the retaining wall here, I'm just ...

Building Inspector Sharma: That'll be a new and different application then.

Mr. Abillama: Yes.

Building Inspector Sharma: Because currently, this is what you're proposing.

Mr. Abillama: Right.

Building Inspector Sharma: So that's what the Board has to look at. What you could possibly be doing, that's immaterial at this time. Right, Marianne?

Village Attorney Stecich: Well, it is. Except it wasn't clear to me what the current proposal is.

Boardmember Cameron: Right.

Mr. Abillama: The current proposal is to have a retaining wall.

Village Attorney Stecich: It might be this, or it might be this.

Mr. Abillama: No, it is a retaining wall. We show a retaining wall, we're presenting a retaining wall. But now, at the last minute I don't know if the neighbors and Mirjana would like to see whether this retaining wall is acceptable to them, or not.

Chairperson Speranza: Well, once we approve an application that shows a retaining wall to mitigate some of the impact of building on a steep slope or filling in on a steep slope, that's done. I mean, that's the decision. There can't be, then, this kind of off-the-cuff change.

Mr. Abillama: No, that's why actually I'm stating that. I mean, it would be that scenario if I didn't say anything about it.

Village Attorney Stecich: Well, related to that, you said something about when the Board approved the construction on the other lot. Was it construction with the retaining wall?

Mr. Abillama: Right.

Village Attorney Stecich: Now you say you're not putting the retaining wall up?

Mr. Abillama: No. What we had to do is come back for amendments. It's a better situation.

Building Inspector Sharma: Let me explain. What happened was, that amount of fill was placed on the side before it was subdivided. Then after it got subdivided, only the grade from the new lots were modified requiring a retaining wall. Now what they're saying is they will remove the fill on the other side, as well. This way there will be no need ... there will be nothing that would need to be retained so that retaining wall may come out.

Village Attorney Stecich: But they have to come to the Board if they're changing ...

[cross-talk]

Mr. Abillama: Absolutely.

Building Inspector Sharma: Understand that there is fill coming up to the property here, and they will only cut down to here. Now they're going to cut this side off. So maybe you can try to explain it better.

Chairperson Speranza: But I thought the discussion at the last meeting was to bring more fill onto the site to level out the grades.

Boardmember Cameron: And does that affect how many floors we had in the other building, which you say now will take the soil away? I mean, we're exposing more of the basement so we have another floor now – which you can't have?

Building Inspector Sharma: All of this area was filled. So when they remove it from this lot this will be higher. So that's the retaining wall. But now while he's starting to work on this, he's planning to remove fill from here, as well. So this level is going to come pretty close to the level that he's creating on the other side. So that will do away with the need for a retaining wall.

Village Attorney Stecich: They were taking away the fill rather than bringing it in.

Chairperson Speranza: No. I thought the discussion we had at the very end of the ... unofficial, was to bring fill on to the property to level off. Because you were concerned that they were going to be taking the fill away; that they were starting to take the fill away and you wanted to be able to use some of it on your property.

Mr. Abillama: Oh, I see. After the approval.

Chairperson Speranza: Yes, not the last meeting on this one.

Building Inspector Sharma: So that fill is planned to use on the other side of the property, and not on this side. She wanted to use the fill here, on this property, to level other portions of the property.

Boardmember Cameron: Well, my question is whether that's going to affect whether that other building has got an extra floor if you expose that much of the basement by taking fill out. And this one, too. Because this one here looks like it's already got three floors and not two. You've exposed so much of the basement that it's actually another floor.

Mr. Abillama: Well, let's go back to this one, to Mirjana's house. Now, this one has a basement. As you go out, you end up going down 4, 5, 6 feet as you go away from the site, from the building. Our proposal provides for less of an exposure of the basement. Because we're going to put in more dirt, about 4 to 5 feet of dirt, in front of the basement. So that's not going to expose the basement more, it's going to expose it less.

As far as this house here, whatever we proposed previously we are proposing now still. With the exception of, if you can see those contour lines – this solid line here – this line and this line abruptly meet the retaining wall. And the grade, if you can imagine, would be like this, then retaining wall, then the grade like that. We did that just to protect Mirjana's property so her soil would not erode into the neighboring property. It was a suggestion from one of the Planning Board members.

So now it's a much smoother situation if you look into the final proposed site plan, to eliminate this retaining wall and have this nice, harmonious way of providing the new soil, the grade meeting one structure to the other. So that's ... I know it's a little bit complicated. We might have to come back to the Planning Board again for the adjacent property as an amendment. Well, you have to do what you have to do. But that's the best solution.

We would have opted to keep the retaining wall, but it would be ... you know, that's not an aesthetically pleasant situation.

Boardmember Cameron: So I have two questions. One, whether or not we have a proper measurement of how much this so-called basement is being exposed and whether we actually have another floor. Because if you look at the diagram from the side, it's mostly exposed.

And the second thing is – and, Marianne, this is a question I don't know – do we not need two parking spots? And is a tunnel garage legitimately two parking spots?

Village Attorney Stecich: Well, there's a problem with that apartment. You can't have an accessory apartment in that house because an accessory apartment can only be in a building that existed in 1994, part of a building. Now, that is a two-family district so it could be a two-family house. If it is a two-family house, you haven't met the setbacks. I think you're a little bit tight in the front.

Mr. Abillama: [off-mic]

Village Attorney Stecich: I don't think so. The setback has to be ... there's a different setback for a two-family than a single-family in that district. I think the setback is 30 feet.

And if I read the drawings, I think it was like ... you were close. I think the closest one was 28-something. Am I right?

Chairperson Speranza: Yeah, 28 or 26.

Village Attorney Stecich: So there could be two-family house. But your drawings, all this stuff presented, is a single-family house. So you have to revise it to show it's a two-family house and you have to meet the setbacks for a two-family house.

Mr. Abillama: We can do that.

Village Attorney Stecich: But an accessory apartment is not allowed.

Building Inspector Sharma: And it requires off-street parking for two families. There's more than two parking spaces, then we have to create a short area.

Boardmember Alligood: You need four for a two-family house, right?

Building Inspector Sharma: It depends if it's a one-bedroom or two-.

Village Attorney Stecich: Let me double-check because we don't get them that much.

Mr. Abillama: Now, Mr. Sharma, would this constitute a parking space here?

Building Inspector Sharma: The code says no parking in the required yard, except on legally-constructed driveways. If we call a turn-around space a driveway, then yes, I guess you could park on it.

Village Attorney Stecich: You know what? No, it's four spaces. Because one- and two-family dwellings it's two spaces per dwelling unit. So it would be four off-street parking spaces.

Mr. Abillama: But they can be tandem.

Village Attorney Stecich: No, you can't have tandem.

Boardmember Cameron: They can't have tandem.

Village Attorney Stecich: No tandem because the parking spaces have to be independently accessible.

Mr. Abillama: Maybe when we go beyond the two-family they can't be tandem, but one- and two-family are allowed to have tandem spaces.

Village Attorney Stecich: No.

Mr. Abillama: I remember seeing that.

Village Attorney Stecich: I don't believe so.

Chairperson Speranza: Can I suggest that you really try to make some decisions about what you want to do on these two properties?

Mr. Abillama: Well, the only indecision we have ...

Chairperson Speranza: Well, we don't know yet though. Because you can't just put the apartment in the garage. It doesn't qualify for an accessory apartment, and right now it's not presented for a two-family. And you need four parking spaces. I think that there's a lot of good ideas, and I think you're coming up with solutions to meet kind of what seems, at least to me, to be an ever-changing desire to do something on these two properties. And I just think the decision has to be made, and then the plans developed accordingly.

Mr. Abillama: I agree.

Chairperson Speranza: Because we're doing things very piecemeal and things are going to get lost.

Mr. Abillama: I'm sorry if it seems that way.

Chairperson Speranza: Things are going to get lost and scattered and overlooked, and then there *will* be a problem.

Village Attorney Stecich: Patty, if I could explain. By the tandem parking, I'm assuming you mean front-to-front. It doesn't use the term "tandem parking," but a parking space is defined as "*a specific off-street location available for the parking of a motor vehicle; and having usable and relatively direct access to a street.*" So if it's inside another car it doesn't have direct access to a street so it doesn't qualify as a parking space.

Mr. Abillama: But my belief is that you're allowed to have a parking space in front of the garage door. So that's an outdoor tandem.

Building Inspector Sharma: One- or two-families, we have permitted parking in the driveway; one car in the garage, another car in the driveway. If the parking space was adequate we normally have permitted it, but in a single driveway.

Village Attorney Stecich: Well, you got to be able to get out.

Chairperson Speranza: But now we're looking at four parking spaces.

Building Inspector Sharma: You definitely need to go back and redraw it. And certainly discuss with your client, come up with the actual solution that you're really planning to do; how you're going to modify it, where it's going to get modified, if there's going to be a retaining wall. Come up with a final solution that you want this board to consider and say yea or nay to it. Modify it then if you have to, but initially come with what you really want to have the Board approve.

Boardmember Sullivan: I'd like to say something. I was very excited to see an apartment being added in a way that was so integrated into the design of the house. I think we looked at some affordable housing proposals where we've been trying to get two families in a home. I think the solution is very nice, and I encourage you to continue to try to accomplish it.

As Marianne said, though, you're in the two-family zone being able to try to accomplish and meet the requirements. I think apartments like this are needed in our town.

Building Inspector Sharma: There's one other thing I'd like to suggest: providing two off-street parking spaces – not necessarily a garage, but two off-street parking spaces – with the condition of the subdivision. So we would prefer that providing off-street parking spaces is not held off until the other solutions are all arrived at and approved. The Board would love to say two parking spaces, even if they're open like a driveway or something, be done as quickly as possible independent of other developments.

Chairperson Speranza: No, I disagree with that. I think it's got to be all part of one proposal for this.

Building Inspector Sharma: But do you remember when we allowed a subdivision ...

[cross-talk]

Chairperson Speranza: Yes, and we conditioned it.

Boardmember Cameron: Not only that, but we said the parking had to be on the other side of the house than they're putting it on now. We asked the parking be put on the other side of the house, away from the street.

Building Inspector Sharma: You did?

Boardmember Cameron: Yes, that was our discussion. Go back and look at the minutes.

Chairperson Speranza: So rather than quick-fix, put two parking spaces someplace on the property, now I think – and I'm hearing it's the sense of the Board – we'll take a little bit of time and do this all together in a comprehensive way. Because they could put in two spaces someplace right now, but you still have to have two more spaces if they're going ahead with the apartment. So why not design it, and undertake it all together?

Building Inspector Sharma: The Board's concern was that those cars would end up on the street and would continue to remain on the street. Supposing it takes another year to develop. Those cars would continue to remain on the street, which is a bad, narrow street to begin with. I think that was the concern, and they made that a condition of the subdivision that the parking spaces were provided.

Boardmember Cameron: We didn't know there was going to be a further development of this house. And I think Patty's correct that we should do one unified thing so we get it right rather than do it piecemeal. At the time, we thought that was it. It was just she was going to live in that one, two parking spots. And, quite frankly, they were going to be on the other side of the house.

But now we're having something completely different. And we're going to be paving more of the front yard while they're planning to do construction if they're going to try to do what they appear to be doing. Which I think is a mistake to park in the front yard. We have too many cars parking in the front yard in this town as it is.

Mr. Abillama: But if you permit me to say that this is the only access, really, from here to here of the driveway – if we have to go all the way around and park here – we're creating more impervious surfaces. I don't think it's aesthetically very pleasant to have all this pavement all the way around.

Building Inspector Sharma: Just a straight driveway from the street up to where the current house is, even if it's a gravel driveway or something, that would at least take two cars off the street onto that area. And that could even be incorporated or further modified when the plans are developed. That's my thought.

Chairperson Speranza: I think if this is going to change, and it seems as if you're still making modifications to the plan, to both of them, come back with one that incorporates everything.

Mr. Abillama: The final one.

[laughter]

Chairperson Speranza: That would be good. OK, anything else?

Mr. Abillama: Thank you.

Boardmember Sullivan: Thank you very much.

V. NEW PUBLIC HEARINGS

1. **Accessory apartment permit renewal for Dr. Zena Susser – 100 Pinecrest Drive - Sheet 1/Parcels 46, 46A & 46B. Waiver required for square footage.**

Chairperson Speranza: The next order of business. Oh, this is a nice change for us: an accessory apartment renewal for a property located at 500 Pinecrest Drive, Dr. Zena Susser. This apartment has been in existence for a number of years. I think it's on the third, maybe even fourth, renewal. Buddy, do you want to give us the details on this?

Deputy Building Inspector Minozzi: Yes. Upon the inspection of this property, we found everything to be in compliance. It does require a waiver for square footage of 8 percent over the allotted 25 percent. But everything else was in compliance, and it does have off-street parking.

Chairperson Speranza: Complaints? No complaints?

Deputy Building Inspector Minozzi: No complaints.

Chairperson Speranza: OK. This is a public hearing. Yes, Vanessa, come on up.

Vanessa Merton, 111 Pinecrest Drive: I'm located directly across from the property in question, and I just wanted to voice the support not only of myself, but of other neighbors,

that we're very happy for all of the Sussers living in our area and that we think it's a good policy. I just want to reiterate, it's a good policy because it enables people to stay in our community and continue to participate. So thank you.

Chairperson Speranza: Thank you. OK, anyone else?

Then we'll close the public hearing. Boardmember comments, questions, or a motion to approve? And that would include a waiver for the square footage.

On MOTION of Boardmember James Cameron, SECONDED by Boardmember Rebecca Strutton with a voice vote of all in favor, the Board approved the accessory apartment renewal application for 100 Pinecrest Drive with a waiver for square footage.

Chairperson Speranza: OK, thank you.

2. Special Use Permit, View Preservation and Site Plan Review/Approval.

Application of Louis Zazzarino for the addition of two stories and other needed alterations to an existing single-story building at 400 Warburton Avenue into four (4) townhouses. Said property is in MR-O zoning district, and is also known as Sheet 7, Block 613 and Lots 14, 15 & 16 on the Village tax maps.

Chairperson Speranza: OK, it's almost like the commercial break.

Next order of business, special use permit, view preservation, and site plan approval for the addition of two stories onto an existing building at 400 Warburton Avenue. The property's in an MR-O zoning district, and it had been before us for a very, very preliminary review several months ago, I want to think – maybe back in July.

Village Attorney Stecich: It was July, I think.

Chairperson Speranza: July, yeah.

You know you have to have the mic.

Lanny Lerner, LR Lerner Architecture: We're in Scarsdale. We met, as you said, in the summer, in August it was. We discussed this project, and I'd just like to review what this project is and what we're proposing here.

This is currently a single-story warehouse type of building. It's big, it's hulking. I have lots of pictures for everybody who doesn't know this building. It is currently ... it's in the MR-O district, and MR-O allows only residential; single-family, multi-family, two-family. It does not allow a warehouse, and this building is a warehouse. So what we're proposing is to reuse this building for something that could really be attractive and be a contribution to the community by making it into a residential building.

Some of the issues involved here are that the building itself is currently built out nearly to the property lines. It's right on the property line in the front; it's within a foot on the back and the left side, the north side, and about 2 feet on the south side. Now, in the proposal that you saw in August we added the two stories set back 10 feet on the front as required by ordinance, and we had about a 15-foot setback in the back. We built out to the two side walls of the building.

At your suggestion, it's been revised. It is now a 12-foot setback on the front of this building so that we move the bulk of the building away from Quarry Trail. That was one of the major concerns, and we've addressed it that way. Also, one of the suggestions you had made was to get some sort of access to that Quarry Trail going back down to the river. Although you don't see it on this proposal, I think it's a great idea. I think we could simply put a stair in from Warburton Avenue and get down in that way.

The building, as you recall, is a bit more compact now than it was the first time. It was built all the way out to this corner. There's also a larger rear yard setback by a foot-and-a-half. Right now, the building is a total of 30 feet above Warburton, it's two stories, and it's a flat roof. It was deliberately designed that way so we could mitigate the problems with the views from behind us.

You also probably received a section today, through the site, and I'd like to talk a little bit about that. What you see is two different sections at different scales. It's the same section at two different scales; one showing the immediate area, and one showing the view all the way down to the river. It's about 1,200 feet across. What it shows is, if we take the worst condition – the most difficult condition to satisfy, which is the house immediately behind this building, which is 2 Marble Terrace – if you are standing on the first floor of that it was eye level. That's what I'm indicating on that drawing at 2 Marble Terrace.

If you take that line across to the roof of the proposal, and then extend that line throughout to the river, you get this line. It goes from here all the way down to the river, unobstructed view across the roof of this building. Because it's a flat building – flat roof, rather – it really has very little impact on that view. What does have an impact on the view is, when the trees are growing there's very little view. Now, I understand during the winter there is some view. But I'd like to show you some pictures. I don't know if you can see this.

Chairperson Speranza: You know what? Can you put it on the easel.

Mr. Lerner: Yeah, OK. Sure.

Chairperson Speranza: Better to do it that way. This way other people can see it. And we can stand up.

Mr. Lerner: What you're seeing is a panorama of the views up from Marble Terrace. This is number 2 Marble Terrace, looking down and across at all of the buildings in this area. This is number 9 Marble Terrace. Looking down through, in this view, I was up on – what's the next one up above it, Aqueduct Trail? – which is about where the eye level would be. I was trying to get an idea of what you would actually see from that point.

Now, I've taken this photograph and drawn over it to show the impact of a two-story addition on the building. So if you were looking through here you can hardly see it. I mean, yes, it's off to one side. But that's the only place I could get high enough to see it without getting into the house. But you can see there's very little impact, you can still see the roof beyond, which is that building. Can you see that – it's tough – from where you are? But that's the building across the street on Warburton; it's 435 Warburton.

So what I'm trying to show you here is that there is a lot to look at from up that hill. This building that I'm proposing is not a whole lot different than what's already there. You know, if you take it as a whole and see the big picture here, it's going to make very little impact, in my opinion. But it's not just my opinion. If you look at the section and how all of these things relate, if you look at Marble Terrace being 2 feet higher – the street itself being 2 feet higher – than the roof of the proposed building, I don't see that the views are going to be an issue here.

Do you have any questions?

Chairperson Speranza: I do want to say, first of all, this is a public hearing. So are there members from the public who wish to comment or question the proposal? Yes, sir, first row first.

Jim Stranges, 2 Marble Terrace: I have the pleasure of being able to view the Palisades and the Hudson. He couldn't get into my house. But I can, and I have a photo from one of my windows. All the rooms ... because my house is not situated east-west as all the other houses are – my house is situated south-north – every room in my house I can see the Palisades and the Hudson from.

Mr. Lerner: In the winter.

Mr. Stranges: In the summer also. This is to show that it's not exaggerated. It was taken from standing on the floor, being able to view the Hudson. Now, I do think that my view would be impacted quite a bit. I was told that he was going to put an additional floor above the roofline that he has now. So that's going to add another 10 feet, not 2 feet.

My feeling is that I've enjoyed that view for the last 35 years. We moved here in 1976, my wife and I. We have one of the few westerly views. My neighbor at 9 Marble Terrace has a view also, but the rest of the block does not. They are blocked by other buildings and construction along Warburton because there are three-family homes built there that are taller than the buildings that we have adjacent to us.

Thank you.

Chairperson Speranza: Thank you.

Larry Houghteling, 9 Marble Terrace: I'm Jim's neighbor on the other side of the street. I understand the argument that it only sticks up a little bit. But the truth is, as you can see from Mr. Stranges' photographs, it sticks up right into the middle of the view of the Hudson River and sort of halfway ... it's going to cut into the view of the Palisades, as well.

It just happens that because of our luck, I guess, there are houses over here and there are houses over here that stick way up. But in the middle there are none. Recently it's gotten, actually, better because we had to cut trees because of all these storms. We really have a panoramic view. It's become quite apparent if this building were to go up another 10 feet that panoramic view would ... it's right in the middle of that panoramic view that this thing would pop up. It would alter the panoramic view.

We sit in the backyard a lot from about April to November, and it's lovely out there. It's going to be very changed if that building were to be built. Thank you.

Chairperson Speranza: Thank you. Yes?

Mitchell Koch, 20 Marble Terrace: I also own 12 Marble Terrace, which is adjacent to these two people; the yellow house in the photograph. The only thing I want to say is that when you look at the sections through sites, sometimes they can be a little misleading. Because what they don't take into account is oblique views of the river. The river extends along the entire horizon there, and the Palisades do, too. And, of course, a section cut is just a perpendicular cut right through the property.

So, you know, I would ask, actually, that they should demonstrate to us, in fact, that those oblique views would not be affected. It's very easy to do that by taking a photograph like his and superimposing a line of where the top of the building would be. It's a device that all architects use. But also not simply straight on, but obliquely. Because there are quite a lot of other vantage points that should be considered, in addition.

Another thing, I would just ask if there is topographic information that would corroborate the heights. Because it doesn't seem to really add up. With regard to his photograph, and the height of the building, something's amiss. So I would just ask to take another closer look at that. OK, that's it.

Chairperson Speranza: And just so you're aware that view preservation, the formal information packet does require exactly that kind of photograph with the outline of the building drawn into the plans.

Mr. Koch: Has that been submitted?

Chairperson Speranza: We have not received it.

Michelle Noe, 20 Marble Terrace: I own 12 Marble Terrace, as well. I just wanted to say, when you go up on to the Aqueduct you look down ... Aqueduct Lane, where I saw you looking, you're kind of looking down. But our property actually has a side yard right below that that has a view of the river now that would be changed a lot by a taller building. It looks right over the view that 2 Marble Terrace has, kind of on the angle. And actually, the house has an addition with a master bedroom and a bay window that has that same view that would be affected a lot by that.

I mean, Larry does have bushes across the street. But you really see the river. So thank you.

Mr. Koch: Can I say one other thing? The backyard where we sit is the lowest place on Marble Terrace. You know, you walk down the downhill side from Marble Terrace and it's

the most westerly part of our property. From there, you're most aware of the bulk of that building now, and what will be the greater bulk if it were to be built up.

My neighbor is a really nice guy, and he allowed me, several times, to garden on the edge of his property, which is kind of down below mine, right next to the back of this building. If that building were to be built up it would cast a shadow where the garden that I've been using ... you know, it would mean that from probably 2:30 or 3 o'clock in the afternoon the sun would not fall on most of the garden anymore.

Chairperson Speranza: Thank you. Any other comments on this proposal at this point?

Ms. Noe: From our house on the corner, when the affordable housing was built, one of the big issues was the mechanical systems on the roof. It has a geothermal system, heating/cooling, so there's nothing on the roof. There's not even a plumbing vent. And, I mean, that was a really critical part of getting approval for that project. So our view doesn't have ... we don't look at mechanical equipment as we look at the river and the Palisades.

Chairperson Speranza: OK.

Village Attorney Stecich: Patty, could I just say procedurally where this is at?

Chairperson Speranza: Yes, because I know this went to the Zoning Board.

Village Attorney Stecich: Yeah, it was before the Zoning Board. A couple of the Zoning Board members raised it as an issue because it seemed premature. But let me explain it. It's before the Zoning Board for three things. It needs a special permit, and the Zoning Board grants the special permit. It needs view preservation approval. Oh, I'm sorry, needs a special permit from the Zoning Board. But before they give the special permit, there's supposed to be a report from the Planning Board on the special permit as part of the special permit process. So that was one of the things.

But we made it clear to the Zoning Board you can hear and you can raise any questions – just raise them – but they understood that they couldn't take any action at that meeting. They need, obviously, view preservation approval from them and the recommendation from you, and they need several variances. You need a rear yard variance and two side yard variances. There's a certain amount they can go up and not need any variances. If they site it back 12 feet from each side, and set it back 30 feet, they could go up a certain distance without needing variances.

In fact, one of the requests of the Zoning Board was that they submit a drawing showing what you could build as-of-right, doing nothing – as-of-right because it's a special permit – but I guess more precisely, what they need without meeting side yard and rear yard variances.

Chairperson Speranza: With the building there?

Building Inspector Sharma: The second floor.

Chairperson Speranza: From the second floor up, OK.

Village Attorney Stecich: Yeah, right. Because the existing building is grandfathered in.

The other thing is, SEQRA is going to have to be done on this. Either you could do it and the Zoning Board could do it, or it could be coordinated. The Zoning Board suggested that it be coordinated. And they can't vote to be lead agency, but wanted it to be known they could refer the Planning Board to be lead agency.

Boardmember Sullivan: One thing. Why SEQRA, Marianne, just out curiosity?

Village Attorney Stecich: Because you have to do SEQRA on virtually everything.

Boardmember Sullivan: Everything but a single-family home.

Village Attorney Stecich: But single-family homes. You think you don't need to do it, but you have to do it on almost everything.

Chairperson Speranza: Right.

Boardmember Sullivan: Thank you.

Chairperson Speranza: So that would be one thing that we would do today if the Board decided, was to declare ourselves lead agency on this for SEQRA.

Village Attorney Stecich: Right.

Chairperson Speranza: The Zoning Board also has an action.

Boardmember Cameron: So we also need SEQRA on 12 Prince Street, since it's a two-family home? We don't need it?

Village Attorney Stecich: You know what? Two-families may be exempt. It might be one- and two-families exempt. I'll double-check, Jamie, but I think one- and two-families are exempt.

Chairperson Speranza: OK. As we said when you here, this is a very interesting proposal. And certainly the building is something that could use improvement and be put back to use. I'm wondering about the size of it myself, and whether or not by putting four units in here you might be asking for a bit too much with respect to the property. But that's my sense, and looking at what's required in terms of variances.

But I do also want to hear from the other Planning Board members in terms of comments on the proposal. Rebecca, anything?

Boardmember Strutton: Well, on the topographical view, the cutaway that you did. I would be interested, if you come back – when and if – to also include the view for pedestrians on the Aqueduct. Because I know that it's not just the houses, the people who are in the houses, that are going to be concerned about the view. But it's a highly-trafficked pedestrian walkway, and people go there for the views. So I would just be very interested ... you know, if you take a 5-foot person's, like myself's, vantage point, or even a 4-1/2 foot person like our children, that would be something I'd like to see.

Chairperson Speranza: OK. Jamie?

Boardmember Cameron: Just to carry it one further, we also need to see whether the view going down the Quarry Trail would be blocked at all. It probably isn't going to be, but you might just take a look at it.

The other thing which is subject ... and you're not doing it here, but it always can happen afterwards. But I always get worried about even if you do pass the view preservation, people have this nasty habit of going and putting places on top of the roof where they put chairs and what have you – there's no stairs, I notice, going up there – and then suddenly, after that appears, a stockade 6-1/2 foot high wooden fence. And so we need to find a way of stopping that from happening because it's happening in quite a few locations in this town.

Then the other thing is, were we to do this – and it may be we can't do it for reasons Patty mentioned earlier – I would like to see the town enter into an agreement early on about them building a stair. Because I think that would be a terrific advantage to this town, and we should have it agreed to before we give our approval. Otherwise, these things have a habit of

never being built. And the town really needs that sort of access to the quarry. It would be a wonderful addition.

Now, going back to what Patty was saying, I'm basically in favor of more density downtown. And I'd be in favor of this, except for the fact I'm a little worried about the views that these people have come here about. Because I think we need ... this is a wonderful location. It's walkable into the town, it's got all the nice things about it which I think are a great thing. I don't like the architecture, but that's not something we vote on.

[laughter]

But I guess those are my comments at this time. Thank you.

Chairperson Speranza: Eva?

Boardmember Alligood: I like the idea that it's not tearing down the building because I think we don't talk about that enough, about how that's the most green thing you can do is not tear down. You know, we have another project we're going to be talking about later which is completely not in that direction. But adaptively reusing a building is a great idea.

And also I agree with the point about density in the downtown. Obviously, we have concerns about the views, and we certainly listen to neighbors' concerns and those need to be resolved. And I don't know, maybe they have to be resolved by reducing the number of units. I'm sure you'll go back to the drawing board and figure out what you can present that hopefully addresses the concerns. But I think the idea of creating this is a really good thing.

And I had a question about your note in the closets here about future elevators. That's just something that you think the owners may want to put in later?

Mr. Lerner: Yeah, I wanted to have that option just because it's three stories. And I think that three stories, you limit who would be interested in the site.

Boardmember Alligood: I actually think that's ... I think thinking ahead like that is very clever. Because we have people who are looking to downsize, who are thinking ahead, saying, "I might not be able to climb the stairs."

Mr. Lerner: Just what we were thinking.

Boardmember Alligood: And so I think ... and they might want to spend the money rather than completely leaving the town. So I think that's a really good idea to make as an option. You don't have to have it there from day one.

Mr. Lerner: Right.

Chairperson Speranza: Kathy?

Boardmember Sullivan: I agree with you, Patty. I'm very concerned about the size. It's a doable two-family lot. The two-family lot's 5,000 square feet; this is over that. If you're putting two more units on that, the bulk of it concerns me.

Marianne, maybe you read this wrong. But I think the setbacks have to be 12 feet, or half the height of the building. So actually the building's around 35 feet, and we've been talking a 15-foot or so setback.

The other thing is that there was a another requirement not to have more than 50 percent lot coverage. But that's another issue about coverage and size. When you came here at first, this is an unusual site because you're transitioning from some of the more dense part of Warburton into some of the areas where there's duplexes and two-plexes that have space around them – have setbacks that are actually setbacks. And so there's a chance to maybe have a building in front of your view, but it isn't blocking the whole view. You know, it's slivered into your site.

And so I think by building out this property from lot to lot, in reality, and adding four families rather than two or three, it's really putting a lot of burden on the particular lot. I appreciate the attempt to make the setback on the Quarry Trail, but it wasn't enough. I mean, a setback is a setback. Because that's a lower trail. You look up, you already see the building. And now you're talking about adding above, at the corner. And pretty much even though you set back at the front, you're still going to have the sense of a multi-, multi-story building as you're descending down that trail underneath the bridge of Warburton.

But the setback – a full setback – from Quarry Trail would be appreciated because you're being allowed to build out all the way to ... you know, we're reusing the existing building, which is built out all the way to the lot line. I have concerns about having a full build-out to the other lot line because what about your neighbor. And that other piece of property might have someone come and take it.

You know, you've taken away some options from them, as well, by light and air. You can also come and say, "I have a great idea to do something on the first story," and there's just

some potential impacts you have on that other piece of property. There's no proposal. It's just conjecture, but those are two very big asks in my mind to have full build-out on the floors above the existing building itself.

So I'm very cautious of that. I think looking at that – and, again, leading to potentially a four-family proposal – I think there's some really good reasons to look at that and maybe modify what you're proposing. But that's what many of the Boardmembers have said.

Village Attorney Stecich: Just one small thing and one little bit bigger. On the coverage, I don't think coverage is an issue, Kathy, because they're not expanding the coverage. The coverage is staying the same, so they're not expanding that. But you're the about the height.

The other thing this board might not even answer tonight. You might want to think about it because you might have to make a recommendation on the special permit. One of the requirements ... there's the general requirements for special permit about it not being detrimental to the neighborhood and stuff like that. But one of the other more specific special permit requirements for this use is that there be *"suitably improved and usable recreation area and open space, in accordance with the following requirements."*

So then the question is ... and I don't think we've had to interpret this before. Do decks constitute this usable ...

Chairperson Speranza: I seem to remember we did for some application somewhere.

Village Attorney Stecich: Vaguely. Maybe it was with the Warburton affordable housing – 422. I think we might have with that, but we may have calculated because there was an outdoor plaza. But anyway, think about that. There's no bright line on that. Just think about whether you think that constitutes usable ... the wording is in a statute.

Chairperson Speranza: Are you familiar with this requirement?

Mr. Lerner: Apparently not familiar enough. I know there's a requirement for open space, which we have provided. It doesn't indicate that it has to be public open space, as far as I understand.

Village Attorney Stecich: What it says is *"suitably improved and usable recreation area and open space shall be provided in accordance with the following requirements."* And then, of course, the question the Zoning Board asked is does a deck just for that person count. But it's not clear in the statute, so that might be part of your recommendation to the Zoning Board. Of course, they can make their determination on that.

Mr. Lerner: I'd also like to suggest that that access to the trail would certainly be public.

Chairperson Speranza: Well, that's interesting.

Village Attorney Stecich: That's a point to make. I'm not saying it's not. I'm just saying it's an issue that has to be dealt with.

Chairperson Speranza: And just so that you're not surprised at anything else, there is also a requirement for new residential units ... a recreation fee. OK, you know that one.

Mr. Lerner: I know about that from Marianne.

Mr. Koch: Just a procedural question. Is this going to the ARB? I should know the answer. But as part of what? As advisory to the Planning Board, or at the end of the road?

Chairperson Speranza: Often times what we do is, we condition it upon approval by ARB. I think we're at the first step in this process. I think it's going to be a couple of meetings, and there will be many opportunities to look at different ... I'm making a big assumption here that maybe you would take into consideration the comments of the Board, and look at fewer units potentially and try to address some of the view issues.

Because again, we're supportive of the reuse of this building and getting something in there. And it would be terrible if you just said, "No, I'm not doing this. I'm going away." On the other hand, this may be just more than this site can handle at this point.

Boardmember Cameron: I think it would be very useful for the next time you come back if you try to give us two weeks' notice. Because particularly, I would like to go and visit some of these people's houses, and stand in their yard and look for myself. We do take their views into consideration a great deal in this thing, and it'd be nice for us to personally get the experience of being there and looking on their property.

So if you just put the documents in at the last moment a lot of us won't get a chance to go and look at it. So just think about that. I love visiting other people's houses with a view of the river.

[laughter]

Chairperson Speranza: What we can do tonight, though ...

Ms. Noe: I just don't see how you can look at something like this without an actual survey signed, sealed and stamped. Because anyone could put any numbers on anything. That would be very helpful.

Chairperson Speranza: One action that we can take tonight, since the Planning Board would have to declare ourselves lead agency – and theoretically, or by law, it's a 30-day protest period, so to speak – that is an action that we can take, is to declare ourselves lead agency for the application. So I'll entertain a motion for that.

On MOTION of Boardmember James Cameron, SECONDED by Boardmember Eva Allgood with a voice vote of all in favor, the Board declared itself the lead agency regarding application for 400 Warburton Avenue.

Chairperson Speranza: OK, step one. Thank you.

Mr. Lerner: So we make another application, or what's next/

Chairperson Speranza: I think you've heard the concerns. There's things that the Zoning Board is also interested in. And it sounds like we're on the same page with the Zoning Board in terms of what the major concerns are. So if you would come back with different thoughts, different plans as far as being able to address some of the concerns that you've heard, that's great. And then when you're ready to be on the agenda, let Deven know and we'll schedule you.

Mr. Lerner: Thanks.

Chairperson Speranza: I also suggest that, Deven, maybe you can show Mr. Lerner a view preservation application that does ... often times, what we get are ... there will be a drawing that shows where photographs have been taken, and it's a key. In addition to the panorama that you've provided, but where some of the things that you've heard tonight from the trailway, with an outline of what the new building would look like.

Mr. Lerner: I can do that.

Chairperson Speranza: Thank you.

Mr. Houghteling: May I say one thing? I was very intrigued by Mr. Cameron's idea that he would like to come over and walk around the neighborhood. I would be delighted to have

any of you come over. My last name is H-O-U-G-H-T-E-L-I-N-G. Please give me a call. I'm the only Houghteling in the phone book, and please give me a call. I would be very happy to host you, and I'm sure Mr. Stranges and Mitch and Michelle would be delighted to be there, as well. Thank you.

Chairperson Speranza: Thank you.

Boardmember Cameron: We often just walk across the property.

Chairperson Speranza: And hope you don't have a dog.

[laughter]

3. **View Preservation and Site Plan Review/Approval.**
Application of Andrus-on-Hudson for the construction of a chapel on the roof of an existing single-story section of the existing building at 185 Old Broadway. Said property is in the R-20 zoning district and is also known as Sheet 6, Block 611 and Lot 29 on the Village tax maps.

Chairperson Speranza: OK, we have a couple more things to deal with tonight, the next one being view preservation, Andrus-on-Hudson, construction of a chapel on the roof of an existing single-story section of the building.

Eric Kaeyer, KG&D Architects, PC: I'm here representing Andrus-on-Hudson. With me tonight is Betsy Biddle, who is the executive director of Andrus. I'm sure you recognize her. And also with me is my associate, Travis Snell, who informed me earlier tonight that he's the newest resident of Hastings-on-Hudson, as of today.

Chairperson Speranza: And welcome.

Boardmember Sullivan: As of today, I think you're right. Great.

Mr. Kaeyer: We're here this evening because we have a chapel project proposal on front of you. For reference, Andrus is a Greek cruciform shape, the main building. It's an "X," basically; it's an eight-story building as you drive up from Old Broadway. The site slopes away, and so the back side of the building actually goes down one additional level.

The proposal is to add, directly off of the main entrance lobby onto one of the quarter-round terraces, a chapel which faces west towards the Hudson. It's an existing terrace. It has occupied space directly underneath it. As I said, the grade slopes away. There's a lower level; there's a conference room there which is currently clad in brick and limestone detailing. That face is planned to be restored. The brick needs some repointing. We've been working on a project currently which is tuck pointing and replacing some of the roofs and some of the parapets. This is the one area of the building that did not have that work, with the understanding that this chapel was being proposed.

The chapel itself is one story. The building ... we say it's eight stories. There's actually a mezzanine level, and the height of the chapel is proposed to be on the first floor as well as take over the mezzanine section, which is what you see right there. The exterior materials that are being proposed are to match the existing building. The brick on the outside is to be, as I said, restored. There's a stone band, and directly above the stone band is that story-and-a-half curtain wall, which is an off-white color to match the mullions of the rest of the building. And directly above that is an aluminum composite panel soffit and parapet which extends out, which provides some sun protection.

The addition, sitting directly on the existing foundation of the terrace, is approximately 1,300 square feet. The function itself is a chapel. It's a nondenominational chapel. The chapel currently is housed in the ... we use the auditorium which is immediately adjacent. It's for the population of Andrus-on-Hudson and their families exclusively; it doesn't get rented out to anybody else. And so that auditorium will then be utilized strictly for more auditorium functions, and now we will have this nondenominational chapel.

Here to answer any questions that you have.

Chairperson Speranza: OK. Well, this is a public hearing. Any members of the public who are here who wish to speak, or ask questions about the application? Yes, sir.

Dan Fingleton, 196 Old Broadway: I got the notice in the mail about this. I'm just wondering what side of the street. Is it going to be on Old Broadway, or on the new Broadway side?

Mr. Kaeyer: It faces the river. So it's on the west side, not on the east side.

Mr. Fingleton: OK. So our primary concern was just around traffic. You seemed to say it was geared towards the residents. So the new traffic and traffic during the construction – as you said, you were doing a lot of repointing and all of that work – that's there, and it's been

extra traffic right now during that work. So we're relieved to see that coming near an end. And then we see this thing happening.

Mr. Kaeyer: We apologize for the traffic, but obviously the maintenance of the project and building is important. So no, there's no permanent increase in traffic because it's for the existing population. But during construction, obviously, there would be a certain amount of construction vehicles associated with the addition.

Mr. Fingleton: OK. I'd love to look at the plan afterwards.

Mr. Kaeyer: Sure, happy to show it to you.

Chairperson Speranza: OK. No one else from the public?

Boardmembers, comments or questions?

Boardmember Cameron: I don't think anybody can see it.

[laughter]

Mr. Kaeyer: That's too bad. We'd like to show it to you. Come on up, please.

Chairperson Speranza: I like the way it's just nicely tucked in there.

Boardmember Strutton: Is there a handicapped ramp coming off the side there on the right?

Mr. Kaeyer: Yes, there's an existing terrace.

Boardmember Strutton: That's existing, OK.

Chairperson Speranza: OK. Well, we start with SEQRA, since this is a site plan approval. So start with a motion issuing a negative declaration on the site plan approval for the proposed additions at Andrus.

On MOTION of Boardmember Kathleen Sullivan, SECONDED by Boardmember Eva Allgood with a voice vote of all in favor, the Board resolved, with respect to SEQRA, to issue a negative declaration on the proposed construction of a chapel on the roof of an existing single-story section of the existing building at 185 Old Broadway.

Chairperson Speranza: And then let's do view preservation. We need a recommendation from the Board for approval – recommendation from the Planning Board to the Zoning Board for approval – under view preservation rules for this proposal.

On MOTION of Boardmember James Cameron, **SECONDED** by Boardmember Rebecca Strutton with a voice vote of all in favor, the Board approved recommendation to the Zoning Board of Appeals for view preservation on the proposed construction of a chapel on the roof of an existing single-story section of the existing building at 185 Old Broadway.

Chairperson Speranza: And then the last step is for site plan approval for the proposed chapel addition at Andrus-on-Hudson.

On MOTION of Boardmember Kathleen Sullivan, **SECONDED** by Boardmember Eva Allgood with a voice vote of all in favor, the Board approved the site plan for the proposed construction of a chapel on the roof of an existing single-story section of the existing building at 185 Old Broadway.

Chairperson Speranza: OK. I got it all, Marianne? All the actions?

Boardmember Cameron: I have one comment, which has nothing to do with your application. One of the tenants of your building agreed with us to paint all the antennas being put in. For 10 years they didn't do it. I wondered if you had gotten them to do it.

Betsy Biddle, executive director – Andrus-on-Hudson: I agree with you. Because every time they change out an antenna I say to them, "In order for you to change out this antenna you have to use ..." – and I have the number of the paint that they're supposed to paint it. And the antenna goes up, and I scream and yell and get nowhere.

Chairperson Speranza: Ooh. Well, we can help you with that.

Ms. Biddle: OK. I would love that. I'm in negotiations again because they want to make some round antennas instead of this shape. And so I said, "In order for you to put those up I want to see them painted before they go up." I've gotten smarter.

Boardmember Cameron: Because when they came to us for further approval it had been 10 years before, or eight years before, they'd agreed to paint the ones that are already put up. One of us has been standing around with a pair of binoculars. It's just very irritating. Because they promised when they left that they would do it, and they still haven't done it. We need to find a better way to report this. Maybe I have the wrong person again, but I don't think I do.

Building Inspector Sharma: It's been approved, but not been done yet. We are waiting for the parapet work.

Chairperson Speranza: Oh, that's right.

Ms. Biddle: We've been holding it up because of all the roofing work. But those are the people that I told they had to paint it before it went up, otherwise I wasn't signing off.

Boardmember Cameron: We told them we only approved it subject to that painting, and painting the old ones.

Building Inspector Sharma: And when they do get their permit and do the work, after the repointing and other structural work is done, at this time I think they will paint it.

Boardmember Cameron: I think we better make sure we're there to enforce that they do it.

Chairperson Speranza: So whenever somebody shows up to install, make sure Deven's there and he can say, "Sorry, go away."

Ms. Biddle: OK.

Building Inspector Sharma: Well, we'll find out where the main switch is where we can turn it off if they don't paint it.

Ms. Biddle: Yeah, we thought about that.

Boardmember Cameron: I don't use that carrier. It's OK.

[laughter]

Chairperson Speranza: OK, thank you. And again, welcome to Hastings. And you have been to your first Planning Board meeting. That's pretty good.

VI. DISCUSSION ITEMS

1. Application of Alan Sanseverino – 78 High Street (continued)

Chairperson Speranza: Our last topic of the evening – I believe it's our last topic – is the Rivertowns Square Draft Environmental Impact Statement. And I just want to make sure because there are some people who are still in the audience. I want to make sure you're still here for this? Or is there something else?

We're not. We didn't know if we could speak earlier.

Chairperson Speranza: Come to the mic, then, before we start talking about this.

Heather Harpham, 78 High Street: I'm here with my husband, Brian Morton.

Chairperson Speranza: Right. I read your letter.

Ms. Harpham: Yes, thank you.

Chairperson Speranza: Oh, OK. I didn't realize you were here. I'm sorry.

Ms. Harpham: We were. We got here slightly late, and we didn't know your procedure so we didn't know when to talk or if we could talk. This is the first meeting we've come to.

We just wanted to basically reiterate what's in the letter. And also, if I followed the conversation, I think they're planning to build just 8 feet off of our property line. So I don't know how much jurisdiction you have or what you can do, but it is a very big lot that they've got. And it would be great not to feel hemmed in and in the shadow of something that's going to be so much taller than we are. So that's one set of concerns: just size and placement. But to be as humane as possible, basically, because they have a lot of space.

And then our other big primary concern is drainage. Because our basement is totally dry, which is just great, and we would love it if it went on being dry. So that's really our big concern. That's all.

Chairperson Speranza: All right, thank you. I'm so sorry that you had to wait so long.

Ms. Harpham: It's OK. Thanks.

Chairperson Speranza: And as you can tell from the discussion, there will be other opportunities because they do have to come back. It's still an open application.

Ms. Harpham OK. And how will we know? Should we just ask Sue Maggiotto?

Chairperson Speranza: Are you on the Village Web site?

Ms. Harpham: Oh, we'll just ... I mean, they'll come back ...

[cross-talk]

Chairperson Speranza: ... now from the agenda. Right. They send out the agenda for the Planning Board.

Ms. Harpham: And it'll list that property.

Chairperson Speranza: And it'll list that property, yes.

Ms. Harpham: Got it. OK, great.

Boardmember Sullivan: So you'll be watching for all the ones that say "Planning Board." At least opening that one before deleting it.

Ms. Harpham: Right. Thank you.

Chairperson Speranza: OK, thanks.

2. Rivertowns Square in Dobbs Ferry – DEIS

Chairperson Speranza: OK. So as we know, the Village of Dobbs Ferry has accepted the Draft Environmental Impact Statement for the proposed development. The public hearing is set for Monday the 19th. I believe that's what it is. I know that under SEQRA – and Marianne, if I'm incorrect, correct me on this – they have to receive public comments until 10 days after the public hearing. So if the Village is going to be commenting on the DEIS we have until December 29 to formally submit a letter.

The Mayor has put this in our hands to actually begin to draft a response letter regarding our concerns, regarding any of the information that's contained in the DEIS; further information, or questions that we might have. That's why I had sent out the e-mail earlier last week, so

Boardmembers could take a look at the document. And specifically on those things that you were interested in or felt would be of real critical importance for the Village to get on the record with.

I have not gone through the entire document. My specific interest is on traffic and transportation. There are some things in the document that I think are ... there will be impacts to our intersections in this village, and they are not addressed. So that's going to be one of the things that I'm going to be writing about. For tonight, I did want to get a sense of other things that people were concerned with. My thought in terms of process is that I will compile the comments and go in and draft a letter to the Mayor to make sure that anything else that he might have heard from other Board of Trustees members or anyone else in the Village are reflected in it.

So do we want to start ... Kathy, you look like you've got some comments.

Boardmember Sullivan: No, I don't have very many things because I thought about it as a resident of a neighboring community.

Chairperson Speranza: Village, OK.

Boardmember Sullivan: So I wanted to think about impacts on us rather than really delving into some of the comments I would have about that complex if I lived in Dobbs.

I agree with you 100 percent about the traffic. That was something that was very important to really understand. What concerned me, they actually gave a recommendation for a Hastings intersection; some things that they wanted us to do. So that made me just think: and what else? So I don't know if the recommendation is to have neighboring villages, neighboring communities hire their own traffic consultant to really delve into the analysis of this particular consultant, or just look at it with our eyes rather than the complexes' eyes.

The only other key thing is something that ... it's linked to traffic, but the fact this is a very car-oriented development that's very intense. And there should be a provision for shuttling people from that community, from that location – the residents in the housing complex – to the train station. So there should be a bus stop, there should be maybe even a more intense look at different types of things you can do.

Because they did make sort of a pass. SEQRA allows you to look at climate change as part of the process now, and they had a very minimal look at that. They just talked about the impacts of the buildings. But the traffic impacts and the kinds of trips that they're generating

just seem to be ... how can they mitigate that impact. And it's just a choice of where they're locating it in the planning, and drawing people off the Saw Mill.

I guess the last two or three things, back to the traffic, is that they did sort of say in their executive summary of the traffic thing, "Oh, by the way, many of our visitors are going to be people who are driving by." Driving by? And I'm going, "Yeah, let me stay at the hotel tonight," or "Let me just go to the grocery store, let me go to the ..." – they're all destination spots. So they're going to be generating trips from other parts of the adjacent area. So that was kind of a concern.

I guess the last two things are, I had looked way back at Westchester County's planning principles, and they do address the Saw Mill. And they considered it ... the county's Westchester 2025 refers to the patterns, Patty – which I'm sure you're really familiar with – but in patterns, which was a long-standing document, planning document, for Westchester County. They looked at the Saw Mill River Parkway. It was considered a corridor with a scenic function. So again, that gets a little bit to the aesthetics and the bulk and the mass of what's going to be at that intersection.

That really is it. Last little thought in the category of visual aesthetic/neighborhood character was the storefront retail that they're proposing just seems to be really out of scale for what they're doing. And sadly, Dobbs, they're talking about trying to mimic the main street of a River Town. And Dobbs has a pretty darn good downtown already. So this is sort of like bifurcating competing centers in a bad way, potentially, for Dobbs.

Boardmember Strutton: That's good language – "competing centers."

Boardmember Sullivan: Again, there's so much there.

Boardmember Strutton: There were 550 pages.

Boardmember Sullivan: Then there was the appendix. But thank you.

Boardmember Alligood: Before I forget, I just wanted to follow up on your point. Because I flagged the exact same section, which they repeat in numerous places, about this rationale that actually a lot of the trips are basically happening anyway. I think what they're trying to say is that people use that Lawrence Street exit and entrance to go to other places in Dobbs Ferry. I really would question that assumption. I would push them on that because I think people only use that exit to visit the new development that's already there.

My guess is that there may be a few residents of those developments in the back there that go through, bypass, the Chauncey Square development. But I don't think it's a significant number, and I don't think it's a right analysis to say, "Well, people are coming through anyway, so we're not really generating that much traffic." That makes no sense to me.

Chairperson Speranza: I think they actually use the term "substantial" – a substantial amount of traffic.

Boardmember Alligood: The other thing on the point about it being so car-oriented. And they said they already spoke to the county about having the bus service for the development, but that that wasn't possible so they're guessing that people will walk up to where the bus stops a couple blocks away. But I think they're really counting on it being completely car-oriented. I don't think they're that concerned about a bus connection or any kind of public transportation.

The other thing that's really disturbing about the car dependence is that they say that the zoning only requires 599 parking spaces for all the uses they're proposing. Yet they are placing 1,206 parking spaces, and they actually say because they think that the assumption of the number of cars needed for the uses they're proposing are on the low side. So they're basically admitting that they're going to be a magnet for cars. So they're trying to have it both ways.

If our comment, really, is going to be on the lack of proper analysis of the impact of this project I think that's the kind of thing you want to point out. That you can't make that argument, or if you are you really need to back it up. Why do you need ... I mean, that's a lot of impervious surface. It's double the amount of parking that's required. Why?

Let's see if there was anything else. I mean, there were lots of ... I, too, tried to focus on the aspects that deal with traffic. Oh, I know what I wanted to say. They also summarize the areas where they think traffic is going to have an impact. And they actually propose utilizing funds that have been allocated for other projects that have negative impacts on the River Towns. Specifically, they want to use Ridge Hill-designated money to fix the issues that they're going to create.

So it makes no sense. And then I did notice, with the proposal for what Hastings should do with our intersection at Ravensdale and Farragut, obviously that's going to have cost implications, even if they're minor. And they're just saying they recommend that Hastings do this. So part of mitigating impact is taking responsibility, and addressing and paying for those costs. I don't see how you can take money that's designated by other developers to deal with their impacts.

There's probably more, but those are the ones just following up on the things that Kathy was saying. I know my colleagues want to speak.

Boardmember Cameron: That's fine. One of the comments that caught my eye was the one about the cars going by anyway. It's one thing to have a car going by at 50 miles an hour going right down the road. It's a different thing to have that car slow down, stop, make a turn, go in and then turn around and come back out again. That's two trips, and a big slowing down at the intersection. And they just seem to think it's the same thing as a car going by at 50 miles an hour heading towards New York City. It's a totally different type of car so they can't, in my mind, do that.

Someone else has mentioned the fact this is supposed to be a lovely parkway, and it's not. Maybe they had dealt with – and I didn't read the whole thing, I confess, and I will – what's going to happen when they build the Ashford Avenue bridge. Because that's going to be a catastrophe.

The other thing is, it seemed to talk a lot about getting people who live in Dobbs Ferry to go to this store. And they're going to be coming down Ashford Avenue, which is already a mess. You have a hard time going down that street. And quite candidly, Dobbs Ferry is one of the towns which only has one street going through it, and it's a big block. And, hey, if we want to go north on Broadway there's only one street. And now they're going to increase the traffic as it goes out Ashford Avenue to go and use this shopping mall. Notwithstanding that they're also shooting the poor Stop & Shop after all these years and a CVS drugstore which they're building simultaneously.

I mean, it's less than stupid. But there you are. It's just a little personal view. I can go ahead about money, but I can give you that later. I'm terribly worried. I think we have some citizens' comments, too.

Boardmember Strutton: I also tried to look at it from Hastings perspective, and the traffic we've talked about. I think drainage is going to be a big issue. And Jamie just mentions that in passing, but they say in their executive summary, oh, it's going to be better. I mean, better than it is now. I just don't see how. And I think maybe we want to bring in a consultant, or ask them to do it. I mean, what's going to be the downstream? That water's just going to run down through Hastings. What's going to be the impact there?

And then two other thoughts. One is deer. If you put this huge complex up against a wooded area, what are these deer that are living in those woods going to do, and are they going to migrate south, as well.

And a final thought is just that when you look at the map – and if you know the space, which I'm sure you guys do – there's also a large open area on the other side of the Saw Mill that I think is available for development right off Lawrence Street. So it comes back to, well, if this goes in here does this become an anchor for future development also over there, and does the Saw Mill become Route-100. And does that then eventually start moving down the border.

Boardmember Cameron: Well, they need to leave room on their property and on the property on the other side of the street to put an overpass.

Boardmember Alligood: Yeah, they're proposing a pedestrian crossing.

Boardmember Cameron: No, no. They need to leave ... they need to take enough land away from them so they could put in an overpass and a proper entrance. Because just 10 years from now they're going to need it. And not let them build the buildings right next to ... they shouldn't have put that sports club right next to the road. It made it no longer a parkway. We had a parkway 'til then, and now we have a ...

Boardmember Strutton: Yeah, future strip mall of America.

Jim Metzger, 427 Warburton Avenue: I actually attended two of the hearings that Dobbs conducted when they were looking at this project.

Chairperson Speranza: Scoping sessions?

Mr. Metzger: Yes. I was there with Danielle Goodman, and there may have been one or two other people from Hastings there. You touched on most of the salient points. One of the questions I raised was affordable housing; if they're going to be building, I think it was, 260 units of housing. And apparently, that site does not fall within the affordable housing set-aside as part of the Westchester County lawsuit. So there is going to be no affordable housing there.

Chairperson Speranza: They made 10 percent of the proposal.

Mr. Metzger: Then the question came up – and again I apologize because I missed the very beginning of your discussion here – is it the schoolchildren from that development would be going to Ardsley schools, which would necessitate school buses during rush hour trying to cross Lawrence Avenue. When you add in the 9-A project in Hastings, which is still sort of coming around the periphery, there would be schoolchildren from that site on 9-A trying to

get to the Ardsley school system. So that's more school buses trying to navigate in that one small area.

The traffic is increasing. And as Rebecca said, flooding ... they were not, they seemed to not be, addressing that issue at all. They were talking about putting swales in. But when that is the first area to get flooded during any our major rains, swales are just going to fill up and overflow anyway. There's nowhere for that water to actually go. That Lawrence Avenue intersection gets shut down almost immediately. It's going to create a real bottleneck in that area.

And Danielle said also their scoping initially, on traffic, was looking right ... pretty much at the immediate Lawrence Street connection, and then the small feeders into 9-A and into Dobbs Ferry. Danielle said, "You've got to look at a much bigger area than this. You've got to see how it affects Ravensdale and how it affects Hastings and how it affects Irvington and Ardsley."

This project is ... there's no easy way in and out, which means the distribution of traffic is going to be in a much wider scope, and requests that that be included. I don't know whether that made it into their program or not.

Chairperson Speranza: Hastings' intersections are. They've done that.

Mr. Metzger: And that was pretty much because we were there, and showed up and said this is a real requirement. So it really behooves us to stay on top of this and make sure that our interests are addressed. And obviously when we're doing something here, Dobbs' interests should be addressed, as well.

Aside from that, this idea of creating a mega-size supermarket, I could see shutting down – as James said – Dobbs Ferry supermarket, the Hastings supermarket. It could potentially, if it is a big enough place – and let's say they were lucky enough to get a higher-end supermarket – shut down so much of the retail traffic that keeps our villages afloat. The idea of creating something that creates a satellite to the Dobbs Ferry downtown is just ... I mean, you would be shooting yourself in the foot.

So there's so many things wrong with this project I don't quite understand why they're entertaining this at this point. But I'm not on the board in Dobbs Ferry.

Boardmember Alligood: Unfortunately they changed the zoning, and everything that's in there is allowed as per the zoning. So they opened that Pandora's box.

Mr. Metzger: Apparently there were some people in Dobbs – and I'm not going to name names, but you can look into this – there were people in Dobbs that were looking to change the zoning and people who were speaking on behalf of the developer. Not necessarily a good idea. You know, unfortunately these things do happen and they have serious repercussions. Hopefully, people will be addressing those issues.

Boardmember Alligood: I just want to add, because a couple people have mentioned that it's not consistent with the look of a parkway, I looked at the section. I was curious how they were going to justify this development right on the parkway. What they did was take a lot of pictures up and down that area and showed that you can see that motel in Ardsley, and the industrial buildings.

The big difference between what you can see from the parkway and what they're proposing is, those aren't meant to be accessed from the parkway. I mean, they're part of the Village. Whereas this is the only development I can think of on the parkway that is meant to draw people right off the Saw Mill. And there's not really a buffer there. The trees they show in their renderings are just pathetic. I mean, they're not going to screen anything.

Boardmember Strutton: One of their pictures just showed it looking like a strip mall. In their mockup, there were cars driving by.

Mr. Metzger: The idea of using a bad example as a means to create another new bad example, it really is mind-boggling.

Boardmember Alligood: And also the other part that I found, I have to admit, just depressing was the catalogue of the number of trees they're going to cut down. They were very scientific about what condition the trees were in. And a lot of the ones they want to tear down are quite old and significant, and in good shape. And they're going to just decimate the greenspace. You know, they claim they're addressing that by planting new trees. But that's not going to address it. That's a way of dealing with water impacts, too, is leaving some of those green spaces to absorb the water.

Boardmember Sullivan: One thing I noticed – it was in the appendix – I was looking at traffic stuff just trying to see if I could ever in my life maybe make heads or tails of this. There was a set of site plans that looked pretty interesting. One of them had a cinema in it that didn't make what was in the main document. So you reminded me of that when you mentioned the number of parking spaces because I thought, well, is the hotel or the supermarket going to be switched out for a cinema.

Because it seems really impractical that another grocery store, given the number of grocery stores – there's Whole Foods, there's Stu's, there's A&Ps, there's Stop & Shops, Costco, Food Emporium – there's so many choices. And this isn't that big. The one in Ardsley, as well, Chicos. So it's well-served, I think, that area. You made me think maybe that would be a potential future use. Then that access off the Saw Mill makes a whole bunch of sense.

Chairperson Speranza: OK. So as I said, the public hearing is Monday, the 19th. I doubt very much I'll have a letter drafted. I may have something drafted by the 19th, but there should be 10 days post the public hearing to be able to weigh in. It may be worthwhile going. I may go to the hearing. But it all depends on if I get something done between now and Monday and can share it with the Board of Trustees. Considering it's Thursday at 11 o'clock, probably not.

2. Miscellaneous

Chairperson Speranza: Anything else for this evening? I know, Kathy, we were going to talk about recreation fees and waiving the fee. We're going to have that discussion, but I'm not sure if we want to do that tonight.

Boardmember Sullivan: I thought, given that we had a Dobbs Ferry thing on the agenda, that that was more than enough.

Chairperson Speranza: That's perfectly fine.

Boardmember Sullivan: It'd be nice to talk about it.

Chairperson Speranza: Yeah, and we'll make sure that it's on the agenda for the next time.

Boardmember Sullivan: I'll speak through a backup that she and I are so new, and that there's been sort of a line of thinking that the Board's already had.

Chairperson Speranza: In terms of waiving.

Boardmember Sullivan: We get in synch, and that would just be helpful. Because it kind of has popped up a couple of times.

Chairperson Speranza: And you know what? We don't have a lot of experience with it.

Boardmember Sullivan: OK.

Chairperson Speranza: I think the first time we ever invoked it or required it was the Prince Street application, that subdivision.

Boardmember Alligood: Oh, yes, Prince Street. And then there was one in the downtown. But I remember, Marianne, you gave us some guidance on it. It was a way of interpreting it that I wouldn't ... it wasn't apparent from just reading it. You gave us a background on the study that was done that then says yes, recreation fees are required.

Village Attorney Stecich: Yeah, just essentially a study that was done that said each new person, each new family, each new residential unit in town generates this X dollars worth of recreation needs. And that's how the \$10,000 was quantified -- \$10,000 or \$7,500 – and I have a copy of it.

Chairperson Speranza: We don't have to go into it tonight.

Village Attorney Stecich: I don't have it have it in electronic form. I just happen to have it in my files.

VII. Adjournment

On MOTION of Boardmember Alligood, SECONDED by Boardmember Sullivan with a voice vote of all in favor, Chairperson Speranza adjourned the Regular Meeting at 10:30 p.m.