

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
PLANNING BOARD  
REGULAR MEETING AND PUBLIC HEARING  
DECEMBER 20, 2012**

A Regular Meeting and Public Hearing was held by the Planning Board on Thursday, December 20, 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 James Cameron, Boardmember Rebecca Strutton, Boardmember Michael Ambrozek, Boardmember William O'Reilly, Village Attorney Marianne Stecich, Building Inspector Deven Sharma, and Deputy Village Clerk Mary Ellen Ballantine

**I. Roll Call**

**Chairperson Speranza:** Good evening, everyone. I'd like to call the meeting of the Planning Board to order. It's Thursday, December 20.

Mary Ellen, would you call roll today, please?

**II. New Planning Board Member Introduction**

**Chairperson Speranza:** As people who have been paying attention to the Board meetings know, we have another new member this month. Michael, if you would like to just say a few words. Remember, we're on camera so you're talking to the entire community.

**Boardmember Ambrozek:** I came to Hastings with my parents in 1951. We lived first at the southern end of Hastings, and I went to school here. And then my parents moved to a house on the northern end of Hastings. As is typical as one grows up, one moves away from the community. So after college, when I first started working, I lived overseas for many years in various countries, but then returned and spent some time here with my parents and eventually bought the family house where I had grown up.

So I have spent a lot of my whole life here, and have a lot of interest in the community. I enjoy walking on the Aqueduct, and the waterfront is always something that always has attracted me.

**Chairperson Speranza:** OK, thank you. We're glad you stepped up and joined the Board. That's terrific. Thank you.

### III. Approval of Minutes

**Chairperson Speranza:** OK, we have a couple of sets of minutes to approve. The one for our meeting in October, however, we do not have a quorum. We do not have enough individuals who were there at the meeting in October so we will table those yet again for the next meeting, in January.

But we do have minutes from our meeting of November 15. There are a couple of changes. There just seemed to be a lot of typos, so we'll pass those on. But there were some substantive things that I've noticed also.

I'll just start, and then I know that there are others. On page three, Marianne, there are a couple of places where you were speaking that I'm just going to clarify, if you don't mind. It's where the Village Attorney is speaking and referring to the MR-1.5 district. It's listed as the MR-1.5 "disease." So I just want to make sure that people realize that it's a zoning district and not an illness.

And then there was one other place. Oh, the top of page eight. And again, the Village Attorney is speaking and the sentence, as it reads now, says, *"Yes, but you're legalizing something that should have been there in the first place."* And I think there needs to be the word "not": *"... legalizing something that should 'not' have been there in the first place."* We were talking about that apartment that was in the building on Main Street.

Bill, you said you had something?

**Boardmember O'Reilly:** Typographical, I think, but it does change the meaning a little. First page, actually when I'm speaking, last line: *"It was 'formerly' known as Hudson Shores,"* not *"... 'finally' known as Hudson Shores."* Meaning "formerly" in the sense of was once known as.

And also we go to page 17, again when I'm speaking, second line: *"But I couldn't find a 'reason' not to vote in favor of it,"* not *"... that I couldn't find a 'require.'"* The word should be "reason."

They're the only ones I had.

**Boardmember Strutton:** I had a few, as well. Yeah, on page 16, it's sort of the exchange that starts in the middle, when I said, *"When we permit an ancillary apartment when a house ..."* and then I guess I mumbled. That sentence should be completed something along the lines as *"has an accessory apartment."*

And then in the next exchange of mine, when it went for the first time around. And again, there are ellipses. I think that should be "finished to be approved."

And then in the third instance where I'm speaking: *"I think this was supposed to be a new accessory apartment in 'a' house"* instead of the *"... accessory apartment in 'my' house,"* since I don't have one.

**Chairperson Speranza:** That's good because we know you didn't get a permit for it.

**Boardmember Strutton:** That was the point I was trying to make. So thanks. That's all I have.

**Chairperson Speranza:** Jamie, anything?

On MOTION of Boardmember Strutton, SECONDED by Boardmember Cameron with a voice vote of all in favor, the Minutes of the Regular Meeting of November 15, 2012 were approved as amended.

**Chairperson Speranza:** And we'll mark you as abstaining for that motion.

**Boardmember Ambrozek:** Yes.

#### IV. New Business

**View Preservation and Site Plan Approval – Amendments to previously-approved application of Moonraker Acquisitions LLC for the addition of two stories and other needed alterations to convert an existing single-story building at 400 Warburton Avenue into four townhouses. Said property is located in the MR-O zoning district and is known as SBL 4.70-56-9 on the Village Tax Maps.**

**Chairperson Speranza:** We do have an applicant who's here tonight to talk about his property at 400 Warburton Avenue. Mr. Zazzarino?

**Louis Zazzarino, applicant – 400 Warburton Avenue:** Yes, hi.

**Chairperson Speranza:** This was an application ...

**Mr. Zazzarino:** Stand here?

**Chairperson Speranza:** Oh, yes. You have to be on camera, and so people can hear you.

So there had been a site plan that was approved for the property for four units back in May of this year.

**Mr. Zazzarino:** Right. By a gentleman named Lanny Lerner. He was the gentleman that approached me to buy the building, and then the deal kind of fell by the wayside. He couldn't raise the financing. So now the situation is, when I approached him to try to do something along the lines of taking over his plan he demanded \$100,000. So I just decided to hire Christina Griffin and design a building on my own accord.

But the only caveat is that I have to change ... trying to avoid any kind of conflict with Mr. Lerner's design, I have to change the footprint of the building. That's why, at the last meeting, Christina had proposed a slightly wider building and a slightly deeper building by a couple of feet; nothing of consequence. But that would just kind of get me out of the web that Mr. Lerner is attempting to put the property in.

**Chairperson Speranza:** So am I understanding there are legal implications for the site plan review?

**Mr. Zazzarino:** I don't know.

**Chairperson Speranza:** Because it was a plan that was approved by this board. And as I'm sure you know ...

**Mr. Zazzarino:** He wasn't even in contract to buy it.

**Chairperson Speranza:** Well, he had to have been under contract in order to make ... well, no.

**Mr. Zazzarino:** He certainly was not.

**Chairperson Speranza:** Then he was working for you.

**Mr. Zazzarino:** It was basically a handshake, like, "OK, I'll sell you my property." And he didn't have the money to put up on deposit, so he said, "All right. Well, I'll go and do all this." I said, "OK, it doesn't hurt. The property's just sitting here vacant." He then went

ahead and presented ... I don't know how he presented himself to this board, but he certainly was not in contract and never gave me a deposit. That's where we stand.

**Chairperson Speranza:** OK, so I guess my ... so you feel you need to make a modification to the site plan?

**Mr. Zazzarino:** Correct. To the envelope.

**Chairperson Speranza:** Only because of the ...

**Mr. Zazzarino:** I don't want to have a copyright issue with Mr. Lerner. He's attempting now to send letters to the Village Attorney and to Christina Griffin, and is basically saying that if this goes forward I'll sue the owner. I want to get it built. It's just sitting there. I would like to do the project, but if I am going to have a problem with this gentleman who's demanding an exorbitant amount of money, then obviously I can't. So that's where I am.

**Chairperson Speranza:** Right. Well, I'm sure you appreciate the fact that both the Planning Board and the Zoning Board spent a lot of time going back and forth and ultimately approving a plan.

**Mr. Zazzarino:** Absolutely.

**Chairperson Speranza:** Which we felt was good for the applicant, the surrounding area, and would also accomplish the goals of maintaining the views and providing a connection down to the walkway that's on the side of the property. I would hate to see all that hard work go away simply because there may be a legal implication. I don't know, Marianne, have you ever heard of anything like this? I'm kind of putting you on the spot here, though, I know that.

**Village Attorney Stecich:** I mean, I don't think there's any legal implication for the Board. There certainly is between Mr. Lerner and Mr. Zazzarino. And I just don't think the Board can get involved in it. What's happened is, Mr. Lerner has written to Christina saying, "Listen, you violated" – I guess his plans were copyrighted – "you violated the copyright because your plans are just like mine." So that's the legal issue.

**Mr. Zazzarino:** Yeah, we have to change ...

**Village Attorney Stecich:** And I don't think it's an issue for this board. If somebody comes in with different plans, you just have to look at the different plans. So those plans, I guess, are, at this point, the ones that this board approved.

**Chairperson Speranza:** Right.

**Village Attorney Stecich:** Mr. Lerner did represent that he was the architect for the project. And frequently we have architects rather than the applicants appearing.

**Chairperson Speranza:** Right.

**Village Attorney Stecich:** It's not unusual.

**Mr. Zazzarino:** He was not retained by me in any way, shape or form.

**Chairperson Speranza:** I thought that he was going to be purchasing the property, and that may be on the record someplace.

**Mr. Zazzarino:** He was, and then he couldn't raise the financing.

**Chairperson Speranza:** Now, wouldn't that indicate, though, that the site plan approval is for a project on that property?

**Village Attorney Stecich:** Patty, I guess I'm not sure what your question is. The point is, that project is not going forward anymore. It's not going forward because Mr. Zazzarino doesn't, I guess, want to go ...

**Mr. Zazzarino:** Mr. Lerner can't buy it.

**Village Attorney Stecich:** No. You don't want to go forward with that project.

**Mr. Zazzarino:** To avoid a conflict with Mr. Lerner.

**Village Attorney Stecich:** For whatever reason, you don't want to go forward with that project. So that's it. He's not going to build it, and then if somebody comes in with a new ... if he comes in with a new application, then I would say you consider the new application from scratch.

**Chairperson Speranza:** But if the new application happens to be four units in the same configuration as we have already approved, is that going to create an issue with respect to there's too much copying of the copyright on the plans?

**Village Attorney Stecich:** That's not a concern for you. That's a concern between Mr. Zazzarino and his architect or between the old architect and the new architect or among the three of them. That's not a concern for this board.

**Chairperson Speranza:** So if there's a submittal ...

**Village Attorney Stecich:** The only thing I would make sure is, the next time the person who makes the application actually has the standing to do it.

**Chairperson Speranza:** Well, we'll have to check.

**Village Attorney Stecich:** I mean, we've never had this issue before.

**Boardmember Strutton:** I thought that when he first came he said that he was considering purchasing the project and that he needed to discuss what he could build there before he decided that he wanted to actually purchase it.

**Village Attorney Stecich:** Right.

**Boardmember O'Reilly:** And this is his plan?

**Village Attorney Stecich:** Because that wouldn't be enough to give you standing to appear before the Board. You either have to be the property owner or a contract vendee. And we've actually never required anybody to show a contract. They say they're the contract vendee and we take their word for it, which I think is maybe typical. Or you're the representative for the owner ...

[cross-talk]

**Mr. Zazzarino:** I did give him permission to do it. I gave him permission to proceed with the ...

**Village Attorney Stecich:** You know what? That's all water under the bridge.

**Chairperson Speranza:** Well, the only concern is that we did spend ... if we got a new application, and we end up ... well, let's say, for instance ...

**Mr. Zazzarino:** You do. With Christina, I've prepared a new plan.

**Chairperson Speranza:** And we say, "Well, we don't want the outside the envelope of the building to be expanded any further. We want it back to the way it was when we approved the application."

**Mr. Zazzarino:** That creates an issue. It won't get built.

**Chairperson Speranza:** But why would it create an issue?

**Mr. Zazzarino:** According to Mr. Lerner, the letters he sent to Christina, he's under the theory – and I just want to totally avoid the issue – that if we maintain the envelope that he got approved, he somehow has a copyright on this envelope on my property. I don't know whether it's viable or not, but to be on the safe side the plan that Ms. Griffin brought on 10-25-12 before you guys basically added a couple of feet in width and a couple of feet in depth – nothing of consequence, no change in the height – and she drafted her own plan. I paid her several thousand dollars to do so, so as far as I'm concerned there is a plan before the Board: it's 2 feet wider, 2 feet deeper, and it's basically the same four townhouses, same one-car entrance and eight parking spaces.

**Village Attorney Stecich:** Patty, I'm not a copyright lawyer and I don't do copyright. It's just really hard to believe that you could take a plan that's almost exactly the same, and make it 1 foot wider on each side, that's going to avoid a copyright infringement claim. I mean, I don't think that kind of change would be enough. But anyway, it's really not an issue that this board should be bothered with.

**Mr. Zazzarino:** I have a couple of proposals for the Board, not just that one.

**Chairperson Speranza:** The only thing bothers me is that we liked that design and that scheme, and felt that it worked on the property.

**Boardmember Strutton:** But that design is now off the table, right? But we can still say – like in the comments that we had during that period – we wanted him to build within the existing footprint in order to use the entire lot. And I think we can still continue saying that.

**Boardmember Cameron:** I think we have a problem if the building gets wider.

**Chairperson Speranza:** Yes, and higher.

**Mr. Zazzarino:** It's not proposed to be higher. Just a couple of feet wider and a couple of feet deeper.



**Boardmember Cameron:** It depends on what we feel about it, but it could get a little longer going back. We have to think about it. But I don't think you can get any wider because that's one of the key issues in view preservation.

**Building Inspector Sharma:** Can I say something? If somebody comes in with a new application altogether, would the Board not want to entertain it?

**Boardmember Cameron:** Sure.

**Building Inspector Sharma:** If it's a new application and you start from scratch.

**Boardmember Strutton:** No, that's what we're saying.

**Building Inspector Sharma:** Compare it if you want, but you don't have to.

**Chairperson Speranza:** Right. But if we end up at the end of the process with, in effect, the same boundaries and the same format and the same number of units as was already approved, what prevents us and the Zoning Board, as a board, from doing that?

**Boardmember Strutton:** Nothing.

**Building Inspector Sharma:** That would be an issue between the new architect and the old architect, but nothing to do with this board, or us.

**Chairperson Speranza:** All right, that's fine. So we can go through the process. And if the product ends up being the same, well, then because we felt that the development that had been proposed was the best for the site, then that's it.

**Village Attorney Stecich:** You are totally not bound by it. It's not your issue. Presumably, another architect isn't going to come in with the same plan because they don't want to run the risk of a copyright infringement suit, or they make the calculation this guy doesn't have a case and they go forward. But it's not your problem.

**Mr. Zazzarino:** I have one other proposal, and that is to keep the same envelope but to change the lower level to two one-bedroom units and to put three three-bedroom units, essentially widening the units on top within the same envelope. And that also is a major change, I think, substantive enough to avoid any conflict with Mr. Lerner. So basically, two ground-floor units and three second- and third-floor units.

**Boardmember Cameron:** Two ground-floor units.

**Mr. Zazzarino:** For a total of five units.

**Boardmember Cameron:** But you had this one sent to us which said one ground-floor unit and three units up above.

**Mr. Zazzarino:** Right. I determined that that wouldn't be viable because the rent that you could get from that wouldn't cover the cost. Basically, the two ground-floor units will probably end up being rentals and will just cover taxes and so forth. But I would prefer to have the two units down below.

**Boardmember Strutton:** So this plan is no longer in discussion, and what we're doing now is talking about ...

**Mr. Zazzarino:** Mr. Lerner's plan is off the table.

**Village Attorney Stecich:** I thought Christina was not doing it anymore.

**Mr. Zazzarino:** No. Christina basically said for me to come here and see if you guys will approve any of the three plans that we have before you. And if you do, she's absolutely going to do it. She just didn't want to get involved with Mr. Lerner's plan. And if she doesn't want to do it we'll get another architect. It's not a big ...

**Boardmember O'Reilly:** We seem to be working with two different plans here.

**Boardmember Ambrozek:** Because I've got a different one than him.

**Chairperson Speranza:** And from what I'm hearing ... OK, so ...

**Boardmember O'Reilly:** I've got one dated 12-5, but the most recent one is dated 12-6.

**Mr. Zazzarino:** I think there's one with two units, one with one unit, and then the original one with the longer and wider building. Three total.

**Chairperson Speranza:** So what we need to do, the discussion that we had had – and I'm not sure if you were a party, or if you read any of the minutes or watched any of the Board meetings ...

**Mr. Zazzarino:** No, I've never been here.

**Chairperson Speranza:** ... there were several issues that were really key to this board when we were approving the original approved site plan. And it had to do with the ability of the walker, somebody who was on the trailway, to avoid having to see a mass of building as they are walking along the trail. That was one thing. That's why we kind of liked that it was a little narrower than what had been proposed.

**Mr. Zazzarino:** I see.

**Chairperson Speranza:** And that's what we were talking to Christina about.

**Mr. Zazzarino:** OK.

**Chairperson Speranza:** Height was also an issue. And if you're saying the height is not being proposed to change, that's a good thing.

**Mr. Zazzarino:** No.

**Chairperson Speranza:** The other thing was, we did have some concern with respect to the number of units that were proposed. Four seemed OK. Now going to five, it does seem like now you're asking a little bit more of the property.

**Mr. Zazzarino:** OK.

**Chairperson Speranza:** In terms of the density and in terms of just the mass of the building. Jamie, you had some thoughts on this.

**Boardmember Cameron:** We also had the indent on the third floor, which helped.

**Chairperson Speranza:** To set it back, right.

**Boardmember Cameron:** On the north side of the third floor there was also an indent which gave a better view coming down the hill.

**Mr. Zazzarino:** OK. You guys do know that that trailway is not operational.

**Chairperson Speranza:** Not yet.

**Mr. Zazzarino:** Oh, you guys are going to ... OK, that's good.

**Boardmember Strutton:** And then also that the plan was supposed to include stairways.

**Chairperson Speranza:** Right, a walkway connection down to that from Warburton.

**Mr. Zazzarino:** OK.

**Boardmember Strutton:** I mean, I would just encourage you to go back and read ... either watch the video on those sections, or read the minutes carefully. Because there were a lot of things that were discussed, and to the extent that you can accommodate those into your plan I think you'd come in with a head start.

**Mr. Zazzarino:** Is there any way to get anything approved tonight? I mean, of those three options we have on the table?

**Chairperson Speranza:** No, because we don't have a full application from this.

**Mr. Zazzarino:** OK.

**Chairperson Speranza:** And certainly the one sheet that we have before us – and we even have two different ones – we can't ... I mean, it is a process, and if it's submitted I would imagine this becomes, now, submitted as a new application.

**Mr. Zazzarino:** Right.

**Chairperson Speranza:** Any variances, for instance, they would have to be redone also through the ZBA, correct? It's starting all fresh. It's a brand-new application.

**Mr. Zazzarino:** Well, what can I do with the property? I'll ask you guys. Because it's \$30,000 in real estate taxes that we're trying to get lowered. But I just don't know what you guys want there, as-of-right, without having to go through all the hoops. What can be done there? Some kind of office/warehouse tenant possibly occupy it?

**Chairperson Speranza:** In the existing structure?

**Mr. Zazzarino:** In the existing structure, what's there now.

**Chairperson Speranza:** That's something that you have to determine, what kind of an investment that you want to make there. There is a zoning code that covers it. And by taking a look through the zoning code ... and certainly Deven and staff can assist in that as far as what is allowable under current zoning on that property without ... you're going to have to come back to the Planning Board with some sort of scenario, no matter what it is.

**Mr. Zazzarino:** No matter what's done? Like, for instance, a contractor recently approached me to either rent or buy the building. And I wasn't sure. You know, he has an office for his secretaries, and then his construction stuff in the building. Is something like this within the confines of the existing zoning?

**Chairperson Speranza:** If it's an office?

**Mr. Zazzarino:** It's an office/storage of his materials.

**Chairperson Speranza:** Well, that might make it a little more difficult.

**Mr. Zazzarino:** A contractor, with a couple of trucks.

**Chairperson Speranza:** The zoning, as it is right now, is mixed use, residential and office, or multi-family, residential and office.

**Building Inspector Sharma:** Mr. Lerner came in with a proposal. There have been several inquiries. I have sent copies of the zoning code permitted uses and everything to several people who may have been interested at one time. As a matter of fact, I've been in a building like this for many, many years. And it was only ... I think maybe you put it on the market, some people did inquire. I have answered many people as to what can or cannot be done in that building as-of-right. I don't remember all of it, but this is not the place to ask or for me to be able to answer that question.

**Mr. Zazzarino:** Yeah. I just want to know if somebody comes along tomorrow and wants to rent the building – i.e. a construction type of business – does he have to come before you guys, or can I just rent the place?

**Chairperson Speranza:** It depends on if there any improvements, and site plan, any changes. Your best bet is to call Deven should that happen tomorrow.

**Mr. Zazzarino:** OK.

**Chairperson Speranza:** And then Deven can determine whether or not it's a use that's permitted under the zoning code.

**Mr. Zazzarino:** I can't last much longer with the current tax. That's what I'm trying to say. Eventually I don't know what's going to happen.

**Boardmember Ambrozek:** It's empty now?

**Mr. Zazzarino:** It's empty. It's been empty for years. I was hoping you guys would say, all right, we'll take one of these options. And I would just go build it.

**Chairperson Speranza:** Not that easy.

**Mr. Zazzarino:** Obviously, get Christina back involved, or an architect. But I just want to know which of these three to move forward on. Right now, I'm leaving here with none of the three, really, being approvable.

**Village Attorney Stecich:** But the Board is not an advisory board. The Board considers applications before it. It can't tell you what it thinks. You have to make an application.

**Mr. Zazzarino:** It has three applications before it, doesn't it?

**Village Attorney Stecich:** No, it doesn't. There are no applications at the moment.

**Mr. Zazzarino:** Oh, I thought this was an application.

**Village Attorney Stecich:** Christina adjourned it.

**Chairperson Speranza:** Well, yeah. She mentioned that she wanted us to talk to you about these.

**Building Inspector Sharma:** She said that she would not attend the meeting. That the application was on his behalf, but he was going to attend. And that's how it was left.

**Village Attorney Stecich:** Didn't she also say she's not going forward with this?

**Building Inspector Sharma:** Yes, she did.

**Village Attorney Stecich:** So I don't know that these are still real plans.

**Building Inspector Sharma:** She is not the architect of record for this project.

**Village Attorney Stecich:** Do we consider architect plans if they're not the architect?

**Mr. Zazzarino:** I think you guys got conflicting information from Christina. She called me tonight telling me basically what I've come here to present. I mean, she's definitely not out

of the picture so that's misinformation. But there are three plans before the Board tonight. One has three units on top, one unit down below; one has three units on top, two units down below.

**Village Attorney Stecich:** This is exactly why there's not an application. You cannot put three applications before a board and ask them to pick. That's asking their advice. You can put one application before the Board.

**Mr. Zazzarino:** I guess the one before the Board, then, is the one that was adjourned, which would have been to widen the building and lengthen the building by a couple of feet either way. Then that would be the application that's before the Board. That was before the Board on 10-25, when Christina presented to you guys.

**Chairperson Speranza:** Right. And the way that we left it with her was that she should go back. We didn't hear anything about this discrepancy about the architectural plans and everything. That certainly explains a lot.

But what we had suggested to her then was that we couldn't understand why these changes had to be made. There was an approved site plan that this board and the Zoning Board spent a long time going through. And we encouraged her because we do want to see something happen with that building, we truly do. But we said unless there's a really good reason for wanting to change it, why the original site plan can't be built, then at least go back and research – look at the Board meeting minutes and look at the Board videotapes – and understand what our perspective is and what it has been through these meetings.

**Mr. Zazzarino:** Right. I did read ...

**Chairperson Speranza:** And she had said that she was going to do that. So in our mind, that means she was going to go back and make revisions to the plans that might be more acceptable to us as a board than what we saw the last time.

**Mr. Zazzarino:** OK.

**Chairperson Speranza:** So we don't have ... I guess you could say, in effect, that we rejected the plans that we saw at the last meeting.

**Mr. Zazzarino:** OK.

**Chairperson Speranza:** And advised that ... I mean, we didn't take a vote or anything. We just said can you go back and reconsider these other items. And she had said yes.

**Mr. Zazzarino:** OK. So can I leave here with any kind of direction rather than just go back and redesign everything? I'm trying to get some kind of guidance here. I'm not in a position to come back five times and go through it, and pay more fees. I just ... the project wouldn't be able to get built then.

**Boardmember Ambrozek:** Am I correct in understanding that unless Christina Griffin is mistaken here, just the sentence here is that the new layout, blah, blah, blah will have the same setbacks pretty easily approved by the Planning Board? So there was a previously-approved plan, which has now been changed slightly. But there was that previously-approved plan without these things that we're looking at.

**Chairperson Speranza:** Without any of this, right.

**Boardmember Ambrozek:** OK. So there is an approved plan somewhere.

**Boardmember Strutton:** Right. Which was done by Mr. Lerner.

**Mr. Zazzarino:** Right.

**Chairperson Speranza:** Which is what he said he can't build to. They won't build to that.

**Mr. Zazzarino:** Trying to get it built.

**Chairperson Speranza:** You're not paying Mr. Lerner for the approved plan.

**Mr. Zazzarino:** Mr. Lerner actually should have paid me for contracting with the property for over two years while he did all this. He didn't pay me anything, so I don't think he's entitled to anything.

**Boardmember Cameron:** As our attorney said, that's between you and Mr. Lerner.

**Mr. Zazzarino:** Yeah, I truly don't think ...

**Boardmember Cameron:** I think the central problem is that we ended up with an envelope of a certain width, and with indents, for a very deliberate reason. I know you want to make it different, but it's going to be difficult, I think, by making it wider.

**Chairperson Speranza:** Right.



**Mr. Zazzarino:** OK.

**Boardmember Cameron:** And narrower may not be what you want to do, obviously. But again, that's not our issue. But making it wider is not going to work very well because we spent an awful long time doing view lines both for the trailway and for people behind you, who live up the hill behind you, on this issue. They weren't big indents, but we thought it was a good compromise at the time.

So by trying to make it bigger you're disturbing that. And then we'll go through this whole thing again, and it did take a long time.

**Mr. Zazzarino:** OK.

**Boardmember Cameron:** So that's an area which, if you can avoid it, it's going to make it a lot smoother for you to get through to what you want to do.

**Mr. Zazzarino:** I could live with the width of the building, and perhaps make it longer by 5 feet or so just to change things.

**Boardmember Cameron:** That's certainly something to think about.

**Mr. Zazzarino:** That's something I could live with. What about the five units, the two on the bottom and the three up top; essentially widening the townhouses to a marketable size, 20 feet as opposed to 15 feet?

**Boardmember Cameron:** Well, I mentioned this before to Christina when she was here and to Lerner when he was here. But if you go down to where the Warburton bridge is, and between the Warburton bridge and Washington there are five townhouses there.

**Mr. Zazzarino:** Right.

**Boardmember Cameron:** And they aren't really townhouses, though. They actually have two units each inside each townhouse. You seem to be focused, and so was Lerner, on a townhouse in which the first is straight up and down. That creates narrow units if you want to get everything in.

So another way of visualizing it – and I'm just throwing this out at you – is you share the ground floor. But then as you go up, maybe there's only two units, two townhouses. As you go up, each person has half of one floor. So two units at the top, each of them have half a floor; two units lower down, each have half a floor. And that way they have windows on

three sides of the building. You get nice widths to the whole thing. I'm not an architect. That's why I could speak so freely, by the way. I love building, though.

Anyway, I mentioned that to Christina. That's another way, I think. Trying to get four townhouse fronts on that building is a strain, considering what the width is. Three might work, but I'm going to let the chairman here speak to how many units.

**Mr. Zazzarino:** Three is, I think ... what is the total building width? Do you guys know?

**Chairperson Speranza:** It's 78 feet.

**Boardmember Cameron:** But that's the front edge before it starts narrowing back. Because it slopes back.

**Mr. Zazzarino:** OK, so 78 feet.

**Boardmember Cameron:** Well, 78 at one end and 60 at the other.

**Mr. Zazzarino:** The front being 78.

**Boardmember Cameron:** Yes, but it's going back rapidly.

**Mr. Zazzarino:** So it narrows to 60. Yeah, I think that's the governing point. You can't really build a unit less than 20 feet wide and have it be marketable.

**Boardmember Cameron:** That's the advantage of having it straight up and down.

**Mr. Zazzarino:** Three is a viable number for that.

**Boardmember Cameron:** And two is even more gracious, and you get windows on all sides.

**Mr. Zazzarino:** Two is even more.

**Boardmember Cameron:** You get windows on three sides, which I think is great.

**Mr. Zazzarino:** Now, are you guys averse to the two rentals on the bottom?

**Chairperson Speranza:** I think what we need to do is have a plan before us.

**Mr. Zazzarino:** OK.

**Chairperson Speranza:** I think the four units was very reasonable.

**Mr. Zazzarino:** OK.

**Chairperson Speranza:** In terms of what we'll call the carrying capacity of this property.

**Mr. Zazzarino:** OK.

**Chairperson Speranza:** And if you go to five units, that also impacts your parking. And how you then deal with the parking on-site becomes problematic, as well.

**Mr. Zazzarino:** We'd be one space short. We would need a variance for that one space.

**Chairperson Speranza:** So you would need a variance, yeah.

**Mr. Zazzarino:** Correct. Is that something you guys could ...

**Chairperson Speranza:** We don't do that. That's the Zoning Board of Appeals.

**Mr. Zazzarino:** So the thing would be to go to them first for the variance, and then come to you guys?

**Chairperson Speranza:** It depends what else the rest of the proposal is.

**Mr. Zazzarino:** Probably just exactly like the gentleman to your right just said. Just a deeper building by 5 feet, and just the two units with the need for one additional space. The variance would be for that one space.

**Chairperson Speranza:** Well, we can speculate that everything would fit on here, but until it's drawn up in a plan ... I mean, I think the guideline ... I think four units made sense, and makes sense, with respect to ... I mean, we're not talking about a lot of traffic. But again, I would be skeptical that things could fit on this property as easily as it did at four, and even four it wasn't really ...

**Mr. Zazzarino:** OK. So you're telling me you want four. OK, I hear you. OK.

**Village Attorney Stecich:** They're not advising anything.

**Mr. Zazzarino:** Oh, OK. All right.

**Village Attorney Stecich:** They're saying five's too many.

**Mr. Zazzarino:** Five's too many, OK.

**Chairperson Speranza:** Five's too many. But I think if you talk to Christina, she was here at the last meeting. She heard what we were saying and what our major concerns are with respect to this property. If you want to come in with an application that makes the building longer, that's fine. And that's then the application that we will be reviewing.

**Mr. Zazzarino:** OK.

**Chairperson Speranza:** We're certainly not going to review a proposal in our minds tonight.

**Mr. Zazzarino:** I have one last thought for you guys. And that would be the plan that Christina gave you showing one unit on the bottom, with the same envelope. I don't know if that's properly before you, or not.

**Chairperson Speranza:** No. Well, one of us has it. Two of us.

**Building Inspector Sharma:** It was sent to everybody.

**Mr. Zazzarino:** So would you consider hearing this application for this proposal tonight?

**Chairperson Speranza:** This isn't an application. We need a set of plans.

**Mr. Zazzarino:** Didn't she give you a schematic? When you say plans ...

**Chairperson Speranza:** We have a schematic.

**Mr. Zazzarino:** Is that what you're referring to?

**Chairperson Speranza:** Christina knows what we need in order to make a decision. We are not going to be acting on anything tonight because we don't have all the materials.

**Mr. Zazzarino:** OK.

**Chairperson Speranza:** And as a matter of fact, as I said, only two of the Boardmembers have it with one unit on the bottom.

**Boardmember Ambrozek:** We have it with two on the bottom.

**Chairperson Speranza:** Right. So we are not ... I mean, I'm certainly not averse to looking at an alternate configuration of four units, not at all.

**Mr. Zazzarino:** OK.

**Chairperson Speranza:** But again, if this works ... I mean, the good thing is it shows access to the trailway, which is good. We had wanted that. This is a possibility. That's what I will say. I'm not going to say more until she comes in with a set of plans.

**Mr. Zazzarino:** OK. So I'll confer with Christina and see where she wants to go from here.

Thank you.

**Chairperson Speranza:** Yes, sir? You got to come to the mic.

**Larry Houghteling, 9 Marble Terrace:** I don't really want to make a formal question. I just was intrigued by what you just said, and I didn't hear it very well. You just said something about access to the railway?

**Chairperson Speranza:** Trailway.

**Mr. Houghteling:** The trailway, oh. Maybe my wife is right. I am a little deaf.

**Mr. Zazzarino:** I think Mr. Lerner's partner is here. Are you Mr. Lerner's partner?

**[Female Voice] XXX:** No.

**Mr. Zazzarino:** Oh, OK. Are you with Mr. Lerner?

**James Stranges, 2 Marble Terrace:** No. I'm the guy behind you that you're trying to block.

**Mr. Zazzarino:** Oh, OK. I was hoping you were him. I don't even know what he looks like.

**Building Inspector Sharma:** Who? Mr. Lerner?

**Mr. Zazzarino:** Yeah, I met him one time.

**Chairperson Speranza:** OK. Yes, sir, come on up.

**Mr. Stranges:** I have a question. I'm behind 400 Warburton. This gentleman just said that he wanted to increase the size of the building by 5 feet. Isn't he on his property line with the footprint of his building now?

**Chairperson Speranza:** That was the issue that we had with the plans.

**Mr. Stranges:** Is he going to go 5 feet down? Well, I don't know where he's going 5 feet.

**Chairperson Speranza:** That's something we need to see.

**Mr. Stranges:** I was just trying to clarify if he's looking to buy some of my property, or I should start building on my property and block his view. Because he doesn't really have a southern view. He doesn't have a northern view because he's looking over our roofer's graveyard there. The only thing he's going to have is my view of the west because Marble Terrace is over his roof line.

**Boardmember Strutton:** He'll have to come back for another view preservation.

**Mr. Stranges:** OK. So I'd be interested to say ... I was here for the last event with the new building, and he says he's not going higher. But his architect did say they wanted to put ...

**Chairperson Speranza:** Solar panels.

**Mr. Stranges:** ... on the roof. And the question was whether or not they tilted.

**Chairperson Speranza:** Right.

**Mr. Stranges:** Which would raise the roofline. I just wanted to remind you of that. Thank you. And thank you for showing up in the middle of the holiday season, and taking your time out to do your job on the Board.

**Chairperson Speranza:** Thank you.

**Mr. Stranges:** Have a good holiday.

**Chairperson Speranza:** You, too.

## V. DISCUSSION ITEMS

### 1. Site Plan and Steep Slopes Application Forms

**Chairperson Speranza:** The next item on our agenda was to continue our discussion on the checklists. I think, Deven, I want to thank you for sending everything to us, for sending the application forms to us. And some of them, yes, I had seen. I remember seeing them before.

And I also went on the Web site. Because as you were talking about the portal, I think it would be important. None of the forms are up there right now for anything – for even what I think is the really good document about the procedures for site plan and subdivision approval.

I was just wondering what your time frame is for this. Because I'll be honest. I don't want to get into any kind of a lengthy discussion on this tonight.

**Building Inspector Sharma:** Well, I started doing it, having them fill out the paper form, as well as putting the information online as well so we have a database. Eventually what's going to happen is, the question is answered and they print out in a form that we like to see. Currently, all the right questions are being asked and, of course, they are being answered. Still, at the end of all the process, it brings it to a point where you need to print out an application, sign it, and bring it to us. And what they print out and send to us doesn't exactly have everything that needs to be on it so you can see it.

So we are still working on it. What I'm going to do, I'm going to have them fill out the paper application that you're looking at in addition to putting the information into the computer. So I'll be sending this application, modified as it might get over the next few days or few weeks. You'll see the same application. I don't think we ever stopped bringing the application, the paper application that you're looking at. That part was fairly reasonable. We always had them fill out the application.

At the last meeting, someone said that they never saw the application. That's not true. All of the site plan applications have that application filled in.

**Chairperson Speranza:** See, I think even having ... understanding everything is going digital, and digital applications and that. But right now, I think the area on the Web site that

talks about ... I think I clicked on building permit. You indicate, for instance, if you're doing plumbing work it needs to be done by a master plumber, I think was the phrase.

**Building Inspector Sharma:** Something like that. A licensed professional.

**Chairperson Speranza:** Yes, and I think that's good. But I didn't see anywhere where ... for instance, suppose if you want to do work this is what you need to consider, or kind of what the flow of the process is. And as long the site's still being constructed, I think that's good.

I think the confusion with respect to the forms was also about this information being made public with respect to what is required in a view preservation submission. Because if nobody knows that this piece of paper exists – because it's not in the zoning code and it's not online – then no one will know what's required. So maybe we can talk, over the next month, about what goes up there.

**Building Inspector Sharma:** I'm going through, but for this meeting I couldn't do it. Before the next meeting I will send you exactly the checklist information that I'm going to have them print up on paper; at the same time, trying to get the same thing done online, as well. So I'll send you something for the next meeting. The form that you have, I'm going to make it pretty a little bit and add some additional information: a tab for a checklist for view preservation.

I did that. The thing that I sent you, I sent you for flood plain development where I listed the code section.

**Chairperson Speranza:** Right. Yes, that's what it was.

**Building Inspector Sharma:** That satisfied, a similar kind of a checklist I will make for this one.

**Boardmember O'Reilly:** As I was looking through the transcript of what we discussed last meeting, I know that we started on an issue like a checklist. And then we seemed to move to a discussion of construction changes. Then we got into almost talking about flow charting as to what has to proceed, what steps. And somehow or another the checklist has to lead one to logically know that there are steps to the flow that one needs to have in place.

Now, half of those are management issues. There doesn't seem to me to be [off-mic], but the necessity of the checklist has to provide that information to a person outside that all the steps that were necessary to be taken were taken.



**Chairperson Speranza:** That's right.

**Boardmember O'Reilly:** So somehow or another, the checklist has to incorporate the flow charting as well as knowing the instruction sheets. Because these are part in terms of that aspect, as long as everybody knows where they are and what time they have to come in.

**Building Inspector Sharma:** My references to the code sections, or making the code sections available to them, we are letting them know exactly what's required. I think what Kathy probably is looking for is that we go over the submission, or the checklist, item by item and say whether those items have indeed been provided.

But there was an issue that many of the things that are required to be submitted. In most of the applications I've received, 90 percent of those things don't apply. And over there they'll say N/A, not applicable, not applicable. And I, or one of my staff of people, will say I agree. There may be a difference of opinion that I thought I agreed with them that something did not apply, but you might think it did.

So if we really want to become truly methodical about it maybe one representative from the Board, after I have reviewed the application, someone from the Board reviews it too. And then if the Board says it's OK, only then is it forwarded and we add another three, four weeks, a month to the application process. I'm not being cynical about it, but most of the applications we receive are simple. And a lot of things which are by-the-code requirements don't apply.

**Chairperson Speranza:** And that's true. Part of the initiative for taking a look at the checklist was because in several applications we weren't sure whether or not we didn't receive something because the applicant didn't realize it or because you took the packet and they rush you. And I know there are applicants who rush you, and say, "I just need this to be on. I'll fill everything in. I'll talk to the Board when I show up at the meeting."

But if there are things missing from our packet's, like photographs for view preservation, how is that we just don't get them? So this way it provides a checklist for everybody that we know that you have reviewed the packet and the application when it's submitted. So we can go through it also, and say, "OK, yes. This is here, this is here, this is here."

**Building Inspector Sharma:** I think this issue of photographs has come up several times. There was this application by [inaudible] who happened to be on Riverside Avenue going towards the public works department at the bottom of the hill. And he wanted to add a deck

on top of the second floor of the building. It's not only not blocking any view, it's not even visible from anywhere.

What kind of photograph can I ask them to provide, any kind of photograph? There is no photograph to be taken. So there may have been several instances where the photographs may not make any sense. All photographs were provided, but those photographs were not found adequate by this board or the Zoning Board. So there is a matter of judgment there.

I go and make a judgment that, OK, I need additional photographs. Or I check the checklist, provide the photographs. These photographs could be of whatever, and then you determine these photographs. "Yes, I see that it's checklisted, but it's not adequate. We need additional photographs from many different angles." But the fact is, photographs have been provided.

**Boardmember O'Reilly:** You're saying that's a judgment call on your part, I guess. Is it?

**Chairperson Speranza:** Right. Well, there's a judgment call, but there's also a call to having the complete record. The fact that there may be a sense of, "Well, it's not going to block anybody's view." You're out there, and you're taking a look. OK, that may be it's not going to block anybody's view until the person who lives across the street over there says, "What do you mean it's not blocking my view? It's blocking my view." Then we don't have the photographs, then we don't have the record by which we made the decision. That's what concerns me.

**Boardmember Cameron:** And there have been times when people have not shown it.

**Building Inspector Sharma:** Photographs were provided for that instance, as well.

**Chairperson Speranza:** And we're not finding fault.

**Building Inspector Sharma:** No, I know.

**Chairperson Speranza:** We need to find a way to make the process work for everybody and for the Boardmembers.

**Building Inspector Sharma:** I am 100 percent so much for it. Without making people go through unnecessary hoops. Require it, yes, by all means. Unnecessary just to meet the protocols. There are times when I still make them do that. But, you know, it's not necessary. Let me give you an example. This is the west side of this building. If you bump this building out a little bit, a little bay window, we need to come for view preservation. What photographs would you expect?

**Chairperson Speranza:** Photographs from here, from the other side: the people who might be looking out the window at the apartments. Even, Deven, if it's to show that it's been considered and, look, there is no impact. To prove that there is no impact.

**Boardmember Cameron:** An example of what you just brought up is the house on Pinecrest which did an addition. It was on the front of their building, but you did need the pictures from the side. And they didn't build out one of their porches for that reason: because they would have blocked the view of someone looking alongside the building.

**Building Inspector Sharma:** As an example, I'm asking for some kind of discussion in a smaller committee. So where it could be simplified for the people. That a smaller committee determines whether it matters for the view. There was a case, and here's the example. The 1 Main Street, the job at the corner, Warburton and Main Street. View preservation, you see? We say we need photographs anyway, even if it's to show that it has no view preservation issue.

**Boardmember O'Reilly:** That's the reason to have the photograph. To show that there is no view preservation issue.

**Village Attorney Stecich:** And it's so easy anymore to take photographs.

**Chairperson Speranza:** That's true.

**Building Inspector Sharma:** Right or wrong?

**Boardmember Strutton:** I think it would be unfortunate if you told people that they didn't need to have photographs, and then they came in and we all said we want them. Then it kicks them back another month. And as you say, it's very easy now with digital cameras and photocopiers.

**Boardmember Cameron:** Maybe we should accept electronic photographs.

**Boardmember Strutton:** Maybe we should.

**Chairperson Speranza:** Electronic photographs.

**Boardmember Strutton:** Have them digitally submit; having them by e-mail.

**Building Inspector Sharma:** The fact is, photographs have been provided.

**Boardmember Strutton:** Just dwelling on photographs is a subset of the point.

**Chairperson Speranza:** Let's not debate this anymore.

So we'll talk. And obviously, part of the idea is that the checklist, as refined, would end up being part of the submittal package so that everybody knows that yes, Deven or Buddy has gone through this and now it's our turn to go through this.

## 2. Miscellaneous

**Boardmember Cameron:** Can I just make one comment? We did say to Christina, when she came here, that she needed access to the quarry. And looking at what she drew, she may have misunderstood us. These units need to have access. Because the only way you get to the quarry is through this door in unit one or walking over here through this door in their garage. There's no access from the road. So maybe we should tell her that we actually mean public access to the quarry, not private access.

**Chairperson Speranza:** Good point.

**Boardmember Cameron:** So she doesn't come up with a diagram which doesn't work when she comes back.

**Chairperson Speranza:** Did anybody else have anything for tonight? I just had one reminder for people. At the beginning of each year, the Board needs to vote on the chairperson. I am not up for the job next year. So think about it. I apologize to the new members, but I'm not in the running for next year.

**Boardmember Cameron:** Is this a trick?

**Chairperson Speranza:** No, it is not a trick. My plan is that I will come in and start the meeting, and the first thing that we will do is have a vote on the chair. And then the chair will take over that meeting. So talk to the other Boardmembers.

**Boardmember Cameron:** So this is the last meeting you'll chair?

**Chairperson Speranza:** This is the last meeting I will chair.

**Boardmember Cameron:** Chair the whole meeting.

**Chairperson Speranza:** I've been on the Board for 18 years. At some point, numbers start to take hold. Eighteen years, and I went back to see how long I've been chairing. I go back on the Web site to 2006, so it's been six years at least for the chair. It's time.

**Boardmember Strutton:** I was just telling Darrell before we came over here that I didn't know what we would do without you as our chairperson.

[laughter]

**Chairperson Speranza:** There are others who step up to the plate. I know that. So talk to each other, get to know each other. It's a vote. There really haven't been very many votes, as far as I can remember. Rhoda was chair, and then me.

**Building Inspector Sharma:** I don't know any other chairs.

**Boardmember Cameron:** They lived on the corner up there on Burnside.

**Chairperson Speranza:** Was Mrs. Leaf the chair?

**Boardmember Cameron:** Leaf, yes.

**Chairperson Speranza:** Louise Leaf, right.

**Boardmember Cameron:** I was on the Board when she was chair, back in the early '80s.

**Village Attorney Stecich:** Oh, it must have just before I came on. Because I don't remember you on the Board before.

**Chairperson Speranza:** So that said, if there's no other discussion then we'll adjourn for the month, the year. See you next year. OK? Thank you.

**Boardmember O'Reilly:** Very good.

## VII. ADJOURNMENT