

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
PLANNING BOARD  
REGULAR MEETING AND PUBLIC HEARING  
JUNE 21, 2012**

A Regular Meeting and Public Hearing was held by the Planning Board on Thursday, June 21, 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 Rebecca Strutton, Boardmember Kathleen Sullivan, Village Attorney Marianne Stecich, Building Inspector Deven Sharma, Village Clerk Susan Maggiotto, and Deputy Building Inspector Charles Minozzi, Jr.

**I. ROLL CALL**

**Chairperson Speranza:** OK, good evening. Thursday, June 21. I'd like to call the meeting of the Planning Board to order.

**II. APPROVAL OF MINUTES**

**Meeting of May 17, 2012**

**Chairperson Speranza:** Next order of business is approval of the minutes from May 17, which I don't think we can pass on tonight now that I think about it.

**Boardmember Sullivan:** I wasn't there.

**Chairperson Speranza:** Because you weren't here, right. So we'll handle this at the next meeting. We'll just have to remember that.

**III. OLD PUBLIC HEARINGS**

None

**IV. NEW PUBLIC HEARINGS**

1. **Accessory Apartment Permit Renewal – Application for Nicholas & Deborah Frascione – 331 Warburton Avenue – Sheet 4/P2. Waiver required for square footage.**

**Chairperson Speranza:** As I mentioned, this is a renewal, and the property does require a waiver from the square footage requirement. Buddy, would you like to walk us through this?

**Deputy Building Inspector Minozzi:** Yes. There haven't been any changes, and there's no issues on the accessory apartment. It does exceed the 25 percent coverage limit by 8.3 percent, but that was approved under the affordable housing regulations and it remains the same. So that would be the only waiver that's required at this point.

**Chairperson Speranza:** OK. Since this is a public hearing, I'm wondering if there's anyone here who wishes to speak on this application. No? OK.

**2. Accessory Apartment Permit Renewal – Application for Ramona Grey-Harris – 114 Pinecrest Drive – Sheet 1/P43. No waivers required.**

**Chairperson Speranza:** Then we'll close the public hearing on this, and we'll vote both accessory apartments out at the same time. Because I do want to have the next public hearing for an accessory apartment located at 114 Pinecrest Parkway, Ramona Grey-Harris. This also is a renewal, and it does not require any waivers at all.

**Deputy Building Inspector Minozzi:** Yes. There's been no changes, and there's been no complaints. And it requires no waivers, at this point.

**Chairperson Speranza:** Again, it's a public hearing. Is there anyone who wishes to speak on the application for the accessory apartment at 114 Pinecrest? No? OK, that's it. We'll close the public hearing.

And Boardmembers, do you have any comments, or are we ready to make a motion, first on the accessory apartment renewal application for 331 Warburton Avenue? And that includes the waiver for exceeding the square footage.

On MOTION of Boardmember Sullivan SECONDED by Boardmember Alligood with a voice vote of all in favor, the Board approved the accessory apartment permit renewal application for Nicholas & Deborah Frascione for 331 Warburton Avenue, with a waiver for square footage.

**Chairperson Speranza:** And now if there's any questions or comments, or if you're ready to make a motion for renewal of the accessory apartment at 114 Pinecrest Parkway.

On MOTION of Boardmember Sullivan , SECONDED by Boardmember Strutton with a voice vote of all in favor, the Board approved the accessory apartment permit renewal application for Ramona Grey-Harris for 114 Pinecrest Parkway.

3. **View Preservation and Site Plan Approval – Application of Michael Silverman for the construction of a deck on the first-floor level of an existing multi-family dwelling at 395 Warburton Avenue. Said property is in MR-O Zoning District and is also known as SBL 4.70-52-1 on the Village Tax Maps.**

**Chairperson Speranza:** The next item on our agenda is a public hearing for view preservation and site plan approval for a property located at 395 Warburton Avenue. I will take a wild guess, and say you're the applicants for this property, for this application. You want to come up and explain what's being proposed?

I do want to say for the record, this is a view preservation application and site plan approval. We make a recommendation to the Zoning Board of Appeals for view preservation. Since there are four of us here tonight, it would have to be unanimous approval by the four of us because we are the quorum and the majority vote. Just to know that, in the interest of full disclosure, and make sure that you're aware of that.

**Michael Silverman, applicant - 395 Warburton Avenue:** Well, thank you for the opportunity and the consideration. We appreciate it. As my wife said, we're new residents to Hastings and very happy to be here. What we were hoping to do is build a deck addition onto our home, our four-family home.

The addition that's proposed is on the first floor. We don't believe that it interferes with anyone else's view, and we would like it to simply enjoy the outdoors. So I think that's all I have to say, unless you have any questions.

Oh, pictures?

**Chairperson Speranza:** And I believe we got them in the application.

**Mr. Silverman:** These are more, and they're in color. And here's a map.

**[Female Voice] XXX:** And then there's all the color pictures that are numbered so you can get a feel for that.

**Chairperson Speranza:** Again, I will say that since this is a public hearing if there's anyone here that would wish to speak on the application for or against, please do so.

Boardmembers, any questions or comments of the applicant? No? OK. Then we'll close the public hearing. You know, I look at this and I think you're right.

Marianne?

**Village Attorney Stecich:** I was just going to say, on procedure, you see there's an Environmental Assessment Form in there.

**Chairperson Speranza:** Yes.

**Village Attorney Stecich:** But you actually don't have to do SEQRA. I know it's a four-family and I said you have to do it on four-families. But if its only construction of an apartment, apartments are an accessory with the structure and you don't have to do it. It's a type two.

**Chairperson Speranza:** OK, since it's just a deck.

**Village Attorney Stecich:** It was right to submit the form, but you don't have to take any action tonight.

**Chairperson Speranza:** OK. Looking at the pictures and looking at what's being proposed, I agree that there are no view preservation issues here.

**Boardmember Alligood:** I did go to the site and I stood where you had the photos. And I didn't see where it would obstruct a neighbor's view. Usually we hear from neighbors when they do have an issue. So I don't think we've heard from anybody this time -- regular letters or anything.

**Village Attorney Stecich:** No.

**Chairperson Speranza:** OK, then we have two motions here. One is for site plan approval for the proposed deck addition to the property at 395 Warburton Avenue.

On MOTION of Boardmember Alligood, SECONDED by Boardmember Sullivan with a voice vote of all in favor, the Board approved the site plan application of Michael Silverman for the construction of a deck on the first floor level of an existing multi-family dwelling at 395 Warburton Avenue.

OK. And next is a recommendation for view preservation to go to the Zoning Board of Appeals. Do I have a motion to send that recommendation to the ZBA?

On MOTION of Boardmember Strutton, SECONDED by Boardmember Alligood with a voice vote of all in favor, the Board resolved to recommend view preservation approval to Zoning Board of Appeals for the construction of a deck on the first floor level of an existing multi-family dwelling at 395 Warburton Avenue.

**Chairperson Speranza:** OK, welcome to Hastings.

**Mr. Silverman:** Thank you.

**Chairperson Speranza:** Do you want these to bring when you go to the Zoning Board of Appeals?

## V. DISCUSSION ITEMS

### 1. Green Code

**Chairperson Speranza:** Just a couple of cleanup items. I have not forgotten checklists. I'm hopeful that at our July meeting we will have a more complete board to really go into this more fully.

**Boardmember Sullivan:** I noticed there was some conversation about Rebecca being 29. I'm not sure about that.

**Boardmember Strutton:** It is *true*.

**Boardmember Sullivan:** Well, let me know when I can help.

**Boardmember Strutton:** Twenty-nine at heart.

**Chairperson Speranza:** OK. Marianne, you wanted to talk a little bit about the green code?

**Village Attorney Stecich:** Yeah. Just to follow up on the green code, a number of Planning Board members sent comments. By the way, you didn't all copy me on it. Some people did. Kathy did, Eva didn't, Rebecca didn't. So if you've got a circulation list for the green code, add my address to it.

I did get it though. The ones you already sent in, I just got today. But I didn't learn about them until the meeting last night. They've worked some more on it. They've considered all the comments, responded to some; others, they haven't made changes, but they have reasons for not making the changes, or whatever. And they would like to meet with the Planning Board to explain their response to each of the suggestions that were made.

They have a new draft. I met with Kerrie Jane King and Sharon Kivowitz and Bruce Jennings last night, not so much on the substance – a little bit on the substance, when it was affected by language; by writing it this way, you're including this, do you really mean to? But we had a long meeting last night. I know they're going to make a few more changes. And Sharon Kivowitz expects to have a new draft within a week or two, which she'll circulate to the Board.

And hopefully then, everybody will have a chance to look at it before the July meeting. Then she'll be at the July meeting, and I'm not sure who else. But minimally, Sharon, who seems to have taken the lead on this, will be at the meeting. I don't know whether you want to have her at the formal meeting or a work session – it doesn't really make any difference – just to go through the changes. Kathy might have made a suggestion – say, "I suggested this, why didn't you do it? – whatever.

She was also going to try ... and I'm not ... it seemed to me it was a huge task. Whether she's going to be able to accomplish it, I don't know. She had put all the comments together just by melding the e-mails, and was going to try to indicate to us, each one, either where the change was made or what they did instead. I know that seemed to me a little ambitious, but she seemed to think she would do that. So whether you have that before the meeting I don't know, or whether that'll be her guidance for it.

I guess maybe since Jamie and Bruce – and Rhoda had made some comments, too – aren't here, maybe when the draft comes I'll send them an e-mail to tell them about the July meeting – that we'll be discussing this at the July meeting. OK?

## 2. Broadway -- Steep Slopes Engineers and Consultants

**Chairperson Speranza:** Deven, you want to fill us in at the property up on Broadway? You sent a letter.

**Building Inspector Sharma:** I think you all got it. It's kind of self-explanatory, the memo. Both engineers and architects on the applicant's side, and our consultant, Doug Hahn, met at the site. I was supposed to meet, but I couldn't meet them. So they sent me a summary of what happened during that meeting.

They had mentioned to me previously that the site is actually a buildup of 6 or 7 feet of debris. The virgin slope is there, but the land is almost 5, 6, 7 feet below what appears to be the slope. So they plan to remove all that debris first, and then once they get down to the actual slope – the land, the formation of the land itself – they will vegetate it, do plans for our review how they plan to stabilize it as it is. And also in the light of the new construction that they're going to be putting up – which will be putting some strain on the slope, some pressure – and how they plan to mitigate it.

We already had a couple of meetings, where they showed like diagonal spikes through the slope; not convoluted, but good engineering practices. So they are taking some time, but right now they asked me if it was OK for them to go ahead and proceed with the cleanup of the site so if any neighbors call or complain they have our permission to do that. It doesn't require any permit.

Then they will be submitting plans and our engineer, our consultant, will be working with them. Our idea was that when they come to this board, the engineering aspects will all be resolved between them and our consultant. This way, we're not getting the consultant to work for another month. He'll come back. So all the issues – structural issues, steep slopes issues, steep slope application issues – would have been resolved from the engineer's point of view before they come to us in July or August. That's when they plan to come.

**Boardmember Sullivan:** This seems so similar to the Prince Street property, where there was a lot of construction debris that was on the site and it became a steep slope application that was looked at. We talked about it, and you say the Village has a consultant. But we actually had someone view the process of how they were going to remove that soil before they got going with it.

My concern is that 7 feet, 15 feet, that's just a tremendous amount of fill. And you're talking about a slope that's adjacent to Metro-North. So I think the Village is in jeopardy by allowing this to happen without having a submission of some type for review. Understanding the extent of the survey they've done, to understand were they finding material they feel they need to move, it just seems to be fairly rapid without really having an understanding of what the extent of this is.

And potentially not understanding where this fill is, does this start impacting some of the adjacent properties; the Shandon House, as well as the apartments to the north? Again, it just seems like Prince Street in many, many ways. And going at 7 to 15 feet of fill to remove it, and then talking about steep slopes, you're talking about steep slopes and I really think it should be a submission. That was my instinctive reaction to it: like we should see this, we should understand what they plan on doing and take a look at it.

And I'm concerned about Metro-North. The slope is adjacent to a major artery.

**Building Inspector Sharma:** The difference between this site here and Prince Street is, Prince Street was deliberately built up with dirt from other sites. And here is a buildup over the year, with appliances being thrown down and many plumbing fixtures being thrown down, and the leaves falling and building up slowly over so many years. It's that kind of buildup here as opposed to the buildup that was almost intentional over at Prince Street. It was extra dirt that changed the grade. Here is something that happened with people throwing stuff there over the years, and that's how it was built up.

**Chairperson Speranza:** But how are they going to ensure that when they do this removal that there are no issues? I mean, steep slope – we don't say steep slope consisting of virgin soil. I mean, it's still a slope even though it's garbage.

**Village Attorney Stecich:** It's a slope. It's not what's in it.

**Boardmember Sullivan:** The intention of why someone did it – be it trying to build up the site to make a more buildable lot like on Prince Street, or use it as a dump and make a slope – that intention isn't really the issue. It's what the current situation is, and what are the steps the Village needs to do to protect a lot of different players in this area.

**Boardmember Alligood:** I just want to say, too, we're always very aware of the need to be consistent in our application of the process. That's my concern more than anything else. Not that I don't trust our consultant, but we require this of other applicants. And what makes this different that we would say no, we don't need to be involved this time.

I don't actually see a big difference. In fact, I think one of the differences of even greater concern is that some of these things here presumably could be pollutants that need to be treated especially carefully. Because water heaters, plumbing supplies – who knows if there's oil in some of these things that really needs to be carefully removed?

So I just think that in the interest of applying our process in a fair way that we should be consistent.

**Building Inspector Sharma:** Another difference, I felt, was that our engineers were involved in the process from the beginning. And also, the background and history of the people who are doing it. Engineers were involved in the process, following the best engineering practices. So their money it doesn't seem to be a concern. As a matter of fact, what I think this board wants to do is be shown how and what they'll do which, of course, would have already been agreed and understood by our engineer. So it's just a matter of the Board saying, "Oh, yeah, we see it," and then we ask some questions.

**Boardmember Sullivan:** But I think it's an issue of regulation. That the Village made a decision to regulate the disturbance of steep slopes, and that process isn't being followed. I think you had good reasons and good thoughts about it, but I think the fact that they were given approval to do it without going through what Eva was suggesting, a consistent process is a concern.

**Building Inspector Sharma:** All right. Not that they're ready to get started tomorrow. They're getting some kinds of bids on it, and obviously preparing some documents as to how it needs to be done, how the neighboring properties need to be protected during the process, et cetera, et cetera. So if the Board thinks they need to come and show the whole process to you, I'll have them come down in the July meeting, before they start.

**Chairperson Speranza:** And they can do it as a steep slope application.

**Building Inspector Sharma:** It's a cleanup, a cleanup of the site.

**Boardmember Alligood:** That's covered and that's why we have it.

**Boardmember Sullivan:** The same as Prince Street.

**Village Attorney Stecich:** Even if they were just pulling up grass and it's on a steep slope, they have to come here. It's stripped of vegetation, they have to come here. So if you're stripping it of more than vegetation, but what constitutes it, it's so ...

**Building Inspector Sharma:** All right, I get the point. First thing tomorrow, I'll contact them, communicate with them, and let them know that after speaking with you we consider the steep slope being affected in some way by this process. Although between our engineer, who was the watchdog, and them – they would look at all the processes and practices that will be safe and good – this board wants to see that.

**Chairperson Speranza:** It should be formalized through the application process.

**Building Inspector Sharma:** Follow the process, the procedure, the protocols. That's what it is, and OK.

**Boardmember Strutton:** And if they're going to remove that much soil, then won't they have to come back with a new veranda plan? Because the site of the veranda will most likely change, or how they're going to anchor it will change.

**Boardmember Sullivan:** Possibly.

**Chairperson Speranza:** And we'll hear from them how they're going to do it.

**Village Attorney Stecich:** Rebecca, if they change it from what's approved they have to come back.

**Boardmember Strutton:** Right now, they have the soil and the veranda, and if the soil is here then they're no longer in compliance with what they proposed.

**Village Attorney Stecich:** Based on what they said, I think they had thought that out. But you're right. If it's different than what's approved, they have to come back. Obviously, if it's at a different height it's going to have an effect on view preservation.

**Chairperson Speranza:** And whoever their attorney was, I can't remember ...

**Village Attorney Stecich:** David Steinmetz.

**Chairperson Speranza:** I would guarantee he will agree that they should be following this code.

**Building Inspector Sharma:** Well, after hearing you I think maybe they should.

**Boardmember Alligood:** Just as a final point, I think, too, in terms of advising applicants, I think they should know that it shouldn't matter which consultant is working with us.

Because that's sort of a different matter. I don't want any applicant to come and say, "Oh, we have this consultant working for us, so they're going to make sure everything's fine," and we're still here to review what's being proposed.

**Chairperson Speranza:** Within the public realm, also.

**Boardmember Alligood:** Yeah, there has to be public comment. So I think it's irrelevant if we said find the consultant, we still want to see the information and review it. That's the process we have for our laws.

**Chairperson Speranza:** Well, that would be good.

**Boardmember Sullivan:** July is going to be busy.

OK, anyone have anything else for tonight?

## **VI. ANNOUNCEMENTS**

**Next Meeting Date – July 19, 2012**

## **VII. ADJOURNMENT**