

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
REGULAR MEETING AND PUBLIC HEARING
MARCH 15, 2012**

A Regular Meeting and Public Hearing was held by the Planning Board on Thursday, March 15, 2012 at 8:15 p.m. in the Municipal Building Meeting Room, 7 Maple Avenue, Hastings-on-Hudson, New York, 10706.

PRESENT: Acting Chairman James Cameron, Boardmember Eva Alligood, Boardmember Bruce Dale, Boardmember Rebecca Strutton, Boardmember Kathleen Sullivan, Boardmember Rhoda Barr, Village Attorney Marianne Stecich, Building Inspector Deven Sharma, Deputy Village Clerk Mary Ellen Healy, and Deputy Building Inspector Charles Minozzi, Jr.

I. ROLL CALL

Acting Chairman Cameron: Thank you. We have a quorum.

II. APPROVAL OF MINUTES

Acting Chairman Cameron: We actually have two sets of minutes to review and approve.

Meeting of January 19, 2012

Acting Chairman Cameron: The first one was our prior record of only 84 pages. So I will entertain comments on the minutes of January 19, if anyone has any comments on that.

I'll start us out. I have one. I talked to Deven. Obviously, someone typed it up wrong. He said, "*A driveway can be a maximum of 34 feet.*" I know he didn't say that. It's 24. That's on page 22.

Building Inspector Sharma: My "20" sounds like "30." I speak with an accent.

Boardmember Alligood: Yes, on page 3 and 4, it's meant to say "Cultex," but it says "*Tultex.*" So that should be changed.

I also think, on page 3, the name of the neighbor who was speaking about the project, I think her name is spelled – her last name is spelled wrong. Because it's spelled two different ways. So just check on that.

And then the final one I have is on page 10. It says ... I actually don't know where the

paragraph ends because I didn't print the whole thing out, sorry. But there's a word "*compromises*" on that page, and it should be ... oh, no. It says "*comprises*," but it should be "*compromises*." Anyway, that's all I have.

Acting Chairman Cameron: Any other comments on the minutes?

So starting with the January 19 minutes, I'll entertain a motion to approve them.

On MOTION of Boardmember Dale, SECONDED by Boardmember Strutton with a voice vote of all in favor, except Boardmember Barr who abstained, the Minutes of the Regular Meeting and Public Hearing of January 19, 2012, were approved as amended.

Meeting of February 16, 2012

Acting Chairman Cameron: OK, we now move on to the minutes of February 16, which is our new record, at 88 pages. Thank God we have electronic copies. Did we have any comments on those minutes?

Boardmember Sullivan: I had a couple. On page 13, last paragraph: "*So I have a problem ...*" The word says "*proving*." It would be "*approving*." And the last sentence: "*it looks extensively* (inaudible) *modification extension*." That "*extension*" should be "*extensive*."

If anyone else has any others to go, I know I had one more in here someplace.

Acting Chairman Cameron: Any other comments?

Boardmember Alligood: Yeah, on page 5, at the very top, where it says, at the end of that paragraph, "*... the area of disturbance would equal 30 percent*." And it should be "38" because we entertaining needing a waiver to go beyond the 35 maximum. So just change "*30 percent*" to "38."

And one other last one, on page 60, where I'm speaking on this stuff. Third paragraph down, there's the word "*lien*" there. It should be "green."

Yeah, that's it.

Acting Chairman Cameron: OK, I'll entertain a motion to approve the minutes, noting Rhoda's absence at the last meeting.

On MOTION of Boardmember Strutton, SECONDED by Boardmember Dale with a voice vote of all in favor, except Boardmember Barr who abstained, the Minutes of the Regular Meeting and Public Hearing of February 16, 2012, were approved as amended.

Acting Chairman Cameron: We have only three agenda items. One that did not appear on it is actually a rec fee with regard to the property on Washington Avenue. I'm going to treat that as old business, and bring it up second.

III. OLD BUSINESS

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.

On Applicant's request, further review of this application has been deferred to April 2012 Meeting.

IV. OLD PUBLIC HEARINGS (Cont'd)

- 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 it into four (4) townhouses.**

Said property is in MR-O Zoning District and is also known as Sheet 7, Block 613 and Lots 14, 15 & 16 on the Village tax Maps.

Acting Chairman Cameron: We go first to Mr. Lerner, who's here with new drawings for us.

Lanny Lerner, Lerner Architects – Scarsdale: I think last time I spoke the whole time with this microphone off.

OK. The last time we met – which was in February – we talked about a lot of different things. And one of the most important things we talked about was working together so we can get some sort of balance for everybody's interests in this project. And I agreed to do that, and I went back to the drawing board.

As you see, I made some significant changes to the last set of drawings that was submitted: starting with, I had realized that the existing structure in the building ... that's what I was basing the height of the second floor. And if I removed the existing structure, I was able to lower the building by a foot-and-a-half. So the entire building has now come down a foot-and-a-half, and that ends up being a difference of 4,500 cubic feet. It's a very large difference in terms of the mass of the building.

In addition to that, I've set the entire addition back an additional 2 feet. So the combination of lowering the building and pulling it back changes the line of sight by more than 2 feet at the edge that affects No. 2 Marble Terrace, which is the building behind us.

In addition to that, originally I had cut the corner of the third floor so that we could increase the oblique angle views. I've also, in this presentation, cut back the second floor, as well. So the second floor is cut back a total of 17-1/2 feet and the third floor is an additional 3 feet, for a total of 20-1/2 feet or so.

The other major issue that changed was parking. I looked at it in terms of how else we could organize the building. And I realized if we could move the driveway over to the next bay in the building that we could reorganize the parking – reorganize the core where the stairs are – which allowed us to push the building back 2 feet, and also to get a more efficient parking structure. I've actually added the eighth space to this project.

So not only do we get the building moving back, being smaller, we get an extra parking space out of it all. All of this without making the building any larger than the last presentation. We still have that same 900 square feet that was originally taken out. It's still not there.

Now, the last thing, I know the Zoning Board had asked me about justifying three units versus four units. I produced a lot of paper to justify that. And it confirms what I thought in the first place. That an awful lot of this, the upfront costs in developing this project, are going to be the same whether it's three units or four units. So the bottom line on a three-unit scheme produces very little financial return; not enough to justify any kind of risk that would have to be put in.

The four-unit scheme is possible. It makes sense financially at this point, projecting that in a year from now when these units might come on to the market that the market's a bit healthier than it is right now. Otherwise, it's still a very risky project even with four units.

So I hope I've addressed some of your concerns. I think I have. I think we've made a major effort to make some changes here that really do make a difference. And I welcome your questions.

Acting Chairman Cameron: Well, I would ask for public comment, but I'm not sure there is any because I don't see anybody who is not involved in the issues.

So I invite comment, starting with you, Bruce.

Boardmember Dale: No, I think what he has done is consistent with the whole history of this project, which is when he first brought it to us it was to have us look at it together and see if it made any sense whatsoever. It was a bit of a long shot, given that the site was built out. I appreciated the fact that it was a use of an existing derelict structure in the community, and that they would end up with four residential units, which would be a nice increase to the tax base.

And there were just concerns about view preservation and the size of the project. I think he's addressed those for the third time, the recommendations, and I think he's done a remarkable job. When I design something, I get too locked into it at some point to really see what's wrong with it. And I appreciate that you made that effort.

Acting Chairman Cameron: I'd just ask a point of information. Are you tearing the roof off the building, including the ...

Mr. Lerner: Yes, we were always taking the roof off. Yes.

Acting Chairman Cameron: And then going right down ... but you're tearing the top of the garage off, too. Are you leaving the walls up?

Mr. Lerner: All of the perimeter walls are staying. That's what makes the project work.

Acting Chairman Cameron: But you're taking the roof off.

Mr. Lerner: Yes.

Acting Chairman Cameron: OK, thank you.

Boardmember Sullivan: I want to be clear about something. I have several concerns about this project, but one I'd like to discuss a little bit more tonight is a precedent that might be set by taking an existing building like this, accepting its footprint for what it is, and then allowing new pieces to be added that are in the same level of noncompliance as the existing building.

The existing one-story structure basically covers the lot. And by not having the new pieces being added reflect the setbacks that are required by the zoning code concerns me. I've expressed it, and I appreciate the effort. I hate being such an against-er, but I will continue to have difficulties with this project because of the lack of setbacks from both the property sides to the north. Because I believe by building up to the lot line you've made that property less valuable. And I have objections, in particular, to the setback on the south side because that's impacting a public trail. And I think that the height of this building versus that trail is something I think you put the community at a disadvantage by doing that.

But I do want to bring up an issue. I felt I wasn't necessarily articulate about this. The concern I have is a precedent being set by accepting an existing building which is noncompliant – doesn't meet code, doesn't meet zoning code – and then allowing new things to be added to this extent. Because this is a major renovation, a major addition to that existing building. It's not really a renovation. I appreciate using the existing building as a base and adding things on top, but in other communities you would be looking to meet the setbacks for those new pieces.

Boardmember Alligood: I appreciate what you've done since the last presentation, and I think it's there. I think we asked you do more to cut down on its bulk and address some of the view preservation issues. I think you've done that. I think the main gist of what most of us were saying last time is that we really are seeking this fine balance between the desire to have more housing in the downtown and increased density, and also to make sure that we're not putting too much on the site and we're not taking away from neighbors and keeping within the character of the neighborhood.

I actually think that a lot of the houses – I mean, I've observed that a lot of houses – in that area are fairly close together. They get farther apart if you go south from there. But you're sort of at the beginning of where it becomes more dense in our village so it really actually doesn't bother me as much that there aren't the required side yard setbacks.

Mr. Lerner: Could I show you a picture? This is a block away. This is on the same block, this is the next block, and this is all new.

Boardmember Alligood: That's what I'm referring to.

Mr. Lerner: Yeah, I know. I know.

Boardmember Alligood: I want to acknowledge that. You want to hold it up to the camera so people who might be watching can see that.

Mr. Lerner: These are four-story buildings. There is no setback whatsoever, and these were just built. So it's certainly in the character of the neighborhood. In fact, it's a lot less dense than what's already built here.

Boardmember Barr: Do you have pictures of what this is going to look like?

Mr. Lerner: Yes. I'm sorry you missed that.

Boardmember Barr: Sorry.

Mr. Lerner: This is the one story existing, and then we'd be cutting out more of a new driveway that goes into the building. And then it's all parking inside the building, more than required.

Acting Chairman Cameron: Rebecca?

Boardmember Strutton: Yeah, I think you've done a nice job being responsive to what we've asked you to consider. I appreciate the adaptive reuse of the building. It's just one of the things that we're looking for in trying to keep the town a little green.

Personally – initially, when you first came to us – I was very concerned about not having just a wall. I appreciate the front setback, I think it looks nice. So overall, I'm pleased with the project as it stands.

Acting Chairman Cameron: I give Rhoda the maximum comment from everybody else, since she wasn't at the last meeting.

Boardmember Barr: Well, overall I think it's fundamentally an improvement to the community. There may be details that the Board has been working on, but I think it is an asset to the community.

Acting Chairman Cameron: I had a couple questions to ask you. I was looking at this, and I realized that part of our issue on four townhouses, or the width of it, actually comes from

the fact that you want to build townhouses – three stories. And if you were to turn this thing around and look at it as ... you can use the word "lofts," or "flats" – in which there was only two on a floor, the two floors above, two on each floor – you could offer ... you could extend, theoretically, the building farther back after you get a variance from us. But extend it farther back – and have bigger terraces for the people on the ground floor, on the second floor and on the front – and you could put a deck in for additional ones.

The nice thing about it from just looking at it is, we could have some setbacks on the side – maybe 6 feet – you could still have more square footages than you do now when you finish the whole thing, and you'd have windows on three sides of the units. Now, they may not be as attractive, in your view of sales, as townhouses.

But what bothers me a little bit is that you are building something ... so on the north side, you are almost right up against – on the upper two floors – up against the property line. And while we all want Tom Brown to stay there forever and do our roofs, at some time in the future he may decide that he's had enough of this. And someone's going to develop that block, and we now have somebody who's sitting on the property line right next to them. And it's a little hard to have windows on the south side, which is what he would want to do.

Mr. Lerner: You couldn't in any case, I wouldn't think.

Acting Chairman Cameron: Well, if you both gave 6 to 8 feet I think we could probably get ourselves that way.

Mr. Lerner: Yes.

Acting Chairman Cameron: And if we took 6 feet off both of you – or even 8 feet off both of you – and extended it, straight back to the back line, you would actually have more square footage than you do now. It's a little hard tackling the ground floor, but it just occurred to me. And I wondered if you'd thought of it, and could you comment on it.

Mr. Lerner: No, I never thought of it as individual units. No, not that way. And, really – talk about going back to the drawing board ...

Acting Chairman Cameron: Well, I know. But it just seemed like a good way of doing it, and I was just curious.

Boardmember Alligood: I have one last comment which we have not raised, and it's really more of a comment and a concern about this being condos. Because I think the argument that this will bring tax revenues to the Village is less strong with condos. That's been the

history in this village. It just has to do with how the taxes are structured. I just want to point that out for the public.

And having looked at it from the school system's perspective, knowing that any development like this is going to bring in schoolchildren, it is of concern that we get as much tax revenue as we can, as a village, to cover those costs. So it doesn't have to do with your design. It has to do with your legal structure. But I do want to raise that.

Mr. Lerner: That's a fair comment. Actually, I'll be going to White Plains to see what they would be thinking in terms of taxation on this. It's a very important issue for me, as well.

Boardmember Alligood: I know that as a developer your units are more marketable as condos because the costs to the buyer are lower. So that adds value to your property, but it takes away from what the Village gets.

Mr. Lerner: The ongoing costs are lower, but the up front costs are supposed to be higher. Whether that actually works, I'm not sure.

Boardmember Alligood: No. I just know the taxes are lower, and that's significant. Because most people in this village are paying full freight in taxes. We don't have that many condos, but the ones that we do do not carry ... continue to cover as much of the tax base.

Mr. Lerner: OK. Right now, you're not getting much tax out of the building, for sure.

Boardmember Alligood: OK, fair enough.

Acting Chairman Cameron: But we don't have the children, which we may get.

Mr. Lerner: Good point.

Acting Chairman Cameron: It's a yin and yang. So any more comments?

At our last meeting – and I'm going to ask this question of Marianne – I think we passed all the approvals except for view preservation.

Village Attorney Stecich: Yes.

Acting Chairman Cameron: And since his building is within ... I think it's still within the envelope of what we approved. I mean, in other words he's not changed it from what we approved. So I think we only have view preservation in front of us.

Village Attorney Stecich: Actually, you know what? It is different, a different site plan. So you should vote. I think that's what you voted on was the site plan. The special permit's granted by the Zoning Board.

Acting Chairman Cameron: Is it SEQRA?

Village Attorney Stecich: Well, SEQRA you wouldn't have to do, again because that's only better.

Acting Chairman Cameron: We did a site plan approval?

Village Attorney Stecich: Yes. You should redo site plan approval, and view preservation you have to do.

Acting Chairman Cameron: And then we had view preservation.

Village Attorney Stecich: And you made a bunch of recommendations to the Zoning Board, but those aren't going to change; that you recommended the variances.

Acting Chairman Cameron: And then we did the rec fee, too. Didn't we do the rec fee?

Village Attorney Stecich: You just vote that it's going to generate it. I think there was a question about what the rec fee was. They're two-bedroom units, right?

Mr. Lerner: Yes.

Village Attorney Stecich: So for two-bedroom units, it's \$7,500 a unit.

Mr. Lerner: Did you say "per unit?"

Village Attorney Stecich: Per unit. You're lucky they're not three-bedrooms.

Acting Chairman Cameron: So the first one we need to do is site plan approval?

Village Attorney Stecich: Yes.

Acting Chairman Cameron: So do I have a motion for site plan approval for this development?

On MOTION of Boardmember Dale, SECONDED by Boardmember Alligood 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.

Acting Chairman Cameron: Then the next one, Marianne, we need is ... we've done the rec fees. We don't have to do that again.

Village Attorney Stecich: View preservation.

Acting Chairman Cameron: We have to do view preservation. And this is a recommendation to the ZBA.

On MOTION of Boardmember Dale, SECONDED by Boardmember Alligood with a voice vote of 5 to 1 (Boardmember Sullivan opposed), the Board approved recommendation to the Zoning Board of Appeals for view preservation regarding the development at 400 Warburton Avenue.

Village Attorney Stecich: Just one second. I just want to check, under the MR-O, that you don't have to do anything else.

No.

Acting Chairman Cameron: OK?

Mr. Lerner: Thank you.

Acting Chairman Cameron: OK. Well, good luck.

Boardmember Dale: Good luck with the market.

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 deferred to April 2012 Meeting.

- 3. Subdivision Approval – Application of Edward R. Baldwin and Gillian Anderson for the subdivision of a parcel of land at 181 Washington Avenue into two building lots. Said Property is in MR-1.5 Zoning District and is also known as Sheet 7, Block 617 and Lot 16 on the Village Tax Maps.**

Acting Chairman Cameron: So now we move on to ... we've got so many street addresses, I'm not quite sure which one to address it to. But this is the rec fee with regard to the addition of the house that comes out of the subdivision of 181 Washington Avenue.

We gave a large number of approvals last time. I started to count them up. But there was one we failed to do, and that is whether we would impose a rec fee on the subdivision like the one we just imposed on Mr. Lerner. Except since it's just a single-family house, I believe it's \$10,000.

Village Attorney Stecich: No, it's actually the subdivision. The fees were imposed on Mr. Lerner's for site plan approval, but they're also allowed to be imposed under subdivision approval if you're creating a new lot.

Acting Chairman Cameron: And Ned has sent us a letter. Would you like to speak on this issue?

Edward R. Baldwin, 27 William Street: Well, my letter, I think, says it all. It is a very small project and the economics are marginal, to say the least. So I'm appealing for some leniency on this issue. I don't really ... other than the scale, I really have no other arguments.

Acting Chairman Cameron: Any comments from the Board on this?

Boardmember Alligood: Can you just clarify ... I'm confused about which property this is attached to.

Village Attorney Stecich: This is the subdivision, the 181 Washington Avenue. Because the new lot is created on ...

Mr. Baldwin: It's a subdivision of both 27 William Street and 181 Washington Avenue.

Village Attorney Stecich: But it would only apply to the new lot you're creating.

Mr. Baldwin: Yes. The new lot we're creating we're calling 62 Washington.

Village Attorney Stecich: It's on the agenda sort of ...

Acting Chairman Cameron: Yeah, we've done this quite ...

Village Attorney Stecich: Yeah, it was just a technicality. Because remember this came on at the end of the meeting, and there were so many things you'd already voted on. And you just didn't vote that this is going to generate the need for additional recreation space.

Boardmember Alligood: This is the lot that's going to have a whole brand-new house that wasn't there before.

Village Attorney Stecich: Exactly. Even though there's a subdivision of the other ones, it's not creating any new lots. Only the one creating the new lot, so it would only be for the one lot.

Boardmember Alligood: OK. I just wanted to be sure which lot we were talking about.

Acting Chairman Cameron: So any other comments on that? I would entertain a motion imposing the rec fee on this lot.

On MOTION of Boardmember Sullivan, SECONDED by Boardmember Alligood with a voice vote of all in favor, the Board resolved to impose the recreation fee of \$10,000 on the newly-created lot at 62 Washington Avenue.

Acting Chairman Cameron: We've done it to everybody. There's no ...

Mr. Baldwin: Can you tell me what it is?

Village Attorney Stecich: \$10,000.

Mr. Baldwin: And what about the inspection fee, too?

Village Attorney Stecich: Yeah, that's totally different. This is a fee for recreation.

Mr. Baldwin: I realize, but is there going to be any other fee?

Village Attorney Stecich: Whatever the Building Department ...

Mr. Baldwin: Just building permit fees.

Building Inspector Sharma: Preliminary subdivision, the final plan. I don't know what the schedule is. I'll let you know tomorrow.

Village Attorney Stecich: This is totally separate from any other Building Department fees. This is just something the Planning Board does. The Planning Board doesn't get involved in fees. They just get involved in the rec fees one.

Mr. Baldwin: OK. Thank you very much.

V. NEW PUBLIC HEARINGS

View Preservation – Application of Molly Roberts and Eric Zamore for additions and alterations to the top half story of their existing two and a half story single family dwelling at 3 Edmarth Place. Said property is in 2-R Zoning District and is also known as Sheet 13, Block 634, Lot 5 on the Village Tax Maps.

Acting Chairman Cameron: So a couple of us, or at least one of us, are going to sit in the audience and enjoy the next one.

Boardmember Strutton: I'm going to recuse, as well.

Bradley Olson, Gotham Design: That's not at our request.

Boardmember Strutton: No, we're in the notice area.

Building Inspector Sharma: Whatever you said, you may have to repeat it.

Mr. Olson: This is Molly Roberts, the homeowner. We did want to make it clear that we have no objection to you participating if you can.

Acting Chairman Dale: I have no microphone. I'll move over there. Fortunately, I have a loud voice, if necessary.

We're here for view preservation approval and recommendations for the alteration and establishment of the top half-story of an existing 2-1/2 story single-family dwelling into a third story. The property is located at 3 Edmarth Place in the 2-R zoning district, and is also known as Sheet 13, Block 634, Lot 5 on the Village tax maps.

Building Inspector Sharma: Just one clarification we went back and forth on: there is technically not going to be a third story. Initially, when the plans were presented to me, it looked like a third story. But technically, it's still less than 50 percent of the floor below and, other criteria for the half-story ... technically, it's still a half-story.

Acting Chairman Dale: So from us, he only gets view preservation. And then there will be zoning requirements, variances to the zoning, after our recommendations to the Zoning Board?

Would you like to show us what you're up to?

Mr. Olson: Absolutely. What we're proposing to do, there's an existing finished attic space with a very low ceiling currently. The maximum width at the height of 7 foot 5 inches is less than 2 feet across. So what we're trying to do is increase the usable area of the attic.

What we're proposing on the front elevation is two doghouse dormers, with a connecting shed, all tucking in underneath the existing ridge. And then on the rear is another shed dormer with a doghouse, but a taller form here. The primary reason is that most of the space that we're creating is still very low. The height at the wall of these shed dormers is only 6 foot 4 inches, which is just again a function of tucking it in underneath the existing roof and having a minimum pitch just to shed water and snow.

So we're respecting that in the front, and here. But just to give one small area where they can come up the stairs and have a ceiling height that feels like it's real, you know. So we're doing this. And then extending the existing roof seemed like the cleanest, simplest way of roofing that structure. And there are many other houses in the area that have turrets, and there are houses in the area that also have other roofs coming up that effectively create this kind of continuity where the roofline just extends to marry in with the new roof.

So it is taller than the existing ridge. We've driven around the area. It's very difficult to see this from anywhere in terms of streets, yards, going towards the east, of course, so that we could look towards the west, towards the river. Like the Zinsser Park area, we were up in there and it's very difficult to even see where this would be visible from anywhere.

This is largely an architectural decision. You know, if we made this a lower-pitched roof it obviously has less impact, but we figured this to be a more attractive solution. Obviously, that's subjective, but we said let's go in showing what we think is the best solution. Obviously, if someone presented themselves and said they felt this was going to impact them we would want to address that. To our knowledge, we're not aware of anyone. The Roberts actually went around their neighborhood and hand delivered a notice to anyone that they thought was going to be affected, and reviewed the plans with them. So most people – I believe everybody that you spoke to – was actually favorably disposed to it. I believe at least one neighbor actually submitted a letter to the board on their behalf.

Boardmember Sullivan: This is higher than the permitted height? Is that correct?

Mr. Olson: Yeah, this dash line here is the 35-foot line. So this would require a variance. As Mr. Sharma said, not for stories, but this would require a variance for height. This will be about 38 feet, where 35 feet is permitted.

Acting Chairman Dale: I found it interesting that the one letter we received from was the neighbor to the east, so that's the only neighbor whose view might directly be impacted by the changes to the roofline if they were on the top floor of their building looking towards the river. They clearly support the project, and have no objections.

James Cameron, 94 Maple Avenue: Can I comment?

Acting Chairman Dale: Anybody in the public who would like to speak?

Mr. Cameron: It just came to mind. My wife and I are the other neighbor to the east. We sit at the head of Edmarth, looking down Edmarth a little to the side. I think this is a delight. I don't see any anything in the view whatsoever. I mean, it's up there and I don't think I could actually see the tower from our side.

And I think as a testament to the neighborhood on this issue is Molly did go around and speak to everyone in the neighborhood. And nobody's here except for someone who needed to be here. It's not like you're having a lot of comments. And I particularly like the fact that they managed to maintain the triangle gable on the front of the building, even though they're adding pieces to the side. I think that keeps the symmetry going down the thing. And it's sort of cute because those buildings there, the four on the corners, each have a turret like it was a castle with houses in between. There's nothing wrong with another one having a tower, as well.

But anyway, there you were. So my wife and I are in favor of it. I just wanted to put that in

the record.

Acting Chairman Dale: Anybody else in the public like to address this? Boardmembers?

Boardmember Barr: I have one question. You said that a different roofline would have, quote, unquote, "less impact." So in what way does this have more impact?

Mr. Olson: Well, only from the standpoint that this is taller. So again, I might have misspoke because, in fact, we haven't identified a location where it actually has any impact.

Boardmember Barr: That's what I was saying.

Mr. Olson: But if there would be potential for impact, this would potentially be a greater impact than a lower-pitched roof. But other neighbors could argue that the lower roof would impact them more negatively.

Boardmember Barr: I was just curious why you said that.

Boardmember Sullivan: I like the plans that you have. I think it's very inventive, and the space that you're regaining, or gaining, up in the attic is going to be a lovely addition. I was struck, though, when I looked at the plans and read what was being proposed that the dormers that are being put at the front and the back of the building were presented as these are being tucked in against the existing roof and really not going to impact anyone at all within this sort of thing, the shapes and background of that.

The tower for me ... and I spent a lot of time driving around because your presentation in the photographs were interesting, and I think you really took a lot of vantage points. But I found myself, at one point, close to the Aqueduct kind of looking down and getting a view of the whole neighborhood where Jamie is and just around there. I had in my head, what would this be like if everyone chose to do this?

The thing that stayed with me is, I think ... and that's why I appreciate you doing the other, preparing the other section. Because I wanted to see what the impact was in the section through that area. Literally, I can appreciate wanting higher ceiling height. But this all could be accomplished by being below the existing dormer, existing ridgeline. I mean, you can accomplish having the same amount of interior space.

Mr. [Olson: That is correct.

Boardmember Sullivan: By respecting the ridgeline and continuing kind of with the

process that you had done for the dormers in the front and the back.

Do I object strongly to it? Do I think it's impacting anyone's view? I think what you, as the owner have done, and Jamie spoke to it – no one's here to argue so I can't say I object – I think that's more of a comment and it's more of a concern. Especially when I can see no clear way of accomplishing what you're planning on getting vis-à-vis getting the space. This isn't a lot of space at the top of the stairs. You're not really creating a lovely little separate room where you can sit and retreat. You're going to be looking down the stairs, people are walking back and forth. So I saw it sort of as an extended landing to the top of the stair more than a sitting area. Just my perspective.

So all that said and done, I guess I'll go back. I don't really object, but I have a concern. I think you could accomplish everything you want to accomplish and not have this above the permitted height. And I think the sensitivity that you've shown on the other additions, this is not a huge construction by any means. But I think there's maybe another way to do it that would make it be as sensitive as the other additions you're planning.

Mr. Olson: Well, I appreciate your comments. One of the other reasons for doing this – and specifically in this location – is that most of the windows that we're getting in the rest of it are going to have a low head height. You know, they're going to be 6 feet or below. Whereas here, this is their real opportunity to really be able to get a view of the river. Any view that they're experiencing towards the west is, of course, blocked by the house next door to them, which is the same height as their own house.

So looking directly west, they see their neighboring house. When they look to the northwest, they have an opportunity. So that's why these corner windows are up at a height that it feels they can really appreciate that view. That's another motivating factor.

As far as the actual square footage and the use of the space, they're talking about putting a desk in that area and using it just as a little work area for themselves and for the kids. So it is an actual space that will be used specifically. It's not just for the staircase.

But in terms of ... I mean, clearly, we could do that. But I think the people on Riverview Place would look at that and perhaps say why did they let them do that. So I know it's a subjective ...

Boardmember Sullivan: It's subjective, yeah.

Mr. Olson: ... question. But our expectation, our thinking, with this was that as long as there wasn't anybody whose view was impacted by this we felt it was a nicer solution. And

the feedback we've been getting from everyone has been very positive. I know we're in a somewhat unique situation. Because instead of needing four out of seven votes we need four out of four.

Acting Chairman Dale: That's correct. And you have the option to not have a vote tonight.

Mr. Olson: And, of course, the Zoning Board will also ... I mean, in terms of this being this roof form – or a lower-pitched roof form or a flat roof – this is something that will very specifically be addressed by the Zoning Board because it's actually ... we are seeking a variance for this roof form, so it needs to be specifically addressed by them.

But in terms of the view preservation, I feel confident that we've established that there's not an impact on views.

Boardmember Alligood: I don't hear anybody objecting to it, and I would definitely take that into consideration. Like Kathy, the one thing that struck me when I ... and I went and looked at the site and looked at the plans. I thought why are they doing that? It seems unnecessary to pop it up like that above the existing roofline.

But on the other hand, the way Kathy put I don't feel that it's going to cause me to completely object to the project. I think I would if there were view preservation issues from the neighbors.

Mr. Olson: No. If there were view preservation issues from neighbors we would fully expect ... you know, we would want to make sure that we didn't negatively impact anybody. And I'm actually thrilled that there are only two neighbors here tonight.

Acting Chairman Dale: The neighbors showed up in great force.

[laughter]

Mr. Cameron: I think I'll just make one more comment. I just want to point out that we talked about the turrets. We have eight turrets in the neighborhood, and we have 12 houses that don't have turrets. So we're getting closer to a tie.

[laughter]

It's not exactly unusual in our neighborhood, and it doesn't sound like it's hitting any view preservation issues.

Acting Chairman Dale: It seems to me the view preservation issue is not to be addressed from the Aqueduct. It's not blocking anybody's view, imposing a judgment on the urban design of adding an additional turret – the ninth turret on the block.

Mr. Olson: These are photos of four houses – two on Ridgedell, two on Edmarth – all of which have the attic turret with the roof projecting up above their main ridge.

Boardmember Sullivan: They're all towards the front of the house, though. That was the difference here.

Mr. Olson: They are all towards the front.

Boardmember Sullivan: Yours is in the back.

Mr. Olson: That's the way they were done. This is towards the rear, which ...

Rebecca Strutton, 2 Ridgedell Avenue: Can I put my two cents in?

Boardmember Sullivan: As a turret owner?

Ms. Strutton: I actually really like the fact that the turret's off the back and not off the front. Even lower, perhaps.

[laughter]

No, I like the fact that the turret's off the back because I think it keeps the integrity of the front. And in our neighborhood, all of the houses are mirror images of each other. So I would be personally more concerned if they wanted to put a turret on the front because then it sort of destroys the continuity of the neighborhood. So I think off the back, you're not going to see it from the street really popping up any more than the trees or anything else.

I think it's a nice project, and I fully support it.

Mr. Olson: Sure you guys don't want to vote? It's really OK with me.

Acting Chairman Dale: It's your option, at this point. You need all four votes to be approved.

Molly Roberts, 3 Edmarth Place: I'm just speaking to you from an emotional point of view. I can understand your comment about the extended height. But for us, we have three

small kids. We plan on living here in Hastings for a long time. Our kids are three, five and seven. And for us, the reason why we started this project was, one, we needed a new roof.

[laughter]

But also, we have three kids that are getting very boisterous and need a little bit more room. At the same impact, my husband and I said it would be great if he could go up into the attic and have our own space up there. So with that, we were capitalizing on various views of the river. And from up there it's beautiful, the potential is beautiful. And also, from that turret area it's quite lovely.

So the height of those windows is very specific to Gotham's design. It's really unique from point of view. It happens to be quite spectacular. You could see it in the public area view, and right when you come up from the stairs, that landing area. And also from the bedroom, if we position the bed correctly, you can actually look through the room into that turret area and it would be pretty spectacular.

So for us – again, speaking from an emotional point of view – it's our own ... my husband and I are our own little oasis up there, away from the kids. So anyway.

Acting Chairman Dale: So you're going to abandon your house to your children.

Ms. Roberts: What they want to do downstairs is fine, but we'll be upstairs.

[laughter]

Acting Chairman Dale: Would you like us to entertain a motion?

Mr. Olson: Actually, from a procedural standpoint, I know that three members can't act and your alternate is already, if I understand, sitting in for a fourth member who is no longer in the area. So if we were to come back next month, barring – no pun intended, excuse me – an appointment of a new member to reestablish the alternate for next month, we might be four out of five next month. But we're probably going to be four out of four next month, too.

Village Attorney Stecich: Patty could vote. She's in the notice area, but if she feels she wouldn't be affected at all by it she could vote.

Mr. Olson: OK.

Village Attorney Stecich: It's her own choice. Or it may very well be that the seventh

member's appointed, so then there would be five.

Boardmember Alligood: I think I was clear. I don't have a big problem with this.

[laughter]

Acting Chairman Dale: I do think there is no view preservation issue.

Mr. Olson: Care to offer further comments?

Boardmember Alligood: There's no view preservation issue.

Acting Chairman Dale: There's no view preservation issue. I really think it's a zoning issue that Kathy was concerned with more than view.

Mr. Olson: Can I take a moment to confer with my client?

Acting Chairman Dale: Absolutely.

Mr. Olson: Actually, from a procedural standpoint, if it is denied what's the time frame for a new application?

Village Attorney Stecich: Well, would it be different?

Mr. Olson: Obviously, we ...

Village Attorney Stecich: If it's denied and you change the application, you can come back next month. I think there's a six-month wait if it's the very same application. But if it's denied and you change it, then it could be next month.

Building Inspector Sharma: Would we also have to do a new notice also?

Village Attorney Stecich: Oh, yeah, it would have to be re-noticed and stuff, but I think his concern was just the timing of it.

Mr. Olson: Obviously, we could come back next month with a lower roofline if that was what was necessary. We don't think it's appropriate, given the view preservation. We hope that it's not necessary. But as long as we can come back the next month, I'll be candid. If we don't succeed this evening, we will have to change the roof. If we come back next month and there was a fifth member, or potentially a sixth member, then you need the four out of

five, or six, next month to proceed with the application that you're looking for.

We could change it a little bit. I'm sorry, it's unfortunate.

Village Attorney Stecich: Well, it can't be a minimal change.

Mr. Olson: No, I know.

Village Attorney Stecich: I mean, you can't make it 2 inches or something. But I just want to check something with Jamie and Rebecca. Am I right, I'm guessing maybe Patty wouldn't have to recuse herself? But you would know where she is in relation to this house. Can she see it?

Ms. Strutton: She is on the same street that I am on, the same side, and faces the same way. It would depend on ...

Village Attorney Stecich: She's further down, right?

Ms. Strutton: She's at the end of the street, so she would be looking diagonally. Honestly, I don't see their house. I think I don't see your house. I tried one morning in my bathroom. And there was a red roof, and I thought that's the red roof of the neighbor across the street from you. So I think I potentially might see the bit that's sticking up over the roofline, but I'm not sure.

My reasons for recusing myself are just because we're neighbors and we're friends, and I feel like I shouldn't sit in judgment of a neighbor and a friend. And on top of that, the fact that we have always recused ourselves when we're in the notice area. So it seems like we should follow that procedure. Those are sort of my reasons.

Village Attorney Stecich: Just because I want you to understand. I don't know whether Patty would feel like she has to recuse herself. So you may well get the same number of people.

Mr. Olson: I believe she's in this house, so she has to look through the houses on the south side of Edmarth.

Village Attorney Stecich: But it's her choice.

Mr. Olson: Yeah, I understand. So it's really just a matter of ... well, we don't know if there'll be a new Boardmember appointed either, so it could be back to the same four people.

Boardmember Sullivan: One thing I'd like to say is just to emphasize the fact that there are no neighbors here having objections and that means quite a bit. I echo what she said.

Ms. Roberts: And I did go around to all the neighbors that sort of can touch our backyard and see our backyard, and talked to them individually, and showed them the plans. I think let's go for it.

Mr. Olson: OK.

Acting Chairman Dale: Somebody want to give me a motion?

On MOTION of Boardmember Alligood, SECONDED by Boardmember Barr with a voice vote of all in favor, the Board approved recommendation to the Zoning Board of Appeals for view preservation regarding the additions and alterations to the top half story of their existing tow and a half story single family dwelling at 3 Edmarth Place.

Mr. Olson: Thank you very much.

Acting Chairman Dale: Your motion is approved.

Having nothing further on the agenda ...

Boardmember Strutton: Do you have to make recommendations to the Zoning Board also?

Acting Chairman Dale: By approving the view preservation, are we not ... we're more or less doing that.

Boardmember Sullivan: One thing I wanted to bring up, I e-mailed to the Boardmembers a draft checklist for steep slopes a couple months ago, and I'd like maybe to put that on the agenda to talk about next month if it's not too busy of an agenda.

Acting Chairman Dale: Remind Patty that you want that.

VI. Adjournment

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On MOTION of Boardmember Dale, SECONDED by Boardmember Cameron with a voice vote of all in favor, the Regular Meeting of the Planning Board adjourned at 9:16 p.m.