

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK**  
**PLANNING BOARD**  
**REGULAR MEETING AND PUBLIC HEARING**  
**FEBRUARY 16, 2012**

A Regular Meeting and Public Hearing was held by the Planning Board on Thursday, February 16, 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 Rebecca Strutton, Boardmember Kathleen Sullivan, Village Attorney Marianne Stecich, Building Inspector Deven Sharma, and Deputy Village Clerk Mary Ellen Healy

**I. ROLL CALL**

**II. APPROVAL OF MINUTES**

**Meeting of January 19, 2012**

**Chairperson Speranza:** The next order of business is approval of our minutes from the January 19 meeting. I have to say, Mary Ellen, I think it's great to get these electronically. I noticed the weight of the packet that we get is decreased tremendously.

Oh, you didn't get it?

**Boardmember Sullivan:** Well, I'd like to make a request. We used to get the written minutes with our package, if I'm not mistaken. And now I'm getting these e-mailed just a day or two before this meeting, and I literally haven't had a chance to read them.

**Chairperson Speranza:** And this was an exception this time. If you just want to explain, the transcriptionist had thought there was another meeting.

**Deputy Village Clerk Healy:** Which I did in my note. The transcriptionist thought that the meeting was next week, so he did not ... he put other projects before our Planning Board transcript. And it was an 84-page transcript; it was a brute of a transcript. So he did the best he could when he was reminded that we needed it, but it did come in late. And once it comes in, I need to proof it before it goes to you. So I then needed to proof those 84 pages.

**Chairperson Speranza:** Right. I think this is the first time that we've had a problem where it was so close to the date of our meeting.

**Boardmember Strutton:** Well, should we wait a month to approve them, then, if Kathy wants to read them?

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

**Boardmember Dale:** I haven't read it either.

**Boardmember Cameron:** Yeah, let's do that.

**Boardmember Alligood:** I actually read them – and I forgot my notes – and I found a couple little things.

**Chairperson Speranza:** Then we will table that.

**Deputy Village Clerk Healy:** I think there is a concern about – if I'm not mistaken – about waiting so long to post them for people to view on the Web site, making them public. There is no concern about minutes?

**Chairperson Speranza:** Not that I've heard.

**Village Attorney Stecich:** If anyone wants to see the minutes, they can come in and see them.

**Boardmember Dale:** Can you post them as unedited?

**Chairperson Speranza:** Or they could see them as a draft.

**Village Attorney Stecich:** They can see the draft. They can come in. I wouldn't worry about an e-mail. You're right: as a general matter, it's a good idea. But in a situation like this ...

**Chairperson Speranza:** All right. So we'll make sure that's included in the agenda for our March meeting.

**Boardmember Sullivan:** Thank you very much. I appreciate that.

### **III. OLD BUSINESS**

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

**Chairperson Speranza:** We have a steep slopes approval for a property at a lot next to 78 High Street. Mr. Sanseverino and Mr. Costa – and I just want to note, we did get some additional information at our places – is this a supplement to what we've received in our packet?

**Steven Costa – Consulting Engineer:** I just put that packet together. Basically, that is no new information. I just sort of put a little packet together regarding the requirements of the steep slope article 249-7. And I just highlighted where everything could be found, I gave another copy of the principle points. But none of that is new information.

**Chairperson Speranza:** OK.

**Building Inspector Sharma:** I had asked him to tabulate the information that was already provided, and it does satisfy all the provisions for steep slope requirements.

**Village Attorney Stecich:** Except one thing I'm not sure is, in any of the material – and I couldn't find it because it might not have been ... it might not have shown up on copies – you're supposed to make that statement that it's going to disturb the steep slope to the minimum extent possible, under seal.

**Mr. Costa:** I submitted the principle points, and that is sealed; it's emboss-sealed.

**Village Attorney Stecich:** OK. It didn't come through. Just so it's on one of them.

**Chairperson Speranza:** Do you have an original of that, Deven?

**Building Inspector Sharma:** Yes.

**Chairperson Speranza:** Sealed?

**Mr. Costa:** Again, that's an embossed seal. They should have all been embossed.

**Chairperson Speranza:** It just didn't come through on our copies. See, you see the embossed seal on this one, but not on that one.

**Village Attorney Stecich:** That's why I asked.

**Building Inspector Sharma:** Do you have your seal with you?

**Mr. Costa:** No, I don't.

**Building Inspector Sharma:** For the record, for my files, he will seal it.

**Mr. Costa:** Absolutely, not a problem.

**Chairperson Speranza:** OK, welcome back.

**Boardmember Dale:** One comment is, on your ... where you identify the architects and the address of the building, it says it's in Yonkers, New York.

**Chairperson Speranza:** "Proposed one-family, High Street in Yonkers."

**Building Inspector Sharma:** You need to be more careful, Steven.

**Mr. Costa:** Absolutely, you're right.

Again, so since last meeting the site plan has not changed. And as per the letter, in reviewing the situation we feel that moving it and going for a variance would cause an unnecessary hardship because the structure would become a nonconforming structure and everything that goes along with that in the future as far as rebuilding due to damage, due to fire, due to even additional additions on it. It would become a Zoning Board case, so we feel that that would be an unnecessary hardship, since we do comply to the zoning code, as submitted.

I believe a letter was submitted by the applicant, and I'd be happy to answer any other questions.

**Chairperson Speranza:** OK. What had been discussed at the last meeting was the possibility of moving the house so that there would be some additional relief for the neighbor, knowing that the adjacent property was, in fact, an official street – although not really a street, more of a trailway. And Jamie was wondering if it's, in fact, dedicated parkland. And clearly, the applicant is not interested in going forward with that exercise, which is their prerogative.

There are a couple of things that we have to do. This is for steep slopes approval, which requires a waiver because it would be in excess of the 35 percent that is the maximum amount that could be required, or that could be ... 35 percent of the slope was the maximum

amount that could be disturbed, based on the grades here. And looking at the principle points that have been submitted, it's for a two-story ranch; the area of disturbance would equal 38 percent.

**Mr. Costa:** Correct.

**Chairperson Speranza:** So this board would have to waive the provision that restrains the steep slope disturbance to 35 percent.

First of all, I do want to find out if there's public comment on this application. I know there has been in the past. No? OK.

Boardmember comments? None? Are we ready to ... there's an application before us. I can just request a motion. Is anybody willing to make a motion on the application?

**Boardmember Dale:** So moved. I think building an additional house ... he has complied with the zoning rules. And the steepest part of the slope, and the most attractive part of it in terms of the Village, is behind the house. He is placing the building in the front of the lot, consistent with the other houses along High Street. I don't see that the disturbance to the slope, at that point, is severe. And he has made preparation for the runoff of the water so that it won't be a problem, disturbing the actual slope, which is in the back of the house.

I'm prepared to accept their right to build within the zoning code, with that one waiver – the slope coverage percentage.

**Chairperson Speranza:** OK. So the motion, then, would be first of all to waive the requirements ...

**Village Attorney Stecich:** Waive the 35 percent limit.

**Chairperson Speranza:** Right, waive the 35 percent limit on the slope disturbance for this particular application. So let's take that as the first action. Jamie?

**Boardmember Cameron:** I'm going to second it, with a comment though. I think it's unfortunate we did not figure out whether or not Green Street – since it's now, I think, dedicated parkland – whether it still qualifies as a street for the 25-foot rule. Because it would have been much prettier, I think, for your house and for their house if it could be more centered in the lot. But having said that, and gotten this far and not knowing the answer, I'm going to second the motion.

**Boardmember Strutton:** Can I just ... I think that we should not just waive the requirement, but also indicate that we're talking capping it at 38 percent so this couldn't be amended in the future to a larger number, right?

**Village Attorney Stecich:** It can't be any different than what's planned.

**Boardmember Strutton:** Than what's being proposed. OK, OK.

On MOTION of Boardmember Dale, SECONDED by Boardmember Cameron with a voice vote of all in favor, the Board resolved to waive the 35 percent limit on the slope disturbance re: the application for steep slopes approval for the construction of a new single-family dwelling and driveway on the vacant lot next to 78 High Street.

**Chairperson Speranza:** All right. And the second one, I need a motion to approve the steep slopes permit for this particular property on the lot adjacent to 78 High Street.

On MOTION of Boardmember Sullivan, SECONDED by Boardmember Dale with a voice vote of all in favor, the Board resolved to approve the steep slopes application for the construction of a new single-family dwelling and driveway on the vacant lot next to 78 High Street..

**Chairperson Speranza:** OK, thank you.

**Mr. Costa:** Thank you very much.

- 2. Steep Slopes Approval – Application of Mirjana Alilovic for the additions and alterations to her house at 12 Prince Street. Said property is in 2R 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, next application is also for steep slopes, construction of a house or alterations to a house at 12 Prince Street. Good evening, welcome back.

**Tom Abillama, architect:** Thank you. Thanks for having me back.

Since the last meeting, we have reverted the application to a one-family dwelling. And by doing so, we reduce the size of the addition to the house. But also making it wider, since we don't need the private entrance to the upper floor.

The obstacles we were having at the time were in regards to the parking and the front yard setback, which would be resolved by virtue of proposing a single-family dwelling. The parking now, we have one car indoor and one car outdoor without being in a tandem situation. One of them will move freely from the other. And we propose also a K-turn to allow the vehicles to go forward onto the street instead of backing up onto the street.

I'm just running through floor plans now. This is the one-car garage and entrance to the kitchen from the garage. And everything else almost stays the same as far as the bulk. The upstairs, on the second floor we enlarged the bedrooms over the garage addition by allowing for three cars. These are the elevations here.

**Chairperson Speranza:** Now, have these been adjusted?

**Mr. Abillama:** Yes.

**Chairperson Speranza:** OK, great.

**Village Attorney Stecich:** These are the not the same as the ones we got in the package.

**Mr. Abillama:** In the package ... we sent an e-mail to you.

**Village Attorney Stecich:** Which you brought today.

**Chairperson Speranza:** And that's what's reflected on these drawings.

**Building Inspector Sharma:** And you were going to give me a set of updated plans today.

**Mr. Abillama:** Yes, we have them.

And we also tried to do some rendering to show you how the structure is going to be. This is the front. This is another view from the front. This is the southern side. And this is how the back of the house and the basement will be, in the cellar. We have another view also, showing the relationship between the previously approved house, the neighboring house, and the proposed house just to indicate that the materials are similar to what we proposed in here. They'll work harmoniously together.

I'll be happy to answer your questions.

**Chairperson Speranza:** OK. Anyone from the public wish to comment on this application? No?

OK. Boardmembers, anything? I want to say I appreciate your tenacity in coming back, and I think it seems to me that you've been flexible in terms of addressing our concerns. So let's see if there's anything else. Eva?

**Boardmember Alligood:** Well, I'm just curious – it's really a question for Marianne – about making this deemed not a three-story house by changing the grade. You're changing the contours of the land so that you cannot consider this a three-story house. I'd like a legal ...

**Village Attorney Stecich:** Yeah, I know. I have the same ... Deven and I had that conversation. Something just strikes me as wrong about it. But on the other hand, the definition of heights measured from the grade, either before or after the development, to the high point. But that's not stories, you know. And there's nothing in the definition of cellar, of basement, that have that same proviso of whether before or after. I know.

But, you know, on the other hand, it did bother me. On the other hand, it's still within the same ... it's not higher than the 35 feet, you know. I never quite ... to tell you frankly, I never quite understood why there's also a stories requirement.

**Chairperson Speranza:** As opposed to just height.

**Village Attorney Stecich:** Yeah. But there is in all codes. You know, I don't know why, but there is. But you're right.

**Boardmember Alligood:** Well, they'd have to put sprinklers if it was three stories.

**Village Attorney Stecich:** It is a fiction, but ...

**Building Inspector Sharma:** And by the way, the way I see it, the existing building's been quartered in a way that the lowest level, in order to become a cellar, see? And so they can have no story. So the lowermost story, because of the alteration and modification and the changes there, they will be approved. The lower story is now a cellar by definition.

**Village Attorney Stecich:** No, no, no. We understand. But what Eva's saying is, can you just make it a cellar by raising the earth.

**Boardmember Alligood:** Yeah, that's my question. I just wanted a code interpretation.

**Building Inspector Sharma:** I understand what he was saying. They're making alterations to the ...

**Chairperson Speranza:** I just ... they're changing the grade. Yeah, right.

**Boardmember Dale:** And if they dug deeper, it would be the same thing ... only the result would be the same; it would be a cellar.

**Boardmember Cameron:** Well, more importantly is with a normal cellar, once the house is in place and everything's there, the cellar is not going to rise out of the ground. Whereas with this one, here on the back side of the house, with a shovel over a weekend you can make the place reappear out of the ground. So I'm sort of curious what sort of enforcement you can put in place to make sure that re-grading in the back doesn't occur to make the house come out of the ground and be in violation.

**Building Inspector Sharma:** [off-mic], by the way, I think that maybe [off-mic] we tried to come up with some kind of a code, some kind of a provision, any kind of re-grading that can help with this house or any other houses where they would be [off-mic] legal basement. They could take a shovel and dig down, and [off-mic] basement change the grade. But there is no provision in the code at this point to keep it from happening.

**Chairperson Speranza:** Right. It's against the Steep Slopes Law to do that, once the approval has been set; to do that kind of a re-grading. But you're right. Deven's not walking around the Village looking at ...

**Boardmember Cameron:** Well, it might be a good idea, since this one is ... to have a little program after one year, three years and five years you just go and take a look at it. Because otherwise, people would be ... would get an idea they can avoid this, and come back later and fix it the other way. And I'm thinking more of the visual impact to the people living down the hill who look up behind them. It's not just the height of it, but they suddenly see this building which is four stories high if that's removed. And that is quite an extraordinary thing to see at the distance they're going to see it at.

So it's actually more important than just the height of the building. You're changing the lay of the land. And I would like to figure out a way that we can actually, in this one, do some monitoring of it.

**Building Inspector Sharma:** See, normally the neighbors are usually advising it. From time to time they call and notice something like that is happening and we go out and take a look.

**Village Attorney Stecich:** Yeah, but if you do, what do you do? Tell them to put ...

**Boardmember Cameron:** Put it back. Absolutely.

**Village Attorney Stecich:** Yeah, right. Right, I know that's it. Plus issue a code violation.

Eva, the way that the section reads, it says that "*a maximum height of 35 feet and no more than 2-1/2 stories.*" So you can't even kind of lump height. You can't somehow extrapolate from the definition of height to stories. That's just the way the thing is written. I mean, I think what you'll probably have to do is change the code if that's what you want.

**Building Inspector Sharma:** I think the code was written in a way that a basement ... by the way, the way it's different in our code is a story and a cellar is not. So most houses, at the time I believe the code was written, two stories with an attic space. And if you use part of the attic space, that counts an additional half-story. So the idea, the intent, behind the code was to permit a house with two stories and with some usable space in the attic. And basements or cellars were never to be counted as a story.

**Village Attorney Stecich:** A basement is counted as a story.

**Building Inspector Sharma:** The basement or the cellar. The state, New York City and a lot of other places, they've done away with the distinction between a basement and a cellar. But we still have it a cellar is a story with [more than half a width] XXX.

**Village Attorney Stecich:** What would this be under the state code?

**Building Inspector Sharma:** This is a cellar.

**Village Attorney Stecich:** Under the state code? No, what would it be under the state code?

**Mr. Abillama:** There's no definition of cellar.

**Village Attorney Stecich:** So then it does need to be sprinklered. Because Eva was saying that would make a difference.

**Boardmember Alligood:** That's the biggest impact of being considered ...

**Building Inspector Sharma:** If there are three stories, then it needs to be sprinklered.

**Village Attorney Stecich:** Well, then it would be ...

**Building Inspector Sharma:** But it's not a three-story.

**Village Attorney Stecich:** But you said under state code, it is.

**Building Inspector Sharma:** No, the basement is not counted as a story.

**Village Attorney Stecich:** Not counted as a story under the state code, OK.

**Building Inspector Sharma:** Yeah. In our code, the way the basement is defined there's a difference between a basement and a cellar. A cellar is a story which is more than half below the adjoining grade. A basement is below the grade, but not necessarily half. So the lower floor, it's a cellar.

**Village Attorney Stecich:** So if this were a basement, even under the state code it would just be 2-1/2 stories.

**Building Inspector Sharma:** Yeah.

**Chairperson Speranza:** Deven, do you have any suggestions for a way to ... and I don't know that there's legally a way we can ... can we condition our approval on steep slope? I mean, first of all, noting that during construction, of course, the Building Inspector will be out there and watching to make sure, before there's a certificate of occupancy that, in fact, the work is done in accordance with the plans we've seen.

**Building Inspector Sharma:** Correct.

**Chairperson Speranza:** After that, it's just due diligence on your part to make sure, and put a note in the file that this one you gotta watch?

**Building Inspector Sharma:** See, I may be gone in [off-mic] years. I don't know.

**Boardmember Cameron:** Well, the guy behind you may.

**Building Inspector Sharma:** Certain occupancies we're supposed to go and inspect every two years, every three years, every five years, so on and so forth. Single-family residences,

or two-family residences, there is no provision. There is no requirement in the code that we need to go back. See, there are a lot of houses [off-mic] what if they're putting a basement and making an apartment? The only way we know is if it somehow comes to our attention.

There may be many other houses currently already where some areas are not supposed to be used for habitable space, as an apartment or something. But it may be happening. You can't go about looking for it unless somebody reports it. If somebody does report, well, of course we have to go back and do whatever needs to be done about it.

**Chairperson Speranza:** So it'll be due diligence on our part I don't know that there's a way to condition anything.

**Boardmember Cameron:** The seven of us can monitor and report.

**Building Inspector Sharma:** But why is there an assumption that something like that could, or would, happen?

**Boardmember Cameron:** I didn't say an assumption. It's just that it was planned to do it this way several times, and the way it's been redone with these big windows and everything at the bottom it looks to me like it could be a situation where that could happen. And it is owned by a person who installed a freezer behind their restaurant without asking for permission, to give you an example.

**Building Inspector Sharma:** Those kinds of possibilities can happen with any project.

**Chairperson Speranza:** Yes, they can.

**Building Inspector Sharma:** They can do any different kind of [off-mic].

**Chairperson Speranza:** OK, lets move ...

**Boardmember Dale:** I have one question on that issue. Does the ... a basement, is it you can have a living area in a basement? You could have a bed in a basement, but you're not allowed to have a living area in a cellar under New York State codes. Is it that there is something about the use, what the owner is planning to use this space for?

**Mr. Abillama:** Well, in the New York State code that came about in 2001 – which is the international code – it doesn't differentiate between basement and cellar. There's no definition of a cellar in the code. And the only thing that it differentiates it is that the first floor level has to meet certain criteria. One, the average grade has to be no more than 7 feet

below the first floor. Number two, at any point the first floor can't be higher than 12 feet above any grade. And then the third item is that the basement itself cannot be more than 11 feet in height.

**Boardmember Dale:** Well, the use – I'm sorry – is actually the New York City code. If you're below ... if you're more than 50 percent below grade you cannot have ... you can't have a bathroom down there, you can't have living space.

**Mr. Abillama:** But now as far as the habitability question in the basement – 'cause that's all they have in New York State – it depends on whether you have light and ventilation, you have height, and you have all these ... there's certain criteria that you have to have. That's how it is.

**Building Inspector Sharma:** They do limitation for the New York State code, the building code per se. [off-mic] limitation on what you can and cannot do with the basement. Except that if you use it for [heavy double] XXX it has to have a certain kind of ceiling height, it has to have means of egress from it, and some light and ventilation for it. [off-mic] you meet those requirements, there's nothing to prevent using a cellar or [off-mic] as a recreation room. Or you can make it a sleeping room, some kind of [off-mic]; some other provisions come into play. But [off-mic] there's no limitation of what you can or cannot do in a cellar or a basement. I think [background noise] house [off-mic].

**Boardmember Sullivan:** I have a comment. One, I found these plans impossible to read.

**Boardmember Alligood:** Yes.

**Boardmember Sullivan:** And in that, saying I think we should be cognizant, Deven, as we get things from applicants, that the type size is a reasonable size. So I do have a question, though, that's just not nitpicking, on the type of material that we're presented. But I'm concerned about the proposed retaining wall that is at the back of the property and that will now support a fair amount of fill at some point from the neighbor behind them.

I also have a concern because the applicant that we talked with regarding the adjacent building was planning on putting a fairly substantial retaining wall at the right side of their property, the left side of this applicant's property. And this package shows a reworking of the steep slopes in that adjacent property to accommodate the work in this particular applicant's piece of property. So I have a problem approving this, or discussing this, without acknowledging that now we're having this other piece of property which we've already seen and approved. It looks like it's extensively ... the modification ... extensive modifications to that applicant.

So we had one applicant with a retaining wall, now we're looking at the other applicant that's removing that retaining wall. And I just have a problem knowing which way to go. I mean, do we revisit the left applicant's steep slopes?

**Chairperson Speranza:** That was my understanding, was that we were going to see ... that that was going to come back to us.

**Boardmember Sullivan:** Well, we kind of need to see both together, as well. And one thing I'm seeing – the last comment I'm going to make – I have big problems, and I think that's something I think our revisions will make and will address. But I don't see an analysis of the steep slopes that are being disturbed: how much of that is ... how much of this property is steep slopes, what percentage is being disturbed. And I also wonder about some of the new contour lines on the right-hand side of the property. Are we creating steep slopes there just because of how ... they're a similar distance apart as some of the other ones on the existing contour plan. And I just don't know if we're really adding steep slopes, taking away steep slopes, modifying steep slopes.

**Mr. Abillama:** Well, the rate of slope in here, this slope in here for instance and this slope in here, is, I would say, around 10 percent, 12 percent. If you can see here, this slope here, this is at the rate of 25 percent.

**Boardmember Sullivan:** Right.

**Mr. Abillama:** And this one here. Really, we're only disturbing ... the major portion of the steep slope that's in concern is here, and we're softening it down.

**Boardmember Sullivan:** I think you're also just disturbing steep slopes behind the house, as well. But again, I can't ...

**Mr. Abillama:** In here?

**Boardmember Sullivan:** Yeah, yeah. I'm ...

**Mr. Abillama:** We're raising the grade in here.

**Boardmember Sullivan:** You're still modifying the steep ... you're still disturbing the steep slopes by adding fill to them.

**Mr. Abillama:** I don't know how, but we're just raising the grade. There was a slope ... there was a dip in here that we're flattening.

**Boardmember Sullivan:** I know, but you're adding fill and you're creating a situation where you need to put a retaining wall. So you're modifying the existing steep slopes to the extent that you have to build a retaining wall at the edge of the property to accommodate that.

**Mr. Abillama:** I don't think so.

**Boardmember Sullivan:** Well, you are doing that.

**Boardmember Dale:** But there's a steep drop-off to the houses behind it. You're pushing earth up back towards that drop-off.

**Mr. Abillama:** Well, there was a steep slope ... right now, existing, there's a steep slope. You see these dashed lines here. You can see that steep slope goes down to this point, then flattens. We're softening it. So what we're creating is, instead of being this way we're creating this way.

**Boardmember Sullivan:** And making the retaining wall and the drop-off to the neighbor's property by doing that. So that's an extensive modification. I'm not saying it's not appropriate, but I'm just saying I ... this is starting from my comment it's difficult to ... no one's analyzing what the existing steep slopes are, showing us what's above our range – what's above the 25 percent range – and then showing us ... if they're creating new steep slopes, and they're re-grading that, they're doing it.

**Mr. Abillama:** Well, all I could tell you is that if you see these contours the way they are next to each other, and these contours the way they are next to each other, we have lessened the slope by half.

**Boardmember Alligood:** I think you're misunderstanding what our concern is about steep slopes. Our concern is not making them less steep. Because you're saying you're softening them, and so therefore that's not a problem. What we're saying is, when you alter a steep slope we need to have all the information and be able to analyze it – which is what I think Kathy is saying – and then we make a decision based on that. There's no right or wrong answer. It's just once you are changing a steep slope, we need to see it and understand it, and decide whether we think that's an appropriate modification to make.

**Mr. Abillama:** It is definitely below the rate of the slope.

**Boardmember Sullivan:** But it's hard ...

**Boardmember Cameron:** To give you an example, you have taken this 184 contour line and brought it around within a fairly close distance of the back wall, which I think is about 180 feet. So you've got a 4-foot drop right there between the end of that contour line and the wall. It's hard to read because they're so miniscule and they're red. But you've taken the one-eighth ... the bottom black one is, I think, coming off 184, and you bring it right over next to the wall, left-hand side. And that, I think, is down at 180. I can't really tell 'cause you've left that line out.

**Boardmember Sullivan:** It's hard to see.

**Boardmember Cameron:** So we may have a 4- to 5-foot drop between that line and the back wall, which I think is – I would refer to as – creating a steep slope, if that's accurate.

**Boardmember Sullivan:** You have very good eyes.

**Boardmember Alligood:** I couldn't even read ...

**Mr. Abillama:** But let me explain to you what happened. This is 180. Instead of coming this way, we're bringing it back this way. The top of wall is 180.

**Boardmember Cameron:** No, I'm on the left-hand side. Move right, right ... now move to the middle. Back, back, back – there.

**Mr. Abillama:** This one here?

**Boardmember Cameron:** No. The black line there is 184.

**Mr. Abillama:** Right.

**Boardmember Cameron:** And it's right next to your property line. And I think the next line over is probably 180, but you haven't given it to us.

**Mr. Abillama:** It's 182.

**Boardmember Cameron:** It was 180 before.

**Mr. Abillama:** No, 182. It was always 182.

**Boardmember Strutton:** But it says "178.5 T-O wall." So the top of the wall is at 178.5?

**Mr. Abillama:** Bottom wall, bottom wall.

**Boardmember Strutton:** So the top of the wall is 182.

**Boardmember Sullivan:** So a 2-foot drop in whatever.

**Boardmember Cameron:** Well, the old bottom line in red was 180 on your left-hand side. This one over here, the left-hand side.

**Mr. Abillama:** Because then this is 180 here, and it coincides with 180.

**Boardmember Cameron:** That's what I said, 180.

**Mr. Abillama:** So this is 180, and this grade is 180.

**Boardmember Cameron:** OK, so you've got a 4-foot drop between those two lines. And we don't see where that line goes across the back. Anyway, I think we're just pointing out to you how hard it is to understand whether you're not just filling and creating steep slopes. You're trying to create this huge, flat apron behind your client's house.

I understand that, but by doing that you are making the piece between the two back lines and the wall steeper, imperiling your neighbors down the hill. And that is our concern. You haven't given us a proper diagram to see that.

**Mr. Abillama:** We have shown ...

**Boardmember Cameron:** You've given us this miniscule little thing which would take a magnifying glass.

**Mr. Abillama:** We have given you two diagrams.

**Boardmember Cameron:** I understand that.

**Mr. Abillama:** And then the neighbor and the owner, they both sat together and they decided that it's OK to have the retaining wall in between them.

**Mirjana Alilovic, 12 Prince Street:** In a meeting ... was a meeting, they say it's OK.

**Mr. Abillama:** And this is the diagram that indicates how the steep slope that comes in comes down this way, softens that point.

**Boardmember Cameron:** Well, this diagram which you've now referred to, since you brought it up, this one here shows that when you come to the back wall, you were at 178. And you filled it in, coming to that back wall, but you can't be filling in your neighbor down below. So they must be at 178 down there.

**Mr. Abillama:** They are 178, and the wall is 182.

**Boardmember Cameron:** That's a 6-foot drop between where your black line sweeps across the bottom and that point.

**Mr. Abillama:** It's 182 minus 178. It's 178.5, which is 3-1/2 feet.

**Boardmember Cameron:** No.

**Mr. Abillama:** Then goes back up. It's very clear. Everything we show here indicates everything clearly.

**Village Attorney Stecich:** Well, none of this stuff that you've got to submit on a steep slope application ... we've only ever got drawings. There's two pages of narrative that you have to provide.

**Mr. Abillama:** [off-mic].

**Village Attorney Stecich:** I have everything from the beginning.

**Mr. Abillama:** [off-mic].

**Village Attorney Stecich:** Really? Because I don't ... I don't see it. Maybe I'm missing a bunch of it.

**Mr. Abillama:** [off-mic].

**Village Attorney Stecich:** And that may address some of it, but I agree with Kathy. You can't tell, and you certainly can't interpret it from these drawings. Also one other question I have – I also can't tell 'cause it's so tiny – is what the size of the driveway is. Because we have a limit on driveways.

**Mr. Abillama:** The maximum allowed is 20 feet.

**Village Attorney Stecich:** No, 960 square feet is the maximum size of a driveway. What's this one?

**Mr. Abillama:** Maximum size is 20 feet.

**Chairperson Speranza:** Oh, you're talking about the curbcut.

**Boardmember Cameron:** We're talking square footage.

**Village Attorney Stecich:** Square footage of the driveway. What is it, do you know? I mean, it looks like it could be pretty close, if not exceeding it.

**Boardmember Dale:** It's listed a neighbor was approved.

**Chairperson Speranza:** Let me ask, Deven, has the neighbor started construction?

**Boardmember Cameron:** No.

**Chairperson Speranza:** No, that's not ...

**Boardmember Cameron:** I was down there today.

**Chairperson Speranza:** OK. Because, certainly, the point about having a plan for the construction of that property that now matches up with what this property is certainly something which is critical in terms of the decision-making when we approve this one. And then the neighbor doesn't have to proceed. I mean, we have nothing. There's nothing right now from that applicant showing modifications to their approved plan.

**Building Inspector Sharma:** I do not have amended plans from them right now, you're right. We have a plan that showed a retaining wall.

**Chairperson Speranza:** Right, I know. That's what we approved it on.

**Building Inspector Sharma:** And at some point, I don't know, what should the process be? Do they need to come back again to the Board? When we look at a steep slope, I believe whether or not we're disturbing steep slopes in a way ... in a detrimental sort of way to the community at large, or at least the neighboring properties. That's my perspective maybe as an architect.

**Chairperson Speranza:** But we did approve a specific set of plans.

**Building Inspector Sharma:** Yes, we did. So they will need to bring me amended plans that will show the grading, the development of the land around the house without the retaining wall. And I will check [off-mic] would they need to come back to the Planning Board again? I do not know. With that part I'm not sure. The intent of the code, that's what we're trying to do. Intent-wise, or procedurally, would they ... if they do bring the plans to me with the retaining wall removed, do I need to refer those plans back to you?

**Boardmember Sullivan:** Yes.

**Boardmember Dale:** Have they been issued a permit for construction?

**Building Inspector Sharma:** Yes, they were issued a permit.

**Boardmember Dale:** So they're supposed to build with the retaining wall at this point.

**Building Inspector Sharma:** As far as the permit, yes.

**Boardmember Dale:** They would definitely have to come back to you for an amendment.

**Building Inspector Sharma:** Yeah. [off-mic].

**Chairperson Speranza:** Well, come back to us.

**Boardmember Dale:** Well, that's the question he's asking.

**Boardmember Sullivan:** I would say that's a fairly substantial amendment to take away a retaining wall that was put in place to handle steep slopes.

**Building Inspector Sharma:** Substantial from what perspective?

**Boardmember Sullivan:** That it's being omitted, and there's another grading that's going to be created.

**Village Attorney Stecich:** You know, the Planning Board approved one plan that requires steep slope approval. If they're changing it, the Planning Board has to review it again and approve the change.

**Boardmember Alligood:** Yeah, it's simple. If the plan changes ...

**Village Attorney Stecich:** It's not like a field change, you know, where there's a little tiny change. It's a different approval.

**Building Inspector Sharma:** So I got my answer. But in the light of what's being proposed here, I'll check with the property owner to the left and ask them what they meant to do. [off-mic] adjust their plans according to these plans, or not. And if they are going to adjust those ... modify their plan, then they will need to bring me whatever number of copies so I can ...

**Chairperson Speranza:** And you see what our concern is right now. That if they said, "No, we're not changing our plans, we're not going to go through the process again," then you've got an approved ... they already have an approved plan to be able to build from that has no ... that's not at all connected with respect to the slopes as what this property is.

**Mr. Abillama:** Madame Chairman, they're in total agreement. They would love to omit that retaining wall, not to have that, because that's a better solution than having the retaining wall. So they're in total agreement with the situation. And actually, if I may say, the owner and the present owner of this lot they're both cooperating together. They want to do the site work together.

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

**Boardmember Sullivan:** We'd love to see that. That's great.

**Building Inspector Sharma:** The way we understand [off-mic] that property owner needs to come back to the board.

**Mr. Abillama:** That's fine, that's fine.

**Building Inspector Sharma:** Maybe the two of them can come together to the same meeting and present the case jointly together as to what kind of adjustment, and show to the Board that it does not have any bad effect from what was previously approved. It doesn't [off-mic] that was previously done, and the Board is convinced, and they will do what they have to do.

**Chairperson Speranza:** And as Kathy was saying and Eva was saying, the analysis with respect to the amount of slope that's actually being disturbed. Because that's ... unless ... I mean, if you think it's submitted somewhere in the background, I don't know how much of it might have changed throughout.

**Village Attorney Stecich:** Oh, I see how it was. Was it done by this chart?

**Mr. Abillama:** No. We had also another letter.

**Building Inspector Sharma:** Do you want to show the letter that you sent out this morning, this afternoon? [off-mic].

**Mr. Abillama:** [off-mic] about three months ago we sent a letter, along with this chart.

**Chairperson Speranza:** OK. Let's pull it all together for the next ...

**Boardmember Dale:** But the site has changed significantly in the last three months so that whatever analysis you did is no longer valid.

**Village Attorney Stecich:** Yeah.

**Boardmember Dale:** It doesn't account for all the changes that you've just proposed, for example.

**Mr. Abillama:** There's some that has changed a lot, but [off-mic].

**Chairperson Speranza:** Well, we don't have an analysis that goes with the most recent one.

**Mr. Abillama:** But just to make you aware, this is the only portion that we're dealing with as far as site work. And then everything else, we're just raising ...

**Boardmember Sullivan:** That's called site work.

**Mr. Abillama:** The analysis is ...

**Boardmember Sullivan:** It's called site work to raise the grade and to build a retaining wall.

**Mr. Abillama:** I mean, we included that in the statement. But as far as indicating the rate of the grade from here to here, [off-mic] the solution I've provided is much better than what it is right now. And this is, here ... this area here is the steep slope. It's under 1,000 square feet, if you [off-mic].

**Chairperson Speranza:** OK, let's go through whatever paperwork that has been submitted. Let's make sure that it is the most accurate and up to date, Deven, right? With respect to the

paperwork that has been submitted in the past, that it's reflective of, now, this new ... this scenario. And then partner it up with the neighbor.

**Boardmember Alligood:** I think that Kathy took a stab at a checklist for us.

**Chairperson Speranza:** Yes.

**Boardmember Sullivan:** Yes, I did.

**Boardmember Alligood:** And that would be extremely helpful. Because going back three months, four months and trying to piece together the parts of the application that are now relevant, I think we should have one submission that has everything in the format in which we've requested it. Which is not just a letter. It's actual plans that show us the grade and ...

**Mr. Abillama:** I've got to say, if you look at the property this is the existing house. This is the only addition that was done (inaudible) that there's no steep slope. This is the steep slope here that's been altered. It's not as you might want to make it look like. It's not. It's just a tiny little area that's been disturbed. Please.

**Boardmember Cameron:** No, that's not true.

**Building Inspector Sharma:** We need to do it procedurally correct as well: i's need to be dotted, t's need to be crossed. I think the checklist which I've been referring to, the code section ... again, each code section [off-mic] one side of the code section on the right, one side on the other side. And you have it. Do you have a copy of it?

**Village Attorney Stecich:** Yeah, yeah. But that's from November. This is in November, and the plan has changed since then.

**Mr. Abillama:** Nothing has changed. In that checklist, nothing has been affected. Nothing. All we did is raise this grade here 3 feet from this point. It's not something that is required for (inaudible).

**Village Attorney Stecich:** Yeah. But, you know, the thing ... the other ... I'll tell you what the other problem is. What this thing says is, if you look at the column, it says "see architectural drawing." And I look at the architectural drawings and I can't read them because they're in microscopic print.

**Mr. Abillama:** I apologize.

**Boardmember Dale:** We need this blown up to a size where we can analyze it, with correct data.

**Chairperson Speranza:** OK. So for the next submittal, I think it is critical that we do this in connection with the neighboring property. And it would be great is there was one analysis. You do an introductory ... bring us up to speed in a documented ... you know, in a letter. And I know you sent a letter this afternoon. Both property owners, this is ... these are now the changes from the one that we've already approved, and the changes as proposed, including the calculations for the steep slope modifications. If they've already been done and they still stand, that will be verified. And we'll go from there. OK?

Thank you.

**Mr. Abillama:** Thank you.

#### **IV. OLD PUBLIC HEARINGS (Continued)**

- 1. Special Use Permit, View Preservation and Site Plan Review/Approval – Application of Louis Zazzarino (Moonraker Acquisitions, LLC) for the addition of two stories and other needed alterations to an existing single-story building at 400 Warburton Avenue to convert to four (4) townhouses. Said property is in MR-O Zoning District and is also known as Sheet 7, Block 613 and Lots 14, 15 & 16 on the Village Tax Maps.**

**Chairperson Speranza:** OK, the next item on our agenda is special use permit, view preservation and site plan approval for a property at 400 Warburton Avenue, Moonraker Acquisitions. You need the mic. Mr. Lerner, welcome back.

**Lanny Lerner, architect – 400 Warburton Avenue:** Thank you. Since the last meeting – we've had two so far, one was informal and our last one was a public hearing – I went through all of my notes and I went through the video. I took all of your comments, put them down, and have tried to address them with this submission.

The very first thing was, I think your major objection, or one of several, was that it is a little bit oversized for the lot. And in response to that, we've cut it down by over 900 square feet. Everything's gotten a bit more compacted. Let me show you on the back. The rear setback is now 20 feet. That's 3-1/2 feet more than it was the last submission. The front setback is a foot-and-a-half more than it was in the first submission. And we've also reduced the first

unit on the north side. So that also has a 22-foot setback which, from up the hill, makes those oblique angles a lot better in terms of the view.

The other thing that it does is, it modifies the front elevation so that it's not as heavy on the front. So the north unit is set back, and there's a lot less bulk visible. That's one of the other comments that you had made.

You had also suggested that we create an as-of-right plan so we could see, if we strictly went by the zoning ordinance, what we could build. What it turns out is, it's basically two units – two very long, oversized units – that would be very difficult to support because they don't align with the parking structure underneath and would be, per square foot, very expensive. Because all the development costs would be the same on the first floor, which is where a lot of the costs are going to create the indoor parking lot and to create the series of apartments that would be underneath it.

Another thing you had suggested was to create a mockup so we could establish the height in the field so there'd be no misunderstandings about whether we need to do a survey and show the numbers on the drawing, and go out there and look at. I don't know, have you seen it?

**Chairperson Speranza:** Yes.

**Boardmember Sullivan:** Yes.

**Mr. Lerner:** Well, that ribbon – and it's still standing, it's been up there a couple of months – is represented by this yellow line. With that yellow line established, we were able to also establish the top of the roof of this projected townhouse project. The top is actually 30 feet above the first floor, and that's the established line of the ribbon that we showed you.

Now, I'd like to point out, if you see, this photograph was taken from the rear yard of 12 Marble Terrace. I was standing about midway between the first and second floor levels of 2 Marble Terrace, which is directly behind and to the left of this view. What you can see is that. It's the entire river. Everything is visible, and the oblique lines where this has been cut are improved.

Now one other thing I'd like to point, this is a winter view. If you see it in the summer view, you get all of these trees in the back here, on the side, this building. The difference that this building in the proposal makes is virtually nil. There's no change in terms of what's actually there in the summer view because all of this is ingrown here. There just is a lot of ... and that doesn't even begin to show what's happening.

I think you've seen some of these pictures. These were taken in the summer, last summer, and you can see how dense the green is. You can't see the buildings behind it, up the hill; this is taken from Warburton. So I don't think that the project, as it's shown here, makes a whole lot of difference in the view. We've brought it down so that the back roof is only 30 feet high. Thirty feet is actually less than a lot of single-family homes with a pitched roof ... would be 30, 34, 35 feet, sometimes more.

I think the project presents a lot of positive aspects to the Village. It takes a building ...

**Building Inspector Sharma:** Lanny, the microphone.

**Mr. Lerner:** It takes a building that's unused – it's ugly, it's the wrong use for the neighborhood, it's a commercial use, it's a residential neighborhood – and it creates a residential project out of it that, I think, adds a great deal to the community. It increases the tax bases. It provides four families new housing in a very desirable area. And I think I'm trying to address all of your concerns. I hope I have. I'd like to hear your questions.

**Chairperson Speranza:** OK. Let's start ... Planning Board, questions or comments first, and then we'll open up for public comment. Anything on the presentation?

**Boardmember Strutton:** Well, I have some questions. There's no access to the roof? You're not going to use it as a terrace?

**Mr. Lerner:** No, no. There are plenty of terraces front and back, as we discussed last meeting.

**Chairperson Speranza:** Is that it for Board questions?

OK, I'll open it up for public comment then. Anybody wish to comment on the application?

**James Stranges, 2 Marble Terrace:** I beg to differ with his opinion of the views. I've taken a couple of pictures of my own from my apartment, my house. My house faces ... actually, the entrance is from the north, faces north and south. So all of my rooms, I have a view out to the west to see the Hudson and the Palisades.

And if I might, these show the ribbon that's been sitting there for over a month. The height of the building now is represented with the brown. The pink is the height that he wants to go to. So even though it may be obstructed in the summertime by some of the foliage, we can still see the Palisades and the water. Now, there were a number of buildings that were built behind us, behind the Aqueduct, and I understand a number of years ago they cut down a lot

of trees so that they could have a view of the Hudson. Nobody worried about the trees that were on the other side of Warburton. They enjoyed the view in the wintertime or in the fall.

Now, we've had a good snowstorm before winter started, which knocked down a lot of the trees along Warburton. So some of the pictures that you've seen from what he had taken in the summer are no longer blocked with those trees. In fact, my neighbor had to cut down some of his tree. And it was a big old tree, and a lot of limbs fell down with that snowstorm. I'm not looking to have major snowstorms give us a better view, but I think that this obstruction that is being planned – as I understand it, with the first meeting that I attended – he was considering putting elevators in since it's going to be a three-story building, which would only add more height to the roof and block more of my view. And that's my big concern.

We're a building that's been there since the mid-1800s. It was part of an estate. There used to be a castle on that property. On Division Street, which is at my corner, is the maid's quarters, and my building was actually a carriage house way back when. It was just added to and added to and added to until it became the structure it is.

It's a quiet street, and more concrete than probably we want it to be. But we do have deer wandering around the area, as well. And we enjoy it. We've been there for 35 years, and would not like to see the building warehouse go to waste. But I really don't appreciate the height and the blockage that we're going to be experiencing with this structure.

Thank you.

**Chairperson Speranza:** OK, thank you.

**Lawrence Houghteling, 9 Marble Terrace:** I live right down the hill from Mr. Stranges, which means actually that my view and my wife's view and my tenant's view will be much more blocked than Mr. Stranges's view, which will also be blocked.

As I understand it, what's really happened is that the Village changed the status of this property. This property was vacant for awhile, and now is no longer considered a commercial property. We're being told it's a nonconforming usage in this basically residential neighborhood. In fact, we have right below us Mr. Don Brown's roofing establishment, which serves as an alarm clock. At 6:30 every morning, Mr. Brown and his employees start making noise, which is OK with me because I think 6:30 is a pretty good time to get up.

But it is a mixed neighborhood and, frankly, I like it that way. It was described as a desirable place – I think of it as a desirable place – but it's harshly industrial. I would like to see the Village undo the mistake it made by changing the designation of this place which would allow the present owner to use it as a warehouse and not claim that he has to now make it into an apartment because he doesn't really have a choice.

I made some photographs here, and I think you will see that this building, if it were built, would make a dramatic change in my view. The photographs are not everything they should be. They were taken by a friend of mine.

**Building Inspector Sharma:** You have to speak in the microphone.

**Mr. Houghteling:** The photographs were taken with my friend's phone, and when they were on the computer they looked great. The computer picture looks great, and then you try to print it and it doesn't look so great. So what you will see is ... you're going to have use your imagination a little bit to enhance the photograph, but I think you'll be able to.

The first photograph is a photograph from the street. It's basically this same photograph. It's very similar. My house is the house with the fake arches, on the right. You'll see the difference. I tried to draw in what this building is going to be like. Believe me, I didn't cheat. I wasn't really ... it might be a little bit less because of these notches on the side, but you will see it from my drawing.

**Chairperson Speranza:** So that's your home right next to it with the arches, right? Yes.

**Mr. Houghteling:** This one here. And what I've done, these photographs that I have, one was taken basically from this place, one is taken from right here next to the front door, one is taken in the middle of the yard, one is taken over here next to a tree where our garbage cans are. And then one is taken right around the corner, which you cannot see. It's where we have a garden table, and all spring and summer and fall we sit out and we have ... it's a beautiful little yard. I feel funny talking into a microphone when you're right here.

**Boardmember Sullivan:** Well, you're talking to a lot of other people.

**Boardmember Dale:** You're talking to the camera.

[laughter]

**Mr. Houghteling:** If I was an opera singer I could have done this with no microphone.

Here's the thing. I've got several photographs. This is the first one you see. It's not very dramatic because it's taken from across the street. OK, now this one is taken from the front steps. That's right here, that's taken from about here. OK? The next one's taken from the middle of the yard, or the upper yard – here, where the garbage cans are. It's designated "C." The next one's from the middle here.

Now we get to the ones which were taken from a place we can't see, which is around the corner, which is where we hang out, where we have our picnics, where we have dinner parties with our friends, where we have barbecues. You know, we really live outside during the summer. It's a very nice, lovely place.

There's one thing I should tell you about this place. And that is, as you look at the river – my house is right here – as you look at the river, right here there's a very large house: Larry Young's apartment house. Let's say this is 12 o'clock – it's at 1 o'clock. So we've got this view that's completely blocked, starting about here. And we got a view that goes over here. And what we're really talking about – this house he's talking about – instead ... we've now got a view that goes like this, and this house is going to cut off the view so we're going to get this little piece here. We're going to get from 1 o'clock to 11 o'clock, and right now we've got from 1 o'clock to 9:30.

Let me show you. On the map, this is from ... this is the one that's dark and you can't see it very well, although I think you can see it well enough. This is the outdoor area, and this is from an area about 10 feet to the right, sort of on the right hand of our yard, where we have a [off-mic]. You can see the chairs and the stuff. They were overturned in these pictures because we had to do a lot of cutting because of the storm. You remember the big storm? We lost this tree, and it messed everything up.

But look at this. Look at these two pictures here. This is another version of the same thing, all right? We going to lose all our view of the river, and we lose about two-thirds of the view of the Palisades from sort of like 11:30 all the way over to about 9:30; this whole part of an arc. Now, if we're serious about talking about view preservation ... and I hear that term used a lot. I remember when there was a discussion about whether you could put antennas on the top of this building – antennas. And because the Village has changed the designation of this building – and now these guys feel like they need to build something else and they're talking about, "Oh, well, it's really a big addition to the neighborhood" – it would be ... it would be nice.

Obviously, they're not fools. They have a nice plan here. I'm sure they'd be pleasant and everything. But if you're serious about view preservation, I got a view and it ain't being preserved if this gets built.

**Chairperson Speranza:** OK, thank you. Anyone else from the public wish to speak on this?

Marianne, could I ask ... you have the code with you?

**Village Attorney Stecich:** Yeah.

**Chairperson Speranza:** The MRI, and the special permit, this is because we're looking at residential units, if I'm recalling correctly, on the ground floor?

**Boardmember Sullivan:** No. Because we're looking at ...

[Male Voice]: Multi-family, I believe.

**Boardmember Sullivan:** It's approved use at two-family. And because this is a four-family it's special. And then there's a number of ...

**Chairperson Speranza:** Conditions that need to be met as a result of that.

**Boardmember Sullivan:** And things that are ...

**Chairperson Speranza:** And that's ... yeah, that's what I want to hear.

**Boardmember Sullivan:** The lot itself is undersized for that particular number of families.

**Chairperson Speranza:** Right, yeah.

**Village Attorney Stecich:** OK. *"Principle use in the MR-O requiring a special permit would be dwellings for four or more families, provided that suitably-improved and usable recreation area and open space shall be provided in accordance with the following requirements," and "100 square feet for each studio and 200 square feet for each bedroom."*

So that's all that's in here, and then you would ...

**Chairperson Speranza:** So that's the only condition, really.

**Village Attorney Stecich:** And then the general requirements for a special permit. Do you want me to read you those? Those are just in the special permit section. Just a second.

**Chairperson Speranza:** Oh, with respect to community character.

**Village Attorney Stecich:** Yeah, they're more general, but I'll read them to you. *"The use shall be of such a nature, intensity, size and location that, in general, it will be in harmony with the character of the district in which the property lies and with the orderly development of that district, and will not be detrimental to the orderly development, use, or value of adjacent land and buildings. The location, nature and height of buildings, walls and fences, and the nature and extent of existing and proposed plantings, shall be such that they will not be a detriment to the character of the orderly development of the district. The use shall not pose a danger to health, safety and welfare."*

**Chairperson Speranza:** OK, thank you.

**Village Attorney Stecich:** And then you know the view preservation stuff.

**Chairperson Speranza:** Yes, yes. And I think that's what gives me somewhat of a hesitation on this project. Because if this was something ... you do have to go for the variance for the square footage. And I can certainly appreciate the fact that you've reduced the size of the building. But again, it's still larger than what's allowed under zoning. So that still gives me some concern.

View preservation, you can take photos from lots of different angles, having been out there. And I certainly appreciate the fact that from one ribbon tied across you don't get the sense of the actual bulk and massing as you do from the photographs. I think there's a median in between and, again, I certainly appreciate that by notching the building it does provide some relief.

Anyway, those are my thoughts on it. Any Boardmember?

**Boardmember Sullivan:** I have one that I mentioned, and I saw no real reaction to it, was the issue that this building is adjacent to a trail, Village trail. The setback, you mentioned that it was a 30-foot high building. So there would need to be a 15-foot setback from the property line towards the Quarry Trail, and there's been no change between the last submission we've seen and this submission. So you'll still have a situation, it being on the Village trail and having a much higher building right on that property line that the zoning code requests. So that's a big concern for me for just sort of development of a public trail that's adjacent to this property.

**Mr. Lerner:** There is a [public session]. And the existing building is within 2 feet of the property line, but there's a 12-foot setback from the property line on that side.

**Boardmember Sullivan:** Where's the setback? I'm sorry, that's not a setback. That's one corner that's 12 feet. The setback would be taking the property line and having no building within that 12-, now 15-, foot because you're saying it's a 30-foot building, 30 feet high. So it's 12 feet or half the height, so it's 15 feet. So I would expect to see a line along the property line, 15 feet away, with no new building in it.

**Mr. Lerner:** Well, the problem with the site is that it's not a square site.

**Boardmember Sullivan:** Again, that, to me, is a Village trail.

**Mr. Lerner:** I'm sorry?

**Boardmember Sullivan:** That's a trail that the Village just built a number of years ago. And I see this as an impediment to the enjoyment, where people are going along that trail having a building that would be this high next to it.

**Mr. Lerner:** OK, we are proposing to provide access to that trail which does not exist.

**Boardmember Sullivan:** I appreciate that. I'm just talking about what it would be like to be on that trail, given a building of this height adjacent to it.

**Mr. Lerner:** I think the existing building is the problem.

**Chairperson Speranza:** Bruce, anything?

**Boardmember Dale:** No. I hear the concerns and the problems, but at the same time I see it as, certainly, an improvement to the existing situation. Getting four new residents in the neighborhood, adding to the tax base, are all important to the Village. And I like the way you used the existing structure.

I think there are still open issues that need to be discussed in terms of the zoning changes that are going to be required, and whether or not that's acceptable to the Village and the Zoning Board.

**Chairperson Speranza:** Can we catch up on that? Mention that. I know this had been before the Zoning Board of Appeals.

**Village Attorney Stecich:** Yeah, they came before the Zoning Board, but the Zoning Board was not ready to make any ... because they hadn't heard from the Planning Board on site plan

approval, and because I think it was actually the Zoning Board that had asked for an as-of-right, they wanted to see what he could build as-of-right so they could determine what the variance would be. But they're not close to deciding. I think they were certainly waiting for a recommendation from the Planning Board.

**Boardmember Sullivan:** Marianne, and Patty, isn't that what we need to do with the special permit? Advise the Zoning Board on what our recommendation is?

**Chairperson Speranza:** Yeah, and this is one that can be back and forth with respect to whether or not they get the variance. I mean, we can recommend that they get the variance. If the variance is not granted, then it comes back to us with any kind of revision, if there's going to be a revision. View preservation, obviously, is us.

**Village Attorney Stecich:** Well, it's the Zoning Board because of the special permit, too. Under the code, the Zoning Board gives the special permit. You would just be making a recommendation on it.

**Boardmember Sullivan:** Yeah, I think we advise ...

**Village Attorney Stecich:** What you have is site plan approval. And then you would have to make the finding on ...

**Chairperson Speranza:** The view.

**Village Attorney Stecich:** No, not only on the view. If you thought it was going to be approved you have to make the finding whether it generates a need for the recreation fee.

**Boardmember Dale:** Well, they would pay the fee, I would assume.

**Village Attorney Stecich:** Yeah, but you have to make a finding that this many new units is going to generate the thing, and then the fee is already set.

And then I think one other thing. I don't know if the Planning Board wanted any input on it, but there was an open question for the Zoning Board: whether the decks constituted improved and usable recreation area and open space, or whether that was understood to be, you know, ground space. I did look at the reports of the zoning changes that were made to this district, I guess, about 10 years ago to see whether they shed any light on it, and they didn't really. So if the Planning Board had any thoughts on that ...

**Chairperson Speranza:** I think we have found that to be acceptable in the past.

**Village Attorney Stecich:** The decks as open space? I guess that was on 45 Main?

**Mr. Houghteling:** Could I ask a question?

**Chairperson Speranza:** You've got to come to the mic, sorry.

**Mr. Houghteling:** Who is in charge of making rulings on such a thing as going back to the preexisting condition of the building? As I say, the building was zoned for a warehouse. And now it's said that it can't be a warehouse anymore because it was empty for awhile and because the district isn't supposedly a warehouse district. Although as I say, the neighbor – the direct next door neighbor – of this building is a place where people come and go with trucks and leave big piles of roofing materials and stuff and move them from time to time. It's an industrial site.

**Village Attorney Stecich:** No, the zoning is what the zoning is, and it was changed by the Zoning Board, I thought it was, 10 years ago.

**Chairperson Speranza:** By the Village Board.

**Village Attorney Stecich:** I'm sorry, by the Village Board. And there would have to be a rezoning. But that's so unlikely because there was a big study, there were public hearings and whatever. So it's zoned what it is. It isn't that this is the only use. There are other uses permitted in this district. It's not just residential.

**Mr. Houghteling:** So there's nothing ... it's not like God is saying this couldn't return to being a warehouse.

**Village Attorney Stecich:** Well, the zoning code would have to be changed again.

**Chairperson Speranza:** Or they'd have to go for a variance.

**Village Attorney Stecich:** Yeah. I mean, that's just unlikely. A use variance ... they can't possibly get a use variance.

**Chairperson Speranza:** And Mr. Brown's establishment can continue to operate there because it is a legally nonconforming use. It can continue to operate.

**Mr. Houghteling:** Right. And the other ...

**Chairperson Speranza:** This has been vacant, and is ...

**Mr. Houghteling:** So it was a legally nonconforming operation, but because of the vacancy for awhile ...

**Boardmember Dale:** It loses its certificate of occupancy.

**Mr. Houghteling:** It loses ...

**Village Attorney Stecich:** No, it loses its legal nonconforming use status if it's not used for a year.

**Boardmember Cameron:** I just have some comments. I actually basically agree with what Bruce said. There were ... in addition to this, we also amended the downtown district to try to increase density. And we have a structure there which can't be used as a warehouse. It's sort of hard to put housing in on the ground floor. A person is required to have all these parking spots. And it gets pretty hard, in the final day, not to do what he has proposed for this thing.

I wish we'd actually gotten pictures of the remaining piece of view you still have. Because I've been over there and looked at it, and there is still some view left. And while we are in the business of view preservation, it's view preservation in the context of letting someone build something on their property. It's not view preservation. Otherwise, everybody on the upper level would, in essence, have taken all the properties of the lower level that hadn't been built on yet.

So it's a balance in there, and we gotta think about it. And for better or worse, at the end of the day, if something happens here your view won't be as good as it was. I love views, and I have feelings for you on that. So the real question for the Village is whether or not, and how, do we get things to be built in these vacant areas. We don't want empty areas.

And I use Donald Brown, like all of the rest of you do, on my roof and everything. He's fantastic. I don't want him to leave – please don't let him leave. On the other hand, the other person who had this, the warehouse, is gone. So I, for one, would like to figure out a way that we can put something on this site. They used to say that the right answers were when everyone's a little bit unhappy. But it's somewhere in there. I don't know where it is and I don't think we necessarily have the answer, but I think we've got to work towards it.

**Chairperson Speranza:** Rebecca?

**Boardmember Strutton:** Well, I would agree with Jamie and Bruce. I think you've done a good job of listening to what we've said so far. I appreciate the downsizing and the setbacks. And I think it sounds like there's still some open issues that we need to resolve. But I think we ought to work together and come up with something that works for everyone. Or as Jamie said, marginally works for everyone.

**Boardmember Alligood:** I am supportive of the concept of the density and the residential use. You know, I did go up and look from Marble Terrace and I do think there is some taking of views, some part of views, clearly. And so the question is, I think what we're all saying is, how can we reduce that to a reasonable level. Yeah, I don't think we're there yet.

**Boardmember Sullivan:** Well, I guess I expressed one perspective, which was focusing on the trail. But I think the taking of views is related to the bulk of the building on a too-small site. I mean, there area lot of variances that you put into play to make this happen. And I think focusing just on the special use permit recommendation ... you know, Patty, I've written down – and I apologize for sort of being left in ... because you were having Marianne sort of remind people of what the special use permit is all about. And the things I wrote: *"the nature, the density, the size to be in harmony with the character of the district and overall development, orderly development, of the district."*

This building is built out from lot end to lot end. You know, that's the existing condition. I don't see that gives someone the right to come back and build two more stories with that same concept. I mean, the existing building is sort of used as a base, and then there's new things being added on top of it. And the rationale is that, well, the existing building – which is one-storyish – goes from lot line to lot line; therefore, I have the right go from lot line to lot line into something that's bigger to it. And I disagree with that. And that's why if Mr. Brown and I decide to develop my land I'm going to be faced with a three-story building on the lot line that I have no ability to ... I have to address that, and I find that disorderly, for lack of a better term.

So I think if I can ... and I appreciate what folks are saying about the view, but the view issue is tied into that. Because this lot is over 5,000 square feet, it could accommodate a two-story, a two-family, structure with all the proper setbacks, I think, without any real issue. And that would be much more satisfying to the neighbors up the hill if they didn't have a four-family structure and we're looking at having a two-family structure in their view. I would say the argument would be harder to make.

The orderly ... or sort of the nature of this neighborhood is very unusual. We have a lot of density towards downtown. But towards Yonkers, to the south, we have a lot of homes that have setbacks. And people can walk along the Palisades. And as they walk along, they get

glimmers, they get strong glimpses, they have good views towards the river. And they have structures. No one's denying that the structures are supposed to go, you know. It's part of that. And this building is very bulky on the lot that it has.

And so I guess I looked to the special use permit. And it was very clarifying to me because I have some strong feelings – not just about the setback because it's next to a trail, which I feel very strongly about – but also I think it's just too much on too small of a lot.

**Chairperson Speranza:** And that's reflected, again, as you mentioned, in my view also what's got to be done in terms of the variances.

**Boardmember Sullivan:** You know, I appreciate the attempt to make an adaptive reuse of this. But I don't see it as the guidance – just because it's a full-lot coverage building, therefore what I can put on top of that I have the right to do that. I would say you should be respectful of the setbacks and try to accommodate those. The lot coverage probably is not going to be addressed. But the setbacks in particular, with the view issue, I think should be really looked at again.

**Chairperson Speranza:** Anyone else from the public wish to say anything on this?

**Jim Metzger, 427 Warburton Avenue:** To Kathy's issue, I agree exactly with what you're saying. I think it's very well thought out and very well reasoned. And even more so, on the side of the building that faces the trail there are no windows. So not only would it be a three-story wall, it would be a three-story wall uninterrupted by any sort of breaks whatsoever. I'd have less of an issue with the building as it's planned here if there were windows on the side lot line.

Now, I think code says that we can't put windows there. Is that right? So you're going to end up not only with the three-story wall, but it's going to be an unremitting three-story wall that's the entire length of the building, which concerns me even more. So I agree with you. I think the setback on the second and third floor would be critical to relieving the massiveness of this building on that trail.

**Mr. Lerner:** [off-mic] about the windows. You can certainly put windows on the side. There's a distance you have to maintain to the [off-mic].

**Mr. Metzger:** As long as you would meet that, it would break up this. I don't know how long the building is.

**Mr. Lerner:** They just haven't been drawn yet.

**Mr. Metzger:** Well, yeah. It's one of those things, as we're talking about getting into some of the nuances of the way the building sits on the site, that would be one of the things I'd like to see should a variance be granted to build out to the edge of the building.

**Mr. Lerner:** That's certainly something I would like, as well.

**Boardmember Dale:** If you were to respect the 12 feet or even 15 feet you would lose one unit completely.

**Mr. Lerner:** Yes.

**Boardmember Dale:** You would have a three-unit project.

**Mr. Lerner:** I'm sorry?

**Boardmember Dale:** You would have a three-unit project if you would follow that line. Is this feasible for building at that level?

**Mr. Lerner:** I don't believe it is. And I've spoken with Peter Riolo about this, and he doesn't believe it's financially doable with the costs that are involved in developing this site. To make it a three-unit versus a four-unit, that would make it worth the risk to go to four units.

We've been trying to accommodate all of the issues around here. I don't think we're ever going to come up with a perfect solution. We've got the setbacks. We've got a pretty significant setback on the trail side. Yes, it comes in. Or I should say the lot comes in. The building stays straight, the lot comes in. The back and the front are real setbacks. I mean, it observes what's required for those setbacks. And I think we're making a major effort to conform with this in a situation that's very unusual.

I mean, there are no buildings in town that are ... well, no buildings right here that are built line-to-line. And we're trying to use that and not knock it down, and do some very positive things here. There have to be some compromises, I think, to get this thing built.

**Boardmember Cameron:** Just a question. God help us, but the height is 40 feet in this area.

**Mr. Lerner:** That's right. It's 10 feet less than allowable.

**Boardmember Cameron:** Right. And if you narrowed it down to three units – and, God help us, added another floor or something like that – maybe that would give us more of a ... you'd need the elevator right away, by the way. Something like that would give you more space, without ...

**Mr. Lerner:** But then we start affecting the views from up on the trail. If you're on the trail and you look at that ribbon, there is no disturbance at all.

**Chairperson Speranza:** Right.

**Boardmember Cameron:** Well, I understand that. A lot of the complaints have been that it's too wide in its lot-to-lot size. And you'd have to see what it looked like in a drawing, but that's just an interesting idea to look at. We're never supposed to suggest things architecturally. And I'm not an architect so it's easy for me to do that.

**Chairperson Speranza:** OK, so I've heard from a number of individuals that there are still some concerns that need to be addressed. I'm still concerned with the overall mass of the structure. And you've heard from Kathy the concern about the distance from the trail. And again, the same thing: that we're trying to squeeze too much on the lot.

I, too, am very glad to see that you've got an opening connection to the trail. Are there other specific things that people can speak to, to provide additional guidance? It's just that overall it's too big.

**Boardmember Dale:** I don't agree that overall it's too big. You have a preexisting structure. Yes, in terms of the existing zoning it's too big and it needs a variance to be able to use that. But I think the economic value of accepting that situation is of value to the Village. Getting four units, if three are unfeasible – the zoning that's allowed to take down the structure and build two two-family houses – is that what I understood you could build as-of-right?

**Mr. Lerner:** Yes.

**Boardmember Dale:** Well, you'd end up with the same number of residences. It would be four if you did two two-family house, but it'd be a lot more costly to do so than it is to adapt this existing building.

**Boardmember Sullivan:** They could build one two-family.

**Boardmember Dale:** Two one-families.

**Boardmember Sullivan:** One two-family. You said two two-families.

**Boardmember Dale:** What did you have, two one-families? You showed two structures.

**Mr. Lerner:** It was two units total.

**Boardmember Dale:** Two units total, so it'd be a loss of two units.

**Boardmember Alligood:** But where is the depiction of the as-of-right?

**Boardmember Cameron:** It's a separate set of guidelines.

**Mr. Lerner:** You should have it.

**Boardmember Alligood:** I see, OK.

**Boardmember Dale:** And also with the density, distance to the Village and to the train for commuting purposes, et cetera, are all very valuable. We have a lot of proposals that have existing houses wanting to make modifications that are in the center of the Village which are almost lot-to-lot. The distance between the houses is quite small. And as you move towards higher density, you move towards more of an urban environment. This adapted reuse does that in a rather pleasant manner. I think it's a nice building that's complimentary to the area.

**Mr. Lerner:** I'd just like to show you again the neighborhood. I mean, the neighborhood is a lot more dense immediately across the street that what we're proposing. It's four stories, it's side-to-side, and I think it's an appropriate density for this site, for this neighborhood.

**Boardmember Dale:** I agree. I would hate to see the warehouse sit there for another five years or 10 years just as is.

**Chairperson Speranza:** I agree.

**Boardmember Alligood:** I want to echo Bruce's thoughts about adaptive reuse because it is something that concerns me a lot just as a planner. You know, we throw away too many old buildings. And in this village I think it's really critical that we find ways to work with what we have. I mean, it's one of the most green things we can do. So that's how I'm looking at it, is how can this project be done without tearing the building down.

**Boardmember Dale:** I would recommend the special permit.

**Chairperson Speranza:** You're ready to do it tonight, huh?

**Boardmember Dale:** And see what the Zoning Board does with the variances.

**Chairperson Speranza:** Are other members ready for a vote tonight, then? Is that what I'm hearing?

**Boardmember Sullivan:** Well, it sounds like the applicant has heard from the Board that there are concerns from some of us about the density, the bulk, the size and the setbacks. And what we're seeing tonight is very similar to what we saw last month. There's been no real movement. There's been a small notching away at one side, and there's sort of a 12-foot setback on one side. But it wouldn't meet the definition of a setback if you were going to be particular about it.

So if the applicant has stated that there's an economic reason that they need to show us this, we're not going to see anything but this next month. I don't think they're going to take any ...

**Chairperson Speranza:** Well, that's what I'm wondering.

**Boardmember Sullivan:** ...comments to heart. I don't mean that in a negative way, but I don't think there's going to be any revision. What we've said tonight is what we said before.

**Mr. Lerner:** An 11 percent decrease in the bulk of this, that's huge. And to make it still ... I'm still trying to make it work financially.

**Boardmember Sullivan:** You've decreased the square footage. You've not necessarily decreased the bulk, from my perspective, nor addressed the setback.

**Mr. Lerner:** I disagree.

**Boardmember Sullivan:** You can do that.

**Chairperson Speranza:** OK. So to close out this item for the evening, do you think you can go back and look at paring this down, making this smaller, reducing some of the mass?

**Mr. Lerner:** This is the third time I've been here, and I think this is the most realistic way I can address the concerns this board has and the Zoning Board has. I don't think it's going to get significantly different than this. It needs to be four units.

**Boardmember Sullivan:** Patty, we have special use permit, view preservation, and also it says site plan review and approval.

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

**Boardmember Sullivan:** Have we addressed the site plan approval? We've talked about special permit and view preservation.

**Chairperson Speranza:** And the site plan approval was the same – right? – as far as I'm concerned. Did you have other things that are specific to the site plan?

**Boardmember Sullivan:** No, I'm just wondering. Parking's one of them.

**Chairperson Speranza:** Parking is provided.

**Boardmember Sullivan:** That's what I'm saying. What are the issues that would be involved with site plan approval, and have we addressed them?

**Chairperson Speranza:** As far as I'm concerned, yes.

**Boardmember Sullivan:** OK.

**Chairperson Speranza:** For site plan. I mean, unless there's something that anyone else has related to the site.

OK, then am I hearing that you would like a vote? We can do this. Marianne, go ahead. Help us with process. We did declare ourselves lead agency on this last month.

**Village Attorney Stecich:** You know what? This doesn't have to be coordinated. Just do a separate SEQRA. You do a SEQRA and the Zoning Board'll do its own SEQRA. Essentially, if you're ready to neg dec it, you can neg dec it and they can neg dec it just separately; uncoordinated review. But you only have to do SEQRA on site plan approval because that's your only action. The other ones are just recommendations, OK?

So what you would have to do tonight if you want to make a recommendation to the Zoning Board on whether they should issue a special permit and any conditions you want to put on it, make your view preservation recommendation. You could have them come back for site plan approval. If you feel ready tonight, you could grant it subject to their getting the variance and site plan approval. But before you grant site plan approval, you would have to

do a SEQRA, probably – a negative declaration on it – and make a pro forma finding about the need for recreation use so that it's on the record and a fee can be charged.

**Chairperson Speranza:** OK, got it.

**Village Attorney Stecich:** If you miss anything I'll let you know.

**Boardmember Dale:** Don't go away.

**Chairperson Speranza:** The environmental covers the site plan and special permit, yes? The neg dec?

**Village Attorney Stecich:** No, you're not giving the special permit.

**Chairperson Speranza:** I'm sorry. We did give special permits.

**Village Attorney Stecich:** No. The Zoning Board gives special permits. It's confusing because it was on the agenda as a special permit, but it's the Zoning Board that grants a special permit.

**Chairperson Speranza:** OK, so the first action that we would take is a motion to issue a negative declaration for the environmental review on the site plan approval for the development at 400 Warburton Avenue. Is there a motion to do so?

On MOTION of Boardmember Dale, SECONDED by Boardmember Strutton with a voice vote of 5 to 1 (Boardmember Sullivan opposed), the Board resolved that the SEQRA action on the proposed site plan for the addition of two stories and other needed alterations to an existing single-story building at 400 Warburton Avenue is a negative declaration for environmental impacts.

**Chairperson Speranza:** All right, site plan approval. This would be a motion to issue site plan approval for the property proposed for development at 400 Warburton Avenue. And I leave it to whoever will make the motion as to whether or not it will be contingent upon the Zoning Board of Appeals' granting the variance.

**Village Attorney Stecich:** It has to be, and getting view preservation approval.

**Chairperson Speranza:** OK. So it's a motion to approve the development at 400 Warburton Avenue, with site plan approval contingent upon the Zoning Board of Appeals' issuing variances that are required, as well as view preservation.

On MOTION of Boardmember Dale, SECONDED by Boardmember Strutton with a voice vote of 5 to 1 (Boardmember Sullivan opposed), the Board approved the site plan 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 townhomes. This approval is contingent upon the Zoning Board of Appeals issuing any required variances and approving view preservation.

**Chairperson Speranza:** Third, a recommendation to the Zoning Board of Appeals on view preservation. And we need a motion to recommend that the Zoning Board of Appeals approve the view preservation application for the development at 400 Warburton Avenue.

On MOTION of Boardmember Dale, SECONDED by Boardmember Cameron with a voice vote of 3 to 3, the Board did not approve recommendation to the Zoning Board of Appeals for view preservation re: the development at 400 Warburton Avenue.

**Village Attorney Stecich:** You need a vote of four.

**Boardmember Cameron:** Right.

**Village Attorney Stecich:** So it doesn't get view preservation recommendation.

**Chairperson Speranza:** So there's no recommendation.

**Village Attorney Stecich:** So I guess that's it on site plan approval, too. Because unless he has all these approvals, I don't believe that the Zoning Board can give view preservation approval without your recommendation.

**Chairperson Speranza:** Without a positive recommendation.

**Village Attorney Stecich:** Yeah, without recommending view preservation approval. Let me just double-check that. It doesn't usually come up.

**Chairperson Speranza:** OK, well, lets move on to whether or not there is a sense of the Board – and we'll do it by motion – as to whether or not the development, as proposed, at 400 Warburton Avenue would be subject to recreation fees being imposed. It seems to me that with this number of units in the area it's only right that the recreation fees be imposed. So can I hear a motion as to whether or not that that's something that this board would like to see happen?

On MOTION of Boardmember Cameron, SECONDED by Boardmember Dale with a voice vote of 5 to 0 (Boardmember Sullivan abstained), the Board approved to impose recreation fees on the development, as proposed, at 400 Warburton Avenue.

**Boardmember Sullivan:** I'm going to abstain because I don't believe in the development so I can't really talk about wanting to impose fees on it, if allowed.

**Chairperson Speranza:** You can abstain.

**Boardmember Dale:** I think Jamie made a very important point before about the balance that you tried to achieve with view preservation and the development to the Village, particularly increasing the density in the downtown area of the Village in areas that are ... you are greening the Village to some extent by the adaptive reuse but, at the same time, preventing it from being built because change is going to change some of the views that people have.

But if I understand the photographs correctly, it's only impacting the view from one side of the house in back, and not the main view which the house sees from the front going forward towards the river, towards the Palisades. So I really don't see view preservation as an important change in this development to this downtown area.

**Boardmember Sullivan:** You've mentioned this as the downtown, but this isn't. This is a residential district.

**Boardmember Dale:** Yeah, it's adjacent to the downtown.

**Boardmember Sullivan:** It's adjacent to the downtown, but it ...

**Village Attorney Stecich:** It was actually part of the downtown. There was a downtown rezoning, and this was one of the districts that was included.

**Chairperson Speranza:** It's residential-office.

What did you find out?

**Village Attorney Stecich:** It says it doesn't go to the Zoning Board for view preservation approval until it's be approved by the Planning Board. So that's really the end of it. That's why I said you should really decide on the view preservation and special permit recommendation first because the other stuff is academic.

**Chairperson Speranza:** Although there may be things ... as Eva mentioned, there may be things that can be done, modifications, that make the view issues ...

**Boardmember Alligood:** That's just what I ... I don't know, but I feel that it's worth seeing if there ... you know, there's some ways to improve the view obstruction that's created by the project as it is now. We've asked other applicants to take another look and see what they can do, and that's just how ... I'd like to see the project go forward. And we have other cases where the applicant has come back and said, "You know, I took another look. This is the only way I can do it." But I'm not ready to say that all options have been explored for trying to reduce the obstruction.

That's all I'm saying. And I just don't feel comfortable ... I did go up there and look and tried to envision, when they've filled out, what it's going to do to the views that people have from Marble Terrace. I'm not so concerned about the Aqueduct, actually. It's really the houses that are further up the hill. So I think it's worth ... you know, this is a large project. It's worth taking another look.

**Boardmember Cameron:** This is not really on the view, but it's more on comments that were made about the Aqueduct trail being there. I'm a big trail person, as many people know. The thing about the Aqueduct trail, as you're coming down the trail you are about to go under Warburton. So it's not like ... you've already got into this tunnel effect, and it's not the fault of this landowner that this Quarry Trail actually happens to have been built in a trench. You know, it is, all by itself, 10 or 12 feet below the sidewalk on Warburton.

So I offset a little bit this whole thing about it's his fault, he's got to do something about the fact that his ... and I like the idea of windows. I think that would help a great deal. I think that's a wonderful idea. And I was noticing that you had closet storage – the elevator and the closet – down that side. You might want to look at ... if this goes through, you might want to look at that. Because that does stop windows from ... unless you're having windows in closets from being put in, in that stretch. Anyway.

**Chairperson Speranza:** OK, so that's where we stand.

**Village Attorney Stecich:** Well, wait a minute. Were you going to make ... although it's probably academic, but were you going to make a recommendation to the Zoning Board on the special permit? Under the code, you're supposed to make a recommendation to the Zoning Board on the special permit. You can decide not to.

**Chairperson Speranza:** I honestly don't see that there's a reason to do that right now.

**Village Attorney Stecich:** OK. You mean because of the view preservation thing, because the whole thing being academic. OK.

**Boardmember Cameron:** We could ask them their thoughts.

**Chairperson Speranza:** Because you'd have to come back anyway.

**Mr. Lerner:** Well, I'm going to be before the Zoning Board next week. What'll I tell them?

**Chairperson Speranza:** Well, you don't have a recommendation.

**Village Attorney Stecich:** My suggestion is that you adjourn your appearance before the Zoning Board until you get the approval from this board. Because you can't go forward with this project without their concurrence. Does that make sense?

**Chairperson Speranza:** Sure.

**Boardmember Cameron:** On the other hand, you might find some ideas from them on view preservation. We're not necessarily a font of information or knowledge, but they're very experienced and they may have some thoughts, too.

**Boardmember Alligood:** I was going to say the same thing, Jamie. And it would be helpful, when you come back, to hear ... I mean, I'd like to hear what they say because, you know, we do try to work in coordination. So I think it's helpful. You're on the agenda anyway, you might as well ...

**Mr. Lerner:** I'm perfectly willing to get their comments.

**Boardmember Alligood:** Also, you may find they feel even more strongly about the views than we do. I don't know, but I think that's helpful information.

**Chairperson Speranza:** Or about the mass of the building.

**Mr. Lerner:** Can the Zoning Board make a recommendation about view?

**Village Attorney Stecich:** No. It does not go to the Zoning Board for view preservation until it's been approved by the Planning Board.

**Boardmember Cameron:** Right, but they can discuss it.

**Village Attorney Stecich:** I know occasionally, where there's something that totally has no impact on the view, we've kind of done it conditional. But that's just the process. The other issues are relevant to the Zoning Board. Like if you went to the Zoning Board on the setbacks, they may tell you that you need to set back a little bit more – a little bit more on the side or something – and then that may address at least some people's view preservation concerns enough that they might change.

**Boardmember Alligood:** But I think it's worthwhile trying to move it along, and get their comments and see what we ...

**Mr. Lerner:** I'm not in a hurry. I, too, want to make a good project out of this: I'm telling you my limitations, you tell me yours. And [off-mic] negotiate a really good project.

**Chairperson Speranza:** OK, thank you.

2. **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.**

*On Applicant's request, further review of this application has been adjourned to the March 2012 Meeting of the Planning Board*

3. **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:** OK, next on our agenda is view preservation, site plan approval, and subdivision approval – we're going to do them all as one thing – for a property at 27 Williams Street and 181 Washington Avenue. This, again, believe it or not, is still old business. We're still in the old business section.

**Boardmember Cameron:** We won't beat our old record. Our old record, we were here 'til 12:30, was it?

**Chairperson Speranza:** That's true. We started one day and ended the next.

OK, let's resume the meeting. Applicants here? We had comments from the last meeting.

**Eric Frank, 493 Warburton Avenue:** So first I would say, to contextualize (sic), thank you for those comments. They did get us to go back and spend more time. We'll go through those points point by point.

**Chairperson Speranza:** OK, terrific.

**Mr. Frank:** but I could say, I think [off-mic] as property owners that we've got a better plan than we had last time.

So I would like to start with an apology. Since we've submitted, we've made a minor modification of the plan which is really our fault. So we're going to hand out a ... and I'll tell you what that modification is to start, and then I'll walk through the issues from last time and responses to those things.

**Chairperson Speranza:** Sure. Are the text pages also different than what we had?

**Ms. Anderson:** There's minor changes, yes.

**Chairperson Speranza:** So these are different?

**Boardmember Dale:** So it's a completely different submittal, with minor changes?

**Mr. Frank:** So from the site plan drawing – the one that looks like this [handheld mic not turned on] – that looks ...

**Boardmember Alligood:** This one.

**Mr. Frank:** Yes, that one. The design change, really, from what was submitted, to this resubmission, is the location of this stairway coming off of the three parking units to the right. It used to sort of run down here and in front, and it's now coming off to the side. And that was basically because this piece of property still was retained by 27, and that whole stairway was sort of impinging upon the garden and having people come straight through. Now, it's our in-laws so that's fine. But if ever they move out, we realize we wouldn't want strangers sort of cutting straight through our backyard.

So we moved the location of those stairs ... was the fundamental change from the submission to what you're looking at. So that said, let me go through what some of the issues were the last time and how we attempted to address them. I think the first one was, there was an issue around easements. We had proposed sort of solving some of the parking issues for all three properties by a permanent easement. I think there was concern that that was not a great precedent for the town. And I think there was some notion that that might not be so great for us, either, as homeowners. I think we agreed with both of those things so we've redrawn property boundaries to properly include the spaces for each unit in the property of that property, if that makes any sense.

So we don't, any longer, have any easements. We have the four parking spaces for No. 27 following on 27's lot proper. We have the two spaces for No. 62 following on the proper lot for the proposed subdivided lot for No. 62. And we have the one space there for No. 181 following on the lot for 181. I think you have those redrawn property boundaries in red there so you can see them. So we worked out all the property boundaries that eliminate [handheld mic not turned on].

I think the next big issue was just the general issue of trying to take what looked too much like a parking lot and make it look less like a parking lot from a visual perspective from Aqueduct Lane. So what we did there, really, to address that was, number one, we turned the units in at a 60-degree angle. Which, I think, just aesthetically now sort of compliments the angles of the houses on the lots and it feels like it all fits in much better and it creates a staggered front to break up what might have been a fairly large-looking structure along the front of this that would have been unbroken. It's now broken up quite a bit by that design.

Number two, we broke those parking spaces from seven conjoined units to three discrete units separated by greenery in between – so sort of sloping greenery coming down and into the yard so that they no longer feel like a parking lot, but separated spaces. Number three, we tried to add more appropriate plantings. So what you see at the top are four what'll be reasonably good-sized trees in planters separating those discrete spaces. Those will be

indigenous trees to Aqueduct Lane. So we'll have to decide on what, but we'll pick something indigenous to the Aqueduct.

And then down below you see trees – we'll show you another image of that in a moment – which are intended to sort of be above 6 feet, and then to have ball growth; so like a flowering crabapple or pear tree to sort of block as much of the view of the structure from below as possible. I don't know if you want to hand those out now, or you want to wait a second. It's up to you. OK.

And I think the other issue is – and Gill is handing out something now – what we're exploring, and hoping to do is, to rather than use traditional pavements on the top of these parking structures is to use something like drivable grass. So a more sustainable structure that allows us to have something natural there, -looking, so that it's highly differentiated from the parking across the street, visually more pleasing, environmentally more sustainable. And while this is not definitive, this is sort of where we're headed at this point. Gill's passing out what we're exploring for surface.

So I think those are the primary things that we've done to sort of address the specific concerns around easements, around breaking up the parking structure. And I think probably the other issue is, from below, if you look, there's ribbons and things hanging in that property to try to give us the ability to create a proper perspective drawing here. And so the other plan is to certainly put trellises along the front of the platform with ivy and growth so that, between that and the trees from below, it minimizes the visual impact of any parking out there.

So those are the key things that we've done. I'll stop for a minute. I think, in the end, the other issues ... there'll be some variances required with regard to lot coverage because the redrawing of the property boundaries has changed all the lot coverages. So we can go through that, and then there's view preservation and we have images related to that. So I don't know where you want to go. If you want to go right into that we can do that.

**Chairperson Speranza:** I think so.

**Village Attorney Stecich:** Patty, I had, actually, a bunch of a couple of things about ...

**Chairperson Speranza:** On the subdivision piece?

**Village Attorney Stecich:** Right, it is. Because it would relate to whether ... well, actually, it would relate to what variances they need.

Now, you show 12-foot setbacks. What's the height of the building? What are the height of the buildings?

**Mr. Frank:** Which one are you looking at now?

**Village Attorney Stecich:** Well, for instance, 181. What's the height of that?

**Ms. Anderson:** They're all below 35.

**Village Attorney Stecich:** No, no. But the setback's got to be ... whichever is the greater, 12 feet, or half of the building height. So if it's a 30-foot building the setback has to be 15 feet.

**Edward Baldwin, 73 Washington Avenue:** We're within 50 percent height.

**Building Inspector Sharma:** Please give him the microphone. Identify yourself.

**Village Attorney Stecich:** I mean, it just would vary how much of a setback they need.

**Mr. Baldwin:** I think the peak of 181 is 28 feet or so from the Aqueduct Lane grade.

**Village Attorney Stecich:** Well, the Aqueduct ...

**Mr. Baldwin:** And the front yard to Washington is more than 14 feet.

**Village Attorney Stecich:** No, what I'm concerned about is the side yard. The Aqueduct one and the Washington Avenue aren't affected by the subdivision. The only one that's affected by the subdivision is the lot line next to 62. So that would have to be either – a whichever's greater – 12 feet or half the building height of 181. So what's the building height of 181?

**Mr. Baldwin:** The building height to the ridge is 28 feet or so. But you're talking about the west setback, the one facing the new lot, which is ...

**Village Attorney Stecich:** Yes.

**Mr. Baldwin:** ... we've shown as 12 feet. I don't know whether you would take it to the eave of the building on that side?

**Village Attorney Stecich:** Yeah, see, it looks like it's 12 feet. There's a hatched area. What's the hatched area? So maybe it's actually greater to the house. Because see, it looks like it's 12 feet to the hatched area.

**Ms. Anderson:** Yes.

**Village Attorney Stecich:** But what's in the hatched area?

**Ms. Anderson:** That's an addition which is one story high.

**Mr. Baldwin:** That's a one-story.

**Village Attorney Stecich:** OK. So if it's one story high it's less than 28 feet. So you're OK there. So 181 looks OK for the setbacks.

Sixty-two, now just so you recognize – since you only have 12 feet on each side – those building walls can't be higher than 24 feet.

**Boardmember Sullivan:** Is it the building walls, or the height of the building?

**Village Attorney Stecich:** I think it says so many feet.

**Mr. Baldwin:** That's to the eave, I would assume.

**Village Attorney Stecich:** Wait, wait. I'm not sure it's to the eave. Let me just look, get the code section out, for the height. I thought it was the height of the wall.

**Mr. Baldwin:** We've only done some very preliminary design on that house, but it's ...

**Village Attorney Stecich:** No, it's 12 feet or one-half of the height of the building wall nearest the side lot line.

**Mr. Baldwin:** Right.

**Village Attorney Stecich:** So it would just be the wall. So just recognize that, whatever house, that wall can't be more than 24 feet.

And then also, I think on your drawing it may be ... I think it's probably set back more than 12 feet. I think you moved the house back, but you didn't change that number from 12 feet, on 62.

**Ms. Anderson:** You mean the front yard?

**Village Attorney Stecich:** The front yard, yeah.

**Ms. Anderson:** The front yard is more.

**Village Attorney Stecich:** That's what I said. But you've still got the number 12 so you should fix that.

**Ms. Anderson:** Well, it's more than 12.

**Boardmember Dale:** You moved it back for the porch.

**Village Attorney Stecich:** Then it's not an issue, but your drawing is inaccurate. It's showing it 12 foot.

**Ms. Anderson:** I was just showing where 12 foot came to show that it was within the ...

**Village Attorney Stecich:** OK, OK.

**Ms. Anderson:** I showed 12 feet to the line.

**Village Attorney Stecich:** The other thing is, there was a question about the rear yard. And you do need a rear yard setback because the 30 feet – the point at which you measure that ...

**Ms. Anderson:** The 30 feet should be perpendicular to the rear yard.

**Chairperson Speranza:** Right.

**Ms. Anderson:** And we don't have that.

**Village Attorney Stecich:** So you'll just need a variance for that for the rear yard.

**Ms. Anderson:** I wasn't going to bring it up because there's so many points that we're bringing up. At this point, I thought maybe it was just another issue that should be dealt with later when we come back for view preservation for this house.

**Building Inspector Sharma:** Gill, please, the microphone.

**Ms. Anderson:** I'm sorry. But the problem is that if we don't set the [handheld mic not turned on] the house to be lining up with all the other houses on the street, and just have 12 foot in the front, I don't know that that's architecturally a good idea.

**Village Attorney Stecich:** I'm not saying it's good or bad. I'm just saying you need a variance for it.

**Ms. Anderson:** I absolutely understand.

**Village Attorney Stecich:** Let me just see if there's anything else. There was a question raised about whether you needed to include the parking area in the coverage variance. And even if you don't have the storage underneath, you do, because the parking area is considered calculated in the coverage.

**Mr. Frank:** OK, so we have those.

**Village Attorney Stecich:** Driveways are exempt, but parking areas aren't. But I think it's covered because you were going to have an accessory. So even if you take the accessory out – I guess it's below-grade accessory – whatever it is, even if you took that out you still need coverage.

**Mr. Baldwin:** We've calculated the coverage with it.

**Village Attorney Stecich:** Yeah, so that's fine. That's fine.

**Mr. Frank:** So when we sum up the variances that are required we'll use the bigger numbers that include the parking.

**Village Attorney Stecich:** Oh, yes you do need one other variance. And that's for parking in a required yard. Because it says that there's no parking in a required yard except for a driveway. And these aren't really driveways, they're parking areas. I mean, it doesn't change the plan at all, but they're essentially technical variances.

**Mr. Baldwin:** I didn't think we were within a required yard because we're well past the 12-foot from any building. It seems to me that all the parking is outside of a required yard.

**Chairperson Speranza:** No, it's from the lot lines.

**Building Inspector Sharma:** Aqueduct [off-mic].

**Village Attorney Stecich:** It's not in the front yard, but it's in the side yard – any required yard.

**Mr. Baldwin:** OK, there's a second front yard. For 27 and for 181, it's a second front yard.

**Mr. Frank:** OK, so we need the rear variance and we need a variance for parking in the required side yard, or [handheld mic not turned on] we should say.

**Village Attorney Stecich:** Right, and coverage variances. I think that's it.

**Mr. Frank:** OK.

**Mr. Baldwin:** But tonight, those variances would be part of the next application.

**Village Attorney Stecich:** It goes to the Zoning Board.

**Chairperson Speranza:** Since we're talking about the site plan, I think this is a good opportunity – and then, you know, you can go through view preservation – I did have a letter that came to the Planning Board from owners of 54 Washington Avenue. Just in case they're in the audience, Beverly Lucas and Jacqueline Constantini, are they here?

**[Male Voice] XXX:** Not here.

**Chairperson Speranza:** No? OK. Then let me read this because this letter does raise some issues with respect to the site plan.

*"We are the owners of 54 Washington Avenue. First, we would like to point out that we did not receive notification of any of the plans to purchase and renovate the above-mentioned properties. We found out through the owner of 52 Washington Avenue. She received notification via certified mail.*

*We would like to address the proposed building of the small house on the vacant lot. As we understand it, the house would be 18 feet wide and 30 feet long. No matter how the house is inserted, it will be squeezed into an area that barely offers enough space, thus looking very unattractive and out of proportion to said area.*

*In addition, the house would be sitting almost on top of 60 Washington Avenue, giving the current owner an extremely closed-in feeling, atmosphere, and blocking her back window view of Draper Park. The building of the proposed*

*parking area would block my view, the second floor, and my niece's view, third floor of Draper Park from our kitchen and middle rooms. We would not like to look at a line of parked cars and a wall that would be holding the parking area in place.*

*In addition, in the morning and evening hours the lights of all the vehicles parked in that lot would shine directly into my kitchen, second floor, as well as my niece's kitchen on the third floor and part of the third-floor apartment living room and second-floor apartment dining room windows. Also, there is concern over exhaust fumes when the wind blows towards the west. The fumes would travel directly into kitchen windows and living and dining room windows. We would have to keep our windows closed and shades drawn, blocking any breeze or natural light from coming into our homes. This would affect the back windows of both 58 and 60 Washington Avenue.*

*We agree that the lot for 181 needs to be better maintained, but we do not feel that the proposed building, with small house and parking area, would benefit Washington Avenue in any way, and would take away from current views, in addition to causing discomfort to some residents along Washington Avenue.*

*We do agree with the proposal to renovate 27 William Avenue (sic), including the addition of a deck on the back of the house, as well as renovating the existing house at 181 Washington Avenue. We appreciate the planning committee for taking our concerns into consideration."*

*Thank you,  
Beverly Lucas and Jacqueline Constantini.*

**Chairperson Speranza:** That was one comment that we have heard on that application.

And I am curious. I'm sensitive to lights coming into the windows, particularly from a parking area.

**Mr. Baldwin:** I think they must have been looking at the first design proposal.

**Chairperson Speranza:** Well, yeah.

**Mr. Baldwin:** Because the lights from the cars will not come into any windows except 27 William.

**Chairperson Speranza:** Because it's so far back, now that you've rotated the parking spaces. OK.

**Mr. Frank:** [handheld mic not turned on] the lights away from ... yeah.

**Boardmember Dale:** Is 54 next door to 60, or is there another building between them?

**Boardmember Alligood:** There's another, but it's pretty far down.

**Boardmember Cameron:** It's two down.

**Mr. Baldwin:** It's two down.

**Mr. Frank:** Yeah, it's two down.

**Boardmember Dale:** And are they buildings that would absorb whatever light was on first before they got to her?

**Boardmember Cameron:** Even though their building sticks farther out, I didn't see how they could actually see your new building since it would be covered by 60.

**Boardmember Dale:** And it was also my understanding, from what you presented, that the neighbor at 60 was happy once you agreed to move the back to accommodate her porch. So she's not actually complaining – her neighbor's complaining for her.

**Mr. Frank:** Now, I think the issue of the view from certain rooms up the hill to Draper Park is a real issue. It's not a view preservation issue, technical, but it's a quality of life issue. And I think what we're ... I mean, I think the alternative, though, would be that there would still be ... if we didn't have this, we'd end up, as-of-right, parking comes down and into this whole area down here anyway. There's still going to be a pile of cars, no matter how you slice it, sitting on some kind of a surface.

And so what we're trying to do is, obviously, the best compromise between a reasonable parking platform for us and then trying to visually make it appealing with the trellises and vines from coming up so that it looks better than cars sitting down in the yard there on some kind of paved surface. So it's a real issue [handheld mic not turned on]. I think we're trying to mitigate it as much as possible through design.

**Boardmember Sullivan:** So could I make a comment on something?

**Chairperson Speranza:** Sure.

**Boardmember Sullivan:** I appreciate the response to your neighbor's comment that you had, and then also things that the Board suggested. What concerns me greatly, actually, is the fact that we have seven cars that are sort of angle-parking off a road. And so I'm trying to figure out ... this is a very unusual situation to have this kind of quantity of cars side-by-side. And so I just wanted Marianne – and this is sort of directed to you for your help – but I found myself looking for what this is. Where does the code talk about where parking should be in relationship to curbcuts? Because this basically curbcuts off a road, if you look at it that way.

And there are a lot of them smack up against each other. And someone made a comment why they didn't want to have, for the new 61, a curbcut off of Washington. Then I ended up the other day walking up and down Washington, where every house has a curbcut. So that seems kind of fine that you could have a curbcut off of Washington – and there are a lot of cars that double-park and there's garages in the back – so there's a real pattern already in existence.

But this is unusual. And it's very creative, but I've struggled with this. Because although Aqueduct Lane is not a busy, busy road, it's a very tricky road to drive on. The visibility's poor and there are a lot of pedestrians that are walking on the Aqueduct, there are bikers, there's kids playing in that sort of gravel area. You know, it's an unusual area. So I said to myself, Are these driveways? Should I look at them as that? Because that's kind of, in reality, what they are.

Under Article 5, they talk about driveways and sidewalks. The thing I found was under Section 295-41 – *"maximum driveway side and curbcuts."* It said, which we've talked about, *"No driveway should exceed 960 square feet"* – we discussed that earlier tonight – *"nor be wider than 24 feet"* – we've discussed that. *"But no more than one curbcut shall be permitted per lot unless there is at least 32 feet between curbcuts, in which a maximum of two curbcuts totaling 24 feet in width shall be permitted."*

So just focusing on the parking for 27, right now we have two curbcuts which are for the two sets of parking, the upper and lower unit, that are much closer than 32 feet apart. If you just take the logic of what we're looking at in totality, we also have another curbcut-ish thing which has three of them, actually, together that are much closer together. So I see this as ...

**Boardmember Cameron:** But they're on separate properties.

**Boardmember Sullivan:** I understand that, I understand that. And that's why I'm just sort of trying to ... as we're looking – I said that, Jamie – sort of totality and trying to make a logic of this, by the measure of what's being proposed, correct: they are on separate lots. But we're concentrating seven cars in a very tight length along this road. I hate to propose – I shouldn't say "hate" this, but I had envisioned perhaps – a solution that came to us where we would be looking at a driveway down to areas where the parking is off the Aqueduct; where it isn't all even cars backing up into the Aqueduct as they're trying get in and out of their space.

So I just see this as a public safety issues of sorts. And I find it's very creative and a very inventive solution to getting parking on these lots. But I potentially see this creating a hazard.

**Boardmember Alligood:** What I like about this solution is it's not creating all this excess paving. That's really one of the things that strikes me as so positive about this plan. Instead of having a car go down a long path of paving, and basically cover even more of these small and tight lots, you're trying to propose something that I think will come across as much more green. And I really like the idea that it's a pervious surface. This is a case where I think the creativity is a positive.

**Mr. Frank:** And we're trying to try to get some kind of electric [handheld mic not turned on], but now you're spreading them ... which I actually understand.

I tend to disagree about the public safety issue. I think if we're backing out onto Washington Avenue, which is right where Washington comes down and starts steep, I think between that and between the neighbor across the street coming out of their driveway I tend to find it a lot ... I mean, it's true. There are lots – no question, by historical accident – all along Washington where people go in and out of those lots. But I think you've got a choice between backing out onto Aqueduct Lane or backing out onto Washington Avenue. It's a no-brainer.

**Boardmember Sullivan:** Yeah, I ...

**Mr. Frank:** And there's no neighbor across the street where you're conflicting.

**Boardmember Sullivan:** I understand that. I'm just reacting to the quantity of cars. And I prefaced it saying that it's not that highly traveled. I've driven on that street frequently, and at night, and the visibility is tricky. You're winding around buildings. It's a very unusual road. So I see it ... and there is a lot of activity in the parking area, the gravel area, where

people are throwing balls, Frisbees, walking the Aqueduct trail. So I see it as a very complicated street, though – the high level of traffic.

A proposal I would suggest as something perhaps to look at is taking the two spaces for 62 and making them come off of Washington in a more traditional way along that street, and then look at ways of ... you know, that would leave you with the space for 81, and then looking ... we can talk about whether the two sort of curbcuts for 27 are appropriate, being as close as they are. Because I think the code kind of ... maybe, Patty, another variance that we want to add to the list. But it looks like perhaps they need to be separated. Or the suggestion of parking them down below, where there's a kind of informal parking area for that particular lot, should be pursued.

**Boardmember Strutton:** Can I just follow up on that?

**Ms. Anderson:** There's somebody [off-mic] opposite, and he also signed a letter for the parking issue.

**[Male Voice] XXX:** We handed it when we came.

**Ms. Anderson:** [off-mic] this particular ...

**Boardmember Strutton:** Kathy, just to respond to one of these. I was the one last time that said, you know, why aren't we doing a curbcut off Washington. And some of you guys sort of talked me out of that by saying what's tandem, we need two spots, it makes it harder. The man across the street commented, and said that he's already having difficulties backing out. And I had said that, you know, look, there's no parking in front of the house now, so a curbcut doesn't take away a spot. But then I was told that, in fact, there are now two parking spots in front of the house.

So I hear what you're saying, but I think we have sort of our ... I don't know, I was sort of convinced, after listening to and reviewing all that, I thought it was better not to have the curbcut on Washington. And then I had a second thought on ... I guess what I was thinking here was that the curbcuts also ... I mean, part of the problems with curbcuts is you're taking away street parking. Here it says there's not enough width of Aqueduct to actually park on. You're not actually taking away street parking. So I have less of an objection to that there.

And I had my thought again, sorry. Oh, my only concern with this setup, really – and I don't think there's anything that we can do about it as a board – is that I really hope that the occupants of 62 don't make it their habit to park out front and then put their bicycles in their off-street parking. And I'd be really disappointed if that is what happened.

**Chairperson Speranza:** Gentlemen, you dropped off a letter. Do you want to come up and speak, or do you want me to just read it? I'm happy to read it.

**Jim Pasanello, 55 Washington Avenue:** If you'll read it, then I'll address any questions.

**Chairperson Speranza:** OK.

*"I'm writing on behalf of my father, James L. Pasanello, Sr., 65 Washington Avenue. He has one primary concern regarding the above-mentioned proposal. His concern is the disruption that could be created by the proposed project. He needs to have his driveway accessible.*

*We think that it's important to maintain emergency access. We have listed three points for consideration. Parking is our immediate issue. We ask that you consider recommending parking permits for residents to the appropriate government body. The Baldwin-Anderson proposal for parking reflects their understanding of the problems that have emerged over recent years. This is a good thing.*

*Note, there is a no-parking sign on Washington Avenue that happens to fall in front of this property proposed for subdivision. The signs say No Parking. After the new sidewalks were installed a couple of years ago, a bit of confusion developed. We have already requested to have the horizontal lines painted across from 65 Avenue (sic) whenever Mr. Gunther can get to it. I'm sure he would like to see how this weighs out before executing the painting.*

*By the way, I was the one who called this a pilot program. I really do not know, I was just guessing. We hope for the reestablishment of the no-parking area. The Village could give permission to the parties involved in this project to use during the construction phase. This is an important consideration in preparing for this large project.*

*We would like to see a landscaping plan of decorative trees and bushes to offset the denatured removal of trees that this plan requires. I can see 20 to 30 trees removed to approach this properly; as part of the plan, a consideration to approve the appearance of Washington Avenue and Aqueduct Lane as it borders Draper Park. There is a need for professional tree removal. Embellishments can later be made by local residents and the parks commission.*

*We are thanking you in advance for any support that targets these concerns."*

*Best regards,  
Jim Pasanello*

**Chairperson Speranza:** Anything else you want to add? Got to come to the mic then.

**Mr. Pasanello:** Well, I think it's a creative plan. I think Ned and Gillian will do a good job. I liked Jim Metzger's input, and I think that influenced this plan. This diagonal parking – and Kathleen, when you were talking about curbcuts, on that area of the Aqueduct it's a precipitous drop – by putting parking in that area, it's creating a wall that you would really need. Because right now it's a dangerous situation. And if you take a walk up there you'll see it.

I thought it was really kind of neat and unique to have those stairwells with the landscaping that Jim was talking about. I like the LED lights. I like the grassing terrace. If you ever saw their house, inside and out, it's gorgeous. And what they propose to do, in our area, would be really outstanding. That's pretty much it.

**Chairperson Speranza:** OK, thank you, Jim.

**Boardmember Cameron:** First of all, I don't like the idea of having the curbcuts on Washington Avenue. I think it's a recipe for suicide to be backing out of a street there that close to the brink of the hill. Because people come over the hill. You'd never want to leave between 7:30 and 8:30 in the morning when people are rushing to the station.

I love the idea of having the grass on the parking spots. I think they'd have to get lessons from Gillian of when not to park there so the sun can hit under the cars. She doesn't park her car there because she wants the grass to grow. I notice that as I walk by.

The one comment I have on what you put together here, with this picture here showing the massing of this from below I wonder if there's some tricks you can do to try to reduce the amount of apparent mass. An example would be – and this is that you have a different material on the bottom 4 feet than what you have the next feet up – just try to get rid of this view of this thing. I know it's going to be covered with, hopefully, vines and what have you. But some sort of differentiation among these things just to make it look not as massive as it otherwise would look like.

It looks like the parking lot down in the Village. You know, that concrete wall sort of idea. Something in there to do that. I just suggest you come up with a plan on that to lower the apparent height of the whole thing.

Those would be my comments. Thank you.

**Mr. Frank:** Yeah, that's been the biggest concern of ours, too. Not only because there's other neighbors that have to look at it, but because we have to look at it every day from our house and from the yard. And I think that one of the things you can't quite see in here, but I think you see it better if you were looking at a perspective, is the stairs. And the green sloping between those units actually does create leveling – a variation in levels – so it doesn't feel ... this angle actually shows about as much of a structured view as you can get. And as you move to other views, you get more breaking up of that structure through those stairs [handheld mic not turned on] different level in green.

But I also think the trees are there to give a sense ... but they would block a good chunk of the upper part of this. And one of the things we have talked about – I think, your underscoring – is mounding more along the base so that we could build up some natural type along the base of this by mounting the earth on the bottom of this more to cut out some of the bottom view. So I think we're trying to mitigate it. We're probably looking at a worst case view here, but understood.

**Boardmember Alligood:** I had a question. I noticed on Washington there's one very large tree, I think a second one, on the property that you want to develop. I wonder if you're planning to remove that. No? OK, so that's another ... I just see that as another benefit to not putting parking there.

**Mr. Frank:** Absolutely.

**Boardmember Alligood:** A huge benefit.

**Mr. Frank:** And with respect to the [handheld mic not turned on] around the trees, we share in that. We want to preserve every tree we can. It's correct, we have to do some work on the retaining wall between those properties. And there's a bunch of saplings along there, many of which will have to come out. And there are a few larger trees directly where the house would sit at 62. All those saplings, we'll replace with plantings and [handheld mic not turned on] at least a few of the trees sitting where the actual house will sit. But everything else around it will be preserved.

**Chairperson Speranza:** Jim?

**Mr. Metzger:** First, I want to say one of the problems we generally have with construction pretty much anywhere is that the architects are rarely up to the task of doing something nice. There's either budget constraints, the client is not asking them to provide something really good. We have architects who not only live across the street from the project, but they've already done work in this neighbor that has really elevated the quality of living in the neighborhood.

So to those people that live on Washington who might have concerns about what this house may look like, I really believe that you couldn't ask for better architects. I barely know these people. I'm speaking strictly from being a resident and seeing what they've created.

The other thing that I wanted to say as a reason to not even remotely consider a curbcut on Washington, the last Trustee meeting, from what I understand, they're planning on renovating the Warburton Avenue bridge. And the Village has plans to put parking meters on that bridge, which means all of the people that park there now to go to the train are going to be parking on Washington Avenue. So it's going to start pushing traffic. Yes. These are things we, in the neighborhood, need to be concerned about. It's going to start pushing traffic further up onto Washington. If we can alleviate that problem at this point, I think that would be a good thing.

**Chairperson Speranza:** Thank you.

**Mr. Frank:** And as you hear – I realize it's not an issue the Board can do anything about in the issue of parking – but I would point out I think certainly, if my in-laws are [handheld mic not turned on], every intention of parking up top. And what's not quite as obvious is, there's quite an elevation gain from Washington up two different sets of stairs to actually get to the front door of 62, which is actually a side door.

So it's actually easier to come from the parking area than it is to park on Washington and make your way up. So there's really no advantage to parallel parking on Washington if you can pull into a dedicated space and have less of an climb up. So can't promise anything, but ...

**Chairperson Speranza:** Marianne, did you have something else?

**Village Attorney Stecich:** Yeah, I just wanted ... so that the record's complete, and so that they have a complete application before the Zoning Board, there are two other variances. And it's really generating a huge number of variances, but the one is the one Kathy

mentioned about Section 295-41: that you can only have one curbcut per lot unless there's 32 feet between them. So they need that one.

And then Deven pointed out a section, 295-30, that says "*in no event can parking spaces be less than 5 feet from any side or rear lot line.*" And these are going to be less than 5 feet. They're right on it. So there's a big list of variances, and I want it in this transcript and also the Zoning Board applications.

**Mr. Baldwin:** I'd just like to mention that this would not be setting a precedent in Hastings. There is head-in parking, continuous rows of cars, directly on street lines in other places in the Village. Whitman Street is one example where there's a long row of cars that back directly onto the street, and some of them are 90-degree parking directly onto the street.

**Boardmember Sullivan:** Where is that at? Where on Whitman?

**Mr. Baldwin:** Well, as you come along Whitman, both on the left and the right side as you approach Main Street, there's head-in parking which is continuous, no curbcuts or anything. It's just continuous parking which backs straight into the street.

**Mr. Frank:** [handheld mic not turned on] has the same issue.

**Boardmember Cameron:** Right. So slight angle, though – slight angle.

**Mr. Frank:** So maybe continuing on site plan for a minute. Variances, I think [handheld mic not turned on] variance for parking in a required side yard, or required yard, the backyard setback, and talk about on No. 62. And then the two variances just mentioned for Section 295-41, which is the ... there's more than one curbcut on a lot without the 32 feet in between. And then Section 295-30, with the less than 5-foot from a lot or side yard requirement.

And then the other areas are the coverage variances. So do you want to go through the coverage variances, and that would cover, I think, all the site plan minus view preservation?

**Chairperson Speranza:** OK.

**Mr. Frank:** OK. So basically, with the redrawn property lines to get spots onto the properties proper – and now including these spaces as coverage and, therefore, in the lot coverage calculation – there's a document that's part of what [handheld mic not turned on]. So the approval's a required document, which has not gotten larger. But for 27 William

Street, we can add the parking. It comes to a 25.7 percent lot coverage. And I think if we read the documents in the last meeting, average for the zone is ...

**Mr. Baldwin:** It's 26/23.

**Mr. Frank:** Twenty-six average, 23 median. So we did calculate the median, so slightly above that, to 27.81. The new coverage comes to 20 percent. And for the proposed new house on 62 it comes to 20.9 percent. So all of those would require coverage areas.

**Chairperson Speranza:** And your underground space is considered underneath the parking platform?

**Mr. Frank:** Yes, it's subterranean space underneath the platforms, right.

**Boardmember Strutton:** And how are you accessing that?

**Mr. Frank:** There would be ... so at each [handheld mic not turned on] on the corner there's a side door. So 181 has a door here; 62 has a little door here; and 27 would have little access doors on the sides. Does that make sense?

**Boardmember Strutton:** So here? Is that what you're saying?

**Mr. Frank:** Yeah, exactly.

**Boardmember Strutton:** There?

**Mr. Frank:** And there, precisely.

**Boardmember Strutton:** OK.

**Boardmember Cameron:** That's where they put the bicycles.

**Mr. Frank:** Yes, that's where the bikes will go – on top.

**Boardmember Strutton:** If you have little kids, it's mostly plastic tricycles.

**Mr. Frank:** Plastic tricycles, wagons.

So those are the lot coverage issues. And then site preservation is the last remaining issue.

**Chairperson Speranza:** View preservation.

**Mr. Frank:** View preservation, sorry. So do you want to walk through view preservation?

**Ms. Anderson:** Basically, it is not in anybody's view [off-mic]. And as you can see, [off-mic] coming below the [off-mic].

**Chairperson Speranza:** Right. That's it?

**Ms. Anderson:** That's it.

**Chairperson Speranza:** OK, any other public comments?

Board comments? I know this application will require a series of actions, as well.

**Village Attorney Stecich:** Number one being SEQRA.

**Chairperson Speranza:** SEQRA, yes. OK, so I need a motion to issue a negative declaration finding no significant impact for the proposed subdivision, site plan approval for ...

**Village Attorney Stecich:** No, just for the subdivision.

**Chairperson Speranza:** Just for the subdivision. Not site plan approval?

**Village Attorney Stecich:** You don't need it for single-family houses.

**Chairperson Speranza:** Even if there's more than one?

**Village Attorney Stecich:** No, there's only one new house.

**Chairperson Speranza:** One new house. All right, we need a negative declaration for the proposed subdivision of properties on Washington Avenue, 62 Washington Avenue. So a motion to approve a negative declaration?

On MOTION of Boardmember Cameron, SECONDED by Boardmember Dale with a voice vote of all in favor, the Board resolved that the SEQRA action on the proposed subdivision at 27 William Street, creating 62 Washington Avenue, is a negative declaration for environmental impacts.

**Chairperson Speranza:** OK, site plan approval? Site plan approval for ...

**Building Inspector Sharma:** [off-mic].

**Chairperson Speranza:** Just 27? Well, yeah, 27 William. What about 181?

**Building Inspector Sharma:** No, that's a two-family.

**Village Attorney Stecich:** No, 181's a one-family, isn't it?

**Building Inspector Sharma:** Yes.

**Chairperson Speranza:** So there's no site plan approval.

**Village Attorney Stecich:** Just the two-family.

**Building Inspector Sharma:** Twenty-seven [off-mic].

**Village Attorney Stecich:** I know.

**Chairperson Speranza:** OK, site plan approval for the property located at 27 William Street. We need a motion to approve.

**Boardmember Sullivan:** This is for ... I'm sorry, I'm confused.

**Boardmember Dale:** This property.

**Chairperson Speranza:** Site plan approval for the improvements on 27 William Street.

**Boardmember Sullivan:** OK, thank you.

On MOTION of Boardmember Cameron, SECONDED by Boardmember Alligood with a voice vote of 5-1 (Boardmember Sullivan opposed), the Board approved the site plan for the improvements to 27 William Street.

**Boardmember Sullivan:** I have to say I'm opposed to it, and I guess I may have mis-voted for the subdivision. But I'm opposed to the parking arrangement, so I have to say I'm opposed.

**Chairperson Speranza:** Next. Recommendation to the Zoning Board of Appeals for view preservation.

**Village Attorney Stecich:** You didn't do a subdivision vote yet.

**Chairperson Speranza:** Yeah, we did. Subdivision?

**Village Attorney Stecich:** You did the neg dec.

**Boardmember Alligood:** I was wondering.

**Chairperson Speranza:** Thank you. Speak up. I reach a certain point in the evening and I'm not thinking – "Focus."

**Village Attorney Stecich:** And then remember, the subdivision has to be conditional on their getting all the variances.

**Chairperson Speranza:** Yes. Well, not the subdivision. The subdivision has to be conditioned on the variance?

**Village Attorney Stecich:** Sure. Because you can't grant a subdivision for lots that wouldn't be totally conforming. So you can't grant a subdivision unless they get the variances.

**Chairperson Speranza:** OK, so we've done the environmental review for the subdivision. So now we need a motion to approve the subdivision of property at 62 Washington Avenue.

**Boardmember Dale:** Is that subject to the variances?

**Chairperson Speranza:** Subject to variances being approved by the Zoning Board of Appeals.

**Boardmember Sullivan:** And what variances are there? That'd be just interesting to know.

**Chairperson Speranza:** What variances are they?

**Village Attorney Stecich:** The coverage variance? I think it's just one coverage variance, right? Just for 62? And the parking variances.

**Mr. Frank:** And the backyard setback.

**Chairperson Speranza:** Right, parking in the rear yard.

**Village Attorney Stecich:** And the rear yard setbacks.

**Boardmember Dale:** So it's just the two variances?

**Village Attorney Stecich:** Three: coverage, rear yard setback and parking.

**Boardmember Dale:** Oh, the setbacks. Right.

**Village Attorney Stecich:** Well, actually, there's ...

**Chairperson Speranza:** A bunch of parking in the rear yard.

**Village Attorney Stecich:** The collection, I think there's like four parking variances. But I don't know which relate to which ones. But the parking variances.

**Chairperson Speranza:** OK, motion to approve the subdivision, subject to the variances being approved by the Zoning Board of Appeals.

On MOTION of Boardmember Alligood, SECONDED by Boardmember Cameron with a voice vote of all in favor, the Board approved the subdivision for 27 William Street, subject to the variances being approved by the Zoning Board of Appeals.

**Chairperson Speranza:** What's left?

**Boardmember Sullivan:** View preservation?

**Chairperson Speranza:** View preservation, thank you.

**Boardmember Sullivan:** Where we were before.

**Chairperson Speranza:** OK, view preservation. So we need a recommendation to the Zoning Board of Appeals for them to approve view preservation for the properties ... all these properties.

**Village Attorney Stecich:** Just for 27.

**Chairperson Speranza:** For 27 William Street. Sorry, view preservation for ... recommendation to the Zoning Board of Appeals for view preservation at 27 William Street.

**Boardmember Sullivan:** And this is for the construction of the deck?

**Chairperson Speranza:** Yes.

**Village Attorney Stecich:** Wait a minute. Are you going to come back for the parking areas?

**Ms. Anderson:** No.

**Village Attorney Stecich:** Because that's construction within the view preservation area, too. So you may as well make it for everything except the house.

**Chairperson Speranza:** For the improvements, right? For all the improvements.

**Village Attorney Stecich:** Right, the improvements.

**Village Attorney Stecich:** But not just on 27.

**Mr. Frank:** You'll have to come back on the house on 62.

**Village Attorney Stecich:** Right. Not just improvements on 27, Patty. You also want 181 and 62.

**Chairperson Speranza:** So all of them. So I was right on that one.

**Village Attorney Stecich:** Except the house. Not the house on 62.

**Chairperson Speranza:** Not for the construction of the house.

**Building Inspector Sharma:** The newer house.

**Boardmember Cameron:** But we haven't seen the house yet.

**Village Attorney Stecich:** They'll have to come back on that.

**Boardmember Sullivan:** Do we have enough information on the deck? I mean, this is a hairy schematic level. Do we really have dimensions, drawings on that, to what the railings are like?

**Chairperson Speranza:** What was submitted, I think, in our packet. What was submitted last time in our packet with respect to view preservation for the deck was my concern. In the last ... the photographs, with the deck drawn in. So a recommendation to the Zoning Board of Appeals for view preservation for improvements at 27 William Street and 181 Washington Avenue; 62 Washington Avenue, with the exception of a house.

On MOTION of Boardmember Strutton, SECONDED by Boardmember Cameron with a voice vote of 5-1 (Boardmember Sullivan opposed), the Board approved recommendation to the Zoning Board of Appeals for view preservation for improvements at 27 William Street, 181 Washington Avenue and 62 Washington Avenue with the exception of a house.

**Boardmember Sullivan:** I'm opposed because I don't think I have, we had, the information. So I don't have it today to feel comfortable that we had enough information on the deck.

**Chairperson Speranza:** OK, so that's a ...

**Boardmember Sullivan:** It's a "no."

**Chairperson Speranza:** Recommendation to the Zoning Board of Appeals on the variances? Do we want to do that? We, as a board, do we want to make a motion to recommend that they approve the variances for coverage and parking in the rear yard, and parking with respect to the dimensions for the curbcuts?

**Boardmember Strutton:** And the backyard setback.

**Chairperson Speranza:** Right, the rear yard setback. Yes?

On MOTION of Boardmember Dale, SECONDED by Boardmember Cameron with a voice vote of 5-1 (Boardmember Sullivan opposed), the Board approved recommendation to the

Zoning Board of Appeals on the variances for coverage and parking in the rear yard and parking with respect to the dimensions for the curbcuts at 181 Washington Avenue and 62 Washington Avenue..

**Chairperson Speranza:** OK, thank you. Got 'em all? Subdivision, view preservation, site plan.

**Chairperson Speranza:** OK. Believe it or not, we're not done.

**Village Attorney Stecich:** With you, we are.

**Mr. Frank:** OK.

**Chairperson Speranza:** Yes, I'm sorry. Next agenda, but I have to get some water.

## **V. NEW PUBLIC HEARINGS**

- 1. Accessory apartment permit renewal for Paul Faraone, 19 Marianna Drive - Sheet 39/Block 723/Lot 38. Waivers required for square footage and for parking.**

**Chairperson Speranza:** So we're set up for accessory apartment renewal for Paul Faraone, 19 Marianna Drive.

**Paul Faraone, applicant – 19 Mariana Drive:** All right, good evening.

**Chairperson Speranza:** The applicant.

**Mr. Faraone:** I'm the owner of 19 Marianna Drive.

**Chairperson Speranza:** Welcome.

**Mr. Faraone:** This is a reapplication for an accessory apartment. I've been the owner of the home for approximately seven years. Prior to that time it was an accessory apartment. On purchase, I applied to the town and have kept it that status since ownership.

I'm a volunteer fireman within the town for over 10 years. On the occasions where I did provide rental opportunity, those opportunities were provided to volunteer firemen within the

town of Hastings. About 80 percent of my time of ownership it has been rented to volunteer firemen, which amounts to about, I think, close to four years out of the seven. The first two or three, the house – although it had accessory apartment status – was not being rented at all.

I would ask the Board for approval on this as, certainly, a status that it has had. I comply with all the regulations within the town in terms of variances, permits, building inspection and so forth. The street has approximately, I think, 17 homes that exist on Marianna Drive.

I'm down at the cul-de-sac. So I'd like the Board to know that my house is maintained pretty impeccably. I have a professional lawn service that comes weekly to take care of all the shrubs. I sit on approximately close to a half-acre, most of which is in the rear of the house. But the whole front of the house is all flowers and shrubbery.

The house has a brand-new roof that was put on last year, all new gutters and leaders, all new masonry work on the surround, all new brickwork, as well as new staircasing. So I believe that my house, even though it's an accessory apartment, adds value to the town and to the neighborhood.

Within approximately the 17 homes that exist on Marianna Drive, on average I see about 15 or 16 cars parked on that street. And my understanding is, the allotment of cars for that street is far in excess of what's currently visible. Even on weekends, with relatives and friends and visitors, I hardly see that change to more than about 22 cars. Active driveways exist in about 80 percent of the homes on Marianna Drive. Not every neighbor chooses to use their driveway or garage.

I'd like the Board to know that I travel about 40 percent of the time, both nationally and internationally, so the presence of my vehicle is not always at the residence. And when it is, it's in the driveway. So an accessory apartment in my home provides one additional parking space, which is in the cul-de-sac on my property line, in that area.

**Chairperson Speranza:** OK. And let's just hear ... our Building Inspector now has been ... we typically have him make the report that he's been out and inspected the unit.

**Deputy Building Inspector Minozzi:** Yes, Madam Chair. We went out to the residence, we inspected it. There's been no changes since the last application. There's been no complaints received in the last three years.

He does need two waivers required for this lot. He's over by 0.09 percent, so it'd be 25.09 percent of the coverage. And it does require off-street parking space.

**Chairperson Speranza:** OK. And this is, I believe, the second or third time that this property has come before us for renewal.

**Deputy Building Inspector Minozzi:** I know this is at least the second.

**Chairperson Speranza:** At least the second. That's what I thought also.

**Mr. Faraone:** I believe it's the third.

**Chairperson Speranza:** It could, yeah.

OK, we did receive some public comments, some letters today, one from 10 Marianna Drive.

*"Dear Chairperson Speranza,*

*I am writing in response to the legal notice I received on this evening's public hearing regarding this evening's public hearing for the accessory apartment at 19 Marianna Drive. I am currently on restricted bed rest and unable to attend this evening's meeting in person.*

*Please enter my objections to the accessory apartment for the followed reasons. There are number of families on this cul-de-sac with small children, and there are current residents disregarding speed limits. There is a great deal of traffic unrelated to residents, and deliveries using the cul-de-sac as a U-turn. Any further increase in traffic poses a safety concern.*

*The cohesiveness of the neighborhood as single-family dwellings would be compromised with an accessory apartment. The property values would decrease. Current residents choose not to use their driveways for parking, thus creating safety concerns with emergency vehicles, sanitation vehicles and delivery trucks as well as, currently, general traffic.*

*For these reasons, I am opposed to the accessory apartment being allowed at 19 Marianna Drive.*

*Thank you for your time and attention to this matter,*

*TammyAnne Witt*

**Chairperson Speranza:** And we've got another one:

*"I am writing to voice my objections to the accessory rental apartment located at 19 Marianna Drive. My name is Carlos Hevia, and I own, and reside at, 12 Marianna Drive.*

*My objections are as follows. We have a very high traffic volume on this block, and do not need another vehicle. I believe having rental units in what was built as a one-family home decreases my property value. This would be the only house on Marianna Drive with a rental apartment. This is spot zoning, which the Planning Board has objected to in the past; specifically when a new self-storage facility was proposed to be built on Saw Mill River Road.*

*The former owner of this house was given a variance because their elderly mother lived in the house. She would go door-to-door, having us sign our approval. We now get a notice of a hearing before the Planning Board.*

*We have four houses on our block where the residents are over 70 years of age, and five other homes with young children. Leaving their homes at night is an inconvenience to these homeowners.*

*Thank you for your time and service,  
Carlos Hevia*

**Chairperson Speranza:** I want to make sure that the residents know that we've received these and take them into consideration. There are a couple of things, though, that I just want to say in response to some of these, and certainly that if you want to discuss also.

Part of the reason for the accessory apartment ordinance having been created was to provide for additional ... to provide rental opportunities for people and enable them to stay in their homes. What was cited in here as being spot zoning and needing to come before the Planning Board, it was determined a long time ago this is not spot zoning. This was actually something that has been in our code for a long time now.

And when the Board of Trustees enacted that legislation, they took into consideration the fear people had that property values would decrease. And, in fact, that's proved not to have

happened. So I don't want people to think that I'm disregarding, but just giving some explanation as to the history to the accessory apartment ordinance.

I know this is a renewal, so if there's anything you want to add to what's been said ...

**Mr. Faraone:** Well, the only thing that I would mention – and in terms of the comment about traffic volume or accessibility on Marianna Drive – as a volunteer fireman, I've also been involved in active calls where there has been an ambulance call on Marianna Drive, as well as fire department and police doing response. There has never been an indication, or police citing, that the road has been at all inhibited by those neighbors that choose not to park in their driveways by parking on the street.

So even with two cars parked laterally across from one another at their homes, the apparatus has been able to maneuver through Marianna Drive without being conflicted. So I really don't ... you know, I don't see the argument as standing.

**Chairperson Speranza:** OK, thank you.

**Boardmember Cameron:** Could you tell me, where is this? I drove by, I was in the circle today. But where, in your house, is this apartment? Is it the left, right, ground floor, second floor?

**Mr. Faraone:** The apartment is actually to the rear of the home. There is a stairway going up to the right of the driveway ...

**Boardmember Cameron:** I saw that, yes.

**Mr. Faraone:** ...that runs up the side of the home. And in back of that there's an entrance door into the apartment. The apartment is totally above ground because of the site elevation. So actually the living room sits above the garage, if you would picture that.

**Boardmember Cameron:** All right, so it's one-half of one of the floors of your house.

**Mr. Faraone:** Correct. It's the bottom ... it would be, on some homes, considered the basement. On mine, since it's elevated, it's the bottom floor.

**Boardmember Cameron:** The only thing that got me a little confused in looking at the diagram is, the diagram shows windows on four sides of the apartment, which is impossible if it's half the ...

**Mr. Faraone:** One, two ...

**Boardmember Cameron:** Well, it can't be on one side, which is the other half of the floor. Anyway, it's not a big deal. But it just showed windows on four sides. Maybe this arrow means the window's only over in the other place, but it's not possible if its half a floor. It's not a big deal.

**Mr. Faraone:** The drawing, then, may have been my error. I have used the same drawing, in essence, that I've done reapplications with. But it's on two sides. Its on the stairway going up, and there's windows along the back from the kitchen to the hallway to the bedroom.

**Chairperson Speranza:** OK. This is a public hearing. Are there any other comments from members of the public?

If not, then we will close the hearing, and if there's no further Board discussion I'll entertain a motion for approval of renewal of the accessory apartment, with waivers required for exceeding the 25 percent square footage and off-street parking.

On MOTION of Boardmember Sullivan, SECONDED by Boardmember Cameron with a voice vote of all in favor, the Board approved the accessory apartment renewal application for 19 Marianna Drive with waivers for square footage and parking.

2. **Accessory apartment permit renewal for Rochelle Steinwurtzel - 26 Pinecrest Drive - Sheet 3/Block 606/Lots 3, 4, 5B, 5E, 59, 60, & 61. No waivers required.**

**Chairperson Speranza:** OK, next one is an accessory apartment renewal for property at 26 Pinecrest Drive.

**Deputy Building Inspector Minozzi:** Upon inspection, again there was no changes in this accessory apartment. This is a detached accessory apartment. It sits on the side of the property. There's been no complaints in the last three years, and it requires no waivers at this time.

**Boardmember Cameron:** If I read this thing correctly, the main house must be one of the oldest houses in town – 1790.

**Rochelle Steinwurtzel, 26 Pinecrest Drive:** Yes, and it has a spectacular view.

**Chairperson Speranza:** OK, any kind of public ...

**Boardmember Sullivan:** I realize why you look so familiar. It's like where do I know that face? Why is she waiting so long? You were here before with the other project.

**Chairperson Speranza:** Is there anyone from the public who wishes to speak on this application? And we have received no comments on it. Therefore, no Board discussion, I'll entertain a motion to renew the accessory apartment for property at 26 Pinecrest Drive.

On MOTION of Boardmember Dale, SECONDED by Boardmember Sullivan with a voice vote of all in favor, the Board approved the accessory apartment renewal application for 26 Pinecrest Drive.

**Chairperson Speranza:** OK, motion's carried. Thank you. Thank you for waiting for so long. I hope you went and got something to eat.

**2. Accessory apartment permit renewal for Betty Ming Liu - 243 Farragut Parkway - Sheet 36C/Block 785/Lot 5. No waivers required.**

**Chairperson Speranza:** Next application is accessory apartment renewal. It's for property at 243 Farragut Parkway.

**Deputy Building Inspector Minozzi:** Madame Chair, there was a mistake on this application, and I apologize for that. I had ... a lot of times when I'm doing these applications I use the old one, and I usually make some notes from the old one – the ones that Charlie had done. There was a mistake in the square footage, and the floor area is 29.4 percent. So this is going to require a waiver for 4.4 percent.

I had put down that it did not require it, and that was a mistake on my part. Because on the original application, there was an error in the square foot calculation. It's been adjusted, and that's not because the apartment has changed. It was just because there was a mistake in the calculation on the last application. So I made all the adjustments, and there is a waiver requested for 4.4 percent.

There has been no changes, and there has been no complaints in the last three years. And there is off-street parking.

**Chairperson Speranza:** Yeah, there is off-street parking. It's off-street parking in the driveway.

**Deputy Building Inspector Minozzi:** In their driveway they have a spot.

**Chairperson Speranza:** We went through this. You're the applicant for this? We went through this, so I'm going to cover it the same way that we did it the last time, OK, if Boardmembers remember?

OK, so this is for ... is there anyone here from the public who wishes to speak on this? And we've received no comments, no complaints. So then I will entertain a motion for approval of the accessory apartment renewal for property at 243 Farragut Parkway.

**Boardmember Cameron:** Farragut Avenue.

**Chairperson Speranza:** Farragut Avenue.

**Boardmember Cameron:** Well, it's actually Farragut Parkway.

**Chairperson Speranza:** Farragut Parkway.

**Boardmember Cameron:** Well, I know it says that, but its Farragut Avenue.

**Chairperson Speranza:** The residence of Betty Ling Miu. The application requires a waiver for square footage. In the past, we have granted a waiver for off-street parking. There is parking provided – it's tandem in the driveway – so the resolution would recommend renewal recognizing that situation.

On MOTION of Boardmember Dale, SECONDED by Boardmember Strutton with a voice vote of all in favor, the Board approved the accessory apartment renewal application for 243 Farragut Parkway with a waiver for square footage.

**Chairperson Speranza:** OK, thank you.

**Betty Ming Liu, 243 Farragut Parkway:** Thank you very much.

- 4. View Preservation and Amendment to a previously approved Site Plan – Application of Ben and Mairead Diep for change in the**

**scope of previously approved plans for additions and alterations to an existing mixed-use building at 385 Warburton Avenue. Said property is in MR-O Zoning District, and is also known as Sheet 4, Parcel P59B.**

**Chairperson Speranza:** All right, one more.

**Boardmember Cameron:** Let's hold it off a little bit.

**Chairperson Speranza:** Mr. Metzger, it's so different to see you in a different way.

**Mr. Metzger:** I'd like to recommend we all take a 14-minute nap.

**Boardmember Strutton:** You'll never wake me back up again.

**Boardmember Dale:** Do you have a license to practice in Hastings?

**Mr. Metzger:** I had that question come up.

**Boardmember Cameron:** We're going to do a license examination first.

**Chairperson Speranza:** OK, just so we get on the record here, this is an application for an amendment to previously-approved view preservation, application for property located at 385 Warburton Avenue. I remember this application. It was very interesting.

Now, again, this is recommendation to the Zoning Board, correct?

**Boardmember Cameron:** View preservation.

**Chairperson Speranza:** For view preservation?

**Mr. Metzger:** We're asking for reconsideration of view preservation, and we're actually reducing what had previously been planned in terms of any [off-mic].

**Village Attorney Stecich:** Yeah, but it's also an amendment to the site plan approval.

**Mr. Metzger:** Right.

**Boardmember Sullivan:** Could I ask – just because I don't know the previous history – had something been proposed for view preservation and for site plan, and approved by both boards?

**Chairperson Speranza:** Approved.

**Boardmember Cameron:** Oh, yes.

**Boardmember Sullivan:** So this is a modification to something that had already gone through the process.

**Mr. Metzger:** Yes. It should only take us about an hour-and-a-half to get through. No, I'll make this fairly quick.

In the material that I distributed to you, I have about 50 notes trying to indicate what had been there before and what we're changing to. But to make this relatively simple, there is a 40-foot square building on the site. And it is situated on Warburton Avenue such that there are two floors that go down below the sidewalk level, but they're exposed on three sides. And then there are 2-1/2 floors above. So it's technically a 5-1/2 story building.

It had all been previously approved, and what they were going for in terms of site plan approval was that there was an embellishing two-story addition wrapping around the north side and the west side of the building. Due to cost considerations, we've eliminated the addition – the enclosed addition – on the back of the building. This addition has been built on the north side of the building already. And we're proposing, instead of an enclosed two-story addition with a roof deck, to do this back area all in decks.

There is no change to the square footage affected on the site plan. The decks that we're proposing occupy the same square footage. And we've been very fortunate that we had some informal meetings with the Architectural Review Board. So we've actually modified what we originally presented to them, which was to just take the addition and create decks out of that. And they felt that doing that as decks would be ... the overhangs would be way too deep. This is 14 feet deep and 40 feet long.

They also felt that the addition – if you look at the elevations – the addition that was proposed started on the north side, and wrapped around and formed a plinth that the existing brick building was sitting on. They felt that it was important to try and keep that plinth idea that the building is sitting on a much larger base. And you never see this elevation because about 15 feet past what we're planning this slope goes down, basically, to the railway. So you

only see this building from down on the waterfront way up on the hill. So I ask to consider that when you look at this elevation.

But in terms of accommodating the Architectural Review Board's request that we maintain that plinth, we had a living wall – it was always designed on this side of the building – a series of wood-slatted spaces that would be growing vines. This property is adjacent to the quarry path, and the idea was to soften that wall visually as you come down the path to the waterfront. That living wall would wrap around, and we would continue that as a fence along this third-floor deck. And then it would become a plinth that would tie back down to the ground. So the lower deck is set within this opening, and this upper deck floats above that plinth. So we kept the whole idea of a base, even though this really would read as only a 1-foot thick wood wall.

The other concern that they had, again, was the idea that if we did these decks all 14 feet deep you'd get no sun penetration into the building. Now, interesting, the owner – who is going to put his business on the ground floor – is a photographic printer and he actually would like as little sunlight as possible coming into his space. Not because he needs it for darkroom work, but when you're looking at prints you have totally controlled light.

So in order to accommodate that in the plan, that accounts for the idea of doing the angled deck up on the third floor. We would have a full deck, which is over here on the second floor – and I'll explain why we wanted to have the deck there – we have the angled deck up on that first floor, and then it would just be patio on the ground floor.

The access to Mr. Diep's space is a stair coming from Warburton Avenue down alongside the building. It comes down on to this deck, and there's a second stair that goes down to the patio, which is the entrance to his space. By pulling this deck back at the angle, we increase the sun penetration back in the area where the sun is sweeping across that southwestern part of the sky. So this angle is a 90-degree angle to the property line, the face that this addition was built on. That's what determined that angle.

So this was going to be a full two-story addition, with a roof deck and then a full deck above. We're eliminating that addition. We're putting a patio on the ground floor, an angled deck on the second floor, a full deck on the third floor, and an angled deck instead of the full roof deck on the fourth floor. The reason we want to have a full deck here as opposed to angling all of the decks, this is the space that's accessible from Warburton Avenue. And if things go according to plan, Mr. Diep would like to turn this into a somewhat public space – whether it's going to be a gallery, a performance space – and be multiple use. And we'd like to maintain the larger deck on this floor so that events could happen indoors and outdoors.

So that's what we're proposing.

**Chairperson Speranza:** Very creative. Questions, comments, concerns?

**Boardmember Sullivan:** Very nice.

**Mr. Metzger:** Thank you.

**Chairperson Speranza:** Anyone here from the public wish to speak on this application?

**Deputy Building Inspector Minozzi:** They were nice enough to come before the ARB for the last couple of months, and they were very attentive, listened to the ARB's suggestions. And he has made a substantial amount of changes because of the ARB's input. At this month's meeting they pretty much have agreed with the latest version of the plans.

**Chairperson Speranza:** Great, thank you.

**Boardmember Cameron:** The outside envelope, though, uses a big deck. The outside envelope is no bigger than it was before?

**Mr. Metzger:** That's correct.

**Chairperson Speranza:** And you've submitted some plans, and it shows that there's going to be no view preservation impacts on this.

**Mr. Metzger:** Right.

**Chairperson Speranza:** Given the changes that have been made.

OK, so two things. We need a motion to approve the modification to the site plan that was previously approved for the property at 385 Warburton Avenue.

On MOTION of Boardmember Cameron, SECONDED by Boardmember Sullivan with a voice vote of all in favor, the Board resolved to approve the modification to the site plan that was previously approved for the property at 385 Warburton Avenue.

**Chairperson Speranza:** And then the second thing is a recommendation to the Zoning Board of Appeals for view preservation to the modified plan for 385 Warburton.

On MOTION of Boardmember Sullivan, SECONDED by Boardmember Dale with a voice vote of all in favor, the Board recommended approval to Zoning Board of Appeals for view preservation for the modified plan for 385 Warburton Avenue.

**Chairperson Speranza:** Thank you.

**Mr. Metzger:** Thank you.

**Chairperson Speranza:** That was a very nice submittal, and it was very clear.

**Mr. Metzger:** And drawn by hand, I might add.

**Boardmember Sullivan:** I noticed, very nice.

## **VI. Adjournment**

**Chairperson Speranza:** OK, we're adjourned.