

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
PLANNING BOARD  
REGULAR MEETING AND PUBLIC HEARING  
MARCH 21, 2013**

A Regular Meeting and Public Hearing was held by the Planning Board on Thursday, March 21, 2013 at 8:15 p.m. in the Municipal Building Meeting Room, 7 Maple Avenue, Hastings-on-Hudson, New York, 10706.

**PRESENT:** Chairman James Cameron, Boardmember Patricia Speranza, Boardmember Eva Alligood, Boardmember Kathleen Sullivan, Boardmember Rebecca Strutton, Boardmember William O'Reilly, Village Attorney Marianne Stecich, Deputy Building Inspector Charles Minozzi, Jr., and Deputy Village Clerk Mary Ellen Ballantine

**I. Roll Call**

**Chairman Cameron:** I'd like to call the meeting to order, and ask Mary Ellen to take the roll, please.

**II. Approval of Minutes:**

**Meeting of February 21, 2013**

**Chairman Cameron:** Does anybody on the Board who was here have a comment?

On MOTION of Boardmember Alligood, SECONDED by Boardmember Sullivan with a voice vote of all in favor, the Minutes of the Regular Meeting and Public Hearing of February 21, 2013 were approved as presented.

**Chairman Cameron:** Just a bit of an announcement. The people who are here for the first two agenda items, which were old public hearings – one on the alterations to existing retail space by Gordon and Neda Sokich – that has been put off until the April meeting, and also on the property at the corner of Washington and Warburton, which is 3234 Washington. That has also been put off until the April meeting. So if you're here for that, that's going to be in April.

**III. New Public Hearings**

**1. Accessory Apartment Permit Renewal - Application for Fazil & Shameeza Hatim, 16 Clarence Avenue - SBL: 4.120-0129-002. No waivers required.**

**Chairman Cameron:** However, we do have three new public hearings. The first, actually, is an apartment. If you'd come up, this is Fazil Hatim and Shameeza Hatim. If you could come up and give a little report on that.

**Deputy Building Inspector Minozzi:** Upon the inspection, there was no changes in the apartment, we have received no complaints. It is code compliant, there is off-street parking and there are no waivers required for this application. We recommend that you approve the application.

**Chairman Cameron:** Is the owner here, and would like to comment? Anybody in the public have any comments on it? Anybody on the Planning Board have any comments on it? I'll entertain a motion.

**Village Attorney Stecich:** Jamie, first you should close the public hearing.

**Chairman Cameron:** No, that's right. Close the public hearing, and ask for a motion to approve the renewals.

On MOTION of Boardmember Speranza, SECONDED by Boardmember Sullivan with a voice vote of all in favor, the Board approved the accessory apartment renewal application for 16 Clarence Avenue.

**2. View Preservation and Site Plan Approval - Application of Louis Zazzarino for the for the addition of two stories and other needed alterations to convert an existing single story building at 400 Warburton Avenue, into a four (4) dwelling units building. Said property is located in the MR-O zoning district and is known as SBL: 4.70-56-9 on the Village Tax Maps.**

**Chairman Cameron:** Our second public hearing is for 400 Warburton Avenue. We have Christina Griffin here, who's going to give a presentation. So we're going to open the public hearing on this new development she is putting forth for us.

**Village Attorney Stecich:** Jamie, before we get to that, I didn't get in my packet the notice

of this. Did anybody else get the notice of it, this public hearing?

**Boardmember Strutton:** It's on the agenda.

**Village Attorney Stecich:** No. The notice in the public hearing usually details what it is about. And then also, it would have the notice of the Zoning Board public hearing so we could make sure that all the variances were picked up. I think this might need a couple of variances. Marie handles them.

**Deputy Village Clerk Ballantine:** I didn't see a copy in the file.

**Village Attorney Stecich:** I guess we need to know that the notice went out and that it was proper. I guess Marie Ellen has proof of the mailing.

**Chairman Cameron:** Oh, you have proof of the mailing? That's good.

**Village Attorney Stecich:** OK.

**Boardmember Speranza:** So maybe it just wasn't included in our packets.

**Village Attorney Stecich:** It wasn't on any of them, actually. So going forward, whoever's doing the package should put the notices in. You don't have it either? OK.

**Deputy Building Inspector Minozzi:** I'll have to find out tomorrow.

**Chairman Cameron:** Why don't we proceed ahead?

**Village Attorney Stecich:** Yeah, I think that's fine.

**Christina Griffin, architect for the project:** I'm the architect for this new proposal. We're planning to now have three townhouses above one apartment for this that will fit on the existing walls of the old factory building that now exists. This is just a 3-D view showing the original building, down here. And we really want to use, as much as we can, the walls of this building – walls, foundation, openings – and the original garage opening is going to remain in the same location. And then this is going to be a two-bedroom apartment down here. And then above, we're planning to do three townhouses.

I was here in the past with a different scheme: we had four townhouses. Because they were so narrow, we decided to go a different route and do three instead of four. This is the ground floor plan, which is really the same as the site plan because the building is right up to the

property line. So the blue shaded area is the outline of the existing building. This is our driveway, which is in the same location as existing. We're planning to have a garage that will have eight parking spaces for the new living units. Down below, we're going to have an entry to each of the three townhouses through a common entry hall. This is the unit on the lower level that'll have two bedrooms.

The owner would like to have the option of using this possibly as like a commercial space. I don't know if we can have that option, or if we need to just make one decision.

**Boardmember Speranza:** Can I ask the question about that? How did you calculate the parking, though, the parking need? Based on it being an apartment?

**Ms. Griffin:** Yes, I did. I did.

**Boardmember Speranza:** That would be one thing. I did notice that in the plan, when I was reviewing the plans, that it did seem that it could be residential or commercial. And I'm not sure if we needed to have the specific use.

**Ms. Griffin:** I don't know. I'm just telling you that's what the owner would like to do.

**Boardmember Speranza:** Yeah, OK.

**Ms. Griffin:** And he told me after we finished the layout. As I say, he likes the option of having that flexibility. But right now, the layout shows a two-bedroom apartment.

**Village Attorney Stecich:** And then if you were going to change it into an office or retail, then you'd have to get a variance for parking.

**Ms. Griffin:** Yeah, probably.

**Village Attorney Stecich:** So this approval couldn't be for residential *or* commercial.

**Ms. Griffin:** OK, well, why don't we stick with the two-bedroom unit. This unit is 1,275 square feet. There is an access from this unit and from the garage to Quarry Trail. We're also planning to do a new stair to Quarry Trail. This stair is going to be a stair and ramp, or just one long stair, but it does cross the property line. The only way to build this is that there will have to be either an easement, or Lou has also said that he might prefer to just simply give this piece of land to the Village. But building the stair is something he's agreed to.

On our second floor, we have now three comfortable units. The width of the building above

the old factory building is 62 feet 4 inches. That is the same width that was previously approved. Because I am aware of all the discussion of that view and the limitations that should be considered for the width of the building, we have a 16-foot setback to the bay windows that are in the front of the building. And that is the easement setback that we had previously. But in the back, we have a 12-foot setback. By putting only three units up here, we're actually able now to have a three-bedroom, 2-1/2 bath unit. We are also eliminating the elevators that we had in the original scheme, and that just gave us more space. We introduce light wells to get some more light into the interior of these units.

On our third floor, we have a setback of 22 feet to the building and 16 feet to the decks that are off of this third floor. You know, so much of the outdoor space seems to be better in the front because of the view. We decided that these would be more attractive if we gave more of the outdoor space in front of the building. Last time I also had decks, but this way, we're actually able to get the decks to fit if we just simply push everything back. So now we have 22 feet in the front and then 12 feet in the back. We have two-bath three-bedrooms on this level for each unit.

The roof will be a flat EPDM roof. We eliminated the solar panels, we eliminated the elevators that would come up above the roof, and we have now just skylights that bring light into the interior of the space below.

This is our section through the building. The blue line shows the line of sight that was previously approved. This black line, with some pink highlight here, is our new line of sight. The reason why this changed is because we now have a 22-foot setback to the third floor in the front, 16 feet to the second floor. And the whole unit has been pushed back so that we have 16 feet in front and a 12-foot setback in the back. The height, the floor-to-floor heights, have actually remained as they were before.

For view preservation, these are the views that we took photographs of by going up to the neighboring properties above. We have an overlay to simulate the shape of the building over the existing old industrial building. It's not easy to get any more pictures because it's just hard to get around up there. But we managed to get views from Terrace Drive looking towards the building on the north, looking down, and then through the middle of the building. And then actually this is looking right over the building. I hope this has given you an idea of the bulk of the building, the existing building.

Do you have any questions?

**Chairman Cameron:** Well, the first thing I'd ask, and I think one question people might ask, is, you did say you stayed within the envelope? You also did that on the side, as well. I

know it's the case, but because you've pulled it back on the north side of the building you also stayed within the indent we had previously seen on another set for the third floor.

**Ms. Griffin:** Just to clarify, I just want to make sure we're in agreement. This 62 feet 4 inches is the same width that was approved previously.

**Chairman Cameron:** Right, I think you've done that on that corner because of the way you've cut it. It achieves the indent which that we approved on a prior set.

**Ms. Griffin:** Except this is angled.

**Chairman Cameron:** It's a leading question, you'll have to excuse me.

**Boardmember O'Reilly:** Leading the witness.

**Chairman Cameron:** So I might ask if there are any people in the audience who would like to comment?

**James Stranges, 2 Marble Terrace:** My property is abutting 400 Warburton. This structure, as I understand it – and I have been coming to these meetings – did not exist, the above structure, to be to the north and the south extreme of what this property was. There was supposed to be setbacks both on the north and south as I understood it before.

Also, I feel that this is cutting into my view – although people on Marble Terrace also enjoy the view – as what happened over at the Palisades when we had that catastrophe some six or seven months ago when there was some rock fall. People were coming down to my end of the block, enjoying the view and being in awe of what had happened across the Hudson. This is going to be taken away.

I moved here 37 years ago because I wanted to enjoy the country-like setting and the beautiful view that we have because we call it a Rivertown. Now we're building structures in front, one building after another. We're getting like, I guess, Florida, where somebody in front of 400 Warburton might want to put an addition on their building and cut off the view. I mean, where does this end? This is just something that cascades.

This structure, they were asking about putting in commercial property. Well, this is one of the reasons why this is being built. Because the commercial property that was there had not been occupied for over a year, I understand. So therefore the commercial license, or a variance, was taken away. And now they're talking about making another commercial venture at this building. Why not keep it as a warehouse if the variance is going to be

changed for a warehouse or a commercial building?

**Chairman Cameron:** This envelope, and the height and the width, is the exact same one which we discussed a number of months ago, and so did the ZBA. And after a lot of struggles and back and forth and adjusting it, this is what we came up. A lot of you were at the meeting. I think you were at those meetings. It was approved and, unfortunately, they wanted to change the design. But we said, well, you can come back with a different interior describe, but please do not come back with a different silhouette because we've been through all this struggle for many months to get this agreed to.

Your other friend up the hill said he was in favor of it. I think we've done our very best, and what you're seeing is what was approved last time. It has not been made bigger. It initially came back bigger and we said no, that's not going to work, you've got to go back and get it back in that envelope again. And, in fact, not only have they done that, but they even got it lower yet again.

So I want to make sure you understand the facts.

**Mr. Stranges:** OK. Thank you.

**Village Attorney Stecich:** Jamie, I had a few questions.

**Chairman Cameron:** Sure.

**Village Attorney Stecich:** One is, Christina, are these the revised ones from what was in the packet? Because my packet showed solar panels.

**Ms. Griffin:** You know, I sent a letter out.

**Chairman Cameron:** Right.

**Ms. Griffin:** And the letter says that we are removing them.

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

On the ground floor, the parking spaces I think are undersized.

**Ms. Griffin:** Yes. We're going to ask for...

**Village Attorney Stecich:** So that was one of the variances you were seeking?

**Ms. Griffin:** Yes.

**Village Attorney Stecich:** And now, what about the backup area? That has to be a certain amount. And if not, he has to be approved by the Planning Board. That's not a variance.

**Ms. Griffin:** The turnaround?

**Village Attorney Stecich:** Yeah. Because while you're here you should get that done here. Wait, let me tell you what it is. *"Backup and maneuvering aisles. Other rows of parking between rows of parking spaces shall be 25 feet."*

**Ms. Griffin:** The space is 29 feet between the wall. And then going this direction, it's about 26-some feet. About 40 feet.

**Village Attorney Stecich:** OK, so it's at least 25 feet.

**Ms. Griffin:** These spaces, although they're not 9 feet wide, they're 8.6. And actually, they're the same size as the ones at Boulanger Plaza. I know the code requirement is not ... and we're asking for...

**Village Attorney Stecich:** Right. But that's one of the variances you're seeking, is for the parking?

**Ms. Griffin:** Yes, that's correct.

**Village Attorney Stecich:** And the rear yard setback, is that less than what was approved?

**Ms. Griffin:** Yes.

**Village Attorney Stecich:** OK, so you're applying for a variance for that, as well?

**Ms. Griffin:** That's correct.

**Village Attorney Stecich:** OK.

**Chairman Cameron:** It's 4 feet less.

**Village Attorney Stecich:** And I assume that the total of the decks comes to 800 square feet, total area of the deck?



**Ms. Griffin:** You mean for...

**Village Attorney Stecich:** In total.

**Ms. Griffin:** The total area of the decks?

**Village Attorney Stecich:** Yeah, because you've got that requirement.

**Ms. Griffin:** For recreational space?

**Village Attorney Stecich:** Yeah.

**Ms. Griffin:** Yes. I did that calculation, and these two...

**Village Attorney Stecich:** Actually it's more: 200 for each bedroom.

**Ms. Griffin:** It's 200 for each.

**Village Attorney Stecich:** Bedroom, yeah.

**Ms. Griffin:** I did the calculation, and I did not put it on my list. But we should do that for the Zoning Board. But we do just make it for these units. This one is easy.

**Village Attorney Stecich:** So you've got enough.

**Ms. Griffin:** Yeah.

**Village Attorney Stecich:** OK.

**Ms. Griffin:** For the three-bedroom townhouses we have the outdoor space that's required, but not for the apartment.

**Village Attorney Stecich:** And do you have something for the other apartment?

**Ms. Griffin:** All we have is the direct access to Quarry Trail.

**Village Attorney Stecich:** Well, I don't know. That might require a variance. Wait, hold on. *"Two-hundred square feet for each bedroom or all other dwelling units of improved and usable recreation area."* There's no roof.

**Ms. Griffin:** Not for the lower unit.

**Village Attorney Stecich:** I guess it's another variance you need.

**Ms. Griffin:** Yes.

**Village Attorney Stecich:** Was that in the notice?

**Ms. Griffin:** I don't have it here.

**Village Attorney Stecich:** OK. Well, somebody just better make sure it's in the notice.

**Chairman Cameron:** Right.

**Ms. Griffin:** Yes.

**Chairman Cameron:** Yes?

**Jim Metzger, 427 Warburton Avenue:** As many of you on the Board know, the major concern we have – those of us who live on Warburton Avenue – is parking. I'm looking through the public notice, and there was no indication that any variances are being sought for parking. I have a feeling a lot of my neighbors may have come out just to see what was going on.

So my first question is, I know you're talking about the parking spaces being slightly smaller than what the Village requires, but they're probably adequate for a residential use. But do we satisfy the number of parking spaces required for the number of bedrooms in the facility?

**Ms. Griffin:** Yes, there are two spaces per dwelling unit.

**Mr. Metzger:** OK. My next question is, because these are interior spaces – which I would love to have – is there any way that this board can require that the interior parking only be used for parking? And it doesn't become a storage space where people are assuming they're just going to park their cars on Warburton Avenue if parking is being provided in the building? As many of you know, we've been before the Board before. The affordable housing project provided all of their required spaces, but very few people actually ever use those spaces and we have all of the parking issues on Warburton that we were concerned with.

It's a slightly different situation on affordable housing because that parking is three stories above the street. But is there any way that a site plan approval can be given that parking would be the only use allowed within the building to encourage people to use that parking spot?

**Village Attorney Stecich:** You could make that a condition of the site plan approval that that has to be used for parking and not storage. If people park in the street, there's nothing they could do about it.

**Mr. Metzger:** I understand the legality of that, but I'm saying...

**Village Attorney Stecich:** There's nothing you could do about it, but you could require that that ... in your site plan approval I think that's a perfectly reasonable condition.

**Mr. Metzger:** It would give us a fighting chance to have people decide to park off-street if they're not going to be using that as an overflow space for their apartment.

**Chairman Cameron:** OK.

**Mr. Metzger:** Thank you.

**Chairman Cameron:** Any other comments?

So does anybody on the Board have a comment, other comment, on this?

**Boardmember O'Reilly:** I just had a question about the decks. The decks on the front and back are on the same level, or is the one at the back higher? You have a front deck on that level. What about the back?

**Ms. Griffin:** In the back? No, [off-mic]. There's a [off-mic] second floor that's above a garage. And there is no roof deck on the third floor.

**Boardmember O'Reilly:** Is there a basement in that building currently?

**Chairman Cameron:** You're looking at it.

**Boardmember O'Reilly:** That *is* the basement.

**Ms. Griffin:** Is there a basement? No.

**Boardmember Strutton:** On the ground floor.

**Boardmember O'Reilly:** There's nothing underneath.

**Ms. Griffin:** No, there is not.

**Deputy Building Inspector Minozzi:** Raf's asking you to please use the microphone.

**Chairman Cameron:** OK, so I'm going to close the public hearing. And we now have to figure out what sort of resolutions we need to do. We have one to the ZBA on view preservation.

**Boardmember Sullivan:** Can we step back for a second?

**Chairman Cameron:** Sure.

**Boardmember Sullivan:** I apologize because I had a few comments that I missed. In this particular zone you're permitted to have a three-family dwelling, and you need a special use permit for four dwellings. That was something we considered before when we were looking at this project. And it's permitted use to have a three-family plus the commercial space. But as people mentioned, the parking requirements would be quite a bit greater. So I think a decision needs to be made what direction you're going. I believe it's a special use permit for the four-family in the zone.

**Ms. Griffin:** I'll make the decision that it will be a two-bedroom apartment on the first floor.

**Chairman Cameron:** Right, so it's four-family.

**Boardmember Sullivan:** OK, so a special use permit would be needed.

**Village Attorney Stecich:** And then I think we need to talk about the stairwell, as well.

**Chairman Cameron:** Right. So we have the view preservation, we have the stairwell, we have special use permit, and we have rec fees.

**Boardmember Speranza:** And SEQRA?

**Village Attorney Stecich:** But wait. You don't vote on the special permit. The Zoning Board gives special permits. So your site plan approval would have to be subject to their getting the special permit and getting the several variances.

**Boardmember Speranza:** And there's the SEQRA requirement?

**Village Attorney Stecich:** Well, you know, I was thinking about SEQRA. It's virtually the same, so I think the SEQRA you did ... the outline of the building hasn't changed at all for SEQRA purposes. So I think the last SEQRA would apply. Although, I mean, I suppose you could.

**Chairman Cameron:** We might as well do it, since you're still kind of doing the form.

**Village Attorney Stecich:** OK. It won't hurt to do it.

**Chairman Cameron:** OK, so which order shall we do?

**Boardmember Speranza:** SEQRA's always first.

**Chairman Cameron:** SEQRA's always first. So we have the forms in our package. We have a short form Environmental Assessment Form. And I think we need to walk through it to see if there's anything in here which could raise an issue.

**Boardmember Alligood:** Well, I think we have to change the language everywhere where it says "*two-bedroom apartment or commercial space.*"

**Chairman Cameron:** Right.

**Boardmember Alligood:** It's now going to just say two-bedroom apartment.

**Chairman Cameron:** Well, it says a three-bedroom townhouse with the above two-bedroom apartment. Not for commercial space.

**Boardmember Alligood:** "... *or commercial space*" needs to come out.

**Boardmember Sullivan:** And I'm unclear why the phrase "*existing foundation walls*" was being used. That, to me, means the foundations, not the actual walls that are being shown. So I just wanted some clarification on that. That seemed to be an unusual modification.

**Ms. Griffin:** You need clarification on why we said that?

**Boardmember Sullivan:** Well, foundation walls starts making me think you're just going to use footings and rebuild the actual exterior walls.

**Ms. Griffin:** No. Actually, we are going to keep these walls of the old building.

**Boardmember Speranza:** Maybe it should read "foundation and walls?"

**Boardmember Sullivan:** Or just "existing walls." That's fine. I'd like to make sure we're...

**Village Attorney Stecich:** "Existing exterior walls."

**Ms. Griffin:** We can do that.

**Boardmember Sullivan:** It's just been a concern of mine that we are actually reusing the building. And I think the current front elevation is very nice and will remind people of the building in ways that the other designs didn't.

**Ms. Griffin:** Yes, that's the idea: to get an industrial look to the new building.

**Boardmember Sullivan:** And one other thing. Number eight, I had noticed on this, "*Will proposed action comply with the existing zoning or other restrictions?*" And it was checked "no," but didn't have any description of what the restrictions were. So it would be nice to have that described.

**Village Attorney Stecich:** You just put "requires variances." I assume that's why you're putting that in.

**Ms. Griffin:** Yes, that's right.

**Village Attorney Stecich:** If you just note "requires variances."

**Boardmember Sullivan:** OK. But not typical to see a listing of the specific variances that they're looking for?

**Village Attorney Stecich:** I mean, if this were a bigger deal.

**Boardmember Sullivan:** OK. I'm just asking the question.

**Village Attorney Stecich:** No, it's a good point. But it's almost pro forma on this one, since it's not any different than the last one. Although, obviously, the description in it should be accurate.

**Chairman Cameron:** OK, now can we go over to part two? *"Does the action exceed any type one threshold?"* I think the answer there is no. *"Will the action receive coordinated review, as provided?"* The answer is no.

Now we go down through the list. The first one is on *"...groundwater quality, effects on noise levels, existing traffic, solid waste production, erosion, drainage or flooding problems."* I think the answer is no. *"Aesthetic agricultural, archeological, history or other natural or cultural resources of community or neighborhood character."* Anyone feel it's a "yes?" I think it's a "no."

**Boardmember O'Reilly:** It's a no.

**Chairman Cameron:** *"Vegetation, fauna, fish, shellfish, wildlife species."* I think the answer on that one is no. *"The community's existing goals, as officially adopted, or change of use, of intensity of use of land or other natural resources."* I think the answer is no. *"Growth, (inaudible), development or related activities likely to be [reduced] XXX by the proposed action."* I think the answer is no.

*"Long-term, short-term punitive or other effects not identified in C-1, C-5."* No. *"Other impacts,"* I think the answer is no. Item D – I'm going to go a little fast here. I think the answer to that one is no, as well. And E, that's no, as well. Anybody else have anything?

So can we give it a negative declaration?

On MOTION of Boardmember Speranza, SECONDED by Boardmember Alligood with a voice vote of all in favor, the Board resolved, with respect to SEQRA, to issue a negative declaration with respect to the application for townhouses at 400 Warburton Avenue as shown on the drawings of Christina Griffin last dated 3-19-13.

**Chairman Cameron:** So the next thing we have to do is approving the site plan. We do have a couple things on that, and one is the Quarry Trail. What we were interested in, and what the owner evidently has agreed to, is giving us the ramp to go down to the trail. We still need to discuss some other questions about that, but that would be a great additional thing for the town to have to link parts of our town better together.

We do have a question on the rec fee, and I would...

**Village Attorney Stecich:** Jamie, no. On that one, do we know who the ownership ... is the

ownership going to be with the property owner? I mean, that's important.

**Chairman Cameron:** Yeah, I'm going to get to that. In fact, I haven't left it.

**Village Attorney Stecich:** OK.

**Chairman Cameron:** Because it's interrelated to the rec fees, and we're having a discussion about how the ramp is to be built and whether we would be involved through making it ours. I think the general feeling is that it's better that it be an easement for us. So I am proposing that we leave that open, the rec fees. In other words, say whether we take land or what we do on it, it's going to stay open at the present time because we haven't come to a final answer on that.

So I think that has to be an exception to the site plan approval that we don't know whether that's going to end up being ... there's going to be a ramp there, or whether it's going to be simply an easement which the town gets. You sound puzzled.

**Village Attorney Stecich:** Yeah, I don't know where you're going with that. I'm sorry. I mean, the finding you have to make is that this is going to generate a need for recreation space, recreation facilities. So you should make that finding.

**Chairman Cameron:** Right, OK.

**Village Attorney Stecich:** As a part of your site plan approval.

**Chairman Cameron:** Yes, I absolutely agree with that.

**Village Attorney Stecich:** And so then the rec fee would be, I guess, \$40,000. It's \$10,000 for each apartment.

**Ms. Griffin:** It's \$7,500 for a two-bedroom.

**Village Attorney Stecich:** Is it \$7,500 for a two-bedroom? So \$3,750.

**Boardmember Speranza:** I think what the struggle with it is, here, we know we want a connection down to the Quarry Trail. The question is, what's the legal mechanism by which that happens.

**Chairman Cameron:** Right.



**Boardmember Speranza:** And if, in fact, it ends up being an easement, is that something that has to be demarked, or shown, on the site plan now? And is the way in which that connection happens something which we can leave for further discussion?

**Village Attorney Stecich:** Yeah, there has to be further discussion.

**Boardmember Speranza:** Right, OK.

**Village Attorney Stecich:** Whether the Village wants to take it, who's got maintenance responsibilities. I mean, there's a lot of issues.

**Ms. Griffin:** I should let you know that [off-mic] to a decision that Lou would prefer to sell this piece of the property to the Village.

**Village Attorney Stecich:** To sell it?

**Ms. Griffin:** No, to give the piece of property to the Village and he would build the stair and ramp, and just deed this...

**Chairman Cameron:** He'd rather we own that.

**Ms. Griffin:** He's worried about liability, maintenance over time, if it's an easement.

**Village Attorney Stecich:** But as you know, Christina, from the project at the end of your street, the Village Board has to accept it.

**Ms. Griffin:** Yes, I'm sure.

**Village Attorney Stecich:** So I don't know how to make the condition. Because let's say the Village ... I have no idea, has there been discussions with the Village about it? Do we know that they're disposed to accept it? Because I don't want to make problems if there aren't problems.

**Chairman Cameron:** A couple of Trustees have expressed keen interest to get it.

**Village Attorney Stecich:** All right, then maybe, you know...

**Chairman Cameron:** I think what we can ... I don't know why we can't do it in the alternative. That with and without getting the access, this site plan we can approve that way. If they want to give it to us I think maybe we should say that if the site plan was then giving

it to us subject to the confirmation by the Board of Trustees, if that's acceptable to you.

**Village Attorney Stecich:** Well, subject to reaching an agreement with the Board of Trustees over the stairway.

**Chairman Cameron:** Right, OK. Because this is an important thing for the town to do, I think, and it would be a wonderful thing. And the town, in fact, has applied for other sources for money to get it done and that didn't happen so it's hard to believe that they don't want to do it now. But it's true, there need to be two accepting, willing parties in order to have a contract.

So maybe we should go to site plan approval, then, with that in mind? Could I get a motion on site plan approval?

**Boardmember Strutton:** Are we going to subject that to the remaining parking being only used for parking?

**Boardmember Speranza:** Yes. So you're right, there are two conditions.

**Village Attorney Stecich:** No, it has to be subject to them getting a special permit, subject to their getting variances for the size of the parking spaces, the open space for the two-bedroom unit, and rear yard setback.

**Chairman Cameron:** Right, OK.

**Boardmember Sullivan:** Well, we have side yards setbacks, as well.

**Chairman Cameron:** Right.

**Village Attorney Stecich:** No, that's not changing, is it? Oh, are you going higher up?

**Ms. Griffin:** Yes.

**Village Attorney Stecich:** OK, and the side yard setbacks.

**Chairman Cameron:** Yeah, we have all the setbacks.

**Boardmember Sullivan:** The front yard was 10 feet, if I'm not mistaken. So the new addition is well beyond that.

**Village Attorney Stecich:** And then, Jamie, I'm confused about what you're doing with the rec fees. It's just assessed because you're making the finding that's generating it? And then I guess it's up to the Board.

**Boardmember Speranza:** If there's a desire to then trade it off.

**Chairman Cameron:** Right.

**Village Attorney Stecich:** Yeah.

**Boardmember Speranza:** Yeah, that would make sense. That would make sense: we assess that there would be a need for recreation facilities, we assess it, and then...

**Village Attorney Stecich:** And just leave it at that.

**Boardmember Speranza:** Right.

**Chairman Cameron:** Leave it at that. OK.

**Boardmember Strutton:** Sorry, just on the parking again. It's not just the size of the space, but are we going to take Mr. Metzger's suggestion that we require...

**Chairman Cameron:** Yes.

**Boardmember Strutton:** OK, so that's two. So they're separate things.

**Village Attorney Stecich:** It's a separate issue.

**Boardmember Strutton:** OK, so there are five.

**Chairman Cameron:** Can I have someone move that motion?

On MOTION of Boardmember Alligood, SECONDED by Boardmember Sullivan with a voice vote of all in favor, the Board approved the site plan with respect to the application for townhouses at 400 Warburton Avenue as shown on the drawings of Christina Griffin last dated 3-19-13. This approval is subject to the following conditions: (1) granting of the special permit by the Zoning Board of Appeals; (2) approval by the Zoning Board of Appeals for the following variances: minimum lot area for four (4) dwelling units, minimum front yard, minimum rear yard, minimum side yard, maximum lot coverage, minimum width of

parking spaces and reasonable and suitable recreation/open space; (3) that the parking spaces on the ground floor be restricted to use for vehicle parking only, not storage; and (4) reaching an agreement with the Board of Trustees over access to the Quarry Trail.

**Chairman Cameron:** OK, I think we still have view preservation. I don't think we did that. So could I have a motion that we recommend?

On MOTION of Boardmember Speranza, SECONDED by Boardmember Strutton with a voice vote of all in favor, the Board approved recommendation to Zoning Board of Appeals for view preservation with respect to the application for townhouses at 400 Warburton Avenue as shown on the drawings of Christina Griffin last dated 3-19-13.

**Boardmember Strutton:** On the rec fee, do we need to vote on the fee?

**Chairman Cameron:** No, we did that.

**Village Attorney Stecich:** No, you found the need. And once you assess the need, the fee kicks in.

**Boardmember Strutton:** We found the need, OK. Thank you.

**Chairman Cameron:** Thank you. We need all the help we can.

So at that point, we're now going to move over to our third new public hearing.

3. **Subdivision – Application of Hastings-on-Hudson Affordable Housing Development Fund, Inc. for relief from the strict application of sections 295-69E and 295-67.C(6) of the Village Code in connection with a subdivision of a parcel of land at 184 Farragut Avenue to create a new lot for the construction of an affordable one-family house with an accessory apartment. Said property is in R-7.5 Zoning District and is also known as SBL: 4.80-70-1 on the Village Tax Maps.**

**Chairman Cameron:** This is a subdivision at 184 Farragut. This was actually before us a couple of years ago, and they did not proceed with the subdivision so they're back here again.

I would ask that they give a normal presentation, since only three people presently on the Board and here tonight were at that – well, maybe not even here tonight – were at that meeting. And it would be useful to do that.

We did get a letter from a lady who lives at 208 – I'm looking for it right now – 208 Farragut, who is concerned about the water conditions. I'm going to read it into the record. The petitioners here actually have done a lot of work on water, which they will talk about. But I want to read this in the record first, and then they can respond to it. It says:

"I am unable to attend the meeting, but would like to express my concern regarding the creation of a new lot at 184 Farragut Avenue for the purpose of affordable housing. I do not object to affordable housing in my neighborhood. In fact, I would embrace it.

However, I reside at 208 Farragut, three houses south of the proposed lot. The 38 years that I have lived in my house, there have (sic) been a water problem in our neighborhood. Specifically, I live downhill from 184, and water runs downhill. After just about any storm, whether large or small, water runs for days off the property in question and to the nearest storm drain, which happens to be in front of my house. This creates a very dangerous situation, especially in the winter, when melted snow turns to ice and freezes on the roadway and on the sidewalk.

Unless the Planning Board adequately addresses the water problems inherent with this property, and the subsequent problems that construction will cause, I am opposed to this proposal."

Signed,  
Susan Winn  
308 Farragut Avenue

**Chairman Cameron:** So I'd like the proponent to come up and make a presentation.

**Ed Vogel, Warshauer Mellusi Warshauer Architects:** I represent the project for Hastings affordable housing. Are we on now?

**Deputy Building Inspector Minozzi:** You're on.

**Village Technology Assistant Corso:** Thank you.

**Boardmember Sullivan:** The voice from beyond.

[laughter]

**Boardmember Speranza:** They have a radio.

**Mr. Vogel:** Let me restart. Good evening, members of the Board. We're here representing a single-family affordable housing project for the Hastings Affordable Housing Committee.

The project is a subdivision of an existing lot. The lot is 184 Farragut Avenue, it is depicted here on the aerial map. And it borders a little bit to the north, again some woodlands, and then residentially to the south. The subdivision would divide the lot in half, with the southern half of the lot for new construction.

The site plan here begins to depict the existing structure, which would remain. The existing structure had an existing garage, and still does have an existing garage. And we'll talk about how the parking would occur on the combined two lots as they are. The line then divides the two lots. So we create a southern parcel, which would then have a single-family residence with an accessory apartment.

The parking would occur ... the existing garage would require an easement on lot B, the new lot that's being created. So the existing dwelling unit would still park in the existing garage. The new dwelling would have two parking structure surfaces in the front of the yard parallel to the existing parking garage. And then the accessory apartment would have its space, as well. So there's a total of five spaces, which would satisfy the requirements for both lots.

Sorry, let me back up a moment. Out of the two lots, both lots are adequately sized to be classified as a lot. The subdivision line does create a small hardship on the existing parcel, and that would be in regards to lot width. It is 70 percent of what is required, and there are city hookups, or Village hookups, in the street. The other setbacks would be for the front yard to the existing structure, which would be a preexisting nonconforming use. And when we go to the second lot, everything here complies except for the existing garage, which would be a front yard setback exception, again.

The single-family structure elevates itself, as we come from the front, to two floors of living space. And it is designed to have living-dining-kitchen on the first floor, and be a three-bedroom unit up on the second floor. Toward the front of that would be a two-story structure. And, again, this two-story structure would have the accessory apartment, with living spaces on the first floor and then a single bedroom on the second floor. The accessory

apartment is also approximately ... it's greater than one-third, almost one-half, of the primary structure, being 14,000 square feet. And then the accessory structure is roughly 700 square feet.

The building is classified, or would be classified, as two stories by the average grade plane. And the average grade plane, as we work our way around the building, would place it with height compliance and story compliance. To address the concern ... I just wanted to turn this around because the site engineer drew the drawing in the opposite direction. So this is the existing dwelling and what I'm calling parcel A, or 1. And here's the newly-created subdivision for the second parcel.

Stormwater will be an infiltration system. And the existing garage, along with the new building – both primary and accessory apartment and the areas of the parking and the terrace – will all be captured and brought into an infiltration system. So we're not adding any increase. And as a matter of fact, we're doing a slight decrease in the impervious area, in particular, because through the last go-round with this board we've actually trimmed the driveway. Well, we can just demonstrate it here. The existing driveway curves along the walk in this slightly darker green-shaded area, and in this area, as well. So we've trimmed it to be more comparable to a driveway instead of a large-mouth entry into the parcel, and then trying to capture as much as we can and infiltrating into the groundwater.

There is concern. I believe this is Berkeley Place up in here, and there is lots of water from an upper watershed that starts to funnel through to driveways and then run down in this area; it sheets across the surface. We did propose to capture some of it and bring it down to the street so it wouldn't just cascade. But as we found out, the Affordable Housing Committee and the DPW did investigate the area. And even if that was done, the water flow gets choked in this area anyway, and the infrastructure doesn't support what's there now. So it didn't become a viable solution to just bring it here. As a tradeoff, we've tried to mitigate and reduce, as much as we can, any further flow that may be created. And actually we reduced some of it off the property.

Any questions on the presentation?

**Boardmember Alligood:** Just a comment. We did some training, as a planning board, on runoff issues. Certainly, it's recommended that we not have any water flows into the street. We wouldn't want that anyway, even if you had found a solution for that. So I guess I'd just like to hear more about how you're dealing with the water that is going to be on the site. I know you said there was a plan for that, but if you could explain.

**Mr. Vogel:** Well, the proposed single-family home and accessory structure, we're going to

collect that through gutters and leaders, be brought down, and then piped directly into the subterranean cultex system. The existing garage, we're also going to pick up those gutters and leaders and bring that directly into the cultex system. The terrace area and the parking field is going to be captured as well, and then infiltrated through the same system. We've then reduced the amount of impervious of the existing driveway to reduce the amount of flow that cascades into the street.

**Boardmember Alligood:** OK, I was just trying to see whether there were any other measures that you've come up with besides, you know, taking the water from roofs and directing them to that. Because I think, especially if there was already an existing water issue ... I was just hoping to hear of other means other than just...

**Mr. Vogel:** I don't have any for tonight.

**Boardmember Strutton:** I'm sorry, my view was sort of blocked as you were doing that.

**Mr. Vogel:** I'm sorry.

**Boardmember Strutton:** I'm going to raise myself up. So when you were talking about the sheeting of the water, you were saying it didn't make any sense...

**Mr. Vogel:** It starts from here.

**Boardmember Strutton:** So you were saying it doesn't make any sense to do water mitigation behind the proposed structure because it's all going to end up in the bottom right corner of the property anyway, on that map, bottom right.

**Mr. Vogel:** Yes, on this map.

**Boardmember O'Reilly:** So are saying if this remedy had been taken into account even before this that it would have eradicated that water issue that's been there chronically? I mean, you're proposing a solution here which sounds like if it had been done previously there wouldn't have been this chronic water problem that's been there for as long as I've lived in Hastings.

**Mr. Vogel:** No. Matter of fact, the solution we presented didn't take ... we took it to the public system. The public system can't handle what's there. So all we were doing, we were going to exacerbate and maybe potentially bring the water there that much faster. So we aborted that solution. And there really was no other way to control, on this parcel, the flow that's happening from this neighborhood.



**Boardmember Strutton:** OK, let me ask another. So the water's moving sort of diagonally through, right? Or is it going straight down? It's going straight across the property, so it's not ... because according to the grading on the map, it looks like it would drain off into the corner. But also it looks like, as the water would drain down the back of the property, it might go into the neighboring property.

**Mr. Vogel:** Yes.

**Boardmember Strutton:** And that's the letter that we received from one of the neighbors who says that that hill, then, creates a sheeting effect all the way down. Is there any way to do anything on the lot line that would keep that water from crossing over the property line because you put in some additional drainage on the side of the lot?

**Mr. Vogel:** The parcel ends here, with this being the rear lot line. So as it starts to sheet from here, we could potentially capture some of it. But then where do we put it? That's the problem. We were capturing what we could with the previous solution, but where does it go, the volume?

**Boardmember Strutton:** A drywell, maybe. I don't know.

**Sue Smith, chair – Affordable Housing Committee:** Could I speak to this somewhat?

**Chairman Cameron:** Sure.

**Ms. Smith:** After we had been here before, I went up in a heavy rainstorm to watch what actually happened. I did a little drawing that I would like to share with you, which perhaps should have come sooner. It comes down between the two properties, and the neighbor, the Venturini's, have tried very hard – and Mr. Venturini's daughter is here – tried very hard to channel it down. It's coming from Burnside, runs down Berkeley Place, some runoff also from the Burke Estate, and comes down a driveway on Berkeley. So it's like got a funnel effect that's coming down.

So the two properties suffer from something that has been happening uphill. We know, in Hastings, that happens to a lot of places, unfortunately. We're trying to deal with our own property in terms of what we would be creating, and trying to deal with some of the runoff naturally from the property and the buildings. But we've got this other situation, which is now running into the street, where the drains there, down the street a bit, are larger than the ones they lead into which go eventually to Ravensdale park, the Dan Rile Park. So there's an infrastructure inadequacy in what Hastings has done there, and that's why there's been a

problem all this time.

I think what we're trying to is at least reduce what's happening on this one piece of property. But it's not going to do anything for what's happening ... I mean, it's impossible on one property to deal with what's uphill and comes down. I think it's hard to do. I'm not expert in this field, but there's something created uphill which finds its way here. I suppose if there was a big bump in front of that driveway it would be a huge puddle up on Berkeley. It would be a little lake up there.

There is no drainage up on Berkeley and that end of Burnside, where the hill is going downwards there at the end of Burnside before it makes a turn north to Berkeley and south to the rest of Burnside Place, I guess it's called, there. There is a little bit of a crest in the hill, so the water is sent two different directions. So that's why I drove around with the head of the DPW and the Village Manager, after we had been here before, to see how we could try to evaluate the situation and what we could do with it. I don't have any creative ideas, but at least what we're trying to do is deal with some of it, what's on this piece of property, which no one's dealt with before. We've got a way to capture it from our own property, but not what's coming from up the hill. It's too excessive.

You can see that. It sort of runs down Farragut and crosses over toward Merrill kind of at an angle and goes down. Because Merrill's low and there just aren't other places for it to go. We have provided no drainage. I'm not sure if that's some legacy of the Burke Estate being there. I'm not sure historically why that would happen, but it's a real problem.

**Rosa DeFelippis, 196 Farragut Avenue:** My parents live at 196 Farragut Avenue. And if I could use that drawing to show you what has been going on...

**Chairman Cameron:** Do it into the mic.

**Ms. DeFelippis:** Just right here?

**Chairman Cameron:** Yeah.

**Ms. DeFelippis:** OK.

**Village Attorney Stecich:** No, but say your name in the mic so the transcriber gets it.

**Ms. DeFelippis:** This house right here is my parents' house, and everything that has been talked about refers to the existing parcel. But nothing is ever said about this house, which is my parents' house.

**Boardmember Strutton:** Can you stand, maybe, on the other side?

**Ms. DeFelippis:** Yeah, there's a lot of things here.

Right here, these are the hedges. The water comes from the street behind my parents' house, and it's been a problem for at least the 30 years that they've been living there. My father has put numerous amount of rewash. Right now, at this point, the water has been so in abundance that the trees that are there, all their roots are exposed now and they're going to fall at any time because of the amount of water that is coming down here. And it all lands – soapsuds and every kind of water there is – right in their driveway. And luckily, we're good friends with Mike and he takes care of my parents and comes with ... there's not enough salt that we could purchase to keep that sidewalk safe. So we wind up putting cones there, and then they come with the big trucks and put the heavy rock salt just so it's passable.

But sometimes they can't even get out of their driveway. That's how bad it is. And that's an existing problem, even before all of this is even going to start. I believe I met with the builders. Last time they told me, outside in the hall, they have this great water plan that's going to catch all of that. I just can't even see how this saturated ground will even support yet another structure that's going to go into this sippy, wet ground. My parents are both in their eighties right now, and it's more and more difficult to try ... it's just ... it gets worse and worse. And nothing can be done for this, let alone to try to begin a new project that's only going to add to that.

So I am over there – if not myself, or my brother – to make sure that the sidewalk is passable and that someone's not going to fall and get hurt. So I am not for this project at all. Sorry.

[laughter]

But I'm glad to have the DPW with us. We used to have a restaurant in the Village; Manzi's Restaurant was my parents'. So now that they're much older and they can do less and less, this problem is greater and greater. But this is exactly where it's coming. It's coming from up here and it just washes everything down. It's just year after year after year.

Any questions?

**Boardmember Alligood:** I have a question for the architect. Whether the paving that you're proposing, all this asphalt paving, could be made pervious so that you could at least deal with everything. That was a concern before I heard all of this, but that may be a way to deal with some of these issues.

**Mr. Vogel:** We could certainly make the paving pervious. It will just infiltrate exactly like the cultex system would infiltrate. But we could certainly make the pavement pervious.

**Boardmember Alligood:** Because it would prevent at least the cascading across the asphalt, which is definitely going to be an issue. And that's a lot of asphalt there.

**Mr. Vogel:** We are capturing that. All of this here is being captured. It will be graded to an inlet, and it'll be taken into the system.

**Boardmember Strutton:** When you calculate the size and capacity of this reservoir, do you take into account that there's a lot of water moving across the property on a typical storm? Or is that just the same calculation you use regardless of where the land happens to be?

**Mr. Vogel:** The site engineer – and I have to defer to him, and unfortunately he's not here tonight – did do percolation tests. And the percolation tests are done to standard engineering practices. He was aware that water does cascade down the hill when he took a look at this. And from the math that turned out, there is capacity for this entire ... for our impervious contribution.

**Boardmember Sullivan:** I'd like to bring up something different than stormwater if people are ready to move past it. I don't know, I don't want to change the topic.

I'm going to repeat something I said the first time we saw this project. Since that was my first night on the Board, I'm hopefully a little bit more articulate than I was then. I support the project, I support affordable housing, and I have great respect for the ingenuity of the housing committee that we have in our village for finding parcels in places that need to have – no, not need, that are different than – other areas where the Village has put affordable housing. I support that very much. I have ... and this is a theme that I'd like to bring up because I think it may apply to another project that we'll see sometime soon. But one of the things that's most important for me is that the housing fits in to the adjacent area.

I see some problems with his particular project because the house itself is not fitting in with the Farragut neighborhood in a way that I think makes it compatible. It's one of the goals of the Affordable Housing Committee, our affordable housing ordinance, which is to try to make it be a seamless addition wherever it is. The two things that I say that are based on how far it's set back in relationship to the other houses on the street, it is not even the garage; it's the tool shed in back. I mean, it's very far away from the street frontage. It doesn't, in my mind, fit into the neighborhood in that fashion.

The other thing – and I remember the other project that you had when you came before, the one on Mount Hope – I have to disagree with the way that you calculate the stories and the average height of the lower level. You're using the New York State building code. And that, I think's, a little bit different than what our village ordinance has – the Village ordinance – when it looks at whether something's a cellar or a basement and talks about two things. One, how high it is in relationship to the average curb. And talks about how the height of that has to be lesser; the cellar less than half the height of the adjacent land, adjacent grade around the building.

An interesting example is actually almost across the street, where there's a home that went under some renovation. And it has a very full basement, but it's a 2-story or 2-1/2-story house. The reason being is that the grade slopes away from the street so, in the average grade, it's definitely below. It looks like if you continued the grade all the way around it the thing would be buried. But it has sets of French doors leading out to a terrace that's literally almost a story below the street.

So I think the intention of that was such that most of the homes along Farragut are truly ... appear to be two-story homes, when you go along that street, or two-and-a-half. This, because of, I think, something you've done that's very inventive – which is the creating of two volumes that can be at any relationship to each other. The accessory apartment in front could be dropped down below or raised up higher than the floor level of the structure behind it. But what you've done by making such an extreme difference between the entrance grades on both parts of the building, it feels like a three-story building.

That's a long way to get to my second point, which is the other reason I don't feel this will fit into the neighborhood. It's going to be, it is perceived as, a three-story structure rather than the two-stories that are along that particular neighborhood. And I think it doesn't meet the definitions of the sellers because it's quite a bit higher than the average grade of the curb in front it.

So I don't have objections to the concept of putting affordable housing here. This isn't a reaction to that. But I do feel very uncomfortable with this particular project because of how I feel it will be perceived as something that's a bit of a sore thumb. And that concerns me.

**Mr. Vogel:** I'll address the two points that you've made. One is how far it's set back from the street. We did spend a little bit of time looking at that. The way the existing contours work, this actually ends up being a relatively level plateau. And we're trying to capitalize on that for the structure itself.

The second item that you have is regarding being two-story and the definition of "story."

And yes, this is considered an uphill unit so the average grade calculation, as far as I've interpreted the zoning code, would comply here. Visually from the street, it will appear as three, being cellar and two above. I can revisit that, and maybe ask for an interpretation and make sure that I'm doing that correctly.

**Boardmember Sullivan:** I would almost challenge ... I find what you've done very creative. I mean, I think, like I mentioned, the separation between the two. I would have no problem, personally, if they were at the same floor level; if both entrance levels were at the same elevation. It would become like a two-story building in that case. And I wonder if you've looked at ways of putting it on the site in a way that didn't have it so far set back. I understand the plateau. It's hampered by the existing garage, and I know we had some conversations about that – whether it would be permitted – and I don't know what the Zoning Board said. But, you know, to have such a distinct difference between where one parking was for one lot versus being on a second lot.

But it's almost a challenge. I think you're very creative to take it further, and to make this structure fit into this neighborhood in a way that it wouldn't catch your eye as you continue to drive down the street. But why is that set back so far? Who lives there? And that calls it out as making it not fit into the context around it.

**Boardmember Strutton:** Do you know what the height of the roof of the proposed structure is relative to the height of the two adjacent structures?

**Mr. Vogel:** No, I don't have that with me.

**Boardmember Strutton:** That would just be interesting. That would address ... that would be interesting to know from what Kathy's saying, as well.

**Boardmember Sullivan:** It would be interesting, yeah.

**Chairman Cameron:** I think, actually, the garage hides a lot of the apparent three-story potential look of the building. As you stand on the street and look back, the garage stands in front of the thing and really covers the whole thing. You have to be over here at a very oblique angle to see the (inaudible). So I'm not sure it's going to be such a bad visual because the garage is there, and this is a piece that looks like three-story. You have to look on it at a sharp angle here to see that. The same thing over here.

**Boardmember Sullivan:** I think it's pretty high up, Jamie, but we really don't have a rendering of that so it's hard to judge. But your point's well-taken. I saw it, actually, driving towards the Village. You have very much a strong view of the whole lot.

**Boardmember Alligood:** It's quite a bit lower, the garage is quite a bit lower, than what's behind it. So even if you're standing lower on the street, I'm not sure that it ... I don't think it would completely obstruct your view of the house.

**Chairman Cameron:** No, I wasn't saying that. I was saying that it actually covers the bottom floor. In other words, this view covers the...

**Boardmember Alligood:** Right, but you're still going to see everything.

**Chairman Cameron:** You'll see the height of the structure.

**Boardmember Strutton:** I'm also curious. I don't know because I wasn't on the Board when this came up last time, but did we talk about leaving the parking as an easement when we did the subdivision? Did we address that? Because we had a property recently where we told them they couldn't leave the parking on the one property, they had to carve the property around the parking so that the parking stayed with the house.

**Boardmember Sullivan:** It was 61 Washington.

**Boardmember Strutton:** That's right.

**Chairman Cameron:** Right.

**Boardmember Sullivan:** Or one of the three pieces of property.

**Boardmember Strutton:** I don't know if that was addressed already.

**Village Attorney Stecich:** Well, what happened on the last go-round, the issue was that they needed a variance because a garage can only be accessory to the use on your property. So since this garage is not accessory to that use it wasn't a permitted use. So what they did was, the last go-round they got a variance. The Zoning Board had to give them two variances. One was for lot width, which he pointed out. And the other was from the section 67(c)6 that permits the garage serving the existing house to be located on the newly-created space. So they got a variance from that. I mean, they'd have to get it again, but that's how it was dealt with last time.

And just for what it's worth, you might be interested by way of background on what the Zoning Board's other conditions were. There were a few conditions they put on it. One was that *"the garage had to be re-clad to match the house to be constructed on the newly-created*

*lot." That "two layers of evergreen trees and/or bushes be planted on the southern and eastern borders of the newly-created lot to screen the parking area and driveway from the lot to the south. And from Farragut Parkway, the evergreen screening should be lower at the intersection of the driveway and the street to permit adequate visibility." Third, "that any lighting of the parking area and driveway must be bollard lights, cut off at an angle to limit light spill to adjacent properties." And four, that "deed restrictions be put in place to ensure that the garage is to be used only for the existing house."*

That's a little more detail sometimes than they would go into, but I would point out you're not doing site plan approval on this. It's just before you for subdivision.

**Boardmember Sullivan:** No, I understand.

**Village Attorney Stecich:** For subdivision approval. There's no site plan approval because it's just a single-family house. But these were conditions to the variance. They expired, as well, but I'm assuming...

**Chairman Cameron:** Right. Why don't you keep moving forward? Anything else? Did you finish your presentation?

**Mr. Vogel:** My presentation is finished, if there are no further questions.

**Village Attorney Stecich:** Jamie, there's one other action the Planning Board would have to take that I'm not sure we did last time because the accessory apartment is more than 25 percent of the size of the house. Because remember, the limit for accessory apartments is it can only be 25 percent. But it does say, " ... *unless, in the opinion of the Planning Board, a greater or lesser amount of floor area is warranted by the specific circumstances of the particular building.*" So you would have to make a finding that you think it's warranted in this situation.

**Chairman Cameron:** Well, I would think since you're trying to compare ... since the one you're trying to compare it to is an affordable unit, it's pretty hard to shrink things much smaller. To try to fit people into 25 percent of this size of affordable house is probably pretty difficult, and it would be something I wouldn't support from that point of view.

Oh, sorry. Please, and microphone and name again. Thank you.

**Ms. DeFelippis:** The side where the hedges are, where that existing garage is, if I remember correctly they were going to kind of revamp it. And the house that's there already needed to park their cars inside that garage. Because now, the people who are going to live in the new



house, are they going to go through this garage? They're not allowed in the garage, so they will be parking in front of the garage. My parents' bedrooms line that side. So now you have this tall house to be in the back. It has to be lit up, so now these lights are going to be constantly shining. And if you're on Farragut, you're going to see a row of lights leading up into a mountain.

Because after the last meeting, I drove to my parents' house and just stood outside, and was looking kind of exactly how it would be. So 196 is here, if I'm facing it, and this is their driveway. And they have just the little hedges here, and then the garage is here. So they said they were going to redo it so it looks like the house that's there already, and only the people that live in the house that's there will be parking in the garage. So the new people have to go park in front of that garage? Am I remembering this correctly?

**Mr. Vogel:** No. Actually, they'll turn in front of the garage and then park in front of the new proposed structure. And regarding the lighting, what the Zoning Board mentioned is that we have low bollard lights just to kind of cast...

**Ms. DeFelippis:** So when the cars pull in...

**Mr. Vogel:** They're head-in directly to the proposed structure.

**Ms. DeFelippis:** The property? Are they turning in, facing 196?

**Ms. DeFelippis:** I thought there were trees that were supposed to be there.

**Mr. Vogel:** The car that's shown on the aerial here would not be there. The cars would be in the garage.

**Ms. DeFelippis:** That live here, in the existing house.

**Mr. Vogel:** And then three parking spaces right in the front.

**Ms. DeFelippis:** But these cars get in this way. They don't get in *this* way.

**Mr. Vogel:** You have ... the driveway will service the garage head-in. If you come to the surface parking spaces, you turn in front of the garage and then turn into your parking space.

**Ms. DeFelippis:** So the parking is on the left side of the garage that is there now.

**Mr. Vogel:** Correct.

**Ms. DeFelippis:** So the traffic flow is going towards my parents' house.

**Mr. Vogel:** It will then turn, and then be head-in toward the proposed building.

**Ms. DeFelippis:** And that which is going up here.

**Female Voice:** [off-mic] trees along there.

**Mr. Vogel:** Correct. There are some trees, and that was part of the landscaping that was recommended by the Zoning Board.

**Village Attorney Stecich:** I'm not sure if you heard the conditions I was reading.

**Ms. DeFelippis:** I did, I did.

**Village Attorney Stecich:** ... plant a couple of...

**Ms. DeFelippis:** Yeah, that was mostly...

**Village Attorney Stecich:** ... lights have to be at an angle.

**Ms. DeFelippis:** Right.

**Village Attorney Stecich:** And I think it would be at the border of your parents' house.

**Ms. DeFelippis:** Right. Because my mom goes out, she goes out from the side of the house. She doesn't go up and down the steps. So I just don't like this at all. I apologize. You know, the water is the big, big problem. But then it's just ... like you said, it's taking away the Farragut Avenue persona that it has. And it is quite high up. You know, you're building into the mountain because your living spaces and your bedrooms ... OK, I'm done for now.

**Boardmember O'Reilly:** Well, in deference to those that live nearby, I mean I'd be concerned about the issue of the water runoff continually. Because you are building into the path of the runoff, which means that either you're going to have a building with a very wet basement that you're going to build, or it's going to exacerbate or change the direction of the runoff which would be to the disadvantage of those living nearby.

And I'm stuck on that one because, I mean, I live near a situation which is somewhat like this. Doesn't affect us, but I watch it every year. And when new construction occurs, these

underground runoff waters can change direction. But if you put something in its path it would seem to aggravate the situation rather than alleviate it.

**Mr. Vogel:** I don't have a response to that at this point.

**Boardmember O'Reilly:** That's my concern.

**Chairman Cameron:** As a question, on the back side of the building you're going to probably put drains in the ground that will pick up the water approaching the building and carry it around the building? Or you're not picking up that water?

**Mr. Vogel:** There will be footing drains, there will be waterproofing in the foundation. And that water will be directed around the foundations.

**Chairman Cameron:** It is going down to your water storage area, or is it just going around?

**Mr. Vogel:** I will have to explore that. I don't have an answer for that.

**Chairman Cameron:** Well, the issue we're facing on the water is that, from what we can tell, the building will be able to redirect its own water. But it's not really doing anything significant to assist the general condition in the area, from what I can tell. It's doing something, but not anything significant. So the answer is, if they don't put the building up until the Village makes a change or someone makes another change it's going to experience the same water problems they have now.

Would you like to speak? Yes, please.

**Mr. Metzger:** I'm wondering if there's an opportunity to do gray water storage on the site. I'm not familiar with the project and all the intricacies. I know that the hill behind that house is extreme, but I'm wondering if there would be a possibility as opposed to taking the groundwater and just distributing it around the house of actually capturing it and using it for gray water. And then, over a period of time, that could be sent back out into the street.

The issue with flooding tends to be in the rate that the water flows. So when you have the initial rain, if you can capture that rain and then distribute it over a longer period of time you preclude some of the flooding problems you would ordinarily have. I don't know if there's space or opportunity, or the cost possibility, of incorporating something like that on the site.

**Chairman Cameron:** Any other comments?

So what do we want to do with this?

**Boardmember Speranza:** Do I get the impression that the applicant is willing to take these comments, or are you looking for an action tonight? It seems to me that there's enough hesitancy right now.

**Mr. Vogel:** Sue, do you want to...

**Ms. Smith:** Well, of course it would be nice to get some approval sooner rather than later. But if you have difficulty and need answers to questions, then we need to come back to you with answers or with more information. They may not be solutions, but there can be responses.

**Boardmember Alligood:** Right. I would be interested in just seeing what other solutions you've explored. Even if you say we tried X, Y, Z – we researched this and we can't come up with any other solutions – at least we could hear that exercise of looking into the issues we raised. And it's not so much a matter of information, but exploration with potential resolutions to a range of issues.

**Boardmember Speranza:** I liked the proposal when it was going to solve an existing problem in the neighborhood.

**Ms. Smith:** Right. And that's what we had hoped to accomplish before, 'til we found out that it's more complicated than that, like lots of things in life.

**Boardmember Alligood:** We understand that. I think there are, possibly, some other creative solutions that could be explored, at least for what's ... you know, to alleviate the problems. So I think that would be helpful to hear what you looked into.

**Ms. Smith:** Some very large sponges.

**Chairman Cameron:** Now, Sue, have you put enough pressure on the town to try to figure out what they could do up on Burnside?

**Ms. Smith:** Other than looked at it, we haven't put more pressure. But the reality is, it would be a very costly thing to go down all the way to Ravensdale. And somehow or other, things were not built adequately when it was done. I don't know what things were added later, I don't know what the historic sequence was of that. But I don't think there's anyplace up on Berkeley and the end of Burnside to put the water, to get rid of it there.

**Chairman Cameron:** No, I don't think the school wants it on their fields.

**Ms. Smith:** And that's going ... and, actually, it's just a little runoff from the field. It's not like the whole field, it's higher up. But I'd be happy to go try to investigate it with them. And based on the solution thing, that's one of the directions we should take is try to be more creative with the Village.

You know, it occurred to me there must be something at the other end of Burnside, when all those new houses were put in on the southern end, parallel to Farragut on Burnside.

**Boardmember Alligood:** I want to say that I support the project, and I want to make that clear.

**Ms. Smith:** Thank you.

**Boardmember Alligood:** I would like to see it happen. I think it's very important for our village to be building affordable housing and not just in the same old places where we've seen them. Which is great that we have them in the Warburton area, but I strongly support the effort to find other lots distributed throughout the Village. So it's just a matter of trying to see if we can improve on this particular iteration, as far as I'm concerned.

**Ms. Smith:** OK, thank you.

**Boardmember Sullivan:** Yeah, I think you're close. I hope, as you look at it, you try to see how it can become more of a, I won't say a neighbor, but, you know, have some stronger relationship to the other houses and how they're sited on Farragut Avenue.

**Chairman Cameron:** I am actually in favor of this project. I am a little bit concerned that if we go forward without having come up with something more imaginative, that even though you are not to blame you will be blamed for the water on the road for years.

**Boardmember Speranza:** For sure.

**Chairman Cameron:** So it needs some really good, innovative thought, I'm afraid to say.

So I think I'll close the public meeting, and we look forward to hearing from you again soon.

**Village Attorney Stecich:** You should also meet with the Building Inspector to just verify the height.

**Mr. Vogel:** The story issue, and height, sure. Thank you very much.

**4. Review for Advisory Report to BOT -- Concept Plans proposed by Ginsberg Development Companies (GDC) for the development of their property at Saw Mill River Road.**

**Chairman Cameron:** So we're now doing a review for advisory report to the Board of Trustees. The people from Ginsburg Development Corporation are going to present to us their concept plan for the development of their property at Saw Mill River Road. And I welcome you back, Bruce.

**Bruce Lozito, Ginsburg Development Companies:** Good evening. Did you want me to start?

**Chairman Cameron:** Yes, please do. Well, actually, give us a couple minutes.

**Boardmember Sullivan:** Can I ask a question, Jamie? So we're being requested to do a review for an advisory report to the Board of Trustees?

**Chairman Cameron:** Yes.

**Boardmember Sullivan:** OK, so we're here to hear the presentation and ask a few questions.

**Village Attorney Stecich:** Right, and also to make a SEQRA determination. You have to do that, as well.

**Chairman Cameron:** There's a bunch of things.

**Village Attorney Stecich:** They have a parking advisory report.

**Boardmember Speranza:** You might just want to talk about the MUPDD and how that whole process goes forward.

**Chairman Cameron:** Right. I was going to do that after the presentation, but I can do it now maybe.

**Boardmember Sullivan:** No, I'm just asking some questions while we're waiting for Rebecca. I just was curious what our goals were for tonight.

**Chairman Cameron:** And Rebecca's back.

**Mr. Lozito:** Should I go ahead? Good evening, everyone. I'm representing Ginsburg Development. With me tonight, I have Mike Zarin from Zarin & Steinmetz, counsel for the project; Tony Castillo from Sesi Consulting, the site engineers – and he's a hydraulic engineer, in particular; John Collins, our traffic engineer; Allen Gordon, from the housing action council, who's been guiding us on the affordable funding and related aspects of the project; and, of course, members of the Affordable Housing Committee, who are here and also involved in an aspect of the proposal.

Just to go through the process a little bit to set the perspective and context, the Board, in this particular type of application, the MUPDD zone, which is ... and this is the only property in the Village in this particular zone, has a two-step process with a concept plan approval by the Village Board and then, subsequently, site plan and such other approvals as may be required from the Planning Board. Concept plan approval begins with a submission to the Village Board of Trustees. They deem the application complete, and forward it to you for review and recommendation.

This project has been through this process in the past. Some of you haven't been on the Board as long as this project has been in process. It started in around 2000, when Ginsburg Development took control of the site by contracting to purchase it. Submitted an application for 157 units at that time, prepared a DEIS in about 2002. And the Village then decided that they wanted to revisit the zoning for the property, hired an outside consultant – Turner Associates – to look at what made sense on the site, who came back with the concept of the MUPDD zone, permitting residential multi-family residential use at a low to medium density and other uses that would make sense in that particular area.

So there's an option of different uses that are available, multi-family being one of those. In 2004, the zone was enacted. In 2005, GDC submitted a revised application with fewer units – 60 units at the time – and did a Supplemental Final Environmental Impact Statement then to analyze all of the potential impacts of this 60-unit development. That plan is here before you.

But before I get into that too much, the Planning Board at that time was a lead agency under SEQRA, as we expect you are continuing to be in this phase of the development. You did an exhaustive study of the environmental impacts, culminating in a 55-page finding statement which is one of the binders that you received as part of the application. You received the actual concept plan application and you received this environmental narrative. This includes traffic analyses, stormwater analyses and analyses of all the other related impacts that were

investigated back in 2005 and 2006.

So you functioned as the lead agency then. And, as Marianne said, you'll need to act in that capacity again. And our hope is that you would find that when you look at the prior analysis that was done, and you look at the impacts of the current modified plan, you will find that there are no new significant adverse impacts that weren't already addressed in the prior analysis, and that things have not changed in such a way that new impacts have arisen. I think the document that we gave you would support that finding.

So once you make your recommendation back to the Village Board of Trustees, they act on the concept plan. We'd have to come back to you for, as I said, site plan approval – in this case, subdivision approval. And also, there are many aspects of the affordable housing set-aside provision this board has discretion over, such as the distribution of units throughout the site, the bedroom mix – the distribution of bedroom mix – a density bonus that has been newly added to the affordable housing set-aside provisions, and other aspects of that particular code that you have jurisdiction over.

So you have many roles, one immediate. Make a recommendation and, hopefully, a SEQRA finding that we've covered the environmental issues sufficiently, move back to the Trustees', Village Board, approval, and back to you with the details. The previous plan that was approved in 2006 and 2007 ... 2006, the environmental findings were done and the concept plan was approved by the Village Board. In 2007, this board approved the site plan approval. This is the plan from 2007. I think you're all familiar with the site, but just very quickly: Saw Mill River Road, about halfway between Jackson Avenue, Ravensdale Road and Lawrence Street, backed by the Saw Mill River on the west, the South County Trailway further to the west and the Saw Mill Parkway even further still.

Across 9-A is the Ardsley Park office complex. To the north is 425 Saw Mill River Road, a one-story commercial building. And to the south is open space lands owned by the county of Westchester that continue all the way down to Ravensdale Road. This plan had 60 units in two buildings. They were, at that time, live-work units in which they had a separate space connected to the unit that an artist or an attorney or an architect or some professional of that type could carry out their business within the unit, in the work portion of the unit.

The buildings were 300 feet long – two, as I said. There were 174 parking spaces, and that was a determination made by the Zoning Board that for that particular and somewhat unique use – this live-work concept – that would be the appropriate number of parking spaces that would be required. It called for the dedication of 1.75 acres of open space at the southern portion of the property adjoining the county, open space lands. And it occupied approximately 2.1 acres of impervious area, with buildings and parking, et cetera, as



compared to the 2.3 acres that exist there now. If you've been out to the site, there were two very large parking areas at either end that, together, have 2.3 acres of asphalt.

The site has been largely filled, historically, and disturbed. And is basically asphalt and meadow, and very little environmentally sensitive areas, save for the Saw Mill River, I would say, and a very narrow bank of wetlands along the Saw Mill River. This plan avoided disturbances to those features. It had three access points on Route 9-A, an entrance at the south, a one-way flow, a two-way access point in the center, and an exit to the north. So there were three curbcuts onto 9-A, three-story buildings in that case, as well.

I think those are high points. Except for also, one of the things that was very important to the Village at the time was to have a new connection to the South County Trailway – which was achieved by a pedestrian bridge over the Saw Mill River from the site connecting to the trailway – and public parking provided on this site to serve as a trailhead, a new trailhead, for that South County Trailway.

Unfortunately, in 2007, when approvals were received, it was just about when the market and the economy were about to collapse. GDC endeavored to take this project to the next step. They held focus groups to try to ascertain the marketability of those live-work units. It was a somewhat unique type of product in the suburban Westchester area. It's more an urban type of a use. Focus groups were held and, unfortunately, there was very little receptivity to the use in this suburban location. That, coupled with the market collapse and the collapse of our financial institutions, put the project on indefinite hold.

Back in about 2010-2011, Martin Ginsburg of GDC started to revisit the site and see if there was a way to resurrect the project in a way that was viable. We studied a number of alternatives. I won't talk about it in too much detail but, basically, the thrust was to introduce ... this was about the time when the county had settled the lawsuit regarding affordable housing and absorbed the obligation to construct 750 affordable units over a period of time to satisfy the requirements of the settlement. We thought it made a great deal of sense to try to address that issue, recognizing both the county obligation but also the Village's previous track record in affordable housing, its clear interest in promoting affordable housing. So we thought it made sense.

The prior plan had six affordable units in it amongst the 60 units, a 10 percent set-aside at the time. And we thought it made sense to try to do something more significant in the affordable arena. So we approached the Village informally on a number of occasions with different schemes. This particular one had 60 market rate units in 200-, 300-foot long buildings and a separate building with 20 affordable units in another three-story building, totaling 80 units. The back and forth we got was that density was a key issue here, and going that high above

the previous 60 units that were approved was not going to be something the Village would look favorably on.

We went back to the drawing board, studied it further, had taken some comments we received, and refined the plan to come up with something we thought maintains the important elements of the previously-approved, originally-approved plan, but improves upon those and adds some new aspects to it that are more favorable to the Village, a better treatment of the site, et cetera. And that's the plan that's before you now, the modified concept plan.

The major modifications, I would say, relate to the fact that this is now 66 units; taking advantage of the density bonus that's in the affordable set-aside provisions now that enable us to go to 66 units, provided that there are 12 affordable units. So it would have twice as many affordable units as the previously-approved plan. In essence, all of the six additional units end up being affordable units when you reach the 66-unit total. We also eliminated the work component, which enabled us to reduce the size of the units. It also enabled us to provide significantly less parking so the site could be more sensitively developed with smaller buildings, comparable impervious area, and generally fewer impacts.

The buildings, in this case, include two market rate buildings with 27 units in each, and a single building with 12 units for the affordable housing. Only 115 spaces, parking spaces, are required for this residential use. We still have maintained the pedestrian bridge and public parking for the trailhead, and we have some additional visitor parking such that there's a total of 146 spaces. Some of those we could probably eliminate if site planning improvements call for it, since we're really only required to have 115, plus the 10 or 11 spaces for the trailhead.

Another important feature that we didn't have in the other site was an outdoor recreation area. That's been placed strategically between the affordable and market rate buildings to create a common area where residents of all the buildings could socialize, congregate and recreate. We've also introduced what is more like a residential street as opposed to a commercial parking lot in the other plan, with parallel parking to slow traffic, to create a more residential feel, to allow more street trees and plantings of that nature. And also an extensive sidewalk system that connects everything on the site, and also connects to an existing bus stop at the north end of the site where there are bus shelters so that the affordable residents and market rate residents can take advantage of mass transportation.

Also stressed the open space aspect of the zone and of the site by having a 1.6-acre open space parcel to the south, again adjacent to the South County open space. And proposed also a 1.3-acre Saw Mill River greenway that would insure the preservation of the Saw Mill

River, its banks, the wetland areas along its banks. It could accommodate walking areas, sitting areas along the top of the bank if that was desired. And then, again, of course, with the pedestrian bridge over to the South County Trailway. So significant buffers on the west side, where you have the trailway and the Saw Mill River Parkway, and also expanding the county open space area to the south.

The plan also allows for much more significant buffers along the Route 9-A frontage. There are only two access points instead of three, both being two-way drives and a two-way street. So it's a much simpler, more flexible circulation through the site, with a continuous band of vegetation across the front, an improvement over the prior plan that had more narrow landscaped areas in front, and less opportunity to create berms and landscaping.

There are still garages beneath the buildings, as there were under the previous plan, for the market rate units. The affordable building does not have a parking garage for the reason that – as I mentioned before – we are partnering with the Affordable Housing Committee, and the Affordable Housing Development Fund Company that's related to the committee, to apply for state and county funding for the project. In fact, we've already submitted the application to the state for tax credit financing and Housing Trust Fund monies. And we've also gotten a letter from the County of Westchester indicating their willingness to contribute a million dollars toward the project, as well. So in that case, we have to abide by the requirements of those funding agencies with respect to the design of an affordable building and the features it has.

We're not allowed, by state requirements, to have a garage in the building. Because the state's idea of affordable housing is that it be reasonably priced from a cost standpoint, since they're participating in the funding. And unless a site lends itself to a below-grade parking level naturally by its topography, it wouldn't be permitted by the funding agency. This site, as you know, is largely level. We have to excavate for the market rate garages. We wouldn't be able to do that for the affordable units.

The architecture ... well, first let me just mention there is a subdivision involved, that we'll have to come back to you for, that's shown on this plan. Because we would be creating a separate lot for the affordable building and a separate lot for the market rate buildings, and then separate areas for the dedication of open space. There are a number of reasons why we have to create the separate lot for the affordable building, which I will discuss in a moment, but the site will function as one unified property. The lot creation is primarily, in fact, for financing purposes. There'll be no visible division on the property of the two lots. There will be easements to allow circulation from one to the other, be it vehicular or along the sidewalk, to allow the common use of the recreation area, for utility connections, for all the practical things that are needed to operate the buildings. So again, it's a lot created

essentially for financing purposes only.

**Boardmember Speranza:** Bruce, can I just ask that way back when there was also the need for a subdivision at the northern part of the property having to do with the access to parcel to the north. And maybe that's not required as part of this anymore, but I know that at one point it was something that had to be done.

**Mr. Lozito:** I don't think it is. We now have the entire site, and there is an easement for access...

**Boardmember Speranza:** Maybe that's what it was.

**Mr. Lozito:** ... that shows on the previous...

**Boardmember Speranza:** Yeah, I couldn't remember if it was an easement. OK.

**Mr. Lozito:** Yeah, that was on the previous plan, and it's here, as well.

**Boardmember Speranza:** OK.

**Mr. Lozito:** That easement has already been granted. So I just show this to mention that there's a second lot and a subdivision involved.

One of the important things in having a separate building for the affordable units was the architecture also not distinguish it from the market rate buildings. This is the style that we're proposing for the market rate building. It's three stories, and I'll call it a retro kind of a look, loft style. And that was something that was discussed at length in the prior round of consideration. The Village didn't want to see something too residential at this location because of the surroundings. There's an office park across the street that's a very clean-lined architecture. Similarly, the commercial building to the north of us is a very clean, flat roof, stucco finish. So we didn't want to do something that would stick out and look inappropriate.

So this is a similar type of a style that was presented when the plan was previously approved, and we've continued that. And we've also extended it to the affordable building so that you'd have very similar architecture, materials, style. They would not look, again, like separate properties and separate developments, but they would be part of a campus type development that has a common thread architecturally and would not appear as two lots visually.

Just quickly with respect to the units. As I mentioned, they're smaller. It's the same bedroom mix as we had last time, which was ... on the market rate units, there were six one-bedroom,

six three-bedrooms, and the remainder of the 42 were two-bedroom units. So the majority of the units were two-bedroom units, with some ones and threes. That's still the case here. The average size of the units then was 2,250 square feet because they had that work component. The average size of the units now is considerably smaller, about 1,400 square feet. That enabled us to reduce the size of the building significantly, as I showed you on the site plan.

The affordable units also have a mix, unlike the previously-approved plan. That had six two-bedroom affordable units. So the mix of affordable to market rate wasn't quite a match. The Planning Board, at that time, did accept that. But we've come up with a plan that has a greater mix of unit types to not only more closely match the market rate, but also to serve a broader population. So we have one studio unit, four one-bedroom units, five two-bedroom units and two three-bedroom units. So there's a nice cross-section. You could have a single individual, you could have a couple, you could have an elderly person, you could have a small family. So there's a whole host of people that could be served by this configuration. As I said, it more closely matches the mix in the market rate units.

The unit sizes are governed, again, by the state funding requirements. And there's now a provision in your affordable housing code that allows the units to be no greater than the maximum size permitted by that funding. We've worked the plan out so that they are very close to averaging about 97 percent of what is the maximum that the state would allow. It's hard to get it exactly because you have different unit types and jogs and jigs. But we got as close as we could to the maximum.

So, for example, a two-bedroom unit could be 930 to 950 square feet, which is a very reasonably-sized two-bedroom unit. A three-bedroom unit is more than 1,100 square feet, a one-bedroom 700 to 750 square feet. So they're very livable units. The state has a lot of requirements. They make sure that these things are very livable, with adequate counter space, closet space, storage, circulation for handicapped and so on and so forth. So they're very well thought out and meticulously-planned units.

Just to talk a bit about the environmental aspects of it and the engineering, this is a grading and utility plan for the proposed development. And I just want to talk about a couple of highlights. There are utilities available of every kind. There's water in Saw Mill River Road and would only require individual service connections from the existing water main, owned by United Water, to the buildings. There won't be a need for a public water main system through the site that the Village would otherwise have to maintain. It's just privately-owned connections. We're also blessed with a county trunk sewer that passes through the back of the site. So sewer service can be provided by direct connections to the trunk sewer. And again, no complex public sewer main system that would become a Village obligation.

A key consideration in this area – I'm sure you've heard it if you read some of the documents – is stormwater management and flooding concerns. Tony Castillo, who's probably one of the most knowledgeable about FEMA and stormwater management of anyone I've ever met, did the design for this. It tries to incorporate green building techniques and other things to manage stormwater. The whole project is going to be Energy Star standards. We're also incorporating additional green building requirements. The Village is about to adopt a green building code that we'll have to work with. But we had originally intended that when we applied to the state for funding we had incorporated that quality into our application for state funding.

The stormwater is handled by bioretention facilities, a similar concept to what was in the prior plan but, I think, improved since then. We're at the lower end of the Saw Mill River. Water quantity detention is not required; the simple reason being that the idea is to get the water from the site out before the peak flow from upstream in the Saw Mill River basin comes down. So you don't do water quantity detention on a site like this. You don't need to. You do, of course, have to meet water quality requirements. And that's where the bioretention comes in. It treats water and relies very heavily on infiltration, which is another green building approach; to have infiltration of water rather than just runoff of water. So in that water quality and infiltration function, we end up, in fact, though, reducing peak runoff, both in terms of rate and volume. So it has a positive effect on the Saw Mill River in that regard.

The other concern that has driven the design is flooding. I'll show you on another plan. There is a floodplain along the Saw Mill River. It's very tightly hugged against the Saw Mill River because there are steep banks along this segment of the river, such that the floodplain basically just parallels maybe 10 feet off the water's edge except for a low area in the middle of the site. It, again, occupies just the stream banks, basically, -- the flood elevation being 122 – that's for the 100-year storm.

So when we designed this, we made certain that no building or parking areas were built in the floodplain. Like the last time, there was concern about the garages underneath the market rate buildings that even the basement floors be above the flood level. So these floors are set at 2 feet above the 100-year flood, or elevation 124. The ground around the building is at 130 at a minimum, and 134. So what is that, 8 to 12 feet above the flood level? The residential floors are all at 134, 134.5. So they're 12, 12-1/2 feet above the flood elevation. So every safeguard has been made to make sure that this is not subject to flooding and doesn't adversely affect the Saw Mill River in any way.

Again, we're preserving ... a majority of the site is undeveloped. Only 2.2 acres, or 30 percent, of the site would be impervious. The zone allows as much as 60 percent of the site

to be impervious, so we're far below and we're also below the existing impervious area.

I just want to talk about the affordable building for a moment, and why it's a separate building. We're proposing almost 20 percent of the units as affordable units. That is a heavy load to carry. The market and the economy and financing today are very, very different from what existed in 2006 and before that. We need to do this project as a rental in order to start building it because there is no financing for condominiums, nor is anyone buying condominiums. The rental market is alive. Lenders are willing to lend for rental projects. And so the way to get this project out of the ground is to start it as a rental. And then at some point, if and when the market does change, the market rate units could be converted to condominiums. So they've been designed to be functional as a rental, but also attractive as a condominium.

Given the tightening, in 2006 it was if you could sell anything for almost any price. And I guess we all paid dearly for that, unfortunately. It wasn't based solidly on any sound economics. Now, dollars and cents have to make sense. The only way this affordable building could be built is with public assistance. When we approached the county, we had to demonstrate to them that that was the case. Because, typically, they wouldn't fund a project in a mixed-income development like this unless you could demonstrate that it was needed. So we did demonstrate that. And as I said, they've indicated a willingness to contribute about a million dollars toward the affordable units.

We also had to apply to the state. And we're applying for almost \$3 million of tax credit and Housing Trust Fund money. Tax credits are such that – and some of you may be familiar with this – basically, you're selling tax credits to investors through a syndication. They need to own the limited partners and the ownership of the affordable units for at least a period of 15 years while these tax credits are being taken advantage of. And the only way to do that is with a separate building that they could own with a general partner that would consist of Ginsburg Development and some entity of the Housing Development Fund Company; the Affordable Housing Committee's corporate arm, if you will.

So that would be owned jointly by GDC, the people from the Affordable Housing Committee and these investors. In addition, Housing Trust Fund monies are a loan. And also, conventional financing from the Community Preservation Corp, CPC, would also go into the project. And they, too, need a property to secure their financing. Hence the lot and the separate building. So they're all critical to being able to do this project. And then that's why we've also tried to bend over backwards to make it look as though it's all one project, even though that would have a separate ownership structure from the market rate units.

In addition, in order to be able to convert the rental units to condominiums at a future date,

you can't have more than 10 percent of the units in those buildings owned by a single entity. Otherwise, Fannie Mae and Freddie Mac will not accept the mortgages for those. And which if they don't accept the mortgages, you don't get the mortgages. So there are a number of factors both on the condominium side in the future, and on the financing at present, for the affordable units that dictate the separate building and the separate lot. Again, we've tried to minimize the separateness to the extent that we could, architecturally, and in terms of building it as a mixed-income development with common facilities. And we think we've worked successfully in that regard.

In terms of a couple of issues related to traffic and environmental concerns, one of the key considerations of this MUPDD zone was to minimize traffic impacts on the road adjacent and in other neighborhoods. Residential use is the most effective of all the uses permitted in the zone to do that. Even with the additional six units, there's a very minor increase from what had been expected traffic-wise from the previously-approved plan that was studied. The trip generation goes from 38 cars in the morning to 41 cars in the morning for the proposed project, and in the afternoon it would be 41 to 44 cars. So an almost immeasurable difference in the amount of traffic.

In the report that we gave you, you'll see there's an updated traffic analysis that shows that, under the circumstances, conditions out here have actually improved. A number of things that GDC would have been obligated to do as conditions to the prior approval were already done by others. For example, the traffic signal was installed at Lawrence Street and 9-A by the DOT. That would have been something GDC would have had to contribute toward. GDC was also obligated to make certain changes to the signalization at Jackson Avenue, Ravensdale Road and 9-A, while the Ridge Hill developers were forced, required, to do a major improvement there – that apparently everybody that I've spoken to is very happy with – by adding new turns lanes and new signalization. So even with the additional traffic from the six units here, as well as additional traffic from other projects in the area, those key intersections are going to operate better than they would have under the prior circumstances.

**Village Attorney Stecich:** Jamie, could I just ask one question here just on the traffic? I thought, on the last project, the numbers of traffic leaving in the morning and coming in the afternoon was lower than it would be for pure residential because it was assumed that people would be working at home and not going to the office. So I don't know how there could be such a small increase. I would think that 38's going to 41 because there's six additional units.

**Mr. Lozito:** Well, what happened last time was, actually, a spread was shown. Because the live-work was sort of an unknown, and it was shown that there could be a range from 24 – I think this was the afternoon – 24 trips to 78 trips, depending on how many employees they had, the nature of the use could have clients. There was, for some of the units on the first



floor, they could have had a small retail operation. So there was a wide range of potential traffic to be generated, that 24 to 78. So it was actually studied, in the middle, at 44. Which happens to be the pure residential rate. So that was the way it was analyzed. Because some people would work at home and wouldn't travel, but then they might have an employee come. So it kind of balanced out, so we took the middle. So I'm comparing what was studied then to what's studied now.

We've also, as I said, eliminated a curbcut. So we put the driveways in fewer and safer locations, with better sight distance. That's also a plus. I talked about drainage. That's always a key issue.

And I think the last issue I'll mention is just fiscal impact. We were asked to provide a fiscal impact analysis to show what the impact would be, financially, on both the Village and on the school district. We had done that in the prior analysis. There were positive effects then, and we anticipate positive effects now. We're estimating that this would throw off approximately \$486,000 in taxes for the entire development. The affordables throw off a much smaller amount than the market rates would, and your ordinance even reflects that in advising the assessor to take the affordability into account.

Of that \$486,000, about \$106,000 would go to Village taxes. I'm sorry, \$120,00-odd would go to Village taxes, and \$306,000 would go to the school district. When you look at costs, I may not try to do that from memory.

**Chairman Cameron:** I must say I have a terrible problem with your analysis. Because, you know, none of the business world that I'm in do we ever do marginal pricing, and you've got to doing marginal pricing. You've got to do whole pricing to get a really accurate view. And you may think marginal does it, but, you know, you can't just be ... if it only costs 2 cents more to add one more person, do it. Because the next person behind you's going to do the same thing. So we're going to review those numbers with you when we get back to it.

**Mr. Lozito:** It's not unique to our proposal.

**Chairman Cameron:** It's very common with real estate numbers, I know.

**Mr. Lozito:** Well, it also takes into account the fact that if you add ... in this case, we're expecting between ... the multipliers say 13 public school-age children to a maximum of 21 school-age children, but not public school children. When you spread those over grades, the impact ... they don't require more capital expenditures, administrative expenditures; transportation and education, they would. So there's certain things that are affected by the additional students, certain things that aren't.

**Chairman Cameron:** No. But if you have 10-steps development, suddenly you may need more classrooms. So you can't ride in on that "we're just the marginal ones who we don't count." Anyway, I'm just making that point to you as you launch these numbers into the sky. Because I found them a little ridiculous.

**Mr. Lozito:** Well, we did a similar approach previously. It was reviewed by consultants, and found to be a legitimate approach. And we didn't see any reason not to a similar comparison.

**Boardmember Sullivan:** I think to clarify, too, this is in the Ardsley school district and the Village of Hastings.

**Mr. Lozito:** Yes.

**Boardmember Sullivan:** So the monies that we're discussing for school district would not go to Hastings' school district.

**Mr. Lozito:** No, they wouldn't.

**Boardmember Sullivan:** Just to be clear.

**Chairman Cameron:** In fact, I think \$10,000, even though ... it's going to disappear from ours because that's the area where I think you're giving to Hastings.

**Mr. Lozito:** Well, we would leave that. That would stay. There's a small area...

**Chairman Cameron:** So that we'd lose the \$10,000.

**Mr. Lozito:** No, you wouldn't lose that. That would still be assessed in the Hastings school district.

**Boardmember Sullivan:** No, it's not in Hastings school district.

**Mr. Lozito:** No, there's a small sliver along the western border. I think it's like 3/10 of an acre, or something like that.

**Boardmember Sullivan:** Thank you.

**Chairman Cameron:** It's \$10,000.

**Boardmember O'Reilly:** What do you estimate the total residential population will be?

**Mr. Lozito:** It's about 150 people, again using these Rutgers multipliers that are sort of the state of the art, if you will. We've worked with them. They were adopted in 2006. And they've been used by many developers and planners and they've been found to hold true, relatively true, to the real-life experience. So they're fairly reliable.

**Michael Zarin, Zarin & Steinmetz – attorney for GDC :** I mean, I realize that some of you are seeing this project for the first time or are seeing it from a different position or whatever. But, I mean, really, this is a continuity – or a continuation, I'm sorry, it's late – of that process. We had a project that went through a full environmental review. We had scoping, we had methodologies that were discussed and accepted, and consultants that weighed in on that representing this board. And we're essentially now going back and saying yes, we've revised it, and we've updated all our studies and we've used the same methodologies that we used before so it's an apples-and-apples type analysis.

And our charge, pursuant to SEQRA and the like, is to demonstrate to the Board – with updated studies, and bringing things up to date using, again, the same methodologies – what is the difference in the impacts between the old project that you approved and the new project, or the revised project. And I think we've demonstrated that you'll find very little increase in impacts. In some areas there's been a reduction in impacts, certainly no more than 5 percent, 10 percent at most. For example, the one most is probably population. I think it went from 144 to 157.

So at the end of the day, with respect to SEQRA, your determination ... and I'll defer to your counsel, but from our perspective and our understanding of how SEQRA works is, your determination is, are there any new significant adverse impacts from this modification from the one that you already approved that wasn't previously examined. And I think we went to great lengths to try to provide you with the data. Obviously, there are other changes – technical and others – that you're going to want to look at and you're already questioning us. And we're prepared to provide with whatever additional information that you need.

Once you make that SEQRA determination – that recommendation, as Bruce said – we go back to the Village Board for concept. And this is exactly what happened last time. And for those of you that were here, it went pretty smoothly. It came back down to your board for the site plan, and that went fairly quickly. And I guess our only ask ... and, look, we'll be extremely responsive. You saw Bruce. We've done a tremendous amount of work to provide you with what we think you're going to need and want ... and we're obligated. This is a very competitive funding for affordable housing, the cycles. And we have to show

significant progress in April, May – and thereabout May – if we're going to have those funds.

So, again, respectfully, we understand you have a job to do. And we'll work with you, be available at every meeting, and provide you in advance with whatever information you want. We would hope that we could – being that, again, we've already gone through a pretty extensive process – that we can move as quickly as possible so we can demonstrate to the state and the county, and have the ability to compete and obtain those monies. But we're not trying to shortcut anything. As you saw, I mean, we've done our homework. Every study's been updated, consultants on every one, and the like. So, again, if there's information you need, or a question, we'll be responsive.

**Boardmember Alligood:** I was one of the ones who was here during the last go-round. And I think there are two major things that we need to look at. And one is the context. I mean, other projects have come along. So I think we do need to factor that into our consideration of this project. We're not in the same environment, and new projects have been approved or are coming down the line that we have to take into consideration.

The other piece that's very different is, the target market was obviously, for the most part, people without children, based on the way the units were allocated previously. As well as the live-work concept. That was not really geared to families. And that has changed and, again, we just need to look at that and how is this project different. I think there are impacts having to do with that.

**Mr. Zarin:** The children, obviously that's important. And we've provided you information that shows I think we have an increase of three children, using all the established, accepted methodologies. So I think we've provided that, but whatever additional information you need we'll provide.

We also took into consideration, on the traffic, the Rivertowns Square project is in our traffic studies. We updated it to show that, and the like. So understood.

**Chairman Cameron:** We're going to give the public here a chance to speak, and we can speak later.

The things we've got to do at this meeting is designate the Planning Board as the lead agency on SEQRA. Right after this meeting we're going to talk about what professional consultants are going to assist us on some matters. And obviously, traffic and stormwater and flooding is going to be part of those issues. We've got to set up an escrow for funding of this and other work for the applicant. Before the meeting's end, we're going to discuss issues which we need to discuss in depth at future meetings.

I'm going to ask you to put a copy of the documents on hand at the library so residents of the town can examine them. We need to determine what further information and drawings will be, from the applicant. There's some drawings which are missing. For instance, only one side of the affordable housing unit is shown. And there's no plan for the basement, even though there's a stair going underground someplace. But anyway, I'll give you a list.

**Mr. Zarin:** It's secret.

**Chairman Cameron:** What?

**Mr. Zarin:** It's secret.

[laughter]

**Chairman Cameron:** Yeah, I'm sure it is. But we only want to know your secrets.

**Mr. Zarin:** OK, I can't tell you right now.

**Chairman Cameron:** So at that point, if anybody in the public would like to speak. We are going to, obviously, discuss this. It's new before you and new before us. So we plan to, obviously, take comments at the next meeting. But you're perfectly entitled to speak now if you wish.

**Village Attorney Stecich:** Jamie, just one thing on your list. Just so you know, the Board of Trustees did set up a SEQRA for this when they referred this over to you ... an escrow account, I'm sorry.

**Chairman Cameron:** Oh, they already set up the escrow account?

**Village Attorney Stecich:** That was done, yeah.

**Chairman Cameron:** We can't ask for it twice?

[laughter]

**Mr. Zarin:** Then we have more secrets.

**Chairman Cameron:** So, anybody? Jim, you want to speak? Go ahead.

**Mr. Metzger:** As some of you know, I've been following this project for many years. While on the outside it kind of looks similar to what we've seen before, I believe that there have been a lot of changes. As Ms. Alligood told us, the context has changed in what we're looking at. It's not just the project. It's the surrounding area that we need to look at. It was my understanding that when the past project went past its due date that, in fact, this became a new project. And as such, I believe that this project should require a completely new SEQRA and not just building upon information that is four, five, six, seven years old.

The commercial portion for taxes is now gone from this project. It's my understanding that when the MUPDD zone was passed Susan Newman, who was then with Ginsburg Development, was instrumental in putting together that zone so that it would benefit the Village and the developer. In fact, after all of the paperwork was signed and a site plan was approved, only then did Ginsburg go and do their market study and determine, you know, there's really not much market out there for live-work. So we went through several years of turmoil within the Village looking at this project. Many people came before this board, and we finally agreed on what should go there.

And then Ginsburg said, "You know what? We really can't do this. It's a cost problem, so we want to go back to the housing we've always wanted." The Village always thought that commercial would be appropriate for this site. The argument back then was we can't do commercial because the building across the street is empty, there's no market for it. Well, that has changed. That building across the street now is a viable, going concern as commercial. I'd still like to see the Village try and get some commercial in that location.

FEMA maps have changed. We have experienced increased and extraordinary flooding in this area in the last few years. I believe those 100-year FEMA maps, which we questioned five years ago, said, "Well, those maps are old, but they're the best we can do." I understand that FEMA's coming out with new maps, and I believe that this board should take a look at those maps before any decisions are made on this property.

Perhaps most extraordinarily, in the time since this project was last looked at we've passed a comprehensive plan in this village. There are many items in the Comprehensive Plan that I believe need to be addressed as we look at projects, especially of this magnitude. Primarily, we call for an independent financial review that does not build upon the financial projections of the developer but, in fact, looks at the finances from the Village's perspective. The fact that these are now rental units means our tax rates are lower because they get charged as rental units and not as single-family homes.

The other issue we have – and we've seen this time and time again in the history of the Village – is, two, three years out, tax certiorari kicks in. And all of a sudden, those taxes that

we were promised initially are now being cut by hundreds of thousands of dollars. We need to really look at that so that we're not left holding the bag supporting a project that somebody else has delivered to us. We can't afford it.

The affordable was never supposed to be segregated. Now I understand that there are financial considerations that may be out of our hands. Trustee Apel raised the question of who is actually determining this. I believe we need an independent look at where the money is coming from, what the requirements are based upon that money coming in. Because the concept of affordable housing as being a separate but equal facility, regardless of the fact that it looks the same, really plays against what I believe our affordable housing policy should be. And the fact that the people in the affordable housing will not be able to park underneath their project – out of the rain, out of the snow – but will be parking on the street, they'll be the ones shoveling out their cars during the more frequent snowstorms that we're having. Other people will be pulling out of their garage. No matter how you play this, there is going to be an us-versus-them, and that was never the intention for affordable housing.

Schoolchildren to Ardsley was raised. I believe that we should accept the responsibility for the projects that we build. I also know that we don't necessarily draw the lines for schoolchildren, but I really believe that the Board should be very ... should be very empathetic towards what's going on in Ardsley right now. Because not only would they be accepting the schoolchildren from this project – which, by the way, the numbers that were presented to us previously were based on school projections from small communities upstate, not from projections outside the New York City area so I think those numbers are suspect – but Rivertowns Square is going to be sending their children to Ardsley, as well. I really think we need to be better neighbors to that, and we need to look at that.

The walkability aspect of this project troubles me greatly. We talk in the Comp Plan, and even before the Comp Plan, that this is supposed to be a walkable community. We're creating a situation here where the people that live in this area, their kids, the only way they're going to be able to get into the Village is probably by bus or by people driving them in. The only way people are going to be able to get to work, if they work in the city, is they're going to be driving to our train station. So you're now talking about 150 residents, maybe talking about 50, 60 cars additional in our community every morning trying to get to the train station, and every evening trying to get back across on Jackson Avenue and Ravensdale.

This is a serious problem for us. It's a serious problem now, it's only going to grow in impact. Add to what's going on in Rivertowns Square and the overflow onto Lawrence Street, and when we look at what's going on down in Yonkers, again, I realize the reality is we cannot control what our neighbors are doing. But we need to be cognizant of them as we

make decisions regarding our own needs.

I believe that the former approvals, again, should not be in play. There are too many things that have changed in the time frame in those last four or five years. With rentals, I want to know who would manage the rentals, who would manage the rentals for the affordable housing. And if the rest of the building goes condominium, and the affordable housing stays as rental, does that not create even a greater us-versus-them situation? I also believe that this concept of affordable housing residents taking public transportation is absurd on its face. Just because you live in affordable housing doesn't mean you can't afford a car. Come down to 422 Warburton. We are going to have people from throughout this project driving through this area. The traffic studies really need to be updated based upon that.

And again, there are parks and rec fees that were being asked in the previous project that were supposed to be contingent on site plan approval. I know that site plan approval was granted, the parks and rec fees were never given. There was some discussion about building a tennis court. I believe that Trustee Quinlan said that that was not really acceptable. So we need to make sure that parks and rec fees, if this project is approved, are something that we can benefit from

The last thing that I would say is, at the Trustee meeting the affordable housing was said to be put on the south end of the site because that's the most desirable location. And it is, in terms of sun. You get the most sun on the southern end of the site. It also happens to be next to the playing field and the parking area for people using the Croton Aqueduct. So I believe that the tradeoff probably is that's a less desirable place to be on the site.

All of that being said, this board knows and the Village knows I support affordable housing. But I urge you not to let this concept of 12 units of affordable housing drive a project that, on its face, will be bad for the Village.

Thank you.

**Chairman Cameron:** Anybody else? So any Trustee comments?

**Village Attorney Stecich:** Boardmembers.

**Ms. Smith:** It's late. I'm not sure that you want to spend a lot of time right now. You're going to have lots of other opportunities to go over this.

The Affordable Housing Committee has considered this, the county has also considered the separate building. There are certainly financing reasons, as was well explained by Mr.



Lozito. And we are not ... in the ideal world, sure, it would be nice to have everybody all mixed up. But we do not feel that it's a major impediment to the success of it for affordable housing. We would know it's affordable housing, but it has a reality, I think. People who haven't lived through a building being built under their nose, they don't know which is which. And it does not have the kind of significance that is being, I think, indicated by Mr. Metzger. The outside parking, also well explained by you, I don't think that that's a big detriment. Lots of people in Hastings shovel their cars out and live next to somebody who's got a car in the garage. I don't think that's any big deal.

So I'm not ... at some point we can talk more about that. But the Affordable Housing Committee certainly feels that it's worth having 12 units, even if it's in a separate building. And we appreciate that it's very campus-like, that all the buildings fit together, they look like they're happy together. It's not singled out as a different kind of architecture. And there is common property there, common grounds to share. So we do not feel that that's a big issue, nor does the county.

**Boardmember Strutton:** Actually I had a couple of questions. First of all, when you're talking about the rentals is it just the affordable housing that's rentals, or is it all of them are rentals? OK.

And then, I think, just something for us to think about as we go forward is the fact that the affordable housing is going to be on a separate lot and I think we'll want to come up with some way of ensuring that it actually gets built. Because if we approve these two separate ones – and the financing for the affordable doesn't come through, but they have what they need to build the others ones – that they don't just go ahead and build the market rate and then just let the affordable languish until...

**Village Attorney Stecich:** [off-mic] affordable housing, we wrote that into the affordable housing law.

**Boardmember Strutton:** OK.

**Ms. Smith:** They don't get their C of O.

**Village Attorney Stecich:** They don't get the...

**Boardmember Strutton:** OK. For the other unit, even though it's on a separate lot?

**Village Attorney Stecich:** Yeah, that happened on 422 Warburton and 45 Main. Forty-five Main couldn't get their C of O 'til 422 Warburton was done because [inaudible]. But that

was before it was even written into the law. When we revised the affordable housing law, there's a provision in there.

**Ms. Smith:** The Planning Board made that condition. Also, just to clarify the rental, the affordable ones would stay rental. Hastings has a 99-year affordability, and they would have to stay as rental under the provisions of the HUD income requirements, that sort of thing, those limitations.

**Mr. Lozito:** We actually hope to be able to build the affordable first.

**Mr. Metzger:** One more statement?

**Chairman Cameron:** Go ahead.

**Boardmember Alligood:** I also have a comment about the concept of donating the greenway, or whatever you're calling it, along the Saw Mill. I don't think that's in the interest of the Village because I think it'll just ... there's nothing going to be built on that anyway, and I think there will be costs associated with that. Obviously, the parcel that was under discussion and built into the plan originally makes a lot of sense and I support that. But I would need to be convinced that it's in the Village's best interests to accept the other piece that you're proposing to hand over to the Village.

**Mr. Lozito:** It could just be a conservation easement, too, or something.

**Boardmember Alligood:** Yeah, but it would be that under your ... if it remained on your property you couldn't build on it. So I don't see the benefit to the Village in accepting.

**Mr. Lozito:** We're not trying to unload it. We're making it available, but if we wanted public easements and [off-mic] we'd be responsible to maintain it. That would be fine with us.

**Boardmember Alligood:** OK, that sounds better on the face of it.

**Mr. Zarin:** It was more offered as an option.

**Mr. Lozito:** Well, the county might have some interest because they have the adjoining piece at the Saw Mill River. [off-mic] Village is not very interested.

**Boardmember Alligood:** Well, I'm just speaking as a Planning Board member.

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

**Chairman Cameron:** You're perceptive. Because we've heard this several times already.

**Boardmember Speranza:** And I would have to say, and I know you've heard this also, the pedestrian bridge. Also same thing, you know. The Village is not interested in maintaining that. And that was something that had been a determination from the last plan.

I had one other question.

**Village Attorney Stecich:** Wouldn't it end up being a real problem if the pedestrian bridge is on the affordable housing lot?

**Boardmember Speranza:** Well, you know, that was one of the things that will need to be really thoroughly addressed: what happens ... you know, the affordable housing lot becomes separate from the market rate, which then turns from rental to ownership. So then you have two different entities responsible for the maintenance of that. And it actually was not ... or for the maintenance of both of the lots. I mean, I would imagine the affordable housing group and their investors that you made reference to, the people who have their investment for 15 years or whatever, they now own this parcel. There's maybe, I don't know, a homeowners association or something that comes along with, now, the market rate. And how that's actually going to work in practice, where you've got something that was built with certain assumptions and certain commitments made with respect to the maintenance, and now suddenly you've got different entities in place.

**Mr. Lozito:** Well, I think you can anticipate that, and have agreements in place that run with the land to address that circumstance. In fact, one thought was even to have one management company handle the properties on both lots initially. And that could carry over should a condominium be formed in the future, too.

**Boardmember Speranza:** Because I get very concerned when I see things in here that each one will be responsible for their own roadways, parking areas that are on their individual lots.

**Mr. Lozito:** Well, financially they'd have to contribute...

**Boardmember Speranza:** And I think that's something that I think would help to clarify.

**Mr. Zarin:** Yeah, we have to spell that out.

**Boardmember Speranza:** Yeah. Because otherwise, you know, you have one property that falls on hard times, and it's potholed and then it becomes a real ... I mean, aside from an eyesore, then it's...

**Mr. Lozito:** It's in everybody's interest to have it kept well. And actually the way that the arrangement would be structured, the Affordable Housing Fund Company...

**Village Technology Director Zaratzian:** Please use the microphone.

[laughter]

**Mr. Lozito:** It used to be a female. Where's the young lady that was shouting orders?

After 15 years, the Affordable Housing Development Fund Company could actually be the one to acquire the affordable building. So there'd be a Village interest there, as well. Whether they're interested in doing that still is to be determined. But your point is well-taken. We would want the same thing as an owner while it's a rental. And for future owners that GDC might be selling to, they would want assurances that it's going to be maintained. So it's a good point.

**Boardmember Alligood:** I have a question about the design. On the market rate units, how is it ... you have study rooms here that have no windows.

**Mr. Lozito:** Yeah, you can have a study. You can't have a bedroom with no windows. So it's a TV room, it's an office for you to do your check writing or whatever it is. It's just a study. But it could not be converted to a bedroom without the windows.

**Chairman Cameron:** I am not going to get it tonight, but I have a whole series of questions on the affordable units. I look at the whole question of the separate building sort of two different ways. One way is the financing way, which is what you guys have brought up, and we'll look into it. But I've got to bet that there are valid reasons why you want to have it financed that way.

And the second way is not really looking at it from the point of view of whether it is a separate building or not, but it's just looking at the people living in the affordable unit and saying to yourself how are they worse off, better off, for being in a separate building. And walking down through what they had on your last building, taking into consideration the change of law, and looking at what they're getting in their present building. An easy example is – maybe it's true in affordable building – finding the washer and dryer in the entryway, just off the entryway, wasn't exactly endearing for a design of a building.

And I know that's inside, but that's just one way I look at it. So you walk down. You say, all right, they were there, this is what they got. You change the law, they get less. All right, let's take a look and see what they're getting and what they would get had you not had a separate building. The financing is for your advantage, and I know it's also the financing in a tough market. Interest rates are pretty low. But it's also we need to look at the people who are living in those buildings. And I'm as interested in affordable housing as anybody in this room.

And by the way, I haven't had a garage for 30 years, even in our cottage in Canada. Now there's a challenge.

**Mr. Lozito:** And just so you know, some of the people who live in this building will have to park outside, as well.

**Chairman Cameron:** Yes, I know that. But for some reason, around the unit with 12 units there are 36 parking spots. And around the two main buildings, including their downstairs, that's three cars for every one unit. Whereas around the other buildings, and in the buildings, there are 104 spots and 54 units, which is a two-to-one. So we've also crowded all the cars down at that end. And I understand there's a reason for it. There's always a reason for it. And that reason, of course, is for the trailheads. But those are things I think we have to look at because it's getting a little congregated down there.

**Mr. Lozito:** Just by way of zoning, we also wanted to make sure that ... well, I'm not sure it's required. By creating a separate lot, you have to meet certain requirements: impervious area coverage, building coverage. It doesn't specifically say parking, but even as a practical matter basically you have the public parking here, there's 20 spaces required for the affordable. That's this area. Some of these could be visitor parking used by both sides. We could have easements for that. There's 35 cars in each garage, for a total of 70. So we're short ... so 45 cars outside belong to the market rate units.

But as I mentioned, we do have extra parking. We could probably get rid of some and have some more greenspace. But this was basically trying to get what this area needed.

**Chairman Cameron:** Another thing. Just for some reason, building A, up north, used to be 90 feet from your property and now it's 101-1/2.

**Mr. Lozito:** From the front?

**Chairman Cameron:** Why did it need to move 10 feet south, meanwhile we're losing the

size of our parking?

**Mr. Lozito:** I'm sorry, which was that?

**Chairman Cameron:** Your building A, when there was only two buildings, was only 90 feet from the northern property line. It is now 100.95 feet. So you've moved that building 10, 11 feet south.

**Mr. Lozito:** Well, we also shrunk it from 300 feet down to 200 feet.

**Chairman Cameron:** Well, if you shrunk it you should be able to move it even father north. It's a smaller building. But you moved it south. Meanwhile, you've deprived the part at the southern which we had. It's shrunk 20 feet in a north-south direction.

**Mr. Lozito:** This site, on its...

**Chairman Cameron:** You also have 180 feet for the parking ramps between two buildings, and I can't understand why you need 180 feet.

**Mr. Lozito:** Well, there are reasons for everything. And this...

**Chairman Cameron:** No, I know, but we're going to get into them. I just want to...

**Mr. Lozito:** I just want to throw a couple responses out. This is a very constrained site for a number of reasons. One is the county trunk sewer that runs through it that we can't build on. There's the floodplain. There are utility lines that cross the property. We shifted this to avoid a sanitary sewer that crosses the site.

**Chairman Cameron:** A sanitary sewer to the south of the building.

**Mr. Lozito:** Right.

**Chairman Cameron:** So then it's not a problem moving it north.

**Mr. Lozito:** Well, this is also a commercial property so we were trying to create a buffer between the residential.

**Chairman Cameron:** Oh, I know. You could make a bigger buffer.

**Mr. Lozito:** The only reason, just so I can explain, we need a certain distance to be able to

get down to the garages at an acceptable grade.

**Chairman Cameron:** That's one thing we'll have our automobile person look at. Because I don't think you need that kind of a grade – 180 feet.

All right, well, I think we've maybe done enough. We need to have an executive session to talk about a bunch of things very briefly. So maybe we will adjourn the meeting. Anything you have, Marianne?

**Village Attorney Stecich:** No, but before you adjourn the meeting you need a motion.

**Chairman Cameron:** I know. I need several motions.

**Village Attorney Stecich:** What? I'm sorry, you need a what motion?

**Chairman Cameron:** We need several motions, when I think about it. Several, more than one motion.

**Village Attorney Stecich:** Oh, yeah. Well, but you need a motion for executive session, and you have to give a reason. You can't say for lots of reasons.

**Chairman Cameron:** All right, OK. Well, we're going to consult with you.

**Boardmember Speranza:** Can't we meet for advice of counsel?

**Chairman Cameron:** We are. We're meeting for advice...

**Village Attorney Stecich:** Well, yeah. But you don't need a motion.

**Chairman Cameron:** I want to do something else first.

**Village Attorney Stecich:** We were having an executive session to talk about contracts.

**Chairman Cameron:** So we need to also designate ourselves as lead agency for SEQRA.

**Village Attorney Stecich:** Yeah, I'm not sure whether you would just continue it. But you know what? It's just as well that you do. Remember that the Board of Trustees asked that you be lead agency, so why don't you vote on being lead agency.

**Chairman Cameron:** We have to declare it?

**Mr. Zarin:** If you want to do a motion to just continue as lead agency...

**Chairman Cameron:** No, we're going to declare ourselves lead agency. So could I have a motion to declare ourselves lead agency under SEQRA for this project?

On MOTION of Boardmember Speranza, SECONDED by Boardmember Alligood with a voice vote of all in favor, the Board declared itself the lead agency under SEQRA for the project proposed by Ginsburg Development Companies for the development of their property at Saw Mill River Road.

**Chairman Cameron:** Do you have another motion you think we need?

**Village Attorney Stecich:** Yeah, you need a motion for an executive session.

**Boardmember Alligood:** We wanted to talk about Austin Avenue for a couple minutes.

**Chairman Cameron:** Yes, OK. We can do that here.

## V. Discussion

**Chairman Cameron:** We had documents circulated to us concerning Austin Avenue and the development. And most particularly, we saw a mark-up of their review, SEQRA review statement; marked up by, I guess it was, the Town of Greenburgh. And in that, they actually set forth a lot of additional streets that they thought should be examined for traffic patterns and traffic flow.

In looking at that, I did actually consult our transportation expert here, since she makes her living from that. The thought was that we would want to add Ravensdale and Farragut to their list because they didn't have it on a list. So that's a logical place for us. Also, we were looking at where Ravensdale crosses. I think it's Clinton, South Clinton and Stanley because that's where the cars can come off and make a quick, short trip into probably the most dangerous entrance on the Saw Mill River Parkway that exists.

**Mr. Lozito:** Are you off of us, or is this still related?

**Chairman Cameron:** I think we can say we're off.



**Boardmember O'Reilly:** We have to say nothing? I mean, there's no conclusion at this point? There's no action on this?

**Chairman Cameron:** No, no action.

**Boardmember Speranza:** Just that we declared ourselves for SEQRA.

**Boardmember O'Reilly:** That's it?

**Chairman Cameron:** Yes, I think we're done.

**Mr. Lozito:** I was getting the sense you were ready to approve it.

[laughter]

**Chairman Cameron:** But approve it for what?

**Mr. Lozito:** Thanks for your time.

**Mr. Zarin:** Thank you.

**Boardmember Alligood:** See you again.

**Chairman Cameron:** So the idea was that we would write a letter to Yonkers asking them to add those intersections to their traffic study.

**Boardmember Alligood:** Could I suggest that the letter just support the recommendations or the additions that the Town of Greenburgh did?

**Boardmember Speranza:** Sure.

**Boardmember Alligood:** In addition to endorsing their findings and the additional comments they make that we add the streets, the intersections, that Jamie just named.

**Boardmember Strutton:** That's good.

**Boardmember O'Reilly:** Who writes that? You?

**Chairman Cameron:** What I'm going to do is, I'm going to go over to the town hall

tomorrow, having written it, and somebody will sign it. It could be me, it could be Fran, it could be Peter. One of us.

**Boardmember O'Reilly:** One of the three.

**Boardmember Sullivan:** Great. Thank you very much.

**Boardmember Speranza:** Thank you, Jamie.

**Boardmember Alligood:** And I want to thank the member of the public who brought it to our attention. Thank you, David, for flagging it for us to look at and to voice our concerns because we are concerned about the saturation of development in the area. And while we are frustrated, those of us who tried to do something about Ridge Hill, I think that Yonkers is probably going to go ... my gut tells me it's going to go forward with the project probably. But I think we should voice our concerns and they should mitigate the impacts as best as they can. That's my opinion on it, and I think we should voice our concerns.

**Chairman Cameron:** Right.

**David Skolnik, 47 Hillside Avenue:** May I make just one suggestion?

**Chairman Cameron:** Yes, please. This is your agenda I'm following.

**Mr. Skolnik:** Yeah, I guess it is. And thanks for taking it up, especially at this late hour.

I was at the Yonkers meeting. I'm just going to suggest that you be very clear, very specifically clear, about which intersections, and starting with coming off the exit coming off the parkway.

**Chairman Cameron:** Clarence.

**Mr. Skolnik:** Also it occurred to me after we spoke, just before the meeting, there's probably a reason to look at Holly Place, as well. Because it's directly ... I don't know what they're planning to do. Well, actually, I do have an idea about Austin Avenue, based on the maps that were included in that documentation. And it looks as though the conception is to actually utilize and change Austin Avenue to make it more of an access. Which puts it also right in the area of the Holly Place neighborhood, which is part of Hastings. So I would look to add that, as well.

**Chairman Cameron:** Yeah, it was unclear to me where the 400,000 units were going to

exit, which is what you're really bringing up.

**Mr. Skolnik:** They're not exiting. That's where they're going to stay. I'm kidding.

**Chairman Cameron:** That's the argument for Holly Place is the residents should be able to do it, but not the businesses. (Inaudible).

**Boardmember Speranza:** David, did you see that they were looking to use Austin Avenue? Because it's closed.

**Mr. Skolnik:** It is now, but I don't know if you got a chance to look at the maps that were attached.

**Boardmember Speranza:** Yeah, I saw the maps, but I...

**Mr. Skolnik:** The drawings show a redrawn, a straightened Austin Avenue.

**Boardmember Speranza:** Oh, OK.

**Mr. Skolnik:** And, in fact, the commercial addition is to the south of Austin, while the housing is actually between Austin and Clarewood.

**Boardmember Speranza:** Right, right.

**Mr. Skolnik:** That's what it's showing. I wouldn't ... and just to ... I think it was Eva's point, I wouldn't be so sure that this is as inevitable as Ridge Hill. Because the process they're going through now is ... the question on the table is whether to change the zoning.

**Boardmember Alligood:** Right, I saw that. And I thought it was telling that the Town of Greenburgh is asking that they look at what hasn't been developed yet on their approved parcel that includes Stew Leonard's. Because what if that goes ... you know, it's almost like they're potentially hoarding that and want to get the new site approved, and then they'll do both. I mean, there just seem to be a lot of issues there. So hopefully ... let's hope that the city of Yonkers will review this very carefully...

**Mr. Skolnik:** There were some people there that actually ... I'm sorry, I didn't mean to step on you. There were a couple of people in the planning department that were actually quite helpful to me for finding some of these documents. Because they're not immediately accessible if you just go and try to find them on the site. Is there a way that somebody could actually – within the Village government – could actually stay on top of ... I mean, I don't

know if you normally get the e-mails from them as to when the planning board, Yonkers planning board, meets.

But I was put on a mailing list. Anyone else could be put on that mailing list and actually just get notification as to when this would reappear on the agenda because it's easy to miss. So that's my only suggestion. I mean, I could pass along to anybody the person I spoke with, and it was easy enough. I just asked her to put me on the list.

**Boardmember Sullivan:** It would be nice to put the Planning Board's address on the mailing list so we all get it.

**Mr. Skolnik:** So I can give you the name of the person that I...

**Chairman Cameron:** All right.

**Boardmember Sullivan:** Pick all our neighbors – Greenburgh, Dobbs Ferry.

**Chairman Cameron:** Just send it to us in the e-mail.

**Mr. Skolnik:** I will, thank you.

**Chairman Cameron:** Thank you.

So at that point I think are ready to adjourn?

**Boardmember Alligood:** Can we just say what ... I would like to acknowledge the sad passing of our colleague who was on the Board. Bruce Dale came on the Board with Jamie and me at the same time, and he was a terrific member of our board, contributed a lot. And some of us were at his memorial service last weekend, and just want to acknowledge that.

**Chairman Cameron:** Yeah, great guy.

**Boardmember Alligood:** But we'll miss him.

**Chairman Cameron:** There's somebody who knew a lot about affordable housing, too.

**Boardmember Alligood:** That was his field.

**Boardmember Speranza:** You're right, I'm glad you raised that.

**Chairman Cameron:** OK, we are adjourned. Thank you.

**Village Attorney Stecich:** No, we need your motion for executive session.

On MOTION of Boardmember Speranza, SECONDED by Boardmember O'Reilly with a voice vote of all in favor, the Board adjourned for an Executive Session with legal counsel to discuss contracts.

**VI. Announcements**

**Next Meeting Date – April 18, 2013**

**VII. Adjournment**