

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
REGULAR MEETING AND PUBLIC HEARING
JANUARY 19, 2012**

A Regular Meeting and Public Hearing was held by the Planning Board on Thursday, January 19, 2012 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, Boardmember James Cameron, Boardmember Bruce Dale, Boardmember Ed Dandridge, 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

I. ROLL CALL

Chairperson Speranza: Before we get started with the formal agenda, I do want to make an announcement. Ed Dandridge, who has been a Planning Board member, has resigned from the Board. He has received a promotion. So we congratulate Ed and, of course, thank him for his service to the Board.

We will be filling the seat. We are looking for résumés of individuals who are interested in applying to fill his seat on the Planning Board. If anyone is interested, anyone at home, you can send your résumé to the Village Manager, Fran Fobel, and it will be considered. So again, we thank Ed and wish him the best, and look forward to having a new member on our Planning Board.

The second announcement, the Westchester Municipal Planning Federation is currently seeking nominations for outstanding planning work, planning achievement award and distinguished citizen planning award. They are also opening this up for the first time to not-for-profit agencies for consideration of work that they may be doing. For instance, last year Scenic Hudson won an award.

So I just want to make that announcement. You can go to the Municipal Planning Federation Web site, www.wmpf.org, also through the westchestercounty.gov page you can access it.

II. APPROVAL OF MINUTES

Meeting of December 15, 2011

Chairperson Speranza: Minutes from our meeting of December 15. Are there any changes or clarifications to the minutes?

Boardmember Strutton: I'm sorry; I have one on page 46. The minutes say I said, "*There was 550 pages?*" I think it was a statement, and it should read "There were 550 pages."

On MOTION of Boardmember Alligood, SECONDED by Boardmember Sullivan with a voice vote of all in favor, the Minutes of the Regular Meeting of December 15, 2011, were approved as amended.

III. OLD BUSINESS

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

Chairperson Speranza: Next on our agenda is a steep slope approval for property located next to 78 High Street. It's an old business. Mr. Sanseverino and his team have been here before us in the past, and we are here to hear what kind of new modifications can be made.

Before you get started, I just want to read for the record that we did receive a comment on this application, and it's from individuals who reside at 78 High Street, the adjacent property owners, Brian Morton and Heather Harpham. We do have the comment letter for the record.

They are concerned, first of all, about any soil disruption during building and any kind of runoff that might occur as a result of the proposed improvements. And then the impact that constructing a home, as was proposed in previous versions anyway, would be very large and would impact the light and their quality of living in their house adjacent to them. So that's just for the record. It is on the record.

OK, yes, sir.

Steven Costa, consulting engineer – 78 High Street: Thank you, Madame Chairman.

I don't know if that letter addresses the new revised application, but I will run through the new application and will be glad to answer any questions. Previously, we were proposing a two-story Colonial. That has changed to a ranch. In doing so, the building has been shifted to the northwest corner as much as we can, complying with zoning, and increasing the side

yard adjacent to that neighbor another 6 feet. So roughly, in the front it's almost 14 feet, and in the back it's a little over 24 feet.

In doing the ranch, the retaining walls around the property have been eliminated. So most of the existing grade is going to remain the same. There are two walls, two existing retaining walls, that are going to be repaired and stay the same also. In the front, that's where we have two retaining walls, one on the right side to allow for the installation of the driveway, and one on the left side to allow for the entry.

Minor fill is going around in the back, as delineated by the dotted line. And also, if you look on the elevation sheets, I gave you the proposed grade and existing grades. For example, on the right side, adjacent to the neighbor, for the most part toward the front of the house, there is really no fill. Then from the middle toward the back, there's roughly just between 1 foot and 2 feet of fill. And that wraps around the rear, and then back up the left side; where you have 2 feet toward the back corner coming up roughly two-thirds of the property, or the building, going back to existing grade.

You can see there are no more retaining walls. They've all been eliminated. Between the existing neighbor and the proposed dwelling, along the southerly property line, we propose to put in arborvitaes 4 to 6 feet in height, as well as along the front property line, just to guard it from the street. Coverage-wise, again I broke it down to the area of the cultec, which will be restored. And that's roughly 550 square feet, or 3 percent. And the total, again, is at 38 percent. With the cultec, it brings it up to 42.

Tultex, based on recalculating, now there's going to be 15 instead of, I believe, 12. So the drainage has been increased also. The driveway has a minor 5 percent slope from the property line, so it's roughly a foot, foot-and-a-half lower than the street. That's a driveway grade. And if you take a look at the front elevation, you can see it's been drastically lowered.

So I will be happy to answer any questions.

Chairperson Speranza: Just as a remainder to people who may not be aware, this is before us for steep slope approval and, actually, a waiver from the restrictions on building on slopes.

First of all, this is a continuation of a public meeting. Is there anyone here who wishes to speak on the application? Yes? You've got to come to the mic, and just state your name and address.

Heather Harpham, 78 High Street: We're the neighbors at 78 High Street. Hi.

I'm not sure – I'm still listening and gathering information, and might have a question at the end, or a comment.

Chairperson Speranza: OK, Boardmembers. Kathy, I know you've had some strong feelings about this application.

Boardmember Sullivan: I don't know about strong feelings – strong statements, I guess. Could you explain the percentage of property that you're disturbing, and is it still a hardship that you're asking us to look at?

Mr. Costa: If you look at the total dotted line, to me that is the area of disturbance during construction, OK? And that is at 38 percent. The area in the back, where the Tultex will be going, will be restored. It's a little over 3, so it's, say, 4 percent. So the total is 42 percent. But if you discount that, as per the Building Inspector's interpretation, we're still at 38 percent.

Boardmember Sullivan: So 3 percent over, right?

Mr. Costa: Correct.

Boardmember Sullivan: Thirty-five percent. Could you explain why you have the retaining wall in the front, at the right?

Mr. Costa: Here? Because it slopes down to the existing grade of 194. The garage is at 198. So we have to bring the grade up for the driveway. So it's roughly zero here, or 1 foot, and the top of wall is at 199. And bottom of wall is at 194, which is existing grade.

Boardmember Sullivan: Thank you.

Village Attorney Stecich: I had a question about height, the number of stories. Because it looks now as if more than 50 percent of the basement is above ground. Do you have a story at the top, or is that a half-story?

Mr. Costa: That's a half-story. Again, we went from a Colonial to a ranch.

Village Attorney Stecich: Yeah. I know you said style-wise, but you didn't say the number of stories. So it's 1-1/2 stories, plus the basement.

Mr. Costa: Correct.

Village Attorney Stecich: So you're OK.

Chairperson Speranza: Other Boardmember comments?

Boardmember Sullivan: I guess the only other comment I have is picking up on something that Jamie mentioned and that the neighbor had brought to our attention at the last meeting. You've looked at a setback from the paper street, and trying to kill that. While you did shift the house over to make it more central in the property, my question is, is it better for the relationship of this house to the neighbor's house for us to have you shift it over even more so it's more central on the lot?

The paper street's really a trail and, I think, will stay a trail. I guess I have a comment out for discussion just as something that was mentioned by a Boardmember as well as a neighbor. I mean, I appreciate the effort that you've gone to.

Mr. Costa: Right. But this would require a variance.

Boardmember Sullivan: Correct.

Mr. Costa: Moving it over.

Boardmember Strutton: I went back and looked at the property. I mean, I sympathize with the neighbor. I think there's plenty of room to move it over. I would be more in favor of giving a variance to move it over and give them a little bit more of a side yard if people are amenable to that. That works, and still it doesn't create any hardship for you to move it over.

Mr. Costa: The hardship it creates is that High Street slopes from north down – south. Ideally, for our purposes, closer to this property line is better. But the further you go up, then that plays with the heights again as far as the slope of the driveway and possibly filling around the basement with retaining walls. That's why we put it up as quickly as we could to that corner, hardly a 5 percent – or a little over a 1-foot – slope down into the garage to eliminate any type of fill at all around the building.

Boardmember Alligood: I want to just acknowledge that your latest plans were very helpful. Because we have been asking for existing grade in what you're proposing, and in one glance we could get it. And so I appreciate that.

Mr. Costa: I listened to your comments.

Chairperson Speranza: OK, then. OK, come on.

Ms. Harpham: I also wanted to appreciate the changes. I mean, it's a really significant change from last time to this time in the scope, the size of the project.

But I would ask if you would consider applying for a variance, and thinking about placing the house more centrally. I know what you're saying: it does slope up. But it's not an enormous slope; it's not a steep, steep slope. Obviously, we would like more breathing room, there's no question about it. But I also think – I'm not sure what your intentions ... but I'm not even sure if you're Alan Sanseverino.

Mr. Costa: No, this is Alan.

Ms. Harpham: Hi, Alan. OK. So I don't know what your long-term plans are, and I don't know if you know whether you want to live in the house or someone else does. But I think if it's possible to scooch it over as far as is comfortable and viable with the slope, it not only makes us happier but it makes sense in terms of the resale value. And everyone is happier to have space and have things placed sort of sensicly (sic) in the middle of a lot rather than ... so that's my only wish. I'm just reiterating that wish to have as much space as possible.

[Male Voice] XXX: (OFF-MIC)

Building Inspector Sharma: Speak in the microphone.

Alan Sanseverino, 78 High Street: I don't know if it would be a tremendous amount you would gain. What would it be, about 10 feet more?

Boardmember Dale: There's a total of 40 feet, and so if you divided it equally it would be 20 feet; you would be gaining an additional 6 feet.

Mr. Sanseverino: An additional 6, if that is really going to make a ...

Boardmember Dale: No, if you just said to the property. As a resident of High Street, that trail is hardly ever used.

Mr. Sanseverino: Yeah, so I mean I don't know how ...

Boardmember Dale: It made sense for the kids to use it to go to school, but they don't do that. They cut through the cul-de-sac instead, and go down that hill.

Mr. Sanseverino: Yeah, I've walked that trail, too.

Boardmember Dale: The trail is not maintained by the Village particularly, and it's not ever going to be a street. So encroaching on it is not ...

Mr. Sanseverino: It's not going to help.

Boardmember Dale: It's not a variance that we would have a hard time with.

Mr. Costa: Yes, but it will impact the design of the building. Again, if I move this over another 10 feet ...

Boardmember Strutton: Six feet.

Boardmember Dale: And you divide it equally.

Mr. Costa: Well, yeah. OK, another 7 feet it's going to impact some type of fill adjacent to the neighbor just because we're dealing with existing slope to set the garage. Right now, this is set at a 10-foot basement ceiling height. Once we go up the hill a little bit more, again, we're going to get back into setting the basement and filling around, and possibly putting retaining walls along this property line just to put the fill in and contain the fill.

Boardmember Dale: Your contours, for example, showed a slope going down.

Mr. Costa: It goes down this way, correct.

Boardmember Dale: But you don't really see – and I've been to this site. I don't really see it being as severely sloped as High Street itself is. It seemed fairly level at that point.

Mr. Costa: Right. But once I set the garage it's going to raise the whole house up. It's a little unsightly to have a 12-foot foundation wall. So you would have to fill around it another couple of feet. And if we're going to do some type of fill, you're going to end up with some type of ... even if it's a small, 2-foot retaining wall it's going to ... we're going to introduce a retaining wall. And ideally, it's not going to be within the side yard. It's going to be along the property line.

Chairperson Speranza: So if I'm hearing correctly, what you're saying is if you move the building further up the slope, away from the property, the amount of wall that's necessary adjacent to that neighbor's property is going to be higher.

Mr. Costa: Right now there is no wall.

Chairperson Speranza: Right, now.

Mr. Costa: OK? And then we're going to have to introduce a wall. So instead of it being a 38 percent impact, this is going to be disturbed, too. So that percentage will go up.

Boardmember Strutton: And so her side yard becomes less useful because she has a retaining wall down the middle of it and the house is looming that much ...

Chairperson Speranza: Higher.

Boardmember Strutton: Higher.

Ms. Harpham: Could you ... do you know what the change in elevation is as you move up the slope? Because I'd just be curious to kind of see what our actual numbers are.

Mr. Costa: Well, from the north property line the street elevation's at 202, and at this other end I believe it's at 198. So the difference is 4 feet.

Ms. Harpham: Mm-hmm. Over how many feet? You're going up 4 feet over ...

Mr. Costa: It's 4 feet over 76 feet.

Ms. Harpham: So you've got 76 feet of width.

Mr. Costa: At the front property.

Ms. Harpham: At the front, where the street is.

Mr. Costa: Yes.

Ms. Harpham: So 4 over 76.

Building Inspector Sharma: I believe it's doable with some modifications to the plan. But it may not truly be as drastic, based on what I'm seeing. You wouldn't need a variance from the zoning.

Mr. Costa: Well, I believe we would need a variance. And based on the variance, if that's granted, this site plan would have to be redone. And now walls are going to be included, so

then we would be back here again. And I still have to talk to my client about, now, the additional cost of the walls and the variance.

Chairperson Speranza: OK. Well, the application that's before us is the one that we're discussing tonight. Is it the preference of the Board ... it seems to me, and with all due respect to the neighbor, that if it was me I'd rather not live next to a wall like that.

But that said, Boardmembers, we do have the application in front of us if we're ready to make a motion, approve, disapprove, request modifications.

Boardmember Cameron: Just one question? We're all talking about moving the building straight over. What happens if you just turn the building very slightly so it now sat not parallel to the left-hand property line, but between being parallel to both of them? Because right now, the problem really has occurred because you are parallel to the left-hand property line but you're not parallel to the right-hand property line.

So if you just turn the building so slightly, and left the two back pieces roughly where they are but turning the building, then you might be able to achieve it.

Mr. Costa: That, I don't believe will work because this 25.16 is your holding point.

Boardmember Cameron: Well, I would make the back left corner the holding point.

Mr. Costa: Again, then this still requires a variance.

Boardmember Cameron: Yes, it would move over. But I understand that.

Mr. Costa: Right. It would require a variance, and then we're back into setting the driveway and raising it up and adding fill and, possibly, a retaining wall on this side. Which the previous applications had retaining walls, and that was totally eliminated.

Boardmember Dale: You're currently showing the retaining wall at the edge of the driveway. Why wouldn't that just move with the building as it turns, and be adequate?

Boardmember Cameron: Right.

Mr. Costa: Well, again, I'm talking about this retaining wall only goes from the front facade toward the street. It doesn't go ...

Boardmember Dale: Correct. But if you took that with you as you turn, I'm not asking you for a major turn. What was being proposed is fairly limited. You may not pick up all of the 6 feet; you might pick up 4 feet. But you would not ... I don't see why you would need the additional fill then, or the additional ...

Mr. Costa: By turning the house, then that compromises the driveway.

Boardmember Dale: It just puts the driveway at an angle.

Mr. Costa: It puts the driveway at an angle on a street that's already coming down.

Boardmember Dale: I don't see that as a problem.

Mr. Costa: Well, you're going to have a street like this, and your driveway's going to be on an angle that way.

Boardmember Dale: Not that extreme, but yes.

Boardmember Cameron: I don't see where ...

Mr. Costa: Whatever it is, it will turn on an angle.

Boardmember Cameron: I don't see more than a 1-foot change by moving it over 4 feet, looking at the contour lines on this map. It's almost nothing. I'm having a hard time with this.

Chairperson Speranza: Deven, under code, can we have a driveway that hits the road at other than a 90-degree angle?

Building Inspector Sharma: I don't know if there is code, but we prefer it. As an architect, I would design it and like the driveway to be perpendicular to the road at least 20 feet. So again, what Steve is saying is that, yes, the plan would need to be modified. Whether the extent of the modifications are the same as he's saying, I'm not sure about. He has, obviously, the plan – the way it's drawn – you can't just move over. Some adjustment would have to be made.

The only thing I'm saying is that, just as Steve is saying, I'm not seeing it to be that big, that drastic.

Boardmember Dale: There's a building on High Street, across the street, that has a curved driveway and neither of them are at 90 degrees.

Boardmember Sullivan: That's it.

Village Attorney Stecich: The code actually does say about the driveway alignment, *"The entrance portion at the driveway shall be aligned and constructed so as to permit vehicles to enter and exit at approximately right angles to the street."*

Chairperson Speranza: Yeah, that's what I thought. Right, it may not be the case in all of our properties in Hastings. We know that.

Boardmember Dale: But it is a project.

Mr. Costa: And I believe if you can avoid any type of area variances ... the Zoning Board would require that you try and avoid a variance.

Chairperson Speranza: Right. Just keep in mind, though, we make recommendations to the Zoning Board on variances.

Mr. Costa: OK.

Chairperson Speranza: So if they hear that the reason for this is at the request of the Planning Board with respect to protecting preservation of steep slopes and community character, they will very much take that into consideration.

Boardmember Sullivan: Also, potentially, by doing that kind of realignment he perhaps would get down to the 35 percent. Because we are looking at a hardship.

Mr. Costa: But I think by turning, or rotating it, you're not going to decrease anything. Again, because once you turn it and rotate it ... and if I have to add more fill, then that's more disturbance. Under this application, along the whole sides I tried to leave the existing grade as is and not touch it at all.

Chairperson Speranza: OK, what's the pleasure of the Board at this point? We can have a vote, or we can request that with the goal of further reducing impact on the neighbors just say let's see what happens, and let's see if there is any further reduction in disturbance to the slope. Wow, no one has anything to say.

Boardmember Strutton: I guess, since the brought the can of worms up, I'll go first. I would think I'd be in favor of asking him to at least go back and have a conversation with the neighbor, and meet. Or see what you can work out, and see if you can come to something that would work and bring it back. I feel like you're putting a house on, it's going to be there for the next 100-plus years. At this point, what's another four weeks in the middle of winter?

So I guess that's what I would think.

Chairperson Speranza: OK. Is that something that the applicant is willing to do?

Mr. Costa: I would defer to him.

Mr. Sanseverino: My concern was, one, we were talking about turning the house. How much were we gaining by turning it?

Chairperson Speranza: That's what we want to find out.

Mr. Sanseverino: I was trying to hear. I thought you had it figured out. I'm sorry.

And the other thing was, now we're going to discuss what? Moving it over or going for variance?

Mr. Costa: You would do the prior variance.

Boardmember Dale: We're asking you to explore what the impact would be; whether it's possible to do it in a way that you're not adding cost to the site development.

Chairperson Speranza: And again, if it's something that requires a variance from the setback, from the trailway, that is something that we, as a board – and it's a plan that we approve under the steep slopes application – we make that recommendation to the Zoning Board of Appeals. Doesn't guarantee anything, but it certainly ... you know, they know the rationale for it.

Mr. Sanseverino: So then if I ask for a vote tonight, and say I get all yeas or whatever and then I try for a variance to appease the neighbor, in the meanwhile at least I know where I'm going so at least they know that I'm building a house and that I'm trying to help the neighbor?

Chairperson Speranza: Right. But the idea is that we're not voting tonight. You go back and take a look at what happens, what are the implications if you turn the house and try to

find a different way to open up some other space on your neighbor's side of the house; even if it means locating it a little closer to the railway.

Mr. Sanseverino: Mm, hmm. Yeah, turning I don't know if I'd like the way it would look on the road. I haven't seen houses on an angle. Moving it over is another object, I guess, but I was hoping at least if we went to the variance – and said, well, we have a permit, but we're trying to appease the neighbor – then at least it would be like one step forward.

Village Attorney Stecich: Procedurally, what might make sense are two things. One, if you do come up with a proposal that moves it over, and you think you want to go that direction, I would do it sooner rather than later so you can get on the Zoning Board meeting for February. Because if you wait until you hear what the Planning Board thinks next meeting, then you're going to lose another month. OK?

Then the other thing is, that being the case, you're not going to lose anything if you come back next month with the plan. The Planning Board takes a look at it, and then they approve it subject to your getting the variance and, at the same time, make a recommendation for the variance.

Chairperson Speranza: Right.

Village Attorney Stecich: So I don't think you'd lose any time that way if you're willing to try another crack at it, which the Planning Board seems to want.

Chairperson Speranza: One other thing. I didn't notice on any of the documentation, and I potentially could have missed it, our standard statement with respect to steep slopes, where there is an affirmation that the plan disturbs the slopes to the minimum extent practical. There's standard language that needs to be included, and I just didn't see it on here.

Mr. Costa: It may not be on the drawing, but I gave you principle points referring to the section.

Chairperson Speranza: Right. There is very specific language in steep slopes, in the code, that's going to be sealed.

Village Attorney Stecich: And it's got to be under seal.

Chairperson Speranza: Right.

Mr. Costa: Well, I did give you the principle points, and I did seal it.

Chairperson Speranza: OK.

Mr. Costa: Referring to section 249-8 and 249-5?

Chairperson Speranza: Right. There's very specific language that needs to be in here, and it's not here.

Village Attorney Stecich: It may be close, but no cigar.

Chairperson Speranza: I know. You'll see it. If you look at the code, it's very, very specific.

Boardmember Dale: And there's a typo in the name of the street.

Chairperson Speranza: OK, so you'll take one more shot at this, to come to an agreement – something that'll also resolve, in our minds, just that every opportunity has been explored with respect to the ...

Mr. Costa: We will try.

Chairperson Speranza: OK.

Mr. Costa: Just offhand, I think I'm a little objectionable (sic) to turning the house. It may be better just to slide it. Just because if you come up High Street, turning back into the driveway at an angle, that's a little [background noise].

Chairperson Speranza: OK.

Boardmember Strutton: Thank you.

Mr. Costa: Thank you.

Boardmember Dale: Patty, what's the minimum side yard to the corner?

Chairperson Speranza: Isn't it on here someplace?

Mr. Costa: Eight feet.

Chairperson Speranza: That's it, thank you.

2. Steep Slopes Approval – Application of Mirjana Alilovic for the additions and alterations to her house at 12 Prince Street. Said property is in 2-R Zoning District, and is also known as Sheet 40, Block 733, and Lots 13, 14, 15 & 16 on the Village Tax Maps.

Chairperson Speranza: OK, our next application is also property we've seen before. This is for property at 12 Prince Street, also a steep slopes approval. Welcome back.

Chairperson Speranza: OK, now we received one sheet. Is this all we were supposed to have received?

Tom Abillama, architect – 12 Prince Street: Well, the concerns that you had, that the Board had, really can all be answered on this one sheet. And I could indicate the items that were raised at the last meeting. Namely, number one is the retaining wall in the rear.

Both my client and the neighbors, they agreed on having a retaining wall in between them. There was an issue back then. Now we're proposing a 3 foot 6 inch high dry stone wall, which would be pleasing for both parties. By building this retaining wall, we're able to raise the soil, thus permitting the client to go straight into the rear yard from the basement. Now, there's a bit of a dip in the backyard not allowing her to go up the backyard. Also, this would help from any storm to affect the neighboring property.

The other issue that was raised – obviously the main issue – was that we had an application for an accessory apartment originally and that wasn't permitted, as you have requested. So now we are trying to propose, over the garage, to have an additional apartment, thus making the application a two-family dwelling. By doing so, we need two parking spaces per unit, and we have proposed to have four parking spaces. Two of them are indoor and two of them are along the driveway.

And we have a situation where we can have a K-turn, so to speak, where we can have a parking space in here, and allowing for the cars to turn occasionally back and out straight onto the street. I believe that this is a good solution for a four-car situation.

Boardmember Alligood: Could you clarify? Because your application says that you're proposing a one-family home.

Chairperson Speranza: Right.

Boardmember Alligood: What you just described is a two-family home.

Mr. Abillama: Two-family.

Boardmember Alligood: So this is not what ... but that's not what you're proposing.

Village Attorney Stecich: The chart is wrong.

Mr. Abillama: Is that two-family? It says addition to two-family?

Boardmember Alligood: It says one-family.

Village Attorney Stecich: Well, look on your chart.

Mr. Abillama: Two-family residence?

Village Attorney Stecich: That's not what we have.

Boardmember Alligood: On the chart it says "proposed one-family residence."

Village Attorney Stecich: No. Mine says two-family district, but it says a one-family residence.

Chairperson Speranza: Right. It says what's being proposed is a one-family residence.

Village Attorney Stecich: Tom, on the chart. Right here.

Mr. Abillama: OK, sorry about that.

Village Attorney Stecich: Patty, could I ask him to clarify where are the four parking spaces?

Mr. Abillama: OK. The original ones that we proposed were indoor, tandem, back-to-back.

Chairperson Speranza: Underneath the proposed apartment.

Mr. Abillama: And the other two along the driveway here and here. By providing this K-turn, we're allowing occasionally – just in case this car is not here – to have a way to get out straight onto the street. And even with the car being here, there's a way of getting out without having to back up into the street. And having four parking spaces at the same time,

without proposing a large paved area. Because otherwise, the other alternative is to have a large paved area.

The number three item is also treating the area in common between the previously-approved proposed structure, neighboring structure, and the new addition by softening the amount of soil that exists, in the spirit that we followed through with the last time around. But originally, we had – just to alleviate the soil from going down into the neighboring property, or eroding the neighboring property – proposed some retaining wall in here, which now doesn't need to be existing ... to be proposed any longer.

So those are the three items that were raised the last time around.

Chairperson Speranza: OK. Marianne, you have the code there. Can you tell me front yard requirement for a two-family home?

Village Attorney Stecich: I think it's 30 feet. Because remember, last time I thought it was a little shy for a two-family. It was OK for a one-family, but unless you moved it back you need a variance.

Mr. Abillama: I looked into it. I couldn't find the 30-foot requirement. I thought it's still 25 feet.

Village Attorney Stecich: Hold on a second. I'll find it, just a minute.

Boardmember Dale: The configuration of the house itself is as it was in your last presentation, or has that changed?

Mr. Abillama: No, nothing changed.

Boardmember Dale: So the house is exactly as proposed before, except you're applying for a two-family rather than one- with an accessory.

Village Attorney Stecich: There's two sections, one and two. *"Every structure, including each two-family dwelling"* – which now you have – *"shall have a front yard at least 30 feet deep."* I told you that the last meeting.

Mr. Abillama: I know, but I looked and I couldn't find it. I looked at the chart. It said 25 feet. It kept saying 25 feet.

Village Attorney Stecich: What chart?

Village Attorney Stecich: We've never had a chart that lists approved ...

Building Inspector Sharma: That's not what you're supposed to go by.

Mr. Abillama: Oh, OK. We had the conversation together on the phone, too, yeah.

Chairperson Speranza: And then there's the issue of ... I'm trying to figure out the dimensions on here that we have. So that would be one variance that's required.

Mr. Abillama: Well, we can avoid the 30-foot ...

Chairperson Speranza: OK, let me hear how you would do that.

Mr. Abillama: By not having a portico in the front, or less of a portico, and then removing the covered porch towards the back a little bit. We'd like to avoid going to a variance, especially if it's not necessary.

Chairperson Speranza: And then we get into the issue that, Jamie, you've raised a number of times: we end up with parking in the front yard, which is not permitted.

Mr. Abillama: It is permitted in the driveway. I don't know, that's an interpretation up to the code officials here.

Chairperson Speranza: Well, we're looking at four spaces now, two of which would be tandem underneath the proposed apartment. And then two which would be ...

Mr. Abillama: On the driveway.

Chairperson Speranza: On the driveway, which is really ... one of them is really going to be the parking area. I mean, essentially that's what it's going to be.

Village Attorney Stecich: If they need to make the parking area, the driveway would be just like this.

Chairperson Speranza: For four cars.

Village Attorney Stecich: I mean, to say it's the driveway to make it bigger is really ... it is true that there's an exception for the driveway. But if you didn't have the required parking space, that wouldn't be part of your driveway, would it?

Mr. Abillama: Well, how about ...

Village Attorney Stecich: So you can't just make the parking area in the front, and say, "Hey, it's my driveway 'cause it's connected to the driveway."

Mr. Abillama: But let's say we can fit two parking spaces, one back-to-back, in here. I believe that the situation is better. This way here is what you think is the driveway. We can do that, but I believe it's a better configuration this way.

Boardmember Alligood: I'm also curious – I thought that we can't have tandem parking in a garage.

Village Attorney Stecich: No, you can't.

Boardmember Alligood: We said that last time.

Village Attorney Stecich: Yeah, we said that the last time.

Boardmember Alligood: This is not changed from that.

Village Attorney Stecich: No. And it's not that the code doesn't say no tandem parking.

Chairperson Speranza: Right, accessibility.

Village Attorney Stecich: But a parking space is defined as having usable and relatively direct access to a street. So I guess the Board has to look at each of these spaces and make sure that each space has usable and relatively direct access to a street.

Mr. Abillama: There's another section that I read that refers to location of parking. And it gives exception to one- and two-family.

Village Attorney Stecich: OK. I'll take a look, but what the Planning Board does have to make certain is that there's direct access, relatively direct access.

Chairperson Speranza: Would you consider finding a way to make a parking area, I mean that's not in the yard? And I realize it would be a tradeoff because the entrance has to be where it is. And I understand that.

Mr. Abillama: Yes. If you could look at the site ...

Chairperson Speranza: But in terms of developing an actual space.

Mr. Abillama: Madame Chairman, if you look at these contours they could tell you the story of how steep this area is, and very rocky. So this is the only entry that we can have in real life. This little zig-zaggy wall here shows the boundaries of the rock.

Boardmember Dale: That's the only place he can put it. Otherwise, going around those rocks he would have to drive in front of the building. So he'd have a driveway cutting the front yard in half.

Chairperson Speranza: You'd have the driveway cutting the front yard in half, right, instead of having the paving ...

Boardmember Strutton: It's a stretch.

Chairperson Speranza: It's a tradeoff.

Boardmember Dale: Or even then, he would have to shift the house. But it's an existing house.

Boardmember Cameron: You will recall that when we agreed to let them split the property we said to them that they needed to put the parking around the side yard.

Chairperson Speranza: Right. And, of course, one of the tradeoffs becomes, well, the deck. And yes, you make the deck smaller. The deck is a proposed deck.

You know, I know your goal is to not have to get any variances. I don't know, we will have to see something that shows that. OK? Again, because this is not accurate for what you are now proposing. Also, give some thought ... I mean, put to paper – another sheet of paper maybe – just show where potentially else you could have an off-street parking area.

Again, it's the two parking spaces under the proposed apartment. You need those two additional parking spaces because of the proposed apartment. So again, how much more are you going to add to this property? You want the apartment, but it requires parking.

Mr. Abillama: Well, one thing. If you want to go back to the notion of having the parking away from the front, we have a 30-foot strip that we can't put anything in there.

Chairperson Speranza: Right.

Mr. Abillama: So now the only way is to put it in here.

Boardmember Dale: Now it can't get there.

Mr. Abillama: If we can get there, that's one way. The other way is ...

Chairperson Speranza: Because you can make the deck small.

Boardmember Alligood: You could round off the deck and you could get to it. You have a lot of property on the side there to let the cars go by.

Mr. Abillama: But then we end up having more pavement than what I'm proposing right now. Because you have to access that portion you end up having more asphalt. And I don't know if that's more attractive than what I'm presenting.

I mean, I think if we eliminate this K-turn – let's eliminate it ...

Chairperson Speranza: But that doesn't resolve the problem of the parking, and the fact that you then have four cars parked in essentially what is the driveway area, along the driveway.

Mr. Abillama: Well, two cars.

Chairperson Speranza: Two cars in the garage.

Boardmember Dale: Two in the garage, and two in that area. I actually think that's a better solution than putting a driveway all the way across the front of the building.

Chairperson Speranza: OK. Since we have to see this again ...

Boardmember Dale: That would be a variance, to allow him to have those two spots there?

Chairperson Speranza: Parking is not required in a front yard.

Boardmember Dale: So it would be a variance, a waiver, of that rule to allow him to have two cars there.

Chairperson Speranza: Yeah.

Building Inspector Sharma: Actually, parking not requiring any yard except a legally-constructed driveway – front yard, side yard, any yard – except on a legally-constructed driveway.

Boardmember Cameron: So we're faced ... it's a question of how wide a driveway can you have.

Building Inspector Sharma: A driveway can be a maximum of 24 feet wide.

Boardmember Cameron: I know. But this thing is probably that wide going this way, and then you turn and it's that wide going that way. It's a huge piece of pavement.

Mr. Abillama: We can make that turn.

Boardmember Alligood: What I'm worried about is that it's going to be very inconvenient to park in the back of the tandem garage. So that person is never going to go in there, and they're going to park in the front. So you're going to have three cars in the front and one in the garage. That's what's going to happen if this plan is built the way it is.

Village Attorney Stecich: Eva, I found the section I think you're talking about, where it says *"parking spaces required for single- and two-family dwellings can be reduced to a certain size, and provided in an accessory garage or carport."* But usually a two-car garage has two bays so two cars can get in and out. But having them one behind the other is ...

Chairperson Speranza: It doesn't function.

Village Attorney Stecich: What Eva just described is exactly why the code requires that they be relatively accessible. That's why it was a big problem on Main Street on that building about allowing the tandem parking. I'm just telling you that that's what the code says so you've got to deal with that.

Mr. Abillama: Traditionally, in this village, tandem parking has been allowed in a situation where, let's say, you have a one-car garage and you have a garage door. And behind the garage door you're allowed to park in the driveway. That's permitted, that's been permitted. So now tandem parking is allowed by doing so in a one- and two-family.

Village Attorney Stecich: I think I'm the authority on the law, Mr. Abillama.

Chairperson Speranza: OK. I think what we need to do is, this has to be revised because your chart is all wrong based on what it is you're proposing.

Mr. Abillama: My bad.

Chairperson Speranza: OK. Now given that, it would be helpful to us – to me, in any case – if we had ... take this diagram, and show potentially how you fit in four parking spaces someplace else, or three parking spaces if you have one in the garage. OK? Just so we can see.

OK, you also have to resolve the 30-foot setback issue. So there is more to be done. And while you're doing it, just make a copy and see how it can be resolved.

Mr. Abillama: But you could imagine how this driveway is going to come through here, go to the garage, go around, go here, and have all this pavement. I mean, if you want me to show it I'll show it.

Chairperson Speranza: Please.

Mr. Abillama: But is that a good solution, or not? I don't know.

Chairperson Speranza: That's what we'll look at and decide.

Boardmember Cameron: Well, that problem you've raised is self-imposed because you decided to put the garage on the left-hand side of the building. It didn't need to go there. It could start immediately to the right and go around the side of the building. But you decided to put parking on the left side of the building. So yes, you only have room for one car there because it's a tandem garage.

So you are stuck trying to go around the other side of the building. But if you don't start out with the garage on that side, you don't have the issue you just brought up.

Mr. Abillama: Well, the issue is that ...

Chairperson Speranza: Or don't make it two-family.

Village Attorney Stecich: Yeah, don't have the apartment.

Mr. Abillama: But the issue is that we're stuck by going from here to here. Even without having the garage in here, we're going to end up having this situation no matter what. I personally don't believe it's the best solution, but if you'd like to see it we'll show it. But what if you said no, you're not going to like it? Would I come back in another month?

Chairperson Speranza: Maybe. We're not going to go through the history of it, but this is something that is changed every time. This is the first time there are no significant changes to what we've seen before, but it still needs to be accurate. And it's not accurate. Ok?

Mr. Abillama: Thank you.

IV. OLD PUBLIC HEARINGS (Continued)

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 to convert it 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.

On Applicant's request, further review on this application deferred to February 2012 Meeting.

V. NEW PUBLIC HEARINGS

- 1. View Preservation and Steep Slopes – Application of Hudson View (2007), LLC for the construction of a new single family home to replace existing one at 665 Broadway.**

Said Property is in MR 2.5 Zoning District and is also known as Sheet 14, Parcels P130D and P131B on the Village Tax Maps.

Chairperson Speranza: OK, next order of business is a public hearing for view preservation and steep slopes application of Hudson View for the construction of a new single-family home. Let's just say for construction on the property, and it's 665 Broadway.

Boardmember Strutton: Why does our application say "683?"

Boardmember Dale: Because it's the other building.

Boardmember Cameron: It's the other house.

Boardmember Strutton: I'm sorry?

Chairperson Speranza: It's the one in the back.

Boardmember Dale: It's the one we've looked at, not the original one where you can walk down the side.

Boardmember Strutton: Right, where it's marked 665.

Boardmember Dale: Right.

Chairperson Speranza: OK, good evening.

David Steinmetz, attorney - Zarin & Steinmetz: Good evening, Madame Chair, members of the Board. Nice to see you all again. I'm here this evening representing Hudson View (2007), LLC in connection with the subject application formerly known as the Freitag property, also designated on your village tax map as Sheet 14, Parcels 130-D and 131-B.

With me this evening, Michael Robinson, the client, as well as Noah Yaffe, a partner in the architectural firm of Stephen Holl Architects; his colleague, Marcus Carter; and our project engineer, Langan Engineering, represented tonight by Marc Gallagher.

As I think you all know, this property that we're here on tonight is adjacent to and immediately north of the property that we were here with awhile ago in connection with another home on property owned by Blue River Valley, LLC and Hastings-on-Hudson Property, LLC. The application tonight is to renovate and alter a preexisting home on the property. This home is proposed to be used by the parents of the owners of the adjacent property. And we're here tonight, as the Chair indicated, in connection with an application for steep slopes approval, view preservation approval, and frontage review.

I'm assuming you all received the complete packet of material that we provided to you and simultaneously provided for the Zoning Board of Appeals, consisting of a number of plans as well as our cover letter. Now, what I'm going to do is, I'm going to try to cover some background items, and we're going to divide up the presentation into view preservation and steep slopes. I'm going to hand off to Noah, who will walk us through the view preservation issues as well as the design. And then we'll hand off to Marc, who'll cover steep slopes.

I want to start, though, kind of as a foundation, to talk for a moment about the existing home that's there right now. The existing home, of pre-war structure – we're not sure of the exact date – is a nonconforming structure with regard to it's side yard to the north, adjacent to the Hastings Gardens property. It's all nonconforming on the east side of the front adjacent to

the Shandon House property. Nonconformities are yard setbacks: we don't meet the 40-yard setback to the north; we don't meet the 100-foot setback to the east. These are preexisting, bulk nonconformities.

Now, the applicant actually proposes – and we're here tonight proudly to tell you – that we are able to dramatically reduce the nonconformities. The development of the lot ... currently, the house that's on the property is roughly 7,069 square feet. The proposal before the Village is for 5,846 square feet. The footprint of the existing home is roughly 3,617 square feet. We're proposing a new structure of 3,450 square feet.

And lastly, the height of the existing house is two stories, or 36-1/2 feet. We're proposing a one-story home over a basement area, 20-1/2 linear feet. Now, your code – and I talked about this in my submission letter – your code, specifically sections 295-55(a) and 295-56(b), allow nonconforming structures to be altered, provided that it's altered in a manner that does not increase the nonconformity or increase the habitable space of the nonconformity.

Now, our design team spent awhile, and entertained the concept of taking down this home and building a house that would be entirely zoning-compliant. And we can submit to you that had we done that we would have ended up with a structure more centrally located on the existing lot. It would have been, in our opinion, far more impactful to the neighbors to the east; it would have been more impactful to the neighbors to the north; and it also would have been more impactful to the main house, or the house adjacent on the property to the south.

So instead, the decision was made – and we're going to talk a little bit more about that – to renovate, or alter, the preexisting house and dramatically reduce its height, its footprint and its overall visual and aesthetic impact. We also proposed – and you've all ... you've got it before you, and I talked about it in my cover letter – an open-air veranda, an open-air, covered veranda. Noah's going to talk a little bit about this. That structure – and it is, certainly a structure – that structure is entirely zoning-compliant. The open-air veranda is not located in the front yard setback or any side yard/rear yard setback. The veranda is an entirely zoning-compliant structure. It's also a wonderful amenity that the design team is proud of, and we'll talk more about.

It was designed – and Mark will talk about this aspect – to be as sensitive as possible to the steep slope area on the western side of the property. Why do I say that? I say that because we know we've got steeply-sloped property here along the Hudson River area, definitely. We know the existing situation out there. And this structure, as Marc and Noah will talk about, sits on very small footprints, very small supports, that will hold the veranda up, allow

it to be open-air, and most significantly for purposes of your Steep Slopes Ordinance, allow the free flow of surface water without any impediments or with negligible impediments.

Now, the frontage application that we've got before you is because your frontage requirement is frontage on a lot where it's less than 70 percent of the required street frontage – which, here, the street frontage is 100 feet – 70 percent would be 70 feet. We don't have 70 feet of street frontage. So again, it's preexisting nonconforming. The lot's never had street frontage in a classic sense. We're not changing anything in that regard. However, we do need – under section 295-19(b) of your code – we need your board to review it and, ultimately, to approve the overall concept.

Now, before I turn this over to Noah, you heard me refer to this application as a "renovation" or "alteration." It's a renovation because we're proposing to make a new home. We're proposing to rebuild within the preexisting footprint, and we intend to make use of whatever portions of the foundation that could be reused or reclaimed in the future. We won't know what precisely, in this footprint area, can be reused or reclaimed until we go down and excavate and analyze and see what's there, and determine structurally what can be used. Certainly, it's our hope to make some use of that area.

It's an alteration because your code actually tells us. It actually defines the word "alter." Alter is, quote, *"any change or rearrangement of walls, roof, floors, supporting beams, columns, or other structural parts, regardless of what it's called – whether it's call a renovation, whether it's called an alteration, whether it's called a renovation and/or alteration."* What we're doing is reducing a preexisting nonconformity.

Our guideline – once we decided that we wanted to have minimal impact, reduce the impact upon the neighbors, be sensitive to the land and the surrounding area – our guideline was to take this footprint, right now, and ensure that we reduced the nonconformity. And it's a little difficult to see from the distance, but every area that's in the dashed line – and you've got it on your plans that we submitted to you – that's gray, clearly, is a proposed structure inside the footprint, the nonconforming footprint.

Everything that's white alongside the gray is where we're opening it up. So we believe, Madame Chair, members of the Board, that we fulfilled precisely what we set out to do, and that it to reduce the degree of nonconformity to avoid having any increase of habitability within the area of nonconformity. And what we've presented is precisely what your code calls for.

Now, you should also know – and you may recall this from a prior application – you should also know that our development team felt very strongly about being mindful of the concerns

of the community and, most importantly, the concerns of our immediate neighbors. So just like what took place on the last application, our team assembled information and – separate and apart from this formal proceeding – Michael Robinson reached out to the neighbors. He met with Hastings Gardens, the co-op to our north. That meeting took place ... I'm not certain if there's a representative here. But Michael received not only what we believe was support from Hastings Gardens. We actually received a written communication from Lisa Zimmerman, who was a boardmember at Hastings Gardens and was quite pleased with the proposal and its situation and impact relative to Hastings Gardens.

He also met with some of the residents of Shandon House. Shandon House is a co-op immediately to our east. I know that some of the residents of Shandon House were most appreciative and extended clear support, and acknowledged not only that their views were being preserved but that, to some extent, their views were being opened up by the reduction in height. I believe that Mr. and Mrs. Colman-Freyberger are here tonight. And we'll see if they participate, but I can tell you they met with Michael and they gave Michael an assurance of support. And he also received that level of support from another resident of the Shandon House, and that's [A.B. Rutherford] XXX who, I don't believe, is here this evening. However, she indicated her appreciation for the design.

Now, others are here this evening. Tim and Pam Barnes are here, and I'm sure that you're going to hear from them. There's been a tremendous amount of interaction over a considerable period of time between my clients and Mr. and Mrs. Barnes. It has been a friendly, neighborly interaction. However, my understanding is they have some concerns about the application, which I'm certain we're going to hear about. My understanding is, their concern relates specifically to winter views, winter views from Shandon House out over the property. And I'm sure you'll ... we'll learn more. I'm certainly pleased that others are here, as well.

Please remember that the legal standard for view preservation ... ultimately, as your board knows, you're making a referral to the Zoning Board. We're on the Zoning Board's agenda for next Thursday night. The legal standard is that we must establish, and the Zoning Board ultimately must find, that we have chosen the best siting, dimensions and configuration of structures so as to cause the least possible obstruction of the view of the Hudson River and Palisades for neighboring properties and adjacent public property.

We absolutely believe that, unlike this siting, unlike the zoning-compliant dimensions that we could have put on this property – he can still put on this property – we've instead chosen dimensions, layout, height, bulk that clearly not only preserves views of the river – and that's what we're talking about, the river and the Palisades – but then does so in a very sensitive fashion.

Noah Yaffe's going to walk you through the design from Stephen Holl Architects and how they came up with, clearly, a unique design. We're going to also walk your through the view preservation photographs. Much like we did on the last application, we took what we thought were the most meaningful and appropriate views, and we'll walk you through why we took them.

We will then explain the view preservation and why we think we clearly meet the standard. At the end of that, we will go into steep slopes. Steep slopes will be about the sedimentation, erosion control, water flow, et cetera, and some of the technical issues. But with that as our background, I'd like to turn it over to Noah so he can explain the design and share with you the thoughts and the time that went into it. And then share with you the photographs. Thank you.

Noah Yaffe, Steven Holl Architects: Thank you. It's a pleasure to be back in front of the board after two years before the last time.

So this property was quite unique for us because we've had the opportunity to spend quite a bit of time contemplating the property and really what we felt could be the most sensitive proposal for ...

Chairperson Speranza: I'm sorry. Would you mind just sitting down, because of the camera? Thank you.

Mr. Steinmetz: Just yell if you need me.

Mr. Yaffe: Really, what we felt was of primary importance was to make a scheme that really was as sensitive to this landscape as possible. That's really why the client fell in love with this piece of property. And we really felt what was critical for us to do was really respond to that and make a proposal that really acknowledged the uniqueness of this piece of property, the sort of wonderful both gentle ... gently-sloping conditions, as well as steeply-sloping conditions. And really respond to the unique aspects of the site, as well as the surrounding areas and the neighbors' view.

So as David said, we gave quite a bit of time to the idea that we would basically remove the introducing structure entirely and work with an envelope that would be roughly like that, which would be more standard with the setbacks. But really felt strongly that by utilizing the existing foundation and reducing the height, that we really could make something that sat as sensitively as possible into the landscape.

So the house is quite simple. It's just a scheme that's really a house in three parts. You have these three bars. The bedroom's over here, essentially the dining room/living room in this one, and then this open-air veranda in this part. You can see, I think, the section. It really speaks quite strongly to what we were trying to achieve here. So this is basically a section cut this way, looking through the house. And really, what you see here is the height of the existing house – that, as David mentioned, is 36 feet tall – and how much we chose to lower the house.

I think the other important thing to note about this drawing is, really, we spent a lot of time carefully situating these volumes so they gently follow the contours of the landscape, and almost in a gentle cascade down the slope, with really this veranda then perched on the edge of the slope. One of the unique aspects of the veranda – as also David mentioned – is really that we're touching the ground very lightly – really only, actually, in two spots – with the foundations of that. And you can sort of see them dashed in, but I can just draw on top. Really, the foundation of the veranda is there and there. So this whole thing, the whole slopes, actually go underneath that. And that, really, this thing touches and has an incredibly minimal touching of the ground and impact on the slopes, which you see here.

So that's the height of what would be the kind of bedroom portion, the living room portion. And then that's the height of the veranda portion so you can see that kind of cascade that I'm speaking to. And the trains and this are all to scale, and the relationships are all to scale in this case. There you see a proposed elevation. And this, also, is a section cut through that veranda. Again, you see this gently-cascading structure as it responds to the topography in what we feel is a sensitive way. There's what I'm describing as the ground passing below, essentially the floor of that veranda piece.

As far as the view applications – let me just rotate this, and I guess I need to rotate both of these – we chose the views marked on here as what we thought were going to be some of the impactful views. We did look up towards ... and I do have some additional information on this. But we did also look ... walked both the Aqueduct path, and went up Minturn street to see if there was any potential that one could see this from up there because we were concerned about that. And I did bring, just as a reference for that, what was submitted in our previous application. That's the view from the top of ... well, right about there, and you can see, looking down, that you really can't see this property from there.

And then the second image there was taken from Temple Beth Shalom, looking out where, again, you really don't see the property. So we really felt that these were the kind of most important views to be considered for the preservation application.

So starting with ... maybe it's helpful if I sort of have this down here. But starting with view one, taken here from the adjacent property to the north – and, as you'll see, it's quite hard to discern the difference in these. But let me just point out for yourselves, that is the chimney of the existing building. And you basically see it going away, in this case, because – referring back to the section – we are dropping it 16 feet. So you really don't ... even in this view, you actually don't really see the roof of the existing house. There's actually somewhat of a surprising grade drop-off between this property and the property formerly known as the Freitag property.

Then here, looking from ... also from the north, across this lawn, there you do actually see the height of the existing house. And that's actually the roof of the second floor. So that's why you are actually seeing ...

Mr. Steinmetz: Where is photo two taken from, Noah, if you would just establish that?

Mr. Yaffe: Right. It's marked on here, but right to the north. And then in this case, you can see we are ... what you're seeing there is maintaining some sort of fence, but it's basically not what you'll see beyond, would not be apparent. This is a view taken from the Shandon House, and this was taken from, I believe, the third floor of the Shandon House. But here you can almost see, in white, the kind of outline of the existing house. And it's quite hard to see, but you will actually see a piece of the veranda roof in there.

And we acknowledge that this is not the winter condition. To help clarify that particular image, I did also bring with me just a supplemental diagram on top that's the exact same image you see here, but showing, dashed-in in white, what the roof levels would actually be of these proposed structures, just to help clarify that.

Then, of course, from the property to the south, primarily it's also quite densely vegetated so it's quite difficult, again, to see that in that case. But it basically ... you can see the existing roof of the building that currently sits on the lot in this image on the left. And then basically, once we reduce the height of ours in this particular image, that would actually be hidden by the vegetation because these are such low structures.

We were ... we do understand the concerns that were expressed about the winter views. And while we didn't have the opportunity to include images of that just because of the seasons when we were doing this, we did have this. This is a picture, essentially, of the current condition. And you can see the winter views there. And there's marked ... that's actually ... you wouldn't ... in this view, what you're looking at is the roofline of the veranda piece that we're proposing, and also about how far extending south that that would be.

So we were ... we really feel that the house is very sensitively sited in the landscape; something we've spent an enormous amount of time to try and achieve. It's a real hallmark, I think, of our work that each of our projects is a very unique response to a site and tries to be as sensitive to that site as possible. We really feel that as far as a highly sustainable building, that's the first step in doing that. But I would also say, with this particular building, we are considering the inclusion of green roofs as well as a geothermal heating and cooling system.

So we really feel that this project can be an exemplar for sustainability for the Village, but also actually is what we feel is an international exemplary project.

Mr. Steinmetz: Noah, could you just talk about the roof for one second in terms of the roof over the veranda?

Mr. Yaffe: Yeah, it'll be a green roof. So it'll be a planted roof, with a lightweight sedum, very shallow-depth, planting. It's something we do on many of our projects, and we really think it's a great way to do things and actually quite an affordable way to achieve a very sustainable solution for a building.

Chairperson Speranza: I just have one question. Because I know it's something that it appears that we're dancing around with respect to the existing structure and the renovation/alteration.

Village Attorney Stecich: You know, just so we understand, the term in the code is "enlargement," or "alteration." And I'm not sure where "renovation" came from. It may be enlarged or altered in such a way as to not increasing nonconformity. So enlargement or alteration are the correct terms.

Chairperson Speranza: OK. I know there are other implications as to whether or not this is a new building. And I hear new building. I hear building on the foundation which, to me, says you're leveling the house. You're going to build on the foundation, but you're going to build less on the foundation.

OK, I understand taking off the second floor. We did that. There was another building in the Village where the floor was taken off, so I know that's possible from a structural standpoint.

What exactly happens to the building that's there now? Does it come down, and you're building on the foundation? Or are you simply taking off the top floor and capping it? I'm trying to get a sense of what exactly ...

Mr. Steinmetz: Before you do, I'm not clear on your question. And really, I'm not clear on the implication of your question. It's clearly a new structure.

Chairperson Speranza: OK.

Mr. Steinmetz: But under your code, we're allowed, as Marianne said, to enlarge or alter. All we're doing here is altering the structure as your code specifically says. Your code says – and I'll go back and reiterate – we're allowed ... let me just finish the point, and then explain to me really the underpinning of your question. We are allowed to change structure, walls, roofs, et cetera, straight out of the definition of the word "alter" in your code.

Marianne's right. The word "renovation" appears in my cover letter as an explanation of what's going on. This is, to us, a renovation of the structure. It can legally ... for code purposes, it's an alteration. It's not an enlargement because physically, bulk-wise, we're going smaller. So though I appreciate the fact – and counsel's right, we can, under circumstances, enlarge – this is not about enlargement. This is about – and we're pleased to say – it's about reduction, not enlargement.

Chairperson Speranza: OK. Is it a demolition? The other property had other houses on it. Different application, agreed.

Mr. Steinmetz: Clearly.

Chairperson Speranza: The houses don't exist anymore. They were demolished. They weren't altered. They were demolished. There was no pussy-footing around. That's where I'm ... that's what I'm afraid I'm hearing. Is the existing structure going to be demolished?

Mr. Steinmetz: OK. The answer is portions of the existing structure will be removed. To me, that sounds like demolition, OK? But again, I don't know whether your question's loaded. And I take no offense ...

Chairperson Speranza: Well, it's not a loaded question.

Mr. Steinmetz: I take ...

Chairperson Speranza: This circumventing the answer is what's gotten me concerned.

Mr. Steinmetz: Not at all, and nobody's trying to circumvent the answer. Madame Chair, there's a real big difference between the last application and this application.

Chairperson Speranza: Agreed. I'm just trying to get it ... I'm just trying to understand ...

[cross-talk]

Mr. Steinmetz: But your allusion to it, in my opinion, requires that I clarify. We built an entirely code-compliant house on the property to the south.

Chairperson Speranza: Agreed.

Mr. Steinmetz: The only reason that ... what you classify as "pussy-footing," and what I classify as reviewing your code and designing to your code, is because I've got what the law considers a preexisting nonconforming structure. My client has the ability – I believe, quite frankly, this community has the ability – to take advantage of the fact that this structure sits in a 40-foot northerly setback. I believe this community has the ability to take advantage of the fact that this structure sits within a 100-foot front yard setback.

So Madame, all of you, with all due respect, it's not pussy-footing. I am trying to clearly show you that you have every right, under your code, to allow the alteration of this structure. And alteration includes what you call demolition. And we could rip out, in my opinion, every square foot of the foundation and it would be an alteration. We could theoretically find that the foundation is usable in places. And to me, that's a renovation.

But your code doesn't draw that distinction. Your code says we can enlarge, your code says we can alter. And the word "alter" – under your code, as I read to you earlier, the word "alter" is as broad as it gets – the word "alter" includes *"the movement of walls, supports and foundations."* I hope that answers your question. If it doesn't, we'll certainly try.

Chairperson Speranza: It does, it does.

Boardmember Cameron: It says *"to change or rearrange."* It doesn't actually say "remove." And I must admit, the same example that occurred to our chairman occurred to me. That you would call the ... even though I know you've got all the permits – you would call the ripping down of the Aranow's house a "renovation," or an "alteration" to build this nearly new 31,000 square foot house that's sitting on it. And I think that's preposterous, quite frankly. But that's just my point of view.

Chairperson Speranza: And in fairness, that's a different case.

Boardmember Cameron: It is.

Chairperson Speranza: That was a different application.

Mr. Steinmetz: Different property, different client, et cetera. Thank you, Madame Chairperson, for acknowledging that.

Chairperson Speranza: Right. It just seems to me that one of the things you're doing is trying to get out ... is trying to find a way to avoid compliance with the requirements of the code by classifying this as an alteration.

Mr. Steinmetz: Could I just ... can I just ... I just want to ... I don't want to let that go un-responded to. Avoid compliance with the code; avoid constructing an entirely zoning-compliant, for both purposes, structure. I believe, so you're all clear ... we all very fervently believe we are totally complying with your code. In fact, we took great pains to figure out what your code permits us to do so that we could be sensitive to the land, sensitive to the neighbors. We are complying with your code.

Your code, like most zoning ordinances in Westchester County and New York, recognizes the importance of preserving the rights in a nonconforming structure.

Chairperson Speranza: Yes.

Mr. Steinmetz: And you allow us, with the nonconforming structure, to rebuild, to change, to alter. Mr. Cameron says he doesn't think the word "change" means remove. Well, I think that's the ultimate succession of removal. When you change something ... when you remove it, you certainly change it. Your code only tells me – and it tells the community – that we can change. We are changing the walls, we are changing the roof, we are changing the foundation, and we are changing the structure. But we are staying within the footprint.

Boardmember Alligood: Except for the veranda.

(CROSSTALK)

Chairperson Speranza: Hold it, hold it. One at a time. Is this specifically about this?

Boardmember Sullivan: Yes.

Chairperson Speranza: OK, go ahead.

Boardmember Sullivan: I have issue ... I mean, I appreciate your argument and I find it thought-provoking. I find the documentation that the Board received to review lacking in

being able to understand the level of alteration that you're discussing. You're having very schematic drawings, very schematic sections ... not even ... there's no indication of demolition. I look at your sections and I see what you've drawn, and I've wondered to myself if this is an alteration, is this in the basement, is this a new basement? Is this the same floor level?

You're talking about taking off a second floor. So without trying to resolve this today, my statement is I find the documentation that we got to review inadequate to understand fully the level of change that you are discussing. And I think that's something we would like to see.

Chairperson Speranza: Agreed.

Boardmember Sullivan: It would potentially make the conversation be much more conducive to understanding the level of alteration that you're discussing.

Chairperson Speranza: And less a feeling of deceptiveness.

Mr. Steinmetz: Understood. And by no ... we're here ... we're here for full disclosure. We'll stay as long ... and we'll answer every question we get, and there will be no deception. There will be comprehensive answers. But to be most accurate, no one knows – with all due respect – what lies beneath.

Boardmember Sullivan: Well, I'm talking about there being a well thought out, thoughtful design that's been presented. And it has no reference, in the information that we got to review before this meeting, for any understanding of how it relates to the existing structure. You have a footprint. And I appreciate ... the words can tell me what you're thinking, but I don't have drawings to look at.

Mr. Yaffe: Just to explain where we did show it – and I appreciate that we probably will need to provide you some additional information to clarify it – the existing house is shown dashed on this drawing. And then on the section we also show the existing house.

Boardmember Sullivan: No, I understand. I totally understand, I totally understand. I'm talking about the realities of the existing house and how this new design works with it. There's not a floor plan of the old house, there's not a demo drawing, there's not a sense of how this new structure is going to relate to that. All that would really carry the argument much further, and allow us to understand how you are adapting – renovating, altering, whatever the words are that we're going to be using when we look at the code – that existing structure to the new design.

Mr. Steinmetz: So I'm clear, and so the design team is clear, Ms. Sullivan, is it your position that some portion of the preexisting structure has to be incorporated into this?

Boardmember Sullivan: I have no idea. I don't know what you're doing so I have no conversation to even talk.

Mr. Steinmetz: We'll answer what you need. But I almost feel the need for you to have some form of an opinion from Marianne on this. Because – I mean no disrespect – I don't know whether what you just asked for is relevant under your code's words, whether we're using ...

Boardmember Sullivan: No.

Mr. Steinmetz: Let me just finish the thought. Whether we're using any of the structure or none of the structure, our hope is to use some ... I mean ...

Boardmember Sullivan: Right. But my point – I'll just say again – you've provided no drawings. There's not a plan showing me demolition. There's not a plan showing the new construction – how will these two pieces interrelate – so we can understand how the existing building is being adapted for the new design. We just have schematic plans, schematic sections.

Mr. Steinmetz: OK.

Mr. Yaffe: And I will say part of this is also the process for us. I mean, right now we have a survey on the existing foundation to understand what portion of that foundation in the existing house we'll be able to use. So some of that information, quite frankly, is part of the process for us.

Chairperson Speranza: OK. Can we let the presentation continue? Let's finish the presentation.

Mr. Yaffe: Well, I think it's open to questions.

Mr. Steinmetz: Well, I think we need to answer Member Alligood's question.

Boardmember Alligood: You're making the case that because what you're proposing is within the existing footprint of the existing house that that's not new construction. But I'm curious about your argument about the veranda, and how that ...

Mr. Steinmetz: Absolutely. Totally fair question. I thought ... I tried to address it in the intro, but let's be very specific. Everything that we've just been discussing collectively with you relates to the issue of nonconformity, which relates to the footprint of the former Freitag house. The open-air veranda is an entirely zoning-compliant structure. It meets front yard, side yard, rear yard setbacks. We believe it meets building code requirements.

We're here discussing the open-air veranda solely for purposes of steep slopes – what's our impact on the slope, if any – and water flow. And secondly, what impact, if any, does it have on views of the Hudson River and the Palisades. From a zoning standpoint, from a bulk standpoint, this has nothing to do with all the arguments and discussions we've just had.

Boardmember Sullivan: One question I had. What is the setback? That's not on the drawings. What's the setback from the property line?

Mr. Yaffe: This is ... so the red is the property line.

Boardmember Sullivan: Correct.

Mr. Yaffe: And then so the front yard setback is 100 feet. You can see here, it's 101.

Boardmember Sullivan: Right.

Mr. Yaffe: All the others are 40-foot setbacks.

Boardmember Sullivan: So it's 40 feet from the north side.

Mr. Yaffe: Forty ... it's actually slightly more than that. But 40, 40, and more than 40 in that direction.

Boardmember Dale: How high is the ...

Mr. Yaffe: Top of ...

Boardmember Dale: ... floor of the veranda off the slope?

Mr. Steinmetz: The floor off the slope?

Mr. Yaffe: The floor of the veranda?

Boardmember Dale: Of the bottom, the lowest portion, of the veranda.

Mr. Steinmetz: Are you OK if I stand here?

Boardmember Dale: The structure ... and explain the structure again?

Chairperson Speranza: I was just going to ask you to sit down again.

Mr. Yaffe: So there's the floor of it, and then there's the roof of it. And the idea is, basically, those are ...

Boardmember Dale: How much above the earth is this floor?

Mr. Yaffe: What's that? So the overall is approximately 12 feet tall from this point to that point. And then from that, off the slope, it varies because the slope condition varies. But essentially, you know, it varies between a touch ...

Boardmember Dale: On the eastern facade of the veranda, how far off the ground is it?

Mr. Yaffe: On the eastern facade?

Boardmember Dale: Yeah.

Mr. Yaffe: Right here? See, here it actually touches the ground. And then here it's about 2 feet, 3 feet over the ground.

Boardmember Dale: So the clearance for water flow is ...

Mr. Yaffe: Yeah, it's ... I'm sorry, it doesn't exactly ... it's close. It's not exactly touching the ground, but it's essentially at the same level as the ground at this point. But basically the entire slope is allowed to go underneath it.

Boardmember Dale: And the structure is two columns?

Mr. Yaffe: Two large piers, essentially.

Boardmember Dale: Then with a single beam spanning one side of the veranda to the other.

Mr. Yaffe: This is about a 45-foot span from the pier to the ... pier-to-pier.

Boardmember Cameron: Here it's 16 feet wide, though, right?

Mr. Yaffe: Yeah.

Boardmember Cameron: And why are you using a 10-foot long pier facing sideways up the hill if you're trying to let the water go by? I just couldn't figure that out.

Mr. Yaffe: Because we actually think we can grade around that.

Boardmember Cameron: Does that 10-foot wide thing go up to the roof?

Mr. Yaffe: Yeah, it comes up through and goes to that roof.

Boardmember Cameron: So it's also 10 feet wide. And what color is it going to be?

Mr. Yaffe: We are proposing that it'll be a gray.

Boardmember Alligood: Certainly, I'd just like to say on the proposal for the veranda there's a lot of specific information we need on the steep slopes application that we would need to really ... getting back to Kathy's point. That piece ... I mean, it's very specific how much information we need in order to understand. You know, all those questions we need to see.

Mr. Yaffe: I mean, this does represent a plan of it. And I hope our steep slopes application covers ... we'll go through the steep slopes. As we mentioned, Marc Gallagher, from our civil engineering will take you through the steep slopes, which I think, I hope, will address some of the questions you have about that.

Boardmember Strutton: What's the floor of the veranda made of? Is it concrete?

Mr. Yaffe: Yeah, we're still working on that.

Boardmember Strutton: OK. Permeable? Slatted wood, where water could run through it?

Mr. Yaffe: No.

Boardmember Strutton: Or is it solid? It's going to have a drain, right?

Mr. Yaffe: As you'll remember, it has the green roof. So there won't actually be much water that gets down to that floor. I mean, it'll have some drainage points, but it's not going to be wooden slats.

Boardmember Strutton: And how's drainage off your roof going to occur?

Mr. Yaffe: Likely along the edges.

Boardmember Strutton: A downspout of some sort?

Mr. Yaffe: Yeah.

Boardmember Sullivan: Have you included the veranda? You've noted that you're decreasing the footprint of the house but, in looking at the lot coverage, have you included the veranda in your figures?

Mr. Yaffe: Yeah.

Boardmember Sullivan: When I look at the description of the project, I'm not sure I follow that. That's in your letter to us.

Boardmember Cameron: He didn't have the 1,100 foot veranda back into the numbers.

Mr. Yaffe: What's that?

Boardmember Sullivan: That's what I'm saying. The overall lot ...

Boardmember Cameron: Your lawyer didn't add the 1,100 square foot number into the footprint of the veranda, of the house.

Boardmember Sullivan: Yeah, just talking about total house's size, not the proposed new house and new veranda.

Mr. Steinmetz: No. You can correct me if I'm wrong. I believe they're absolutely right that the numbers that were presented were strictly on the first issue we're dealing with, which is reduction of the degree of nonconformity. To the extent that the veranda is entirely a zoning-compliant structure, it wasn't included for mathematical illustration of the reduction of nonconformity.

Boardmember Sullivan: Right. But I'm curious about the ...

Mr. Steinmetz: Different question.

Mr. Yaffe: No. But the 5,800 square feet?

Boardmember Cameron: Yes, that's inside the house.

Mr. Steinmetz: No, that includes the veranda.

Boardmember Cameron: Right. But the outside square footage he came up with did not include the veranda.

Mr. Steinmetz: The footprint area of 3,617, going down to 3,450.

Boardmember Sullivan: So maybe because I'm not following ...

Boardmember Cameron: It's 4,570 when you actually do the math.

Mr. Steinmetz: I'm sorry, Member Sullivan. You're not following?

Boardmember Sullivan: Yeah, I'm not following. So the lot coverage of the house is 3,450? Is that right?

Mr. Yaffe: I'm sorry; I don't have this letter in front of me.

Boardmember Sullivan: I'm looking at your letter.

Mr. Steinmetz: The footprint area, yes.

Mr. Yaffe: What I do believe that encapsulates is actually the foundation pieces of this.

Boardmember Sullivan: No, we should know this. I guess I'm interested in what the proposed lot coverage is for this proposal, and how it relates to the lot area, as well. Because we've talked a lot about zoning setbacks and that kind of thing, frontage setbacks. I'm just curious what the lot coverage is in relationship to the lot, and if it's compliant.

Mr. Yaffe: Yes, I believe it is. I mean, I know it is.

Boardmember Sullivan: Well we'll need the numbers then, just for the record.

Mr. Yaffe: Yeah. These numbers are correct.

Boardmember Sullivan: I don't know. No one's told us that.

Chairperson Speranza: So the 3,450 square feet includes the veranda?

Boardmember Sullivan: No.

Boardmember Dale: That's just the house.

Chairperson Speranza: That's the house.

Boardmember Cameron: It doesn't include the veranda.

Chairperson Speranza: So we need it.

Mr. Yaffe: Yes, ma'am.

Mr. Steinmetz: It's 3,450, house only?

Mr. Yaffe: For the house only.

Mr. Steinmetz: House only, not the veranda.

Boardmember Sullivan: And the veranda ...

Boardmember Cameron: It's 1,120 feet, roughly. Well, they have to tell us.

Boardmember Sullivan: That would be very interesting. We need that information, I would say.

Boardmember Cameron: Sixteen times 70.

Mr. Steinmetz: Yeah, 16 times 70.

Mr. Yaffe: You can do the calculation, right?

Mr. Steinmetz: We're still considerably below the 25 percent coverage requirement under any circumstances. The reason the veranda ... I mean, I'll let the architect speak to it. But the reason the veranda's not included in that sentence is because the word there is "footprint."

Chairperson Speranza: Right.

Mr. Steinmetz: When you talk about the footprint of your home you talk about the footprint of your home, not necessarily a deck associated with it.

Boardmember Sullivan: Again, just to be clear, I'm interested in lot coverage.

Mr. Steinmetz: I understand.

Boardmember Sullivan: Not footprint.

Mr. Steinmetz: And so we're both clear, my understanding is lot coverage in this zone is 25 percent – 25 percent of just under 2 acres. Am I correct?

Mr. Yaffe: We're well under our lot coverage.

Chairperson Speranza: OK, I do want to try to move this – to at least get through the steep slopes. Kathy, do you have more comments on this, or Eva, for the architectural side right now?

Boardmember Sullivan: No, not right now. Thank you.

Chairperson Speranza: Bruce?

Boardmember Dale: No.

Boardmember Sullivan: Looking forward to more information.

Mr. Steinmetz: As far as steep slopes, I just want to go back to a comment that Member Alligood made in terms of the material that we submitted. It's certainly our understanding that you have a complete submission of all of the requirements under the Steep Slopes Ordinance. Everything was submitted to Deven, as I'm sure you're all familiar with, under 248-7. It's reviewed by Deven in the first instance for completeness. And we wouldn't be here if you didn't have ... we shouldn't be here if you don't have everything that you need.

So I am pleased to turn this part of the presentation over to Marc Gallagher. Marc's going to walk you through why we believe we are preserving, protecting and conserving the steep slopes so as to maintain and protect the natural terrain. And most importantly, that we have

preserved the steep slopes to the greatest extent practicable, minimizing the deleterious effects; all of which are statutory requirements under your code.

Marc Gallagher, Langan Engineering and Environmental Services, Inc. PC: Thank you, David. Boardmembers, thanks for having us tonight.

I'm going to walk through the steep slopes plans that are in your package. Like David outlined, we're looking for three main things, as you're well aware, with the number of steep slopes you see. We're protecting the ecology, preventing the flooding and stabilizing steep slopes. And we should not impact it during development.

What the plan shows that was in your package, with the cross-hatching areas, are areas of the steepest slopes on the property, which is anything over the 25 percent grades per the code. Areas that are just hatched with one-slashes are in the next level down, which would be 15 percent to 25 percent grades. And the white area is falling between zero percent and 15 percent; essentially the flat areas that area in here.

As you know, there are four different criteria that affect what is impacting a steep slope. We have areas that are developed, so areas that have buildings on them; areas that are paved with driveways; areas that are re-graded after construction from the current conditions; and areas which are stripped of vegetation and not stabilized. So those are the four criteria that impact a steep slope.

When we go through where the house was sited and the impacts on the slopes, we end up with meeting, or are below, all the criteria of the code. We've got the first criteria, which is from 15 percent to 25 percent slopes, where we're allowed to impact up to 35 percent of the existing slope area. And we are at that 35 percent limit. So as you see in here, these blue-hashed areas are areas that will not be impacted that fall within this 15 percent to 25 percent. And the yellow areas around the house do need to be re-graded to make the house access work.

In the steeper areas, the cross-hatched blue is a very small area. We're at less than 5 percent going to be impacted. And it really only falls within a little area over here, by what's going to be the access to the house. The main steep slope that goes down to the railroad and down to the river is not being impacted by the construction. And that's being accomplished by only landing the piers for the veranda in very small footprints along the north, and again on a very small pier on the south terrace support.

The rest of the slope will be, after construction ... it will be disturbed construction to allow access in there. After construction, we'll re-grade it back to the current conditions to match the slope that's there now, which is pretty steep. It's about 38 percent through this area here.

So again, we're minimizing the impacts of the steep slopes, not touching the steeper slopes on the eastern side of the site; taking the driveway around the steep slopes that exist on the southeast side; and then not impacting the steep slope with the new construction as a permanent condition.

We're in the process right now for the last step, which is evaluating the long-term stability of the slope. We just completed the geotechnical investigation of taking several borings along the slope so we can do our analysis to make sure the slope is stable, both now and when the house is built, and then see if we have to implement any measures to make the slope more stable – any structural measures for that. So that's obviously not right now. The borings were just completed last week.

So that's where the impacts on the steep slope for this site are. The second part of this is really the drainage for the site, which there were some questions already. So here's the site drainage plan. And I believe someone had a question about the veranda drainage, so I'll just touch on that quickly. The veranda's here, and we'll have a connection for a downspout in the structure somewhere. And it'll connect out into ... the main feature here is an infiltration basin, this gray area. Hasn't been sized yet, but we have plenty of area in the flat zone of the site. If you remember, this whole area here is low grades. We can put in a filtration basin, where the runoff will be seeping into the ground.

And as a civil engineer, one of the real nice aspects of this project is we're eliminating all of the impervious pavement that's on the site right now. This will be pervious pavement coming in for the driveway. We're also significantly regulating the roof areas of the existing house, and adding on with the new house. And all of the drainage will go into the infiltration basin. So pre-development we were having approximately 2 cubic feet a second leaving the site. So the rain down the hill is about 2 cubic feet a second during the design storm.

Because we're collecting all this rain water and putting it into the filtration basin on-site, the amount of water that leaves the site is 1.5 cubic feet per second. So it's an approximate 22 percent or 23 percent reduction in the water going off the site, impacting the slope – again, the structure here – which is parallel to the slope. And if it was touching the ground everywhere it would block the flow and cause it to go around, creating concentrations. It's really minimally impacting it with a small pier at this location here. And the pier here is perpendicular to the slope so it won't really impact it. So the amount of impact to the drainage over the slope is really minimized through the design that they came up with.

As I see it, the impacts from a drainage standpoint are very nice with this structure, where we reduce the amount of runoff from the site 22 percent. During construction, we'll have standard erosion sedimentation controls meeting the standards from the state: a typical silk fence and hay bales along the property line, in particular at the bottom of the slope. Again, still, a fence is not going to be enough because of the steepness of the slope here. So we'll have hay bales in front of it to back it up. There'll be a stabilized construction entrance – or attracting pad, with gravel – that as construction vehicles leave the site it takes the mud off the tires.

The existing pavement, this illustrates how much is being removed. This sort of Y-shaped area here is all paved right now. That will be taken up eventually, but during construction it'll be left down to, again, minimize the amount of soil that's disturbed during construction; minimizing the amount of erosion that happens in transport down the hill during construction.

So that sort of concludes my main presentation on the technical aspects of where the steep slopes are going. If there's questions I can answer those now, or we can hold them 'til everyone's done.

Chairperson Speranza: Well, since you're there.

Boardmember Strutton: I have a few questions. So how much of the slope is going to be disturbed in order to put the veranda in?

Mr. Gallagher: For the actual construction of it?

Boardmember Strutton: Mm-hmm.

Mr. Gallagher: I couldn't say right now where the limited disturbance is going to be exactly without having the contractor's input onto it. But I would expect it's going to cover most of the footprint just so they can put scaffolding in, whatever they need to support, for the concrete pourers. So it'll be mostly within several feet around the veranda, at least. And then, during construction, it'll be temporarily stabilized with either erosion blankets or some gravel to make sure erosion doesn't take place.

Boardmember Strutton: And so after your boring results come back, and if they come back after we've ... I mean, how does ... what if it comes back, and they say the slope is unstable and you're going to have to do something to stabilize it? How does that affect ... how would that result affect what you're telling us tonight?

Mr. Gallagher: Well, to stabilize it we're not going to reduce the slopes. We'd have to structurally reinforce the slope somehow; either putting in some sort of tie-back system to make the slope more stable internally and then re-grade it back where it was, or they have to ... we'd have to consider moving something. But I think the answer is to reinforce it structurally.

Boardmember Strutton: You're not talking like a visible retaining wall or something.

Mr. Gallagher: No, no. It would be something that mimicked it. It would be disturbed during construction again, and then once it's finished it's cast over so you don't see it.

Boardmember Strutton: And how do you stabilize a slope that has no sunlight and no water reaching it? I mean, the part that the veranda is over is going to be like the underside of anybody's porch, where it can be dry, dark, and ...

Mr. Gallagher: Sure. Well, there will be runoff coming down because this slope will be maintained. So there will be runoff coming down under the slope, under the veranda. It's only 16 feet wide. The best kind of analogy to this is the New York State DEC, with piers, allows 25-foot piers to be reconstructed in rivers because that allows enough sunlight to go under them and sustain life under there. With this pier it'd be only 16 feet, and along this edge it's going to be over 20 feet off the ground.

There'll be a significant amount of light actually getting under there, and then we will have to work with the landscape architect to come up with the shade-tolerant species to plant. So it's going to be higher than, well, this room on the one side. So a significant amount of light can get in there.

Boardmember Cameron: So are you putting up a ... I take it you're putting up a rail on this veranda? Otherwise it would be quite a jump off the front of this.

Mr. Gallagher: Yes.

Boardmember Cameron: One of the problems ... I've been over on the property behind. Even though your pictures don't show you being able to see through the trees, you really can very easily this time of year. You can actually see the roof of the Freitag house rather easily right now. Admittedly you're making it go down lower, but it really stands out. The reason I asked the question earlier about the color of the veranda is that were it to be white anybody standing on the lawn behind would see it right through the trees all winter long. And that would get in the way, in my view, of their view.

If, however, you use something different – even though you said "gray" to me ... I use something, you will say if it was the color of rusted steel – and I'm not saying you should do that – then you really wouldn't see it because the trees actually have that color in them. And so while you're being environmentally conscious, I really will be interested, first, in making sure that we really do know where it is and can see where it's going to be, and also has some sort of undertaking on the color of the porch. Because it really does stand out if it's very brightly colored.

I had a friend of mine who bought a house owned by OSI, and one of the conditions was he painted the house a color which couldn't be seen. And after that, when you cross the bridge up north here you couldn't see the house anymore. So I'm very sensitive to what the color is, and I think you guys should think about what color it's actually going to be since you're such big environmentalists.

Mr. Yaffe: When I said gray, that was actually ... it is a conscious color choice, and for the exact reasons. What we're trying to do is actually have it very much relate to the color of the Palisades as well as sort of the color of the river. So that kind of tone of gray to do exactly ... that's exactly why we don't want to make it white and do want to make it do exactly as you describe: something that we do hope can essentially merge with the landscape, as I described previously.

Boardmember Cameron: And how would you assure the people – some of who are here this evening – that this would, in fact, carry on in the future? And that's really what I would think is important.

Mr. Yaffe: It will be gray.

Boardmember Cameron: I'm bringing that up because it really is ...

Mr. Yaffe: No, I think it's ...

Boardmember Cameron: Because I can stand there ... I stood on the lawn. I could see your white truck right through it really gleaming in the light, you know. And if you saw a white porch you really would be an unhappy camper up there. And I think it's an important issue.

Mr. Yaffe: You're absolutely correct.

Boardmember Cameron: You might think about it, and it would be great.

Mr. Yaffe: OK. I think you're absolutely correct. And I think we've given some consideration to that for the exact reasons you described. And happy to provide any written statement or anything that would commit us to the color choice that I explained.

Village Attorney Stecich: You can make it a condition.

Boardmember Cameron: Right. I've done that once before. Didn't work very well, though, did it?

Village Attorney Stecich: Well, you can make it a condition. And then the question becomes enforcement, you know. But if it does get to be an issue, then ...

Boardmember Cameron: Well, why don't you come back with a color in the range that you're intending to do and we can see what we can do on that.

Mr. Yaffe: OK.

Boardmember Cameron: I mean, gray's a little loose.

Mr. Yaffe: OK. I mean, it'll be a dark gray. We can provide you a Pantone color, if that would help.

Boardmember Cameron: OK.

Mr. Yaffe: I mean, I'm serious with that.

Boardmember Cameron: Anyway, I'm just getting ahead of this.

Chairperson Speranza: Yeah, I was going to say. Any questions, steep slopes?

Boardmember Sullivan: I have a couple of things. In reference in both ... I think the letter from the attorney, and from Langan as well, there was mention of paths and retaining walls. You know, it's encouraging to see the use of pervious pavement. I'd be interested in seeing what that material is, just for general curiosity.

A comment I find myself making again that I had made in another application, it's hard for me to understand what slope's being altered because there doesn't appear to be a fully developed site plan that we're being presented with. And I'm not seeing contour lines, proposed contour lines, on the plan. I appreciate the color indication of the area of the steep

slopes that you're planning on altering or touching. That's very helpful, and I appreciate that. But just ... I'm not sure I, again, really understand the site work that's being proposed with these references in other documents to retaining walls and paths, that kind of thing.

Mr. Steinmetz: Just real quick.

Boardmember Sullivan: Sure.

Mr. Steinmetz: It was our understanding that your code doesn't require site plan review and approval for a single-family home. So by no means did our client instruct the team to prepare what would ordinarily be a site plan, full comprehensive site plan, analysis.

Boardmember Sullivan: I'm not particularly asking for that. Just when we look at steep slopes, we need to understand the elements that are being added to the site.

Mr. Steinmetz: Absolutely.

Boardmember Sullivan: Like I said, I do appreciate the indication of the slopes and where they're being touched. I appreciate the indication on this drawing very clearly showing where the driveway is. There was reference to paths, retaining walls. Those things are of interest when you're dealing with a slope site.

Mr. Steinmetz: Sure.

Boardmember Sullivan: I have a question that just came to me. How are you people accessing this veranda if it's 20 feet in the air?

Mr. Gallagher: Well, this side is 20 feet in the air. This side's only a couple of feet.

Mr. Yaffe: I can jump in there, since Marc wasn't responsible. But quite simply, there's a small stair that connects right there, and they can just come down onto that. But really what Marc was describing ...

Chairperson Speranza: You've got to take the mic, please.

Mr. Yaffe: It's not 20 feet from ... it's only 20 feet, probably, at its highest point in relationship to the slope. But here it's actually quite close to the slopes.

Boardmember Sullivan: So at some point there would be a path and some stairs, and that kind of thing. That's what we're looking to see. OK?

Boardmember Dale: There's a stair.

Mr. Yaffe: The stair would actually be internal in this case, and at this point you'd sort of just be able to step onto it.

Boardmember Sullivan: Pardon me? I'm sorry.

Mr. Yaffe: I said the stair right here would actually be internal. But you're right. There would be some small pathways.

Boardmember Sullivan: To your point, those things are useful to understand kind of the extent of the work. And then again, like I'd mentioned, contours – trying to understand how you're actually re-grading – it would be very helpful.

Mr. Gallagher: There are actually contours on this plan here, which is the site drainage plan. And the only place there's really new grading going on is right here in the front.

Boardmember Sullivan: It's very helpful to see real clear re-grading. You know what I mean? Just a dash line for old.

Mr. Gallagher: No, that's what I'm saying. It's on here. There are only several new ... only this area is getting re-graded so there are new contours. There are one, two, three new contours, and that's really it.

Boardmember Sullivan: OK.

Mr. Gallagher: And everything else gets restored back where it was.

Boardmember Sullivan: All right. If that's in my package I apologize. I don't ...

Mr. Gallagher: No worries.

Boardmember Sullivan: I don't think I saw that.

Mr. Gallagher: No, because there isn't that much to be re-graded. So I can see where you'd be confused.

Boardmember Sullivan: And the driveway's not being re-graded?

Mr. Gallagher: No, it's being maintained back where the asphalt's coming out. But you put it back about where it was – not enough to show in a 2-foot contour anyway – and then the new access, pervious pavement, is coming in here.

Boardmember Sullivan: OK, thank you.

Mr. Yaffe: And just to speak to your question about the pervious paving, we're anticipating a Grasscrete, which is a modular thing that allows grass to grow through it.

Boardmember Sullivan: Sure. Thank you.

Chairperson Speranza: Bruce, did you have something?

Boardmember Dale: No.

Mr. Steinmetz: We had one question, just before you move off the slopes. Under the code, there is supposed to be a recommendation from Deven. I didn't know whether Deven had made a recommendation to the Board, not only about the completeness of the slopes and engineering material, but on the slopes application itself.

Building Inspector Sharma: No, I have not made any recommendation. If you request certain exemptions for certain provisions, then together we come to that conclusion.

Chairperson Speranza: OK, this is a public meeting, public hearing. So I do invite anyone from the public who wishes to speak on anything that you've heard with respect to the application. Yes, sir?

Robert Eber, attorney for Tim & Pamela Barnes: I am an attorney, with offices at 828 South Broadway, Suite 103, in Tarrytown. I'm here tonight on behalf of Mr. and Mrs. Tim Barnes. I became involved in this just this morning, not due to any delay or procrastination by my clients but because as of yesterday they had still hoped to reach some sort of an accommodation with representatives of the applicant.

They met with, I believe, Mr. Robinson. It was a cordial meeting, but there was absolutely no way that this could be resolved. So I met with my clients this morning at the site, at their house. And before the meeting, I realized I'm not ... it's not my purpose to make a presentation here, but I wanted to express my concerns and to express a list of what we don't know.

I was hoping, before Mr. Steinmetz's presentation, that some of those concerns, some of those answers we would have. But we haven't. If anything, I think I have more questions and more concerns. The presentation tonight was a direct reflection of the submission letter of principle points, if you would, that you received dated December 16, 2011 – a copy of which, by the way, was not furnished to my client, but was obtained just yesterday.

I believe that letter was either inadvertently or intentionally misleading. With the exception of one very short paragraph in that four-page letter, the letter focused almost entirely on the proposed residence. And if you review the letter, if you review the presentation tonight, you have all the details, the percentages, the setbacks, and all the numbers. None of that was in that one short paragraph that mentioned the veranda, which you will find on the top of page two.

That read, in generalities, as follows: *"In addition, the project contemplates an open-air veranda extending perpendicular to the house. The veranda is carefully constructed and tastefully positioned above the slope on the west side of the property. As demonstrated by the applicant's submission, this structure will result in only minor slope disturbance due to its cantilevered design, allowing the majority of the ground underneath to remain undisturbed."*

This is no garden variety patio or veranda. This is a 70-foot long structure – I heard 16 feet wide – fully roofed. Seventy feet long. We don't know – I don't know, and maybe I don't know how this roof is going to be supported. I don't know how many pillars there are going to be. I believe that the fascia – I guess the siding of the roof – is going to be 1 foot wide. And there was some discussion about the color. There was a question about the railing. There has to be a railing, but what type of railing? Are they going to be woods slats with just a little space in between, or are they going to be wire cable? We don't know that.

We have no front elevation of the structure. We cannot say tonight what this thing is going to look like. It is possible the railing will be 4 feet high, 5 feet high, and solid. This is a 70-foot long structure. It's completely covered. The roof ... the ceiling, if you would, of the structure is 11 feet high. Then add to that the 1 foot of the roof and you have 12 feet. Now, it is my understanding – and I may be wrong about this – that while the northerly end of this structure will sit more or less on the ground, it was my client's understanding that the southerly end would be 10 feet off the ground. In which case, if that is correct, the total structure height at the southerly end will be 23 feet.

This is a full-fledged structure, the exact size and dimensions of the other two dwellings that are being built here. And it's apparently been designed simply to replicate those dimensions. Mr. Steinmetz kept saying the veranda's not a concern; it's zoning-compliant. Well, I don't

know that yet because we haven't seen a survey, I haven't seen a detailed metes and bounds description of any of this stuff.

But I suggest to you that the fact that it may be zoning-compliant doesn't answer your question: 295-82 of your code, view preservation ordinance, subdivision C-2:: *"Every application to permit erection or exterior alteration of a building or structure in a view preservation district shall be referred to the Building Inspector, the plans will be referred by the Building Inspector to the Planning Board for its report and recommendations as to the best siting,"* and the next word is *" 'dimensions' " and configurations of the principle and accessory structures."*

The fact that it's zoning-compliant if it affects views does not mean that we have to necessarily grant it. We have the power, the Board has the power, to fix or recommend dimensions. This is what we don't know. We are concerned that the drawings which I reviewed this morning, submitted to the Planning Board, may be misleading. The sight line drawings used as, I believe they're called, "deflection points" – the top of the bushes, not the peak of the arc of the slope. So you're going down here. The bushes, if they use the top of the slope, you'd be coming down something like this.

The point is, well, the bushes are always there. But yeah, the bushes are always there, and their concern ... oh, let me interrupt. I'm sorry, I have to correct my colleague's statement that, apparently, the sole concern of my clients was winter views. That's not accurate. My sole concern of the client is views and view preservation, and impact. This morning, I was there. And through the trunks of the trees – not the branches, which are bare, but through the trunks of the trees – I saw the white trucks moving and I could actually see people working down there. When they're treed, you're still going to see those people moving down there through the trees.

I'm concerned because my clients were informed that they had complete copies of the documents that were submitted to the Board. But that package, as I said, did not include the December 16 letter. Nor were the maps, the site plan – I'm sorry, the steep slope – maps that were given them, the same ones that were given to the Building Inspector, they were half the scale and didn't have the detail.

We are in the process ... things we don't know, and then we're done. How the roof of the structure will be supported, and the impact of those supports on the view. What is the nature of the railing, I mentioned. What is the height of the fascia that will surround the roof, and what material will be used? Have elevations of the structure been prepared, and will they be submitted? And if so, why haven't they yet been submitted to the Board? We need to know what this thing is going to look like.

We don't know the exact dimensions of the structure. We don't have a survey. Has the applicant – and I just raised this – has the applicant prepared an Environmental Impact Statement, Environmental Assessment Statement? Is he required to? And because of the impact on the views, is a long-form EIS required, with a visual EAS addendum to be added?

Village Attorney Stecich: You don't need an EIS. No, SEQRA's not required on a one-family house.

Mr. Eber: OK. Again, I asked a question and didn't get a chance to ask it. Those are the concerns. What we are asking this board to do tonight, specifically, is not to make your reference, not to make your decision, tonight. I do not believe that you have all the information. We are already in the process of retaining our own expert so that the next presentation will not just consist of questions and concerns, but will consist in facts to present to you and somebody who could answer your specific questions.

Thank you. I'm done? Thanks.

Jim Metzger, 427 Warburton Avenue: I actually have a question, as opposed to a comment. I was under the impression that, in our code, if an alteration or renovation exceeds 50 percent of the value of the structure that you're renovating that it's then considered the entire structure is considered as a new structure. I don't know if that's accurate or not. I know in certain jurisdictions in New York City I believe that's accurate. But that goes to the point of how much of the building can you actually take down until you're then considered it's a new building and you then have to apply for variances because it's considered new.

I know that there were issues in my neighborhood with Christina Griffin's building, which was a legal, nonconforming building. And there were questions about how much of that building had to be maintained before it now became a situation where you had to apply for a variance. That was my question.

Chairperson Speranza: I think it was only in the event of fire, right? Fire damage.

Village Attorney Stecich: Accident or serious damage, yeah.

Chairperson Speranza: That's where the 50 percent comes in.

Village Attorney Stecich: So the question here is different. It's whether this is an enlargement or alteration that doesn't increase the nonconformity. That's the issue, but I'll suggest it's probably not an issue for this board. I mean, the question was raised. But I

would say that would be an issue for the Building Department, and then the Zoning Board, to resolve. The issue's been raised. It's going to have to be looked at: that there's a better explanation of what's going on tonight with the house than maybe was understood before.

But that's something for the Zoning Board to deal with if it's got to be dealt with. So it shouldn't impact either the view preservation ... you know, that issue shouldn't impact the view preservation or steep slopes. That'll have to be resolved separately from this board's decisions. And also the other issue you have to decide on is the frontage.

Chairperson Speranza: Right. Any other comment?

Claus Colman-Freyberger, 715 North Broadway: I'm speaking for two parties of three of Shandon House. These two parties own three of five units. They're presenting almost 50 percent of shareholders of the Shandon House Owners Corporation. The actual number is 49.7 percent.

We have lived at Shandon House since it was converted into a co-op, which was in the mid-1980s. Our units are on the ground floor and on the top floor, the third floor, including the widow's walk on the roof. Thus, we are fully exposed to the full range of possible view interference.

In preparation of this hearing, we had several meetings with the representative of the owner and of the architect, and plans were submitted where the new structure could be seen. This has us greatly concerned to excess potential interference from Shandon House. We came to the conclusion that there's no – or at most negligible – interference with our view. The conclusion is based on the following. Point one, as per renderings submitted to us which simulates the view after completion of construction, there's not interference at all with the view of the river and the Palisades. This is the very issue in paragraph 295, section C-2 of the Village code, which states that new structures should be such, and I quote, "*as to cause the least possible obstruction of the view of the Hudson River and the Palisades.*"

Point two. The existing two-floor structure, the former Freitag house, is to be replaced by a lower structure of only one floor, thus opening up our view onto the river to the northwest, which will be greatly appreciated. The veranda attached to the new structure going parallel to the river on the north-south axis, the flat roof as we heard, will be covered with sedum-type greenery. So the structure will blend into nature when seen from a higher vantage point, as ours from the third floor of Shandon House.

There are two rows of maple trees between the veranda and Shandon House which, during the summer, will cover the new structure for us. While on the other side, people on the

veranda will not be exposed to Shandon House. In the months when those trees are bare, there may possibly be some eye contact between the two parties. Consequently, both parties are in the same situation. With minor effort, they could fill these open spaces with evergreen bushes which would mask the new structure all year-round. This has, in fact, already been discussed between Shandon House and the representative of the owner.

There's no doubt in our minds that this will be resolved in an amicable way. Our belief is based on dealings between our new neighbors and Shandon House since construction started. They have, so far, always taken the neighbors' view into account. When we forwarded suggestions, they were met in a very positive and amicable way, foretelling a friendly and constructive relationship.

For these reasons, we are in support of this matter. Thank you.

Chairperson Speranza: Thank you. Yes, sir?

Mr. Eber: [off-mic]

Chairperson Speranza: Excuse me. Just come to the mic.

Mr. Eber: One procedural point. The applicant submitted supplemental photographs I think directly pertinent to rendering number three, the third one down, which is the one that was taken from my client's property. And I would ask that we be furnished with copies of ...

Chairperson Speranza: You can take them.

Mr. Eber: Can we have them?

Village Attorney Stecich: Do you guys have extra sets?

Mr. Yaffe: He can look at that now.

Mr. Steinmetz: We can submit additional ...

Village Attorney Stecich: No, no, no. It's the ones they passed out tonight. No, he says look at them now and they'll provide copies. For the record, I need them.

Tim Barnes, 715 North Broadway: I would request speaking. And I did not plan to speak, but it'll be brief.

Chairperson Speranza: You're more than welcome to come up and speak.

Mr. Barnes: My wife and I are the other controlling partners of Shandon House. Even though it's only a fraction of a percent, it still casts the vote. With that said, I agree with the spirit and the letter of everything Claus said. And Michael has been a great communicator. So this is not any kind of bickering.

I have some problem, though, with a structure which is going to be 70 feet long at the south end, 23 feet high, 16 feet deep. And we are beginning to get some of the details filled in on the fact we're going to have two 10-foot wide piers supporting the lower part of the structure, plus whatever railings and/or drains come down. And all I can say is, my concerns are very, very focused. That obstructs our view. It changes the view completely.

Now, you can say you could have a leaf hiding part of it. But if you have that superstructure as the base of your view of the river, it is ... I consider it a view detraction. And that is all I really am putting forward.

Chairperson Speranza: Thank you. Anyone else have any thoughts, want to make a comment?

Mr. Yaffe: I would like to just make one, and we can provide additional material on this. But I want to ... there were a couple questions about the railings and the structure, and let me just speak to those.

So the intention now is to do a glass rail at per-code height, but no higher than that. The fascia color – it will be approximately 1 foot – that would be a gray to match. The entire structure would basically be all one color, sort of a darkish gray. And we can get a specific Pantone color or something that would help give some precision to that. As far as the roof structure, in the same way that the floor of the veranda is supported on these two piers, so is the roof of that. It won't be anything beyond that.

So I hope that at least provides some additional clarification.

Building Inspector Sharma: There is no railing on the roof.

Mr. Yaffe: No.

Building Inspector Sharma: A railing on the veranda.

Mr. Yaffe: Exactly.

Boardmember Sullivan: I addressed some concerns about not having clear drawings presented for us to understand the issues with the existing home. I think folks spoke very eloquently, and thank you, about the issues for the view preservation. I think the Board is also missing a substantial amount of information to be able to make a more informed decision. Not having any elevations of the long side – either from, I'll call it a "courtyard," the L-shaped inside of the L – or anything from the view from the river side, it was difficult to be able to feel we can make a decision. But I think the folks spoke very clearly and very eloquently about the need for those.

Mr. Yaffe: OK.

Chairperson Speranza: Eva, did you want to say something?

Boardmember Alligood: I think we really need to see what that structure's going to look like. And from my understanding, from what you just described, the support that's under the floor would carry through, and then support the roof as well? So you'd have that piece of stuff flat across it.

Mr. Yaffe: Yeah, that piece of wall coming up.

Boardmember Alligood: Yeah, so that's very important for view understanding because that's going to be solid. So I think we definitely need to see the elevations.

Boardmember Cameron: I think it'd be very useful if you could put up some pieces of wood so you could see how high it really looks like. I mean, the funny thing about angles and elevations, as you guys know better than I do because you're architects, when you look from the third floor you're looking down. And your structure will actually probably sit into the land so they will not be disturbed by it. But if you're standing on the lawn and looking straight out, it may be different. I don't know, and we should figure that out.

Because I think one of our problems is that the photographs you had – particularly number four, which I know you didn't think you needed to put the veranda in since it's your own property from the other owner – you didn't have the veranda in number four. Or if you did, I certainly couldn't find it.

So I think the presentation of your stuff has caused part of the problems we're having today, and hopefully we can get them all behind us. But I think it's the presentation that's actually caused the difficulty more than anything else. But I don't know that. Until we have information in front of us it's very hard to make a decision.

Chairperson Speranza: Rebecca, anything?

Boardmember Strutton: On the view preservation, or in general?

Chairperson Speranza: At this point, on anything – steep slopes or the application. View preservation, steep slopes.

Boardmember Strutton: OK. I still, I guess, am struggling. I just want to reiterate what Kathy said in the request for a better understanding of what parts of the existing house might be incorporated into the new one. Which I think looks fabulous, but I'd just like to know how they are integrated together. And if there's potential that there's not going to be one cubic inch of cement remaining, I would just be interested in knowing that so that we can come to a reasoned decision on whether this is an alteration.

Chairperson Speranza: And that's one of the things, with respect to the view preservation and steep slopes. It may not be relevant to the plan or to the actions that we have. It may create other issues, other things that need to be resolved. So we'll determine that. And then, in fact, if the actions cause or create a change – that a change be necessitated – where an application would have to come back to us again. Then it's a whole different story.

Bruce, anything?

Boardmember Dale: Well, other than the fact of the concern about whether it's an alteration or not, I do compliment the architect for trying very hard to reduce the impact this house has on the landscape. I think the veranda stretches a bit, particularly in its size. I mean, a 70-foot long structure is significant. You mentioned it was for the parents of the property owner next door. It sounds like this is something that's going to be used for family gatherings or parties or things of that sort.

And it's quite a significant structure, at that point. It sits over a steep slope. They did, in doing the geo borings necessary for determining the slope, cut a road through the slope. And that was itself very destructive. I understand you're responsible for putting it back together again and to maintain its integrity as a slope. But I just wonder if it needs to be that size. And I think the request to see the impact of that structure on the landscape makes a lot of sense, at this point, to determine the view preservation.

As for the rest of the work that you're doing on the site, I'm quite comfortable with the way they have approached it and their responsibility to maintain and improve the situation that

currently exists. So I look forward to seeing more of what the veranda might actually do onto the landscape.

Chairperson Speranza: Marianne, you look like you wanted to say something.

Village Attorney Stecich: No. The only thing I thought the Board might want to clarify, Jamie had made a suggestion. Would being put at the level ... maybe you could do it by balloons at the level, or whatever. Because I think it's going to be really hard to understand what the impact on the view is. Especially because we're going to have another expert saying, well, this is what the view's going to look like, another one saying something else.

That actually if you could ... whether it's some pieces of wood you put there, or balloons, or something would probably be very, very helpful not only to the Board, but to the neighbors. Because it's hard. You know, if you're not an architect it's hard to perceive this stuff in the abstract. I think that would quantify it a little bit more clearly. You guys are probably used to doing things like that.

Boardmember Dale: A schematic model would do it.

Chairperson Speranza: Well, I think we need to be on-site.

Village Attorney Stecich: The problem with the model is you're going to have the same thing.

Boardmember Cameron: Balloons, or pieces of wood.

Village Attorney Stecich: Yeah, balloons usually work pretty well, I think.

Mr. Steinmetz: We're happy – I mean we obviously hear the comments – we're happy to take that under advisement and come back and figure out a way we might be able to do that. I would just remind the Board and your professional staff, as well as the public, the issue is not whether trucks or people could be seen on the property below. The view preservation standard is whether this impedes views of the Hudson River and the Palisades.

And I think Marianne's comment goes so well to that. Because it's not whether you can look down and see the balloon and the thing that's holding the balloon and the ground beneath it, because that's not the issue. And we do think that if we can come up with a way to represent it with two booms or something connecting it, let us try to do that.

Chairperson Speranza: That'd be great.

Mr. Steinmetz: We come away from this that the main concern we certainly hear from Mr. Barnes, Mrs. Barnes and their representative really relates to the veranda. I didn't hear them speak at any great length about concerns about the living portion of the home. So to the extent that we were going to try to do this representation, it sounds like we need to do it in this – as Mr. Dale indicated – in the 70-foot long run and at the roof height.

So we're happy to do that. I take it – and you'll tell me if this question's inappropriate procedurally – I take it that there's going to be some kind of opinion or interpretation that we're going to hear from Marianne and/or Deven – really, technically, Deven – and that will answer the question about 295-55(a) and 56(b) on the issue of alteration.

Chairperson Speranza: Right.

Village Attorney Stecich: I think that's the right way to proceed.

Mr. Steinmetz: And just so the Board is clear. Because the word "disingenuous" and the word "misleading," and there were a couple things that were thrown out, that kind of strikes at the heart of people who stand at these microphones too many nights a week and sit on both sides of the dais, as well. But that having been said, I want the Board to know – I want each and every one of you to know – that I met with Marianne and my client, and we discussed this application. I want everyone on that side of the Board to know that we submitted materials to Deven.

At no time did we think, or were we led to believe by your professionals, that somehow this was outside of the realm of 295-55(a) and 56(b). Because this is, to us, an alteration, and that is what we represented. So I just want you to know that. Because to come tonight, and find that out, is disheartening to some.

Chairperson Speranza: Noted.

Building Inspector Sharma: But that may not be entirely true. When I first met with ...

Village Attorney Stecich: Deven.

Boardmember Strutton: You can talk to this board after.

Chairperson Speranza: So I want to make sure that you're clear for some of the follow-up information that we're looking for.

Boardmember Sullivan: One piece I want to add. I think on the site plans there was a note of a fence at some point. I'd like to just add that to the list for view preservation, a sense of that height and material. And that, itself, could potentially impact someone's view. We didn't discuss that. We have been focusing on the house and the veranda. But, again, all of those pieces need to be understood for view preservation.

Chairperson Speranza: Right. And also the disturbance of the slopes – what, actually, in terms of the slope is going to be the area of disturbance. And I know that things seemed to be preliminary, but that would be important. As well as details on the veranda itself with respect to view preservation.

Mr. Steinmetz: On the slope disturbance issue, Madame Chair, just so we're clear, you all know very clearly that there's both construction disturbance and then post construction.

Chairperson Speranza: Yes, right.

Mr. Steinmetz: Is the issue, is the concern that we heard, some questions on particularly during construction, or post construction permanent disturbance? Because unquestionably there will be temporary disturbance. For those of you that may or may not have seen this slope, I think you're going to be left with a much better, more stable, cleaner and environmentally sensitive slope than you may have out there right now.

So in terms of construction disturbance, I think the net benefit at the end will be far better than were we to do nothing. So my question is, is the focus during construction, and having Langan fully analyze that, or is it what are we going to be left with?

Boardmember Alligood: Well, we need to know what's going to happen during the project, and what it's going to look like afterwards. And that's part of our review. We have seen the site, and it is extremely steep and it's not in good condition. So we understand that.

Mr. Steinmetz: Got it.

Boardmember Alligood: But we need the information.

Mr. Steinmetz: OK.

Boardmember Dale: About that, I have one question. You have another neighbor who hasn't spoken tonight, which is Metro-North. What happens during construction and possibly afterward to the railroad tracks, and whether there's going to be any change to the relationship of that slope to what goes on there now? Clearly, the work being done during

construction creates that risk of things falling down to the track. So I don't know if the railroad itself, you have to touch base with them in some way.

Mr. Steinmetz: Not that I know of, that we need to touch base. There is no ...

Chairperson Speranza: They're an adjacent property owner. I'm just curious, because steep slope notification had to go to Metro-North, or MTA/Metro-North. So I would imagine that they would have been notified of the steep slope application. Unless it went to one of their holding companies – Conrail.

Boardmember Dale: There's somebody else they sold their land to, because we ran into this with the affordable housing people.

Chairperson Speranza: Oh, OK.

Mr. Steinmetz: Everyone that we received on the list to notify was notified. There is no requirement ... Conrail ...

Chairperson Speranza: There's no railroad.

Mr. Steinmetz: Correct. Just so you're clear, and I should have said that earlier, we did submit an affidavit of mailing to the Clerk. You have the green cards, the return cards. But so you're all clear, and nobody's got any confusion or is misled, MTA's not on here.

Chairperson Speranza: Right, OK.

Mr. Steinmetz: I can assure you ... I mean, it's self-evident, but the last thing my client wants to do is do something that's going to destabilize and create issues for MTA. Because that's not a good thing for us. I have a feeling that ...

Chairperson Speranza: Nor everyone who rides the train.

Mr. Steinmetz: That's true, I agree. I have a feeling that MTA would probably applaud having stabilization of what's currently in less than a fully stabilized slope. And I think they appreciated the work that my clients did to the south, where there had been prior slope failure and it was a tremendous amount of work that was done to stabilize.

Chairperson Speranza: OK, that's it. You're good?

Mr. Eber: May I just respectfully request that any submissions that are made to the Board be copied to me if any submissions are made prior to the next hearing?

Chairperson Speranza: And of course if you put up the boom or the balloons or whatever, all of the neighbors would be invited also.

Mr. Steinmetz: Absolutely.

Chairperson Speranza: Well, they might see it.

Mr. Steinmetz: Both questions go without question. I have Mr. Eber's card, and I trust that Mr. Eber will reciprocate and share with us anything that the neighbors want to do.

Mr. Eber: We got it. Thank you.

Chairperson Speranza: Great. No, Ms. Barnes you were coming up here.

Pamela Barnes, Shandon House - 715 North Broadway: I'm really sorry, it's late. Just very briefly, I just wanted to make a couple of statements. Only that, again, I know a lot of conversation this evening ... we're very grateful. I think I can speak on behalf of me and Tim that we're very grateful to everyone for the presentation and the discussions tonight.

I would like to make it very clear that Tim and I really do appreciate the design of the house itself, and think that that's a very thoughtful design. The issue for us is really the veranda, and frankly it's the roof of the veranda. It's a 70-foot long structure, as you've heard, and it's 16 feet wide in the roof. That really is the concern that we have. So I do ask, and appreciate again the recommendation and thought that there could be, some sort of mock structure there that we could see. And particularly, think about the depth and the thickness of that roof structure itself. That would really be the request.

So again, thanks to everyone for the discussion.

Chairperson Speranza: Thank you.

Mr. Steinmetz: Just one housekeeping item just so Marianne, Deven and I are all straight. We did use some documents this evening that were shown to you for the first time that were not part of the submission. I'm going to take them back so that there's no question. We're going to resubmit so that you have adequate copies of all of this for the record, for all the Boardmembers, et cetera.

So the one set that you had I've got in my hand, I believe, and we will resubmit those.

Chairperson Speranza: OK, thank you.

Mr. Steinmetz: Thank you. Thank you for your patience and your time.

Chairperson Speranza: And our agenda's not over yet.

Mr. Steinmetz: Actually, quick point of information. If, in fact, we try to do this site inspection prior to your next meeting, just schedule that through Deven and Marianne?

Chairperson Speranza: Yes, definitely.

2. **View Preservation and Site Plan approval – Application of Edward Baldwin and Gillian Anderson for Eric and Mayu Frank for the additions and alterations to an existing two-family home at 27 William Street.
Said property is in MR-1.5 Zoning District and is also known as Sheet 7, Block 617 and lots 20, 21 and 32 on the Village Tax Maps.**

Chairperson Speranza: I ask that the previous applicant leave quietly because we do have another application before us. Yes, two.

So let me find my agenda. All right, again this is a new public hearing. And this is view preservation and site plan approval for alterations to a two-family home, 27 Williams Street, Edward Baldwin and Gillian Anderson.

Hi, go ahead.

Eric Frank, 493 Warburton Avenue: OK. Good evening. Actually, this is Ned, this is Gillian. I'm Eric Frank, and this is my wife, Mayu Frank. So it's sort of a site plan that encompasses both No. 27 William and No. 181 Washington in a proposed subdivision. So I'll start us off with sort of some high-level things, and then at some point we'll turn it over to Ned and Gill to talk about some other parts of the plan.

I'm currently a resident of Hastings, at 493 Warburton. Lived there for about seven years, and lived there with my wife. And we have two small children, 6 and 4. What we're trying to do, sort of the overall plan for this site, is to ... we've had this long-standing goal of trying to get my wife's sister and her family from California to Hastings – they have two small

children – so that the cousins could all grow up together. My mother moved in with us two years ago from Chicago, and so she's been living in our home. So we've also been trying to get her sort of into a separate apartment, as opposed to the house, for all of our sake.

But the ultimate goal was to have the whole family together; to have the children on both sides with their grandmother, and to have the cousins together. But we love Hastings, and we love this corner of Hastings in particular where we are. So we've been looking for several years now for properties that would either be a single property, three-family, that we could renovate, or multiple properties that were adjacent so we could have adjoining yards and, in essence, have – although I dislike the word – a family compound is the closest description, I guess.

So that's what we're trying to accomplish at a high level. We've been working with Ned and Gill, who are both, in this case, professional service providers, as architects, but also our neighbors who live across the street. It so happened that we found two properties where we believe we could accomplish all of our mutual objectives. So we'll walk you through how we propose to do that by walking through the plans and what some of the issues are along the way.

I'll start with the two key issues here tonight, site plan approval for No. 27, which was Nancy Caruso's old home; and subdivision of the 181 property to create a buildable lot next to it – or, I suppose, behind it, given the way that house is configured. I'll start with No. 27, William Street. That is currently a two-family ... zoned as a two-family home. We would intend to keep it that way. What we would do is a really a bottom-up renovation, although to be clear – especially given the last conversation – it will be ... we will have the envelope exactly as it is. There's no lack of clarity there – roofs, external wall – with one exception, which is we propose to add a deck to the second floor, which we'll show you.

But other than that, the envelope of the building will remain. But we will gut from the interior, so we'll be changing the configuration to create a small, 600 square foot apartment for my mother-in-law, and then a 2,500 square foot home for our family of four. And we do that through the removal of interior walls and reconstruction.

I think the things to focus on, maybe, first would be the deck. We would propose to add a deck to the rear of the house where the Hudson River views are, and which overlooks the backyard.

Gillian Anderson, 73 Washington Avenue: [off-mic] because it's slightly small.

Mr. Frank: So I think, at least in my nonprofessional thinking about this, there's three issues related to the deck. One of them is, we have a current nonconforming side yard on the west, smaller than the required setback. So we would be requesting a maintenance of that existing nonconforming side yard, but we would be aggravating that by about 3 feet, which is the width of the deck at that end. So it would extend the house, at least in the form of the deck, an additional 3 feet on the west side.

I should note that one of the letters of support is from Victoria, who lives right next door and who has the adjoining property along there. She signed a letter of support for our plans, and has no objection to the extension of that deck. So that's issue number one related to the deck.

I think the second issue is that currently there's a nonconforming lot coverage percentage of 16.7 percent. I think the requirement for that zone is 15 percent. By adding the deck, we would be increasing that nonconformity to 17 percent. So a small increase. I should say that there was an analysis that Ned and Gill did of coverage in that zone. And while the law is, I guess, 15 percent, current average is 26.7 percent. So we're still at 17 percent – substantially below average for that neighborhood or for that zone.

And then I think the third issue related to the deck is view preservation. What Gill's handing out is the analysis of the coverages in that zone just so you can get a sense of what they are currently. Then the third is view preservation, so we've taken all the necessary photographs and we'll walk you through those photographs. Or I guess that's what you already have?

Chairperson Speranza: Yeah.

Mr. Frank: So I'm like two steps behind here. Gill's way ahead of me. So I'll stop for a second because I think that's a cluster of issues, at least, related to the deck and the proposed extension or addition of a deck to the house. The next major issue I'll tackle is parking. I think that's the next category.

Chairperson Speranza: OK, go ahead. Public here? Any public comment on that? I would say go through the whole thing.

Mr. Frank: OK, great.

Chairperson Speranza: Go through the whole thing, then we'll stop you.

Mr. Frank: All right, I will take your cues here.

So the next issue is trying to figure out how we were to meet the parking requirements, which we've interpreted as two off-site, or off-street, parking spots per dwelling. So two for No. 27 for one family. There's a second family, my mother-in-law, which requires two. So we're at four. Now this is where things get a little less clear, but we're proposing a common parking platform on our property, and then providing easements to Ned and Gill at 181 Washington to help them meet their requirements, and easements to the proposed subdivided lot to help them meet their two-spot requirements.

So it would be, in essence, one parking solution, with easements to allow for those other two properties to meet their parking requirements. We have evolved our design thinking. So I think what we were seeking tonight, if this is fair or accurate, is, in principle, approval to put seven spaces in this place off of Aqueduct Lane in sort of roughly the way we're proposing it. But we have evolved the design some since we submitted the drawings, and so we wanted to show that to you.

Our major thinking here was simply continuing to improve the utility of the parking in terms of going a little bit in angled as opposed to straight in, head-on parking off of Aqueduct Lane, and also to improve the views of what that would look like if you are down the hill. The proposed parking solution is, in essence, to create seven spaces; 181 Washington already has one, so that brings us to the total of eight, by creating in angled-in parking from Aqueduct Lane. So we'd create a platform so that you'd be able to pull straight in off of Aqueduct, park, and then back out and then continue down the street from there.

Our rationales for putting the parking there were several. One was it provides not perfect, but at least reasonably convenient, parking for all three dwellings – or I should say all four dwellings. It does that. But more importantly, I think it avoids a curbcut on Washington so you don't lose any parking on an already very crowded street where I don't think anybody would be too excited about losing a parking space. We live in the neighborhood so we know what that's like. And it also, I think, sort of preserves the best views and appearance of the house from Washington. So rather than a cut and some kind of driveway there, we'll have growth and gardens in the front of that house.

I think the last rationale for our parking scheme here is that it seems to be about the only place that is sort of legal, by code. So it creates all of the off-site parking for the units without being in a required side or backyard. So it's not in any required side or backyard for any of the properties.

That's kind of the cluster of issues related to No. 27 William. If we can talk more about what's going to happen with the existing Caruso property at 181 and what we're proposing for the subdivision of that 181 property, before I do that I want to stop at No. 27.

Village Attorney Stecich: Patty, could I raise this threshold issue? I hate to throw cold water on this, but the use isn't permitted. You can't have a parking ... and I think we've already communicated with Mr. Baldwin about this. Parking allowed as an accessory use is off-street parking serving the permitted principle and accessory uses on the lot. So you can't put ... I mean, I understand what they're doing here. And all these houses are related, but you can't put a parking lot on a residential lot to rent out the spaces to somebody else or for somebody else to use it.

The only parking that's allowed is parking that's accessory to the use on your lot. I think you may be able to get around this, because you have a bigger scheme, by subdividing it differently and putting the subdivision lines someplace so you could keep it all together. But put the parking on the different lots? First of all, the code doesn't allow it. Secondly, it really would set a very bad precedent. That specification is in there for a reason.

I know there's a provision in the code about how you can allow parking on neighboring lots or something. That's generally used like in a business district, as commercial.

Chairperson Speranza: In a commercial area, yeah.

Village Attorney Stecich: It's not to say that it would have to be, but I don't think the code would allow a parking area on one property with the parking intended to be used by other properties.

Mr. Frank: Did you want to say something, Ned?

Ned Baldwin, 73 Washington Avenue: The proposal here would be that these spaces be permanently allocated by easement, in perpetuity, to the other property. So it would be exclusively for that use.

The other point, I think, is that it is possible to get a special use permit for this use.

Village Attorney Stecich: You mean a variance.

Mr. Baldwin: A variance, yes.

Village Attorney Stecich: Well, that's different than a special permit. Yeah, it's possible. But this board can't allow it without you getting a variance for it.

Chairperson Speranza: And I'm curious how you would control the parking. I mean, I could just imagine people are going to ... people will end up in your spaces. It sits right off the road.

Mr. Frank: Sure.

Chairperson Speranza: I mean, you're going to be chasing people out of there.

Mr. Baldwin: The spaces will be clearly identified. That often happens; people have spaces that are very accessible to a street, but nobody parks there because there's a sign saying it's reserved for No. 62 Washington.

Boardmember Dale: The fact that you have parking across the street makes it feel like a parking lot. And I could see people not really paying much attention to it if they're stopping, taking a walk on the path. They're going to just leave their car the way people leave their car on the other side.

Mr. Baldwin: It's conceivable. But if it's well-signed, I really don't ... and there's lots of parking on the other side. I can't see people pulling into a space ... and it's also very ... it would be nicely landscaped, railings. It'll be clearly private property.

Boardmember Strutton: Marianne, can you help us out with whether ... I mean, have you ever heard of an easement for a parking spot before – I mean, I've heard of them for the right to cross someone's property – and would that necessarily run with the property for life? Or could the person who has the benefit of the easement, could they eventually sell it back to the other people? How does that work?

Village Attorney Stecich: The only way you could insure that it stays the way – which is really problematic and I think could burden the properties in a way that's not desirable for them either – is to make the Village a beneficiary of the easement. So then the property owners can't change it. It also has to ... the Village would have to change it, too. But, I mean I don't think that's a good idea for any property owner. It really, I would think, burden the house pretty unfairly like in terms of selling it.

And you could see it's a great idea while all the three families are related. What happens when one of them has to move back to Chicago or something? But you know what? All of that is irrelevant because the code doesn't allow it. The code does not allow it.

Boardmember Alligood: Marianne, what about that application that was before on Farragut, where there was a garage that was not on the property being used by the house? I remember that one.

Chairperson Speranza: Right. It was being proposed.

Boardmember Alligood: But I don't remember us saying that it couldn't. I mean, that wasn't ...

Village Attorney Stecich: I raised the issue.

Mr. Baldwin: We built four houses on Warburton Avenue six or seven years ago, and the parking for each house is assigned by easement into a parking lot which is behind the houses. The parking is not on each owner's property, and that was approved.

Village Attorney Stecich: Whatever. Maybe things get by, or maybe it's a different situation. This, you're talking about three single-family houses. It's a lot different than a condo kind of building.

Mr. Baldwin: Well, you know, the spaces are directly off of a public street. I cannot imagine that anybody would ever complain. It's not as if they're being inflicted with somebody else parking. It's exclusively their parking.

Boardmember Strutton: Is parking permitted on that side of the street? I didn't look at that when I was up there. Would he be taking away ...

Boardmember Alligood: Well, there is some parking already.

Boardmember Dale: It's off the street.

Boardmember Strutton: I know. But I mean if the Aqueduct said you could no longer park there, or whoever owns that land, would parking be permitted on Aqueduct Lane on the side of where they are?

Boardmember Dale: But their spots are off the public piece. It's on private property.

Boardmember Cameron: Does that piece of land on the other side belong to the state? Who owns it?

Mr. Baldwin: It's part of the state park.

Boardmember Strutton: But I'm saying, could I drive my car up there and park it right in front of where they have this drawing here right now?

Boardmember Alligood: No, it's not wide enough to park.

Boardmember Strutton: It's not wide enough, oh.

Boardmember Alligood: You'd be parking in the street. You're not taking away any parking.

I just want to say, this is a case where I feel like some flexibility would be a good thing. Because I think this is a really good idea, and I think we're in an area of town here where we come across this issue all the time; where it's hard to renovate or alter or improve properties because we have these strict parking requirements. And this is near the downtown. I think if there's any way we can make this work it's a good thing. Because I think it's a clever way to deal with the parking issues.

Doing the curbcut on Washington Avenue, having a big driveway up the side of the yard, it's a terrible model that we have. And here's a proposal that deals with it in a better way.

Village Attorney Stecich: Well, two things, Eva. I know what you're saying. It is possible to get a variance, but you guys can't do it. They would need to get a variance.

The other thing is, it strikes me ... I'm not sure that the subdivision lines could be drawn differently. For instance, on this drawing ...

Boardmember Dale: It would increase the nonconformity, though.

Village Attorney Stecich: This lot ... because they're proposing a subdivision over here, if it were down there they'd get the parking spaces on those lots.

Boardmember Dale: It increases the nonconformity of this lot.

Chairperson Speranza: And I think that's what they're trying to balance. I think there may be a different way to balance things. If you've got to go for a variance – and I know there was another applicant here earlier tonight and they seemed to be very, very afraid of going for variances to the Zoning Board – I think if the plan, the proposal, is made better ... and you're going for variances anyway. What's a few more to put together a plan that's going to logically make more sense and something that really, truly can be supported by us.

Village Attorney Stecich: And if the Board liked it, what you could do is move further along. Maybe you're ready to give conditional site plan approval or conditional subdivision approval subject to their getting the variance, and make a recommendation on the variance. That helps them for the flexibility that Eva's talking about.

You know, the concern is precedent. I mean, it can just be defined narrowly: when this set of circumstances because of this, this, this and this, and it wouldn't apply to anyone else.

Boardmember Alligood: Right, that's what I'm talking about. Whatever way ... I just support this idea. So if there's another way to get at it, great, but I think it's a lot better than other pretzel-twisting I've seen and trying to meet the parking requirements.

Boardmember Strutton: Pretzel-twisting, hmm.

Boardmember Alligood: It's difficult in these narrow sites, old lots that are strangely configured.

Mr. Frank: And we're sort of, I think, in this case blessed with this piece of property sort of along the side, which is not ... it's really a good piece of property to use for that purpose.

Chairperson Speranza: Kathy?

Boardmember Sullivan: I appreciate what Eva said, and I think it's a clever solution. I have an issue with such a large ... and even larger with the angled kind of driveway-like thing off a Village road. Aqueduct Lane is a Village street, and so we've talked a lot about curbcuts with the driveways and that kind of thing. So that's a concern of mine when I saw this.

I think looking at realigning property lines, as you would have to work that out among yourself or whoever's getting the lot, the parking spaces on the actual people's property, would be a very good solution. And I think that's what people are talking about.

Mr. Frank: Right.

Boardmember Sullivan: Instead of an easement that can fall apart, get forgotten, that kind of thing. But you are very lucky that the William Street property has, I think, the ability to get the required four parking spaces somehow on that piece of property without going into setbacks, and then potentially having some space that can be used for the new home at 62 Washington and an additional space, and that's the way you go from 181.

Boardmember Cameron: I think it's quite clever what you're doing with the parking. One thing I don't really like about it, again, is curbcuts and the fact that there are seven cars in a row. I saw something very clever over in Dobbs Ferry, that new house being built looking over the Aqueduct, where they actually had two parking spots and they had built a garage. Two parking spots, you come off the street. And then if you went around the side there were two more parking spots underneath it. So you've got four cars in a structure, two sitting on the roof and two underneath.

Just to find a way to break up this line of cars. I understand it's very steep. I looked at the property today and said don't think it'll work, but I'll bring it up with Ned because he's got an imagination like you can't believe. But that was a way: they stuck four cars into a space for two, basically. Thinking of something like that to break up the line of cars would be really useful.

I think it's great having the planters on the outside. I know it's not possible, but to get the planters on the street side would be even better. But then you wouldn't get your cars in, so I understand that. I'm just trying to think of a way to sort of break up the line of cars. Then I think it would certainly be home free with me. Something to figure out.

Boardmember Strutton: On the curbcut comment, I would just point out that on the Washington Avenue side there's no parking permitted in front of this empty lot anyway. There's a sign.

Mr. Frank: There is around the edge, as it was it described to me. So those are two new spots that were added very recently. I don't know any of the history, but the neighbor across the street described it as a pilot.

Don Vitagliano, 60 Washington Avenue: I don't know how it happened but, yeah, there are spots there because the lines were moved up the hill.

Boardmember Strutton: OK, because there's a sign there now that says No Parking Here, which is sort of the southern property.

Mr. Vitagliano: But there are spots ...

Boardmember Strutton: Down. Then so there's a sign that says No Parking Here to Corner, with an arrow. So that would be all the street in front of the empty lot has a sign that says No Parking Here to ...

Mr. Frank: Yeah, that's an artifact of repainting everything on Washington and designated no parking with diagonal lines, and then [off-mic] real parking spots.

Boardmember Strutton: And there's a white line. There was nothing parked there when I saw the property. There's a sign that clearly says don't park here to corner, so I was under the impression ... if I had been looking for a parking spot when I went up to look there, I wouldn't have parked there. And when your proposal said making a curbcut's going to take away a parking spot it didn't look like that from the ...

Mr. Frank: There definitely are spots there, and different cars are parked there more often than not. And, in fact, the neighbor across the street was saying what was troubling to them was they had a hard time backing out of their driveway and getting enough turning radius now because those cars were there.

Just so I'm clear, and I appreciate the support of the idea and the trying to work together to figure out how to make it work. Would an awkward redrawing of lines matter to anybody? In other words, if we were to sort of say 181, which is here, will still retain a spot. So if we just sort of legally draw into the property lines, and it's literally sort of drawn around the spot, is that what we're talking about? Because I don't feel that we can simply move a line.

We can move a line over, make 27's property smaller and certainly get the four spots for 27. It has the effect of taking away some important vegetable garden and yard that we were hoping to have there, so that's a bit of a bummer. But I get it. I don't know how to accommodate this one spot for 181 without creating very jagged sort of ...

Village Attorney Stecich: No, Deven just drew it. In addition to which, it could obviate another problem you've got. Because the way to jump ahead, this subdivision would render the existing house nonconforming in the rear, I think.

Boardmember Sullivan: Yep.

Village Attorney Stecich: It makes the rear yard nonconforming.

Mr. Baldwin: 181 ...

Village Attorney Stecich: Ned, let me finish. And then ... and you know you can't allow a subdivision that's going to render something nonconforming. And it's nonconforming, but I think if you squared off and put in the parking lot it might make the rear yard conforming. I'm not sure. You'd have to look at the numbers, but I think it could make the rear yard

conforming so then a subdivision's not creating a nonconforming lot. I'm not sure. You'd have to fool around with it, but I think it could be done.

Ms. Anderson: The problem with the nonconforming is that we would then not be conforming in terms of coverage, the 15 percent coverage. At the moment, 181 and the proposed little house will both be conforming in 15 percent coverage of that lot.

Chairperson Speranza: Well, I think one of the things ... and again, you've heard we like this idea, we like the concept. I think you just got to go back and play with the lines and play with the numbers. And again, obviously, with that caveat you can't have the existing home be located on a nonconforming lot as a result of the subdivision. I think you're going to have some flexibility to move around. Again, realizing that it might require some variances.

Mr. Baldwin: 181 Washington has a nonconforming second front yard on Aqueduct Lane. There's nothing we can do about that. It's there.

Chairperson Speranza: Right.

Mr. Baldwin: We do propose to actually reduce that nonconformance, but that's a problem.

As for making the rear yard conform, that would affect the area of the new lot and therefore make that nonconforming on a coverage basis. We've designed the new lot to be exactly the minimum size we need to get a single-family house, and it's a very small house. The footprint of the house will fit on the site, and we have all the legal setbacks. But if we were to widen or reconfigure the lot lines to incorporate some of the parking it would be very, very difficult to get the same area.

We'd certainly be exacerbating the excess coverage on 27 William, which we already have. Now, it's our opinion that the 15 percent coverage is extremely onerous in this district, so we did a survey of the entire district and came up with a much higher coverage as being sort of standard. If we could have the Board's guidance on coverage, it makes the problem a lot easier if we knew that you would recommend a variance from the Zoning Board if our coverage was, say, 22 percent or 23 percent. Then it makes the problem much easier to solve. If we have to stick with the 15 percent we're really squeezed.

Chairperson Speranza: And we've heard that about this district, too.

Mr. Baldwin: And as for drawing the lot lines to incorporate the actual parking on each lot, I don't see the difference between that and drafting a binding easement in perpetuity on that spot and making it part of the deed for each lot; that it's there, and it's owned by the owner of

this specific lot forever. So I don't see the difference between that and actually making the land under the spot also part of the lot.

Chairperson Speranza: I don't think that was what we were talking about when we talked about redrawing the lot lines to better incorporate parking. I don't think it was intended that we're going to just draw the subdivision so that the line incorporates one or two spaces. The problem comes with having all of these spaces here, where they're located right off the street.

Mr. Baldwin: I'd like to say something on that score. Normally I would totally agree that six or seven spaces in a row right off a public street would be not desirable, but in this particular case I think it is different. Because Aqueduct Lane is basically passing through a parking lot in this area. People that walk on the Aqueduct trail, to have instead of a hedge which completely obscures the view of the river and the Palisades from the trail now, if it's basically open – a parking area, and they can see through it to the river – I think the experience is improved, not lessened.

Boardmember Sullivan: You're going to see seven cars.

Mr. Baldwin: Seven cars, yes.

Boardmember Sullivan: I don't think that's an improvement, per se, but that's just my perspective.

Mr. Baldwin: Well, it is a parking lot now.

Boardmember Strutton: Seven cars parked in a row is the same effect as a hedge.

Chairperson Speranza: Jim?

Mr. Metzger: First of all, anybody in my neighborhood that wants to put off-street parking in, I'd like to buy them dinner. That being said, I'm in favor of the concept here if there's a way we could work this out. Speaking to Jamie's concerns and some of Boardmembers having seven cars in a row, obviously it creates a parking lot versus a parking area, just to use the semantics.

But if that could be broken up into, say, four spots, and a small planted island and then three spots, all of a sudden you're introducing some greenery there. It breaks up the visual mass. Also, for the houses that are down the hill that look back up towards the Aqueduct from here, it would be nice to have some greenery there as opposed to looking up at car bumpers and

headlights. And I see that they're planning on proposing some sort of hedge. I would think that would be a crucial part of this parking.

That being said, the big issue is getting in and out of these spaces, especially in the winter if it's snowing. People tend to come off of Washington Avenue onto Aqueduct Lane at a fairly high rate of speed. It's one of those crazy intersections. If you would try backing out of this spot, that could be an issue. So there's a potential safety concern, but I'm hoping that could be mitigated some way. I really believe that this is a good idea.

The other thing is, this is the one spot on the Aqueduct where more parking actually would not be onerous because of what's going on on the state land. As I understand it, the people that park on the state land are actually parking illegally. You're not supposed to be parking there after dusk. But of course, it's a great overflow spot for the Village and we highly suggest that nobody listen to what I just said and continue to put their cars up there.

So if we could figure out a way to either minimize the variances that are required, and to somewhat improve the idea of having this parking apron that would be 70 or 80 feet wide, I'm all for that and I really hope we can work this out.

The last thing is, we're in a neighborhood where it's becoming more dense. Usually I would tell you that's a bad idea. But in this case, because the area's already dense, the idea of bringing in another single-family house, filling in that lot; the idea of bringing families into the neighborhood that are going to develop some stability as opposed to some of the areas on Warburton where people are moving in and out on kind of a weekly basis, which leads to an instability in the neighborhood, I'm for that, as well.

I think this is a project that we should try and figure out a way to help move forward. Thank you.

Chairperson Speranza: Thank you. Sir, did you want to comment?

Mr. Vitagliano: I just want to say those spots are parking spots. And the sign on the fence, I think Ms. Caruso left that there because there is a gate there and she wanted access there. Because she hung that sign there.

Boardmember Strutton: It's like a street sign.

Mr. Vitagliano: Yeah, but I don't think it's a Hastings Village thing. I think it was more of [off-mic].

Chairperson Speranza: OK. Since this is a public hearing I do want to note that we did get some comments on this: *"To the Planning Board – Subdivision of 181 Washington Street into two lots to permit construction of a single-family house. We have examined the site plan prepared by Baldwin and Franklin Architects dated December 22, 2011 showing these changes, and are fully supportive of seeing them proceed."* I think the name on this one is Allen Santos.

[Male Voice] XXX: Alan Sanseverino. He was here just an hour ago.

Chairperson Speranza: Sanseverino? Oh, wow. OK. An abbreviated signature. And then the same was signed by Victoria Brichkowski, we mentioned, 19 William Street.

And then we have another one from Jeff Edelman, who is also supportive: *"We're happy that Caruso's properties will be in good hands, and we approve of their site plan."* There's another one, so those are now in the public record.

Mr. Frank: So shall I move on to subdivision of 181 for a minute, and then maybe we can summarize?

Chairperson Speranza: OK, for a minute, yeah. Only because we recognize we want to try to find a way to do this altogether.

Mr. Frank: Right, understood. So I think that plan is fairly straightforward. What we're trying to do is build a small footprint, 1,650 square foot single-family home, with the adjoining backyard to ours. Now, I think there is an issue there that as originally drawn – and as it sits on your plan – it was put there because it meets all required setbacks and would require no variances unless we move some property lines. But as is, it does not.

However, since doing that we did have a conversation. I believe Gill actually spoke with your [off-mic]. And she raised the issue of concern that it would block light from her porch. And it would. So one of the things that we've talked about is that it should be moved back. It's probably not a great siting of that house. I realize that's going to be an issue for a subsequent discussion if we could get subdivision.

But the idea would be to move it back. And actually, not only does that allow for continued light onto her porch, but it would actually align with the front of every other house on Washington. We actually had a jagged spot there, so that would change. But we realize you're not approving that house yet, you're just approving subdivision.

Mr. Vitagliano: I'll just come up. I'm here because my aunt couldn't stay here this long. Eva Siwick, she owns 60 Washington Avenue, I don't know if she said this to you about the porch. But after looking at them moving it back, that's going to encroach on ... she has three windows on the east side of the house. And if you move the house back she's going to lose light to two-thirds of the windows on the east side.

As it was in the beginning, for her now she's thinking it was better. Because if you move it back she's going to lose light. She's definitely going to lose hallway light, but she's going to lose upstairs and the downstairs window on the southeast side of her house, the light and air. So that's her concern.

And the porches all line up on the street, if you look. The house itself, if it was kicked up, left, where they originally had it, it would just line up with the porches. So I don't know if that's something.

Chairperson Speranza: I was going to say it sounds like they're trying to be very accommodating.

Mr. Vitagliano: Oh, absolutely, absolutely.

Mr. Frank: We'd be happy to put it where it is in the plan.

Mr. Vitagliano: I know, but then she realized.

Mr. Frank: Understand, we have not looked at the plans.

Chairperson Speranza: OK, thank you. So where are we now?

Mr. Vitagliano: And just a quick other comment? You guys are great.

Chairperson Speranza: Thank you.

Mr. Vitagliano: I'm on boards in Dobbs Ferry. My wife's on the architectural board.

Chairperson Speranza: You made it worthwhile us being here this late.

Boardmember Cameron: I'm happy to be here at 11:30 with comments like that.

Chairperson Speranza: So summary. You have some ideas, you have a good team to try to find a way to create something that's, first of all, legal. And you've heard the comments

about the parking. Jim had some good comments about breaking up parking spaces. And don't be so afraid of variances, where we're willing to look at this as a single development proposal, so to speak. And then work to see that we can get it approved with the variances.

Mr. Baldwin: Thank you very much.

Ms. Baldwin: Thank you.

Mr. Frank: Thank you very much.

Boardmember Dale: One small point? If you use the medium instead of the average I think it would be more accurate for lot coverages. Because the average gets ... looking there, a couple of these are really skewed because of the size.

Boardmember Sullivan: And I have one comment. The original 181 house is actually a corner lot, and it's kind of a corner lot with an angle. So I think as you look in the subdivision, and Deven and Marianne, it's an unusual arrangement. You know, it's not a rectilinear lot with a two perpendicular roads.

It's actually at an angle, so they lose the benefit of getting a cleaning of rear yard someplace else. All three sides of the property have streets adjacent to them. So I think that's just a potential point of conversation as we look at the subdivision.

Mr. Metzger: One real quick request. The family that lives currently at 181 Washington always does really great holiday decorations. I would hope you would maintain that. Thank you.

Boardmember Cameron: I like the speeding sign they have.

Mr. Frank: Yes, that's a nice one.

Boardmember Strutton: Keep the mailbox.

Mr. Frank: All right, thank you.

Chairperson Speranza: OK, thank you.

VI. DISCUSSION ITEMS

1. Rivertowns Square in Dobbs Ferry – DEIS

Chairperson Speranza: Thank you for comments that I've received. I know that they're having another public hearing on it on Monday. And then there's a 10-day comment period if they close the public hearing then. I'm working on ... believe it or not, I'm still working on the letter, and I will circulate it to the Boardmembers before it goes officially to the Village. I'm very slow on that one.

2. Miscellaneous

Chairperson Speranza: Anything else to be brought up?

Boardmember Dale: There was one with the townhouses? That was in my packet, the four townhouses.

Boardmember Alligood: No. It's getting deferred.

Chairperson Speranza: Oh, yes. That's going on in February.

Boardmember Sullivan: Do you want to mention, I think Wednesday the 26th is the meeting in the Village with the New York State DEC on the waterfront.

Boardmember Cameron: I'm going to it.

Boardmember Sullivan: So I think it would be of interest.

VII. ANNOUNCEMENTS

Next Meeting Date – February 16, 2012

VIII. ADJOURNMENT