

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
PLANNING BOARD  
REGULAR MEETING AND PUBLIC HEARING  
JUNE 20, 2013**

A Regular Meeting and Public Hearing was held by the Planning Board on Thursday, June 20, 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 Eva Alligood, Michael Ambrozek, Boardmember William O'Reilly, Boardmember Rebecca Strutton, Boardmember Kathleen Sullivan, Boardmember Village Attorney Marianne Stecich, and Deputy Building Inspector Charles Minozzi, Jr.

**I. ROLL CALL**

**Chairman Cameron:** Good, so we have a quorum. We'll proceed.

**II. APPROVAL OF MINUTES**

**Meeting of May 16, 2013**

**Chairman Cameron:** The minutes of the last meeting have been circulated to everybody. If anybody has any comments, I'll start down with your end Michael.

**Boardmember Alligood:** I found something that didn't make sense, but I don't know how to fix it so I'll leave it.

On MOTION of Boardmember Ambrozek, SECONDED by Boardmember Alligood with a voice vote of all in favor, the Minutes of the Regular Meeting and Public Hearing of May 16, 2013 were approved as presented.

**Meeting of April 18, 2013**

**Boardmember Alligood:** And we also have minutes from the previous one that we couldn't vote on. Because there wasn't a quorum?

**Chairman Cameron:** I guess we do have a quorum for those people. We had a quorum, but we didn't have a quorum of people who had been at the meeting. Does anyone have a copy of the minutes here?

**Deputy Building Inspector Minozzi:** I don't even have a copy here.

**Boardmember O'Reilly:** There were two things noted, and I discussed it.

**Chairman Cameron:** If we had the minutes I'd know who was here and whether we had a quorum to approve it. I'm going to assume we have, since there's only one person missing.

**Village Attorney Stecich:** Yeah, and she was on it.

**Boardmember O'Reilly:** Well, in those minutes it was mentioned as if Mayor Swiderski was here, when he was not. Had that been corrected?

**Chairman Cameron:** I believe that was raised. It says in the beginning of the minutes that Mayor Swiderski was here, but he wasn't. I wasn't actually here.

**Boardmember Alligood:** I had a comment, but I gave it last time.

**Boardmember Strutton:** I don't have my comments with me. If I have any, then I'll just let them go.

On MOTION of Boardmember O'Reilly, SECONDED by Boardmember Alligood with a voice vote of all in favor, the Minutes of the Regular Meeting and Public Hearing of April 18, 2013 were approved as presented.

### **III. OLD PUBLIC HEARINGS**

- 1. Site Plan Approval – Application of Gordon & Neda Sokich for the alterations to an existing retail space on the first floor of an existing mixed-use building at 7 Washington Avenue to convert it into a beauty/hair salon. Said property is located in the MR-C zoning district and is known as SBL 4.70-48-36 on the Village Tax Maps.**

**Dennis Rubich, Escaladas Associates:** I'm representing Mr. Gordon Sokich and his mother, Neda, who cannot make it tonight. The brief breakdown of what's going on – because this has been going on for a little while now – we first came to the Zoning Board to get a change of use to allow a hair salon to come into this space. It's existing on 7 North Washington. We had gone to the Board of Trustees, and the local code had changed to allow

for more uses. We sat back and started to look at the feasibility of opening this up. Because it was a pretty large investment. They said it might not be as good because it's on a very steep street and not pedestrian-friendly; that you really have to be a true destination for it to work and succeed. So we looked back at what was allowed, and they came up with the option of making his office in the front and a studio apartment in the back, which already had a doorway there. It meets the minimum size for an efficiency studio.

As well, parking is an issue on this street. I think I just passed by there now and counted 16 or 17 spaces allowed in the street and seven or so commercial spaces, not to mention the apartments above. They thought it would also be better to have less vehicular traffic if they had his personal office there and a studio, as opposed to having that salon that would probably call in at least three or four hair stylists and customers.

So it was a benefit kind of to them and to the local area, and to the Village, in terms of parking requirements. I know parking requirements are going to be discussed tonight. Am I right?

**Village Attorney Stecich:** No, this board won't deal with it, but you do need a variance for to parking. This board can't give it to you. You're going to have to go to the Zoning Board to get the variance for the parking.

**Mr. Rubich:** As I'm saying, I didn't know if it needed a variance since it's already existing. I know the use has changed, but is there also a line that says if it's existing the Planning Board had a right to waive the parking if they saw it was not a detriment to vehicular traffic?

**Village Attorney Stecich:** Yeah, but this is a change in use so it would have to go to the Zoning Board for a variance.

**Mr. Rubich:** OK.

**Village Attorney Stecich:** For a parking variance. It's a lot easier than the last time she went to the Zoning Board.

**Mr. Rubich:** Oh, yes, absolutely. Absolutely.

**Village Attorney Stecich:** He first went to the Zoning Board for a use variance, and he wasn't going to be able to get one. So the suggestion was that he go to the Board of Trustees and get a zoning change to broaden the uses permitted in the MR-C district, which the Board did do. This board had an opportunity to comment on that. And at the time, you had a beauty salon in mind.

**Mr. Rubich:** Correct.

**Village Attorney Stecich:** And it was expanded to include beauty salons. But it was expanded even more broadly, and offices are also now permitted in the MR-C district.

**Mr. Rubich:** Well, I think offices were originally allowed.

**Village Attorney Stecich:** I'm not sure.

**Mr. Rubich:** Either way, they definitely adhere to this.

**Village Attorney Stecich:** Right, it's OK now.

**Mr. Rubich:** Correct. So we're here to get site plan approval for this.

**Chairman Cameron:** OK. Could you just run through what your plan is and how it's laid out?

**Mr. Rubich:** Sure.

**Chairman Cameron:** I know we've all read it, but we have an audience on the television camera and it's coming out of that little camera right over there. So they will get to watch it.

**Mr. Rubich:** All right, so what you have here is the existing layout. There used to be a bookstore that's been there for many years – kind of an antique and bookstore kind of feel – and that is no longer there. So what's inside is a customer area in the front, two restrooms, and a larger storage area in the back. The two restrooms that are there are completely deficient of being able to use as restrooms so they'll definitely have to come out either way and be modified for ADA usage in the front.

So what I'm doing is cutting this space in half, leaving this larger space in the back for a studio apartment. It has three very large windows and very high ceilings, which is a great space. The front has a storefront feel that will allow for his use to come in. It's pretty simple. There's not too much to really see there. The studio will get a full bathroom. The offices will get the ADA half-bath.

**Chairman Cameron:** And you get to the back door to the studio apartment by going along this concrete walkway?

**Mr. Rubich:** Yeah, there's a walkway that's there now.

**Chairman Cameron:** On the west side of the property?

**Mr. Rubich:** Yes, it's existing. And a doorway's already there

**Boardmember Alligood:** Where's the open space?

**Mr. Rubich:** Well, there's a small yard in the back. This is a multi-level deck, as well. So there are four apartments upstairs that have use to this, and the yard. I believe it's 100 square feet of open space for the studio, and then 100 for each bedroom above. I think the calculations come out to double that in terms of just the yard and the deck if you consider that walk-in side open space. That's up to you.

**Chairman Cameron:** Any questions? Any questions from the audience? Any questions from the Board?

**Village Attorney Stecich:** Chairman, if I could just make a comment on the parking?

**Chairman Cameron:** Sure.

**Village Attorney Stecich:** Now I know what Dennis is talking about. Unfortunately, it's a provision that only applies in the CC district.

**Mr. Rubich:** I figured as much.

**Village Attorney Stecich:** Because in the CC district, it says that a change of use or an expansion of the use within an existing building occupying 2,500 square feet or less shall be exempt from providing off-street parking. It's greater than 2,500 square feet, which I'm not sure this is. But it's irrelevant because it's not in the CC district. This Planning Board could waive it if it finds it's not going to increase the parking requirements.

Now, the Board of Trustees amended the parking schedule. It had said, in the CC district, retail and restaurants 2,500 square feet or less didn't need to provide parking. They changed that to say within the CC and MR-C districts. But this provision wasn't changed. Probably not a bad idea to change it. Maybe at the end of the meeting, or the next meeting, if we have some time to talk about it we could make that recommendation to the Board of Trustees.

But right now, that provision – thanks for bringing it to my attention – it's only in the CC district. Close, but no cigar.

**Chairman Cameron:** So if I have no other comments...

**Boardmember Sullivan:** One question on any findings on the recreation fee.

**Village Attorney Stecich:** I don't think it's creating any new residential.

**Mr. Rubich:** Well, the studio apartment.

**Village Attorney Stecich:** I thought there was residential there before.

**Mr. Rubich:** Well, there is upstairs. It's mixed-use.

**Village Attorney Stecich:** So you are making a new one.

**Mr. Rubich:** Correct. At the Board meeting we had talked of why the MR-C was even created. It was to make it completely residential, even the first floor, if you'd like, or not. I mean, even in the road trip of us coming up with a design here, we came up with that saying that's a good solution.

**Village Attorney Stecich:** So since there is a new residential, then you would have to make a finding.

**Mr. Rubich:** So then there is going to be a rec fee of \$7,500?

**Chairman Cameron:** Yes. This is necessarily good news for you. But if you're adding a residential unit and, in particular, adding a studio – which is the cheapest one – there's a rec fee of \$7,500 which we can assess. What happened is that the Board of Trustees made the determination that we should look to collect fees rather than land. You couldn't give us land anyway. Because if you actually had enough land we don't have enough to maintain the land we have.

So we are going to propose we make the determination that we are going to make a declaration of need and follow that by assessing the \$7,500 for the additional unit. If you make that motion then we can vote on it, unless somebody had that motion. Then we'll go to approving the site plan.

On MOTION of Boardmember Sullivan, SECONDED by Boardmember Strutton with a voice vote of all in favor, the Board resolved to make a declaration of needs with regard to

parkland and to assess a recreational fee of \$7,500.

**Chairman Cameron:** Now we go to site plan approval. Again, I would entertain a motion to approve the site plan that was presented to us in the form of the drawings we received.

On MOTION of Boardmember Ambrozek, SECONDED by Boardmember O'Reilly with a voice vote of all in favor, the Board approved the site plan for the alterations to an existing retail space on the first floor of an existing mixed-use building at 7 Washington Avenue to convert it into a beauty/hair salon.

**Mr. Rubich:** Thanks.

**Chairman Cameron:** Thank you very much.

**Mr. Rubich:** When does the Zoning Board meet?

**Village Attorney Stecich:** The fourth Thursday of every month. You missed the June meeting. Then it meets once in July and August. It's just the July meeting.

**Deputy Building Inspector Minozzi:** You miss August. August, we don't have ZBA in August.

**Village Attorney Stecich:** Can he get on for July? You better get in fast because there's no August meeting. Get in fast and you should be able to get on the July meeting.

**Deputy Building Inspector Minozzi:** Because today is five weeks.

**Mr. Rubich:** Thank you.

2. **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 sub-division 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.**

**Sue Smith, Affordable Housing Committee:** You have a memo sort of updating you on where we're at with this project. It was a couple of months ago that we were here, so we all have to refresh our minds about it. At that meeting, there were a number of points brought up that we wanted to respond to. I'm sorry it took awhile to get our act together on that. But there was a question about the drainage, the uphill drainage, and the problem coming from Burnside and Berkeley Place. We've written about that, and also came up with an alternate site plan which might address the two issues. One Kathleen Sullivan brought up, the setback of the house, wanting it to come forward on the property. And Rebecca had spoken to me separately about the idea of trying to come up with a different subdivision line that might ease some of the legal complications between the two owners, the two parties.

Ed Vogel is not available this evening, but Gary Warshauer from the firm is here to show you the site plan, the alternate site plan, and answer any questions. I'll talk about the drainage. I'm not sure which order you would like us to do it in. Maybe it makes sense to do the site plan first, and the drainage second?

**Chairman Cameron:** Actually, I think it would be good to get of the drainage first.

**Ms. Smith:** OK, let's drain it away.

**Chairman Cameron:** Then we've got a clear field to consider our alternatives.

**Ms. Smith:** OK, drain it away. Well, it actually applies to whichever plan we could go forward with. In consultation with the Village DPW chair, the head of the department, we went out again to the property and looked at it, and discussed possibilities of how to remove the water, the drainage, that is above ground. He felt there could be a catchbasin in the street at the southeast corner of the property, and then an underground storm sewer connecting to the storm sewer down the street opposite Merrill. There is no catchbasin or storm drain up on that section of the roadway now.

The county, upon our request, said they would be willing to fund that. They felt, as he did, that that was a good solution. They're eager to help the Village and the project, if possible. But he felt that putting the water underground, except for really heavy, heavy rains when there are problems all over the Village, would be the best stop possible in that situation. To try to put the water underground in regular conditions, rain conditions, so if there was freezing there's less of it. So instead of the water ponding and running down the street, it would have a place to go underneath. And especially in freezing conditions that would be better. There wouldn't be so much water freezing above ground, or none in normal



conditions.

I think he also allowed as how this was something that it would have been nice to be able to do in the past, but that the Village does not have funds for that sort of thing. So this would provide something, an amenity actually, for that whole strip, that neighborhood, and for the neighbors. The immediate neighbor to the downhill side also has complained about the water because it comes on both properties.

**Chairman Cameron:** And this is the result for either of the two alternatives we have before us today.

**Ms. Smith:** That's right.

**Chairman Cameron:** At that point, why don't we go to the presentation on the alternatives.

**Ms. Smith:** OK. I'll introduce Gary

**Gary Warshauer, Warshauer Mellusi Warshauer Architects:** Good evening. Just to refresh the Board's memory on this, the original application was for the subdivision of this existing property.

**Chairman Cameron:** Excuse me. If you could stand on this side, we all have copies of these plans.

**Mr. Warshauer:** The application before you is for the subdivision of this existing property. The existing residence is to remain. There's an existing garage that was with the existing residence. The proposal was to keep that garage. That parking for the existing residents would be on the new lot that's being created. Then there would be a parking area and a new two-family residence constructed. It's actually a single-family and an accessory apartment. It was designed to set into the grade at the existing retaining wall at the back of the property. So that was the original proposal before you.

The discussion was to look at an alternative, which would two things: one, eliminate the parking for the existing residence on the new lot that's being created; and the second was to try to pull the new residence that's being built closer to the street so it's in more conformity to the other houses on that street.

We put together an alternative sketch, which you have, that redefined the subdivision line so the new subdivision line now comes down the center of the driveway that's coming into the property. The existing garage would be removed. Parking for the existing residence would

be on-grade, in front of that residence. And then in the new home that's being created, a new garage would be built. Parking for the three spaces, for the accessory apartment and the new residence, would be in the garage. The accessory apartment would be on a second floor above the garage, and then the residence would be constructed on the property behind the garage – generally in the area where it was previously.

This is a very small sketch that shows how that would work. Basically, the garage is on the lower level. Again, entrance is not from the street so the garage doors are on the side. There would be an apartment up above the garage, and then a stairway between the two buildings that would get you up to the apartment as well as to the main residence behind it.

Just to show the aerial plan, this shows the original proposal which was the existing garage staying, the existing houses and the new construction in the back. And this shows what the alternative design would be. Sorry, I'll do it two ways. I'll do it this way, and then that. The alternative design would be pulling the garage forward to about the location where the existing garage was, but it would be a two-story element now on the street and give you more of the consistency with the other houses on that street.

So that's the alternative.

**Chairman Cameron:** Do we have any comments?

**Boardmember O'Reilly:** Well, the last paragraph of the submission sort of indicates this is "we" and "he." Who is "he," I guess, is...

**Village Attorney Stecich:** The developer, I guess: Gary Warshauer.

**Boardmember O'Reilly:** The developer continues to believe the original submission is the best overall, but I don't get why.

**Ms. Smith:** That actually comes from the committee. I think we felt that both submissions had their qualities. This is considerably more expensive because it's building the garage building also. So there are additional costs. We haven't quite gotten the numbers really tight, but you said as much as a quarter more.

**Mr. Warshauer:** It's about a 25 percent increase in cost.

**Ms. Smith:** And the owner, who, very kindly, is the first person who's ever come to us, I think, being willing to have property next door become affordable housing and offering that to us we'll pay for it, but under market price – really wants the garage. So we were trying to

accommodate him. How to weigh it? I mean, obviously, we want the units and we'll have to figure out how to pay for it if that's the one that is your choice.

But I think either one provides the kind of space we want for people and the kind of parking. It's really trying to respond to your concerns for that immediate little neighborhood.

**Boardmember O'Reilly:** Just one more question. The alternative plan just strikes me as being somewhat cleaner in design along the street. So apart from the cost, would you agree that, actually, the second plan would be agreeing that it is a cleaner design than the one that's come up before?

**Ms. Smith:** I think the architect would.

**Boardmember O'Reilly:** Good. So the architect would.

**Ms. Smith:** Right.

**Boardmember O'Reilly:** The committee would not.

**Ms. Smith:** I think the committee is more interested in having the units and making it feasible in terms of the cost of getting the subsidies for it. But I would agree that that's probably a cleaner architectural solution.

**Boardmember O'Reilly:** Does the additional cost of construction therefore make it less, quote, "affordable?"

**Ms. Smith:** It's just more of a challenge to get the funding, I think.

**Boardmember Alligood:** Can I comment on the design question? Without elevations, I really can't weigh in on whether I think it's a cleaner or a better design. I can see the site plan and imagine that, but there's a hill there. So without the elevation, I don't have a sense of what it would look like.

**Ms. Smith:** Does that little drawing help you at all?

**Boardmember Alligood:** Which drawing?

**Chairman Cameron:** He had one at the corner.

**Mr. Warshauer:** We did just a quick hand sketch for the meeting.

**Ms. Smith:** But it gives you ... understanding the house behind is up one of those terrace levels?

**Boardmember Alligood:** I do like the design of the house behind it better.

**Village Attorney Stecich:** It's all connected, right?

**Ms. Smith:** Right.

**Mr. Warshauer:** That's correct, yes.

**Village Attorney Stecich:** OK, so it's essentially all one building.

**Mr. Warshauer:** That's correct. In the plan, the space connecting the buildings is actually the vertical circulation. The stairs going up from the lower area behind the existing wall, which would remain, you'd have an opening in that wall and come into that area, go up to the apartment into the main house.

**Ms. Smith:** It has a roof over it.

**Boardmember Strutton:** I think the second proposal really does a nice job of addressing all of the concerns we raised to you. And I really appreciate both the proposed new subdivision – which takes the garage out of some potential quagmire between the owners down the road – and addresses, I think also, some tax issues that we talked about. And also, the way you've addressed the water runoff, which I think sounds great and is a benefit for the entire neighborhood.

**Boardmember Sullivan:** Thank you for addressing the issue of how the building relates to the other buildings along the street. One of the concerns I had wasn't so much that. The concern that I had was that this would seem like a sore thumb in the neighborhood. Thank you for your sketch because I think it will be much more compatible in a very positive way for people that will be living in those units.

The other issue I think you solved was something that someone from the public mentioned: the woman whose parents live next door. They were concerned – she had mentioned something that she was concerned – that they might have headlights flashing into their house. And by sort of getting rid of the garage, corralling down the parking – putting some of it in the structure, putting some of it between two structures – I think you're going to have happier neighbors to the side, as well. So that's, I think, a consequence of looking at bringing the

building more in line with the other buildings along the street.

So I want to second what Rebecca said. Thank you very much for considering our comments. I think you've made a better project for the Village.

**Chairman Cameron:** Any other comments?

You know, I'm very sensitive to the cost, which is the thing that really worries me the most. On the other hand, I have to say this is a much better proposal. So if you guys can do it I think you'd probably get a majority here pretty fast to move ahead on that.

**Ms. Smith:** Well, it will be a challenge, as I said. But you know, we've had them before. So we'll give it a good go.

**Chairman Cameron:** So now let's see what we have to do to move this thing forward.

**Boardmember Strutton:** Public comment?

**Chairman Cameron:** Oh, yes. Would anybody in the public like to comment on this? OK.

So we have, actually, a subdivision in what we do, and we have a negative declaration.

**Village Attorney Stecich:** Yes, it's subject to SEQRA so you would have to make a determination.

**Chairman Cameron:** Neg dec.

**Boardmember Sullivan:** I'm going to just raise my hand. And I hate making more paperwork, but we also had steep slopes involved with this, at least according to the matrix along with this site plan. I'm not sure.

**Village Attorney Stecich:** They may well have to come back. I think they're just here right now for the subdivision approval. So then when they're giving the building permit it turns out that they need steep slopes review ... because I don't think you've got the information to give the steep slope approval. So right now, it's just subdivision approval.

**Boardmember Sullivan:** Right. I'm going by the matrix that came along the [off-mic].

**Village Attorney Stecich:** His zoning compliance check.

**Boardmember Sullivan:** It says "Planning Board special [off-mic]."

**Village Attorney Stecich:** Right. You may need it, but it's premature right now. This is just the subdivision.

**Boardmember Sullivan:** OK.

**Chairman Cameron:** So we're going subdivision approval and neg dec on the SEQRA. Can I have a motion to that effect from somebody on the Planning Board?

**Boardmember O'Reilly:** What are we moving?

**Chairman Cameron:** The subdivision approval.

**Village Attorney Stecich:** The first motion is that this won't have negative environmental consequences. Therefore you issue a neg dec under SEQRA.

**Boardmember O'Reilly:** Right, thank you.

On MOTION of Boardmember O'Reilly, SECONDED by Boardmember Strutton with a voice vote of all in favor, the Board resolved, with respect to SEQRA, to issue a negative declaration for the sub-division 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.

**Chairman Cameron:** And now we're going to subdivision approval. Can I have a motion to approve the subdivision, as presented to us in the drawings?

On MOTION of Boardmember Ambrozek, SECONDED by Boardmember Sullivan with a voice vote of all in favor, the Board approved the sub-division 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.

**Chairman Cameron:** Great. Thank you very much.

**Ms. Smith:** Thank you.

**Village Attorney Stecich:** But, Susan, be aware that there may be steep slopes approval on this when you apply for the building permit.

#### IV. NEW PUBLIC HEARINGS

##### 1. Accessory Apartment Permit Renewal – Application for Barbara Pichler, 33 Devon Way – 4.110-99-9. No waivers required.

**Chairman Cameron:** OK, now we go to a really difficult one. It's an accessory apartment renewal of Barbara Pichler. I know you've been here before. Do you wish to say anything?

**Barbara Pichler, 33 Devon Way:** Pardon?

**Chairman Cameron:** We're going to get Buddy.

**Deputy Building Inspector Minozzi:** Just let me get my report.

**Chairman Cameron:** Buddy's going to do his report.

**Deputy Building Inspector Minozzi:** Mary Ellen forgot to attach my report to my papers.

**Village Attorney Stecich:** Just the application?

**Chairman Cameron:** It's less than 25 percent.

**Village Attorney Stecich:** And does she have the parking?

**Chairman Cameron:** Do you have a parking spot, Barbara?

**Ms. Pichler:** Yes, I do.

**Deputy Building Inspector Minozzi:** Without the report in front of me, I don't recall there being any issues. I know there have not been any complaints in the last three years, the apartment was compliant, and I believe it didn't have any problems with square footage or parking.

**Chairman Cameron:** Yeah, the square footage is quite clearly a lot less than the limit. And Barbara's just told me about the parking spot.

**Deputy Building Inspector Minozzi:** So I recommend approval for this accessory apartment.

**Chairman Cameron:** Right. Any of you like to make that motion?

Do we have any public comments? Sorry. No.

**Boardmember Sullivan:** Just checking.

On MOTION of Boardmember Strutton, SECONDED by Boardmember Ambrozek with a voice vote of all in favor, the Board approved the accessory apartment permit renewal for 33 Devon Way.

**Chairman Cameron:** See you in three years.

**Ms. Pichler:** Thank you.

**Chairman Cameron:** Thank *you*.

2. **Subdivision – Application of John Picone for the subdivision of property at 6 James Street. Said property is in the R-7.5 Zoning District and is known as 4.140-151-45 on the Village Tax Maps.**

**Chairman Cameron:** If the applicant would come forward?

**John Picone, applicant - 6 James Street:** I believe I've filled out all the applications and submitted the plans as requested, so I don't know what else you might want me to say at this time.

**Chairman Cameron:** Well, usually we have someone present what they're doing. Because there's a camera here and it goes on television, and a lot of people watch it. So if you could put it up over there on the board and just explain what you're doing on the lot, what sizes they are, that would be very useful.

**Mr. Picone:** I don't have a board.

**Chairman Cameron:** You can hold it up, I'm sure.



**Mr. Picone:** This will work. What you have here is a one-family home with a very large lot which was two lots. From what I understand, in the '50s they merged. They had something in the code that they merged together undersized lots to make taxing easy – single tax bills. These weren't undersized lots, but they were merged at some point in time, perhaps even before the '50s, I don't know. But what you have is two lots that are there, clearly delineated, which have always been delineated. And what I'm asking to do is return them back to two separate lots, which are oversized. The requirement is 75 by 100, and these lots are over 100 by 100.

**Chairman Cameron:** The one question I would have on the lot that has the house on it is, have you done measurements to make sure that you don't exceed the coverage limits of 30 percent?

**Mr. Picone:** Yeah, it's under 30 percent.

**Chairman Cameron:** And 40 percent for total coverage.

**Mr. Picone:** The whole house, including the garage, the driveway, the porch – all three of those items are all under the 30 percent.

**Chairman Cameron:** Just eyeballing it, you look at it and you see that, in fact, the right-hand piece of land is divided into two equal-sized tax lots, as well. And you seem to be covering most of the one on the right. If you covered the whole thing, that would be 50 percent.

**Mr. Picone:** Well, I did a calculation. The driveway is 1,500 square feet; the garage is 300-and-something square feet; and the house is 28 by 40-something. And I actually did this several times. It's under the allowed limit. I know that for sure. I might have a calculation over there.

**Village Attorney Stecich:** A good point, though. That should be submitted as part of the final.

**Mr. Picone:** Well, it was never asked for. I would give it.

**Village Attorney Stecich:** Well, whatever. It should be in there.

**Mr. Picone:** If I have the calculation over there I can read it to you, if you wish.

**Chairman Cameron:** Anybody have any questions?

**Boardmember Alligood:** I have a simple one. How does it come to be number six? It's next to number 42.

**Mr. Picone:** There's a lot of wacky numbers around this Village. That's just one of them. But I don't know exactly why.

**Boardmember Alligood:** Did we get some correspondence about this that we should read into the record?

**Chairman Cameron:** Yes, we did.

I guess the other question I have is on the steep slopes. [off-mic] on steep slopes. Have you looked at the property to see how someone could get a house in there? We're not supposed to divide lots unless the new lot can actually take a house. And if you look at where the steep slope line is, it gets fairly steep in the back corner. I agree that you get a house maybe the size of the existing houses in there, or even a little bigger. But the concern, obviously, is that somebody could come along and try to get variances to put a very much larger house there and something which, quite frankly, is a self-restrictive lot because of the steep slope.

**Mr. Picone:** I understand. You can actually fit a house that's probably 70 feet long there without even touching the slope.

**Chairman Cameron:** Well, you can't start until 25 feet in.

**Mr. Picone:** I know. It's 8 feet off the one property line and 15 off the other. But I have a drawing I can show you with that. I have actually looked at it, and I can show you what can be done easily without touching it.

**Chairman Cameron:** Do you have it with you?

**Mr. Picone:** Yes, I do. This is a plan which shows both of the properties reduced, which I had the surveyor put a drawing of a proposed home that would fit with all the zoning regulations that were required. It would also be compliant with steep slopes, with any drainage calculations. If, and when, someone built a house on it they would have to come before you and they would have to do all the calculations. At which time you would, more than likely, be very involved with the location of the house and the steep slope calculations and driveway sizes. But all of this on this piece of paper adheres to all the zoning requirements for that zone.

**Chairman Cameron:** So while you're looking, we did get a letter from one of your neighbors, from 39 James, from his son. And I'm going to read it for the record because that's what I'm supposed to do

*"Thank you for the information on my ability to review the plans for subdivision and comment in my absence from the meeting to be held on Thursday, June 20, 8:15 in the evening. If plans change, I will gladly show up in person to express my concerns."*

I trust he's not here.

*"The correct topographical survey done in January 2013 probably accurately shows the property elevations that exist now. Approximately five or six years ago, truckloads of dirt were being brought in and dumped into that lot. Backhoes and manual laborers were used to level it to its current elevation. Existing elevation is 2 to 4 feet above the lot as it existed prior. This being said, it does not seem that the Building Department has property elevations to which they can refer, based on my findings. I believe the dump and level was a premeditated plan to make this subdivision work."*

*"If the dump and level had not been reported to the Building Department, I feel confident the property would be even higher. This would make the current yard-flooding issues on the west side of James Street even more severe than they are now. I would be opposed to this subdivision based on the aforementioned information."*

*Signed  
Andrew Gross*

I think he's the son of the owner of (inaudible). And I printed a reading for the record.

So any other comments on this? I don't think it's actually illegal to put the dirt in.

**Village Attorney Stecich:** Well, it might be, depending on what year it was done. Because while we don't have an excavation and fill law – not because the Planning Board didn't try to get one passed – in 2011, the Steep Slopes provisions were amended to say that any re-grading that could affect or create a steep slope requires steep slope approval. So if there had

been a steep slope, and a grading eliminated it, then it would have needed steep slope approval. That was effective beginning of 2012. So I guess the question is when the dirt was brought in.

**Mr. Picone:** What happened was, Steve Kupek built a home – I forget the name of the street, the top of Washington over here – and he had fill he was giving away to everyone in town. He wanted to get rid of it. He asked me if he could drop a few truckloads on the property, and I allowed him to do so, and I spread it out. This was done maybe eight, nine years ago.

**Village Attorney Stecich:** OK. Well, then that was prior to the amendment of the Steep Slopes Law.

**Mr. Picone:** Right. And more importantly, the Building Department at the time knew about it, OK? They were aware of it. Because whenever anything like that happens on my property I run and I tell them because I know the first thing that's going to happen is I'm going to get a call that I'm doing something wrong. And we all know how vigilant Marie is.

**Deputy Building Inspector Minozzi:** There was no recollection in the office at the time. Maybe Deven wasn't involved, but I don't know.

**Mr. Picone:** It was way before him.

**Deputy Building Inspector Minozzi:** I did ask...

**Village Attorney Stecich:** It was what?

**Mr. Picone:** It's way before him.

**Deputy Building Inspector Minozzi:** It was before him, OK. Because I asked him. He had no recollection of it.

**Mr. Picone:** I think it was Carmine at the time. I don't remember his last name.

**Village Attorney Stecich:** Carmine Itri.

**Mr. Picone:** Yeah. But in any event, there was not a lot filled in. It ended up the lowest point of the lot was a little bit of a fishbowl. It was like 96; now, the middle point is almost 98. It's about comparable of maybe two truckloads of fill. But honestly speaking, if I took that lot just the way it was without the fill in it I could still do steep slopes because they were

lower than 25 percent. The calculations were such that you could still calculate and disturb as much as you needed to build a home. And be compliant, of course.

**Chairman Cameron:** Any other comments? Any comments from the public?

**Peter Kolbert, 7 Oxford Road:** I got this notice in the mail. So I thought I would come because of the notice. I haven't seen any of the plans. I believe this property is at the bottom of a hill which abuts my backyard. So I'm a little concerned, but I haven't seen any plans. I just know it's an application for a subdivision.

I'm a little concerned about the slope, about any potential damage to the hill, impact on drainage which could jeopardize my property, which is directly abutting it. I obviously don't have enough details. I only got the letter, I haven't seen the plans. I didn't see the proposed building, which I understand hasn't even been filed for.

**Mr. Picone:** There is no proposal. It's just a straight subdivision.

**Mr. Kolbert:** But obviously it's done for a purpose, not just for subdivision. The purpose is ultimately to build another house. So I have some concerns about it. They may be premature at this point.

**Chairman Cameron:** They may be premature in that when they do come in with a house they will have to get steep slopes approval and, at that point, you will be notified of your chance to comment on it.

**Mr. Kolbert:** As I said, I really don't have any information at this point. But I was concerned. Obviously, I see the end road is not just to subdivide a lot, but to put a house there. And the application at that point would be [off-mic]. OK, thank you.

**Chairman Cameron:** All right. So I think we're prepared to move forward. Any other comments on subdivision? We have two things. One is the subdivision, and also we have, under 295-112, a rec fee for a subdivision.

**Boardmember Sullivan:** Do we need to do SEQRA, as well?

**Village Attorney Stecich:** Yes.

**Chairman Cameron:** Then we do SEQRA. So anybody else have any comments or things to say? Why don't we do SEQRA first. I guess we need a negative declaration on this; that this subdivision will not have a negative effect (inaudible). Could I have a motion in that

regard?

On MOTION of Boardmember Ambrozek, SECONDED by Boardmember Alligood with a voice vote of all in favor, the Board resolved, with respect to SEQRA, to issue a negative declaration for the sub-division of property at 6 James Street.

**Boardmember Alligood:** Just to clarify for the public that what we're voting on is to say that the act of subdividing the land we don't find to have negative environmental impacts. But we will be reviewing if something comes before us, potentially – anything that would be of concern...

**Chairman Cameron:** Nicely said.

**Boardmember Alligood:** ... having to do with steep slopes.

**Chairman Cameron:** The second thing is that since this is a subdivision under 295-112, we need to make a declaration of needs with regard to parkland, and then assess a fee which, in this case, is \$10,000. So we need to make that determination, which we don't have much choice on, that that's the case. Now a motion to that effect?

On MOTION of Boardmember Alligood, SECONDED by Boardmember O'Reilly with a voice vote of all in favor, the Board resolved to make a declaration of needs with regard to parkland and to assess a recreational fee of \$10,000.

**Chairman Cameron:** We are going to assess the fee in lieu of parkland of \$10,000.

OK, now we go to the subdivision. I need a motion to approve this subdivision, as presented to us.

On MOTION of Boardmember Sullivan, SECONDED by Boardmember Strutton with a voice vote of all in favor, the Board approved the sub-division of property at 6 James Street.

**Chairman Cameron:** Thank you.

**Mr. Picone:** OK, thank you very much.

- 3. View Preservation and Site Plan Approval – Application of Newington Cropsey Foundation for the installation of a standby power generator on the grounds of its property at 1 Cropsey Lane. Said property is located in the MR-1.5 Zoning District, and is known as 4.70-48-8 on the Village Tax Maps.**

**Chairman Cameron:** The next item is view preservation and site plan approval with respect to Newington Cropsey Foundation for the placement of a standby power generator on their grounds at 1 Cropsey Lane.

**Sergio Dias, Suburban Sunrooms– general contractor:** Rocco Prozano is the electrician that's going to be installing the generator. This is showing the location of the generator. There's a small building with a deck next to it. We're going to put a concrete pad under the generator [off-mic]. In terms of view preservation, it's a [off-mic] dimension. The generator's going to be 45 inches tall. So in terms of view preservation, I don't really think you're going to have many issues on that. And then site approval, you can see on the pages. Do you have any questions?

**Chairman Cameron:** Any questions about the generator? I have a couple questions. This is a gas generator, I take it?

**Mr. Dias:** Correct.

**Rocco Prozano, Trico Electrical:** Yes.

**Chairman Cameron:** And how often are you going to test it, and how quiet is it?

**Mr. Dias:** The rating on the sound is 73 decibels.

**Mr. Prozano:** That's at full load. [off-mic] about 35 feet from the property line. So their requirements are 73 decibels 21 feet from the property line.

**Chairman Cameron:** And you don't have to test it very long, I take it.

**Mr. Prozano:** No. The generator should be an automatic running test of 4 minutes every month.

**Chairman Cameron:** Once a month, all right.

**Mr. Progano:** Yes.

**Chairman Cameron:** And you're going to test it during the daytime, not at night?

**Mr. Progano:** That we're going to have to discuss because it's automatic. We program it, [off-mic].

**Chairman Cameron:** But you can program it so it happens during the daytime, I take it.

**Mr. Progano:** Yes.

**Chairman Cameron:** I think that would be preferred.

**Mr. Progano:** In most of the cases, the generator will be running for testing about noontime.

**Chairman Cameron:** OK. You can make it the same time as our siren.

OK, we need view preservation and approval for this. Can I have someone make a motion to that effect? Sorry, do we have any people in the audience who want to comment on this? Good.

**Boardmember Sullivan:** So we have view preservation and site plan approval?

**Chairman Cameron:** Yes.

**Boardmember Sullivan:** And we do SEQRA?

**Village Attorney Stecich:** This wouldn't require SEQRA. It's just this generator.

On MOTION of Boardmember O'Reilly, SECONDED by Boardmember Strutton with a voice vote of all in favor, the Board approved 1) recommendation to the Zoning Board of Appeals for view preservation and 2) the site plan for the installation of a standby power generator on the grounds of the Newington Cropsey Foundation for property at 1 Cropsey Lane.



**Chairman Cameron:** Thank you very much.

**Mr. Dias:** Thank you.

**Chairman Cameron:** You got a two-fer.

**Mr. Dias:** We'll see you next week.

4. **View Preservation and Site Plan Approval – Application of Mobil Oil Corp. for the changes to the chain link fence and other minor changes to previously-approved plans for the ongoing groundwater remediation installation at 1 Riverside Avenue. Said property is located in the GI Zoning District and is known as 4.100-93-18 on the Village Tax Maps.**

**Chairman Cameron:** We're now moving to a view preservation and site plan approval, an application of Mobil Oil Corp., for changes to a chain link fence; another minor change to the previously approved plans for the ongoing groundwater remediation installation at 1 Riverside Avenue.

State your name, if you would, when you start talking. That'd be great.

**Daniel Moran, ARCADIS-Chevron Environmental:** What we're proposing is to amend the permit that was granted last year. We were approved for a 75-foot by 25-foot by 8-foot tall fence. We're pushing it to 85 by 35 foot by 8 foot tall, basically just to increase the site area inside the fencing to allow our operators to access the system easier.

Details of the fence are the same as they were: a double swing gate, three-strand barbed wire 8-foot tall fence, and 3-foot deep footers. This is being done in response to numerous trespassing reports from the security guard at the ARCO site.

**Chairman Cameron:** So you got the approval last time, but you didn't put the fence up.

**Mr. Moran:** We didn't put the fence up.

**Chairman Cameron:** Because the picture doesn't have a fence around it. I was trying to figure that out.

**Mr. Moran:** Which picture's that?

**Chairman Cameron:** Picture three. Or maybe it's just there and I can't see it.

**Mr. Moran:** This one?

**Chairman Cameron:** No, this one.

**Mr. Moran:** OK. No, we didn't put the fence up. Basically, we wanted to start putting it up and we realized it was in conflict with some of the extraction wall vaults. So we wanted to move it around, and realized we should make it a little bigger to make it safe, basically.

**Chairman Cameron:** Anybody have a question on this?

**Boardmember Strutton:** There's no change to the access road and stonework area? It's just the fence?

**Mr. Moran:** Yes, that's going to stay the same. And, again, that's just to facilitate safe access. The cap, when it's wet, is a nightmare. So just for safe driving.

**Chairman Cameron:** My only question is why are you putting the plastic pieces in the fence?

**Mr. Moran:** Why?

**Chairman Cameron:** Otherwise, you could see through the fence.

**Mr. Moran:** Client request. It's just client preference, really.

**Boardmember Alligood:** I think that raises a good point. Because it's become visually very unattractive. Whereas before it was just a fence, and now it's a wall, it's very unattractive with the plastic.

**Mr. Moran:** Honestly, it's just to deter any interest from it.

**Chairman Cameron:** If anybody wants to climb the 8-foot fence with barbed wire at the top of it he has to be a bit of an idiot.

**Mr. Moran:** We would agree.

**Boardmember Alligood:** I think it could peak interest more than anything else. I'd like to

recommend that it not be a solid wall. There's no reason to just not keep it the way it was before [off-mic] very noticeable.

**Boardmember O'Reilly:** Apart from preference, does it have a purpose?

**Mr. Moran:** The vinyl slats?

**Boardmember O'Reilly:** Yeah, the plastic. Does it have a purpose?

**Mr. Moran:** No. I mean, it's just a standard fence that we put slats in at client request.

**Boardmember Alligood:** You're saying the client believes it will help prevent people from being interested in it?

**Mr. Moran:** It's more or less a guidance (ph) thing. We want all of our fencing to have vinyl slats.

**Boardmember Alligood:** So we prefer no vinyl slats.

**Chairman Cameron:** I'm not sure, since it doesn't present a view preservation issue. Well, if somebody is walking along the path there they could [inaudible].

**Boardmember Alligood:** Obstructs your view, clearly.

**Chairman Cameron:** We had this a couple of years ago with another person's property there. They wanted to put up all these big lights for security. And we frankly told them to go away because it would have looked like Yankee Stadium if they'd done that. I think the slats are, quite candidly, unnecessary. And they are probably not a good relationship [inaudible] by you guys with [inaudible]. Because they really don't [inaudible].

**Mr. Moran:** OK.

**Chairman Cameron:** I'm not sure what we can do, but I would suggest...

**Mr. Moran:** And I mean, we very much want to maintain the good relationship we have with you guys.

**Chairman Cameron:** And we want it to work very well. I think what you guys have been doing has been working well, from what I can hear.

**Boardmember Alligood:** From what I can tell on this drawing that you provided, if the fence that's shown here on the left-hand side were treated with that same plastic material, part of my view of the Palisades would be cut off.

**Mr. Moran:** Kind of the reason we thought it wouldn't was, the view is kind of above rather than from horizon, eye-level.

**Boardmember Alligood:** Yeah, but from the train ... if you're standing on...

**Boardmember Strutton:** This is down here.

**Boardmember Alligood:** OK, so it's not near the train.

**Mr. Moran:** Yeah, it's the furthest south, really, we could put it.

**Boardmember O'Reilly:** In this photograph it looks like it's very tight-weaved. But in the other pictures, it looks just like a chain link fence. But this one looks ... is it as dense as...

**Mr. Moran:** The existing pictures are a temporary fence on the other portion of the site. So we haven't put any fence in yet.

**Boardmember O'Reilly:** But this is what it's going to look like.

**Mr. Moran:** That's what we would like it to look like, pending your comments.

**Boardmember O'Reilly:** The way this looks, it doesn't look like you can see through it.

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

**Boardmember O'Reilly:** You're not intended to see through it.

**Mr. Moran:** No, you're not intended to. It's privacy slats.

**Boardmember Alligood:** That's what we're debating is, are we going to, as a planning board, say that we want to approve it without the plastic sheathing.

**Boardmember Strutton:** Vinyl slats.

**Mr. Moran:** And just to clarify, once the system is approved by the DEC to remove, the fence will also be removed. Just to clarify that.

**Boardmember Strutton:** But I think it also sets precedent, right? If it's your clients' policy to always have the slats in, then the next fence that comes along is going to be with slats and potentially have view issues.

**Chairman Cameron:** If you were proposing to put a fence along the railway line with slats on it, that would be unacceptable. Because you're really destroying the view of the people going along in the train.

**Mr. Moran:** Understood. Our primary goal here is to get the fence in as fast as possible. If we can do that without vinyl, that's under study.

**Boardmember Sullivan:** I understand why you need to provide a secure area around your equipment.

**Mr. Moran:** Correct.

**Boardmember Sullivan:** If you go ahead and make it so you can't see in, if someone got inside you wouldn't be able to see them. So it seems like you might be shooting yourself, in the long run, by providing...

**Mr. Moran:** We're hoping as soon as we get the fence up no one'll try and go inside. But that's a very good point.

**Boardmember Sullivan:** The barbed wire is pretty much a deterrent.

**Mr. Moran:** We hope so. Again, if you approve it without the vinyl slats we just want to get this in. And then if the client comes back and says we want the vinyl slats, then we'll come back to you. But right now, if we can get approval to put the fence in we would gladly take that.

**Chairman Cameron:** OK, could I have a motion to approve the fence? I asked for the public earlier. They didn't have any. Approval for the fence without the vinyl slats?

**Boardmember Ambrozek:** Is there any public comment?

**Chairman Cameron:** Was there public comment?

**Boardmember Ambrozek:** There was none.

**Chairman Cameron:** No, there wasn't any. I asked.

**Boardmember Sullivan:** We're trying to make sure.

**Chairman Cameron:** OK. Do you want to sit in the audience?

[laughter]

I don't know why I always look at you, Michael.

On MOTION of Boardmember Alligood, SECONDED by Boardmember Ambrozek with a voice vote of all in favor, the Board resolved the Board approved 1) recommendation to the Zoning Board of Appeals for view preservation and 2) the site plan for the changes to the chain link fence and other minor changes, not including vinyl slats, to previously-approved plans for the ongoing groundwater remediation installation at 1 Riverside Avenue.

**Chairman Cameron:** Thank you very much.

**Mr. Moran:** Thank you. And we'll talk to the client, and if they want to ... well, then, we'll be in touch.

**Boardmember Alligood:** We'll see you again.

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

**Village Attorney Stecich:** Maybe you can use these drawings.

## V. OLD BUSINESS

**Review for Advisory Report to Board of Trustees – Concept Plans proposed by Ginsburg Development Companies (GDC) for the development of their property at Saw Mill River Road.**

**Chairman Cameron:** We now move to the review for advisory report to the Board of Trustees on the Saw Mill River Road project. Gentlemen, Bruce, Buddy?

**Bruce Lozito, Ginsburg Development Companies:** Good evening, everyone. I have with

me Michael Zarin from Zarin & Steinmetz.

**Village Technology Assistant Corso:** Hi, I'm sorry to interrupt. Could you please use the microphone? Thank you. Just make sure it's turned on.

**Chairman Cameron:** She doesn't take any wooden bullets, either, or nickels.

**Mr. Lozito:** Hello.

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

**Mr. Lozito:** Did you get my introduction, or should I do it again?

**Chairman Cameron:** You should do it again.

**Mr. Lozito:** OK. With us here tonight also is Michael Zarin of Zarin & Steinmetz, Martin Ginsburg, principal of Ginsburg Development Companies, and, of course, the affordable housing crew, including Rose Noonan and Sue Smith and her associates. We're here tonight to talk about yet another revised concept plan for the Saw Mill Lofts development.

But before we get into that, Martin Ginsburg wanted to take the opportunity to introduce himself to the Board and give a little background about the project and the effort that has gotten us this far. Martin?

**Martin Ginsburg, principal – Ginsburg Development Companies:** Yes, good evening, ladies and gentlemen. Actually, I think you'd been approving all the plans, site plans, that had been presented before. And I kind of feel we maybe should have presented this for approval tonight because you're on a good run over there. In any case, what I wanted to do is see you all and meet you. We've been around this block for awhile. And I did want to take an opportunity to give you a little bit of background.

I first presented a concept site plan to the Planning Board around 15 years ago. I don't know if anybody on the Board was around at that time. I don't think so. In any case, at that time we had completed Clarewood and Boulder Ridge, and when I made a presentation for a similar type of project on this site I got a very warm reception. At that time, there was a supermarket proposal that had been presented on this site, which was very rigorously opposed. They were in the process of actually appealing and going to the appellate division, when I came in and made a deal with the present owner, subject to my meeting with the Planning Board, on taking over the site.

When I met with the Planning Board, I came in as a white knight and I anticipated, as the result of an initial meeting, that we would get a relatively quick approval. Here we are 15 years later, and we still are confronted with no approval. Quite frankly, my white knight armor has kind of worn off by now. I still hope I have some credibility here. Because we did build Riverpointe, we did build Clarewood, I think we have done quite a few things in the Village that show we can deliver high-quality projects. No matter what you approve, it's the quality of the developer and the execution that determines the end result. We have that reputation. We build only high-quality work. And we would really like to get this project approved, after going through this long process.

The current approval process required that we go through a process before the Village and the Village Board before they would recommend it to the Planning Board. Now, part of that process involved quite a few details, and we had to respond to all these details with engineering and all kinds of things. Plus, we had the added complication of the affordable housing. Now, when we first presented this there were no affordable housing requirements; there were no recreation fees; and there's a whole list of all other things that we were not confronted with. We are now prepared to address all of these.

When the Planning Board, after several meetings, came with a recommendation to change the plan that we had submitted and move the affordable housing into the center of the development, that was really a bolt from the blue. Because we had, now, fully-engineered plans on the other scheme. However, I have worked on this plan personally, and we have responded to it. And I do believe we have come up with a plan that is extremely good. Despite my misgivings, I actually think we've improved a number of things in the site plan that we had not had before. And I think we have a site plan that will be a tremendous project, including developing some really lovely affordable housing. And, hopefully, the Planning Board, being in a good approval mood today, will think likewise.

I'm going to turn it over to Bruce now, who will go into all the details. And I thank you.

**Mr. Lozito:** OK. As Martin said, we have a new plan that is actually, I think, the fourth iteration since we first started the process with you back in March. I think the time taken was worth it, and I think with your very direct input and guidance we've come up with a plan, as Martin said, that is a better plan than we came to you with. So we give you credit in that regard. And we'd like to think that in our translating the instructions that we received that we've done it in a very positive way that, you'll agree, accomplishes what you were trying to see accomplished and that will conclude with a very handsome development that's a credit to everyone involved.

The two fundamental changes that are pretty obvious, I think, on the plan – and that were



very important to the Board – were to have a much-increased open space parcel at the south end of the site, which now measures nearly 1.9 acres in size, as compared to the 1.75 acres that had been historically approved and smaller areas that we had submitted prior to this time. Then the other very fundamental change, as Martin mentioned, was to relocate the affordable building with the 12 affordable units from the south end to the very center of the site. And in doing so, we also managed to surround it with greenspace on both sides, and then the market rate buildings, further away – also flanking on both sides – creating a really primary location for the affordable units.

Some of the direction we also received was to preserve two of the Norway spruce trees, which we've accomplished in this plan thus. And they actually frame the affordable building and create a very nice centerpiece for the overall development with those two features: the affordable building, and those very tall and sort of iconic spruce trees. Another important aspect of this revised plan was to provide a much more substantial berm along the frontage of the site, including along the frontage of the open space parcel, which was one of the requests that we received. These will be buffers that are raised berms with extensive landscaping on top, and I'll talk about that more a little later to show how they screen the development and the buildings when approaching this important gateway location in the Village.

We still have two access points, as we did in the prior plan, so there's a two-way curvilinear drive. The configuration of the buildings was also tweaked, if you will, to make a more uniform and symmetrical streetscape along this very appealing curvilinear road. We have adequate site distance at both locations so that, similar to the original plan, we don't have issues with the Department of Transportation. We have a total of 128 parking spaces, of which 117 are allocated to the residential uses. And the same 11 public parking spaces are provided here.

Now on this plan, the open space parcel has no improvements, no parking, no roadway. It's clearly open space, which we envision to become a great lawn that will serve not only all of the residents of the development, but also members of the entire community. We have moved the pedestrian bridge and the public parking onto this lot that will accommodate one of the market rate buildings. And we've also shifted the pedestrian bridge so it doesn't interfere with, or cause the removal of, a cluster of trees at this location. So we're improving the location by having it be less disruptive of the vegetation on the site.

We're creating three individual lots, building lots, one for each of the three buildings. The first one being 2.1 acres, 1.1 acres, 2.3 acres. Those lots will fully conform with the MUPDD zoning requirements in terms of building coverage, development coverage, open space. While there are no specific setback requirements for the lots and the side yards, we've incorporated side yard dimensions of 35 to 40 feet, which actually equal or exceed any side

yard requirements that the Village has for multi-family development in other zones. So we've used that as a reference, as was suggested. And, in fact, a number of your multi-family zones only require 12-foot setbacks on the sides. So we've picked the most generous, and complied with them.

In order to enhance the buffers and provide the attractive streetscape we've configured, this building does encroach slightly into the floodplain, a small area, as did the previous scheme that I had submitted to you folks. But counterbalancing that, this site also has about 10 percent less impervious area on the site; down from 2.2 acres to 2 acres. So we've had balancing effects there in terms of stormwater management and stormwater runoff. We think also that the greenway the Board had concerns about has been eliminated, and the riverfront has been incorporated into each of the building lots and also into the open space parcel.

We did prepare, and we submitted to you, some...

**Village Attorney Stecich:** Bruce, could you explain about the third tree?

**Mr. Lozito:** Oh, yeah. I had originally thought we had an opportunity to save a third tree, but I was mistaken in that regard. The third tree is located here. In order to have the parallel parking for all the uses proximate to the residences and, in particular, the affordable housing parking close by – and to get that parking out of the 35-foot setback – we had to shift the roadway down to a point where we could no longer save one of the trees. But we still are saving two, as originally was intended.

**Village Attorney Stecich:** Is the tree you're not saving the one that Fred Hubbard said was going anyway?

**Mr. Lozito:** No, but I think they're all in equal condition. And it's been six or seven years since he made that finding, so I think...

**Chairman Cameron:** The second birth.

**Mr. Lozito:** Yeah, the rebirth. And we think the location, as I said before, framing the affordable building at the center of the site, is probably the key location for the trees to be saved.

To illustrate the effectiveness of the berms on the gateway aspect of the development, we've prepared these three sections – one taken through each of the buildings, the center of each of the buildings – and showing the relationship of Route 9-A: the substantial raised berm with plantings; the driveway and/or parking behind that, which would be totally invisible; and

then the three- or two-story buildings which, when you take a sight line from someone driving by, you'll barely be able to see the buildings, if at all, when looking toward that landscaped berm. And that condition is certainly an even easier condition with a two-story affordable building which has the prominent spruce tree. And then to some degree, you'll see the top of the most southerly building.

But again, from this viewpoint, the first thing you'll see is landscaping. And we also intend to put some sort of a stone treatment – be it a low wall or something to define the berm – along Route 9-A so there's an attractive architectural feature, if you will, along the site frontage.

I think that pretty much sums up the new plan in a few words. We'd be glad to answer any questions.

**Chairman Cameron:** Does anyone up here have any questions?

**Boardmember Ambrozek:** Yes. Originally, there was at least a partial sidewalk on Route 9-A, Saw Mill River Road. I actually would like to see a sidewalk going the length of all three lots on that side of Saw Mill River Road. I feel this is a safety issue. There may not be currently much use, but we can't predict what other developments will happen to the north and south of this property. And the absence of sidewalk on a major road like this, I think, can be a serious danger.

**Mr. Lozito:** OK, may I respond?

**Chairman Cameron:** Sure, please.

**Mr. Lozito:** We did have a sidewalk throughout the site that was removed for this version, primarily to reduce impervious area. You know, the Village is very conscious of the green building approach. And we thought that in a very low-trafficked setting like this that it would be a safe condition for people to walk on the road, as they do. GDC's experience with many townhome and multi-family developments is that the people generally don't use the sidewalks. They simply walk along the roads because there's virtually no traffic on them.

In terms of what's happening to either side of us, there's county parkland that extends all the way to Ravensdale Road about a half a mile to the south of us. So there's really no opportunity for any development to occur to the south. And to the north it is already developed with a commercial building. So I really don't see an opportunity for more pedestrian traffic outside the site. Perhaps a sidewalk, internal, might make more sense, but certainly not on 9-A. It wouldn't be used, I believe.

**Boardmember Ambrozek:** Well, I still look at this on a long-term basis and I see situations where sidewalks were not put in originally and that's really our only opportunity to address these. I personally feel very strongly about it.

**Chairman Cameron:** I'd like to talk about sidewalks. Well, first of all, I'd like to say I think you guys did a great job in where we are.

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

**Chairman Cameron:** I really appreciate that. On the sidewalk, though, there is a bus stop, as you know, just a little bit north. And that's, in fact, where your sidewalk went to.

**Mr. Lozito:** Right.

**Chairman Cameron:** That was a very useful feature, at least from my perspective, of having the sidewalk run through the whole thing. And for a variety of reasons. One is, people cleaning the apartment units get off the bus, they'll want to walk onto the premises. Not everybody drives. We're rather hoping that less and less people drive as life goes forward.

As for the internal sidewalk, I think we have room for it. You have lots of people – little kids on tricycles going around. You have people in the evening deciding they're going to have dinner with people in apartment A, and building C having dinner and walking down that road. People can pop in off the road. So impervious or pervious, I'm totally in favor of a sidewalk.

**Mr. Lozito:** On-site?

**Chairman Cameron:** I thought that was a terrific feature you guys put in, and it really also knits together the community, makes it so people can walk back and forth, easy access to the park. So that's really my one comment on this, and I thank you [off-mic].

**Mr. Lozito:** Thank you.

**Boardmember Strutton:** I would say I second what Jamie said. I really think it's a much better plan. I really appreciate having the affordable housing in the middle, where I feel it's more integrated if we can't have it in the actual units themselves. I think it'll make people who live there feel much more like part of the community.

I also echo what he said about the sidewalk. As a parent of young children, I know my kids use the sidewalk all the time and I would not let them walk in the middle of the street. So I would love to see that go back.

And my third comment is just on the parking for the affordable housing unit. I'm wondering if there's going to be any limitation on who can park where throughout the whole area. Is the affordable unit parking really in that area that comes out? Are there going to be assigned, numbered spots for the parallel parking?

**Mr. Lozito:** I think we'll probably need to assign them for the affordable because that's the only parking they have. And that's the 20 spaces that are required for that particular building, so I think that's a good point.

**Boardmember Strutton:** And there's no problem with them being off the property line?

**Mr. Lozito:** No, because there'll be cross easements that can legitimize that.

**Boardmember Strutton:** And then the other thought I had is, well, maybe that's mitigated somewhat by having assigned parking – which I think is good – perhaps at the loading zone out front where you could stand and unload. If it's pouring down rain – and you have your groceries and your kid in tow – to be able to stand, unload everything into the foyer and then move your car and park it I think would be helpful also.

**Mr. Lozito:** Actually, I don't know. In order to satisfy the fire department, we actually have about a 40-foot area that's clear of parking, which might serve that purpose for you, in front of each building. So that could be a drop-off place, as well.

**Chairman Cameron:** And there's still room -- actually you've confirmed there's still room if a car was left in front of that while the person unloaded -- for cars to go by.

**Mr. Lozito:** Right. That's recessed a little bit to make that possible.

**Boardmember Alligood:** I'm also supportive of the new design, but I have concerns which I've expressed about having units in a separate building. I think if they are going to be separate, at least this is a better layout for the affordable units. I also want to say that I'm happy to see that you found a way to save two out of the three trees. I think, visually, it will look nice, and I think it's the right thing to do [off-mic]. And I also think we should have sidewalks.

**Boardmember Sullivan:** I'll go next. To add to the sidewalk argument, my kids are not

small anymore, but as I thought about the composition of some of the units in the affordable housing, which a fair number of them were accessible, as well, that's one thing. When you do a site plan, you need to think about making an accessible route to public transportation. So I think that's an argument for doing that.

Rebecca brought up the point about the parking being on the lot, or not. Again, we'll need accommodation for some handicap units, handicap spaces that are adjacent to the affordable housing, to accommodate the residents that may need that.

I'd like to mention I went and looked at the three trees, and they're very beautiful. So thank you for saving two of the three. I think I'd recommend to the Planning Board that, at some point, we have an arborist take a look at them and come up with a critical root zone, some construction recommendations, to maximize saving these trees. I think you may be taking out one of the healthier trees but, again, it would just, I think, down the road be some good safeguards for us to ask for just to make sure the trees can survive the construction. Trees are pretty tough cookies, and they can often handle buildings and sidewalks and roads being built around them. But just understanding what we can do to maximize their longevity would be helpful.

But I thank you again. We would like to see the units in the buildings and, with that, you give a very convincing argument of why that would be difficult in this particular development. I think you've come up and worked with us in a way that makes this an excellent addition.

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

**Boardmember O'Reilly:** Well, I'll add to that, as well. Because I think this is the nicest ... well, since I've been looking at the various plans. And I don't go back as far as many others here, but I was really pleased to see that an affordable building could be incorporated in the center. Much more agreeable to me than being on the end of the property.

I mean, sidewalks, yes. I think that's great. Having been one who used to walk to Hastings station from High Street along Broadway without a sidewalk for many years, I know how wonderful it would be to see a sidewalk somewhere there if it can be done.

I don't hold any animosity towards spruce trees, but that's a pretty hefty-looking tree to have so close to the building. Especially since it looks on the diagram as if it's going to be almost up against it. And that's really a strong, dominating tree. Is it worth it? I mean, I know everybody loves a good spruce tree. And I want to say I don't hold any animosity. But one of them doesn't look that healthy to me, and that's the one closest to the Hastings end. That's

the one that seems to have more dead wood hanging on it, and that seems to be the one which is going to be protected. And then the other one there, which is right on the walkway, is going to be very close.

**Mr. Lozito:** Well, one of the things we were thinking about doing after we drew this was maybe to increase the greenspace in this area to give it a little more room to breathe, so to speak. Because the building is set back about 25 feet. I guess it could be set back a little further.

**Boardmember Sullivan:** Right, it could go back further.

**Mr. Ginsburg:** If I might, I agree that these large evergreens ... and I'm not sure if they're spruce or pine. I think one was marked on the plan as a pine. But before a final decision is made, there is going to have to be a layout in the field. And we're going to have to engineer and have an expert in there to evaluate that situation. We certainly don't want to be building these buildings and then have a serious problem with the tree. Because these large trees can be very dangerous.

I am a tremendous exponent of trying to preserve the natural woods and trees as much as possible, enhance them. And we have had a very bad incident that I'm very sensitive to in a project we developed in New Rochelle, where we had saved some really great spruce trees and one of them snapped in a windstorm. The top of it went right onto somebody's car and killed them. So this is something I'm very sensitive to.

I mean, we all want to save these trees, and I certainly want to try to save them. But we're going to do a real careful analysis. I think it's in all our interests to do that – in the field, when everything is laid out – including the foundation of the building and understanding all the circumstances. We'd want to see how healthy the root structure is and the extent of that root structure because that's what's holding the tree in place. If we end up cutting off a lot of the roots in the process, then we could undermine the tree itself and what have you.

So whatever we do ... now, if for any reason ... I mean, there is a lot of sentiment attached to these trees after all the years that we've been talking about it. If for any reason we lose these trees or we find that they're not safe to retain them, then we will try to replace them with substantial trees that recall the trees were there, if that does happen.

But at this point, we're trying to save at least these two trees, recognizing that there are risks involved no matter what we do. And you can't necessarily let the whole project turn on these spruce trees. We're trying to save them, we're committed to that. And there may be other things we can do to move or turn the building slightly, or whatever, to try to minimize the

impact on the tree and its root structure.

So that is something that has to be fine-tuned in the field. And we'd want to have a tree expert there to, you know, help make that final decision. I think it's in all our interests to do that.

**Chairman Cameron:** Yeah, we're going towards a public meeting, obviously. And we are going to hear from the public on this. We wouldn't have heard from anyone tonight because we had the high school graduation tonight. It's a perfect night for having this. About the trees, we are going to hear more, we're going to discuss it more. I think it's wonderful that you found a way that you can save the trees. And it may be that the preference, in the end, is to save the trees. And I understand we'll look at all that. But at least we're in the right place that we can do it, and I thank you for doing that.

I'd say on the sidewalk, the sidewalk is going to be very important. So hopefully, at our next meeting we see a sidewalk running along there. Because that really is, I think, a key issue. You were the guys who suggested it, and it was a great idea. You even got comments from Westchester about the sidewalk and interest in it. So I think it was a good move on your part. Let's get it back in the drawings again. I think that's very important to us.

The other thing, for our next meeting I think it's very important that you produce some elevations for us. Because we're going to have the public, who aren't as good as looking down as they are in looking at the side. So I think it's very important you get the look of the side drawings, including ones of the trees and things of that nature. So we need elevations, and I emphasize you get them from both sides. We discussed this before.

**Mr. Lozito:** You have the elevations we've shown before.

**Chairman Cameron:** Right.

**Mr. Ginsburg:** We're going to try and develop them a little further. And we'll try to advance the designs of the façades and the buildings, and have actual renderings – three-dimensional – so you can see them from different angles and what have you. Including the street view because we're going to have substantial landscaping. And we'll show it as you'd see it internally, but also as it would be viewed from the street.

**Chairman Cameron:** And one of the important parts which we didn't mention – or maybe we did – on the sidewalk is that it actually knits the community better together in the perception of people who really have trouble with having a separate building. And also, when we get around to the site planning and put the trees in, we really want to keep some



connection between the buildings. It would not be good to see a row of trees blocking one building from seeing the other. I don't think you want that either, and I'm sure you guys will do an expert job. But we really want to keep a community feeling on the site plan.

**Mr. Ginsburg:** I do want to point out a couple of things that may not immediately be apparent, but we are going to have street trees along the road in a regular street tree type pattern to give it a community effect. Now, my feeling about the road is, the less pavement the better. And really, one of the problems that we see in a lot of communities that we do develop is, the biggest concern becomes the speed of people traveling on the road. I don't want this to become a raceway. Then the people have to put up with putting in speed bumps and everything else to calm the traffic.

So to me, look, we have a community that we developed in the village of Haverstraw on the waterfront. If you haven't been there, it's quite an attractive community. And interestingly enough, almost all of the village streets are relatively narrow, and they park on both sides and nobody speeds through those streets. In many ways, that's the most important thing. And there are communities there where the roads are a little shaggy and they don't even want them repaved. They want to keep it that way because the people go through at 5, 6, 7, 8 miles an hour and they don't have to worry about getting killed.

Anyway, that is a very important concept of not having the roads too wide. In Haverstraw, and you'll see this, we park on both sides of the road and the roads are 30 feet wide. We had the fire department there, they drove the streets, they made the turns. It works. Now, the current climates (ph), I think, are excessive. And I think we can work something out with the area in front of the units by making that area wide enough for the fire department. We talked about having that 40 feet. They want to be able to have some width so they can set up their outriggers and everything. I'd like to make the streets narrower because it's against ... when the people live there, they don't like the wide highways. And this is a natural speedway we're creating here.

**Chairman Cameron:** An example of that, we made Broadway into only two single lanes. It used to be double lanes. But if you come in from the south or from the north, we've now eliminated lanes.

**Mr. Ginsburg:** You could eliminate the whole paved area in the middle, though.

**Chairman Cameron:** So any other questions?

**Village Attorney Stecich:** Just two things. Just one comment on the elevations. Quite apart from the public being able to see what it looks like, it's important for the Board to see how it

fits in the rest of the neighborhood. So I'm sure your elevations will show that.

The other thing is, before the public hearing I think this tree thing ought to get resolved sooner rather than later. Because I would hate to have an approval with a condition that trees be maintained, that you keep the trees, and then the trees come down and you have to come back again. And I think it's important that be resolved, to the extent you can have somebody in before the next public hearing.

**Boardmember Alligood:** If they are going to take them down, isn't there a tree law?

**Village Attorney Stecich:** Yes. But, Martin or Bruce, somebody referred to having somebody look at it more closely to see whether the trees can make it. I'm suggesting that you do that sooner rather than later. Of course, the Village can have their own people review that.

**Boardmember Sullivan:** I agree that that's typically what I've seen on projects is a certified arborist can come in and take a look at the trees.

**Village Attorney Stecich:** Right. And we can have our arborist look at it, but we need something. Our arborist shouldn't just go out there.

**Boardmember Alligood:** I agree that it shouldn't be further down the line.

**Village Attorney Stecich:** No, and I definitely think it should be before the next public hearing. Because if you find out that there's no way to make it work – keep these trees alive and keep the building safe – and then this public hearing is based on the trees being there and they're, we're all in a lot of trouble.

**Mr. Lozito:** All right. Just a recommendation on concept approval. So we're a long way from the end of the road.

**Village Attorney Stecich:** I know we're a long way from the end of the road.

**Mr. Lozito:** But there are more steps.

**Village Attorney Stecich:** But you've heard sometimes which tree you're putting here, which tree you're putting there, is a site plan issue. These two trees are more than the site plan issue.

**Chairman Cameron:** There is not question about it, we do need to manage how the trees

end up. So I think it's a good idea that we do actually have an arborist come and look at the trees between now and the next meeting. I also would like to see the reaction of the public at the next meeting. You can probably tell this planning board's mixed feelings about the trees, and we're very glad that you've given us the opportunity to have those mixed feelings.

**Mr. Ginsburg:** Well, look, my reputation is based on preservation: Boulder Ridge, Clarewood, Riverpointe, you can see them, close by, that we saved the trees. And we are very conscious in landscaping and making a wonderful green environment. So we would like to save the trees. I just indicated that there are always risks with this type of thing.

**Boardmember Sullivan:** Marianne and Jamie, would it make sense for the Village to have an arborist look at them in advance of the meeting?

**Village Attorney Stecich:** I think the best thing is to have their arborist do a report and then have our arborist review it. Just like the engineering stuff, they had their engineers make a report and then we had Langan take a look at it.

**Boardmember Alligood:** But I would like our arborist to go to the site, not just read the report.

**Village Attorney Stecich:** Yeah, yeah, yeah. No arborist would ever make a decision without looking at the trees.

**Chairman Cameron:** Fred Hubbard unfortunately died.

**Boardmember Ambrozek:** Before the trees.

**Mr. Lozito:** Do you have another arborist?

**Chairman Cameron:** We can ask.

**Village Attorney Stecich:** I don't know if we've used anybody since Fred.

**Mr. Lozito:** We can bring in an arborist with credentials, whatever it is.

**Village Attorney Stecich:** We frequently use arborists in Irvington, and I can find out who they've used. So it seems to me we have their arborist take a look at it, and then whatever arborist the Village...

**Chairman Cameron:** But I agree. Ours should go out to the site, as well.

**Village Attorney Stecich:** Oh, yeah. Arborists, just by their nature, do that. So if you want me to just find out, I'll get a couple of names from people in Irvington.

**Mr. Lozito:** We'll have that public discussion, or public hearing, in July?

**Chairman Cameron:** Yes.

**Mr. Lozito:** And are you meeting in August also?

**Chairman Cameron:** Yes.

**Mr. Lozito:** OK, so there'd be an opportunity. Because obviously, what we're here for is your recommendation and the negative decs. We would hope to have those.

**Mr. Ginsburg:** I would like to point out one thing. You do have this requirement in the ordinance that there be no parking 35 feet in from the property line.

**Chairman Cameron:** Right.

**Mr. Ginsburg:** OK. Now I think that conceptually, when you're having perpendicular parking – where the lights and everything can be shining towards the road or towards the property line – that is a consideration of consequence. In this particular case, we have a berm and we have parallel parking. So the concept we've tried to develop here really is of a neighborhood street, not a parking lot with perpendicular parking. We've strictly avoided that on the street because we want it to look like a street.

It's parallel parking, and if we were able to move the parking closer to the road we could still have a substantial berm. We would at least be able to move the pavement portion, particularly if we're adding a sidewalk there. See, we're going to add another sidewalk that's also pavement. I don't want to create a greater problem for outside by doing this. I'm just pointing it out as an architect and a planner that this is an issue that does put restrictions on us.

**Boardmember O'Reilly:** You mentioned something there which just made me think. You're going to have a sidewalk along the road.

**Chairman Cameron:** No.

**Boardmember O'Reilly:** You don't want a sidewalk along the road. You want a separate

sidewalk.

**Chairman Cameron:** It was on a prior set of these drawings. It's a sidewalk between the buildings and the private road. It comes in here, loops in, goes right across in front of all the buildings.

**Mr. Ginsburg:** I took the sidewalk out, I have to admit.

**Village Attorney Stecich:** But, Martin, let me tell you what the problem is with the suggestion you made. This board doesn't have the discretion to allow parking within that because there's a 35-foot site perimeter and no parking can be in the site perimeter. So in order for you to get that, this board can't waive it. You would have to go to the Zoning Board of Appeals for a variance.

**Mr. Ginsburg:** I understand.

**Village Attorney Stecich:** So that's one other step you would need to go through.

**Mr. Ginsburg:** Yeah, well, we don't need more steps, I'll tell you that.

**Village Attorney Stecich:** I'm just saying that...

**Mr. Ginsburg:** I may not be stepping by the time we get through this.

**Village Attorney Stecich:** ... there's nothing this board can do about it.

**Boardmember Ambrozek:** I would just like to say also I'm very pleased with the modifications that were made, as suggested by the Board. And I want to draw your attention that, unfortunately, there are two different sets of lines on these diagrams for the 35-foot setback from paving.

**Mr. Ginsburg:** That's right. We did that for ... you know, the reason for that is there's a property line setback which is the ordinance. And we created the other line, which is a line set back from the pavement.

**Boardmember Ambrozek:** Right.

**Mr. Ginsburg:** And you can see, we ended the property line even though the pavement line, in many cases, is 10 or 15 feet additional shoulder to the road. But technically, we've conformed to the ordinance, even though in many cases it gives us a 15-foot setback to our

property line from the road.

**Chairman Cameron:** Well, we don't know how long that's going to last, with the building going on up and down the Saw Mill River Parkway.

**Mr. Ginsburg:** But if they widen the road, they're going to widen it all across, you see? So it'll still maintain that distance. In other words, the distance from the property line will still be proportionate. And if they widen the road they'd consume most of that shoulder. But they're not likely to go beyond their easement line. It's a quirk of what we have here, you know. It's just that you do have that disparity there that creates an even further setback from the pavement in certain areas. And in order to conform to the ordinance we have that additional condition, which is a restriction in giving us flexibility to maybe come up with the best plan.

**Boardmember Ambrozek:** Also, in your letter you refer to the open space parcel and you invite the Village to make proposals on the parcel. I'd just like to take the opportunity to say that I would personally prefer not to see a completely level lawn. I think having undulations, three-dimensional, helps sort of break up the space and forms smaller areas, makes it more conducive to individual use of it. A big open lawn tends to encourage large group activities as opposed to making it more personal and private.

**Mr. Lozito:** That would probably be site plan.

**Chairman Cameron:** Yeah, it'd be site plan.

**Mr. Ginsburg:** I don't necessarily agree with that. Because I think when you have very little greenspace ... I mean, we're going to have a lot of landscaped and green spaces here where that type of thing may make sense. And we do have the berm, and we're going to create other berms possibly. But it's kind of nice to have a great lawn, where if you want to you can you set up a ball field or a soccer field or something like that.

You know, once you put those undulations in you blow that completely, see? So that opportunity would be gone. I mean, I like the idea of having kind of a sculptured effect there, but it's going to be mostly visual and less use.

**Chairman Cameron:** That may work better behind the buildings, where you have an opportunity to do that.

**Mr. Ginsburg:** Right.

**Chairman Cameron:** But that is in the site plan phase, and we'll try to make it as brief as possible. But it will be in the site plan.

So thank you very much. You guys are terrific.

**Mr. Lozito:** Thank you.

**Chairman Cameron:** And look forward to seeing you next month.

**Mr. Ginsburg:** OK, thank you. I hope you're in an approval mood next time.

**Chairman Cameron:** We still have a couple people behind you.

## **VI. NEW BUSINESS**

**Request from Fay and Rosemary Devlin that the site plan and view preservation approvals that were granted in December 12, 2009, for the renovations to 555 Warburton Avenue be carried over and extended to the upcoming building permit.**

**Chairman Cameron:** So we're looking at 555 Warburton. Christina, we're speeding this thing all up just for you.

**Christina Griffin, project architect:** I'm here to discuss the possible extension of the approvals that were granted by the Planning Board December 17, 2009. The owners, Fay and Rosemary Devlin, asked me to represent them tonight to let you know that they've put the building on the market in the last few months, and the latest decision has been they're going to try to move forward with the interior build-out of the building. This is just very recent. I had an e-mail today asking her to confirm that. Because I know there are people saying there is a potential sale of the building.

But in any case, two months ago I sent a letter to the Building Department asking if we could extend the permit even if they do sell the building. Just because it took two years to get those approvals and there was a very complicated parking management plan between Chase Manhattan Bank and 555 Warburton so we could have adequate parking for the restaurant on the first floor. So it's a very important building in downtown Hastings, and we'd like to see if we could just maintain these approvals, with the understanding, of course, if there are any changes to that resolution we would certainly be back to the Planning Board.

**Chairman Cameron:** So we have a lot of people on this board who weren't here when you got those approvals. You've got two of us here, Eva and I, and I think that's it.

**Boardmember Alligood:** Yeah, and I'm happy to just extend it. It was a long process, a lot of modifications were made, and we were hoping to see the product. So we hope they move forward with it.

**Chairman Cameron:** Yeah. So we have an ability, the discretion, to extend. And I think – just a gut reaction to Eva, which is the same as mine -- that we think it's a great idea to extend it. But we do have people who weren't here. If you could just give a little ... I thought you were going to bring a...

**Ms. Griffin:** No. You mentioned 15 minutes, I wasn't sure...

**Chairman Cameron:** Well, 5 minutes. I don't care.

**Ms. Griffin:** ... if you wanted for me to bring the boards that I had. And I do have a miniature set of plans. I don't know if that's really going to do it.

**Village Attorney Stecich:** Christina, I have the big drawings.

**Ms. Griffin:** OK.

**Chairman Cameron:** But just to give the people here a little bit because, essentially...

**Village Attorney Stecich:** These might be better, Christina. What's the date you have on there? This is last dated October 7, 2009?

**Chairman Cameron:** Oh, you've got colored ones.

**Village Attorney Stecich:** We have colored, OK. Whichever's easier.

**Chairman Cameron:** Whatever you want to use.

**Ms. Griffin:** OK. I'm going to give you a brief description. This is actually one of my favorite buildings in the downtown because there's a great history attached to it. It was built around 1917, and it was originally built as like a tavern, with a bar-restaurant on the first floor, rooms to rent on the second floor, and a ballroom on the top floor. The Devlins originally wanted to restore the building and put the ballroom back in place. There was quite a resistance to that because of the amount of people that would be coming to the building and



potential parking problems.

That idea was dropped. They went ahead and went forward with the different idea of having the restaurant on the main floor, the kitchen in the basement, and then on the second floor would be a wellness center, third floor yoga studios. And then there would be a seasonal bar on the roof level. There were parking studies and quite a lot of analysis that went on for two years.

Then the recession came, and when we finally got around to building the first phase – which was going to be just the structural upgrade and exterior renovation building, which was completed – we found, after removing the interior walls, that the structure needed almost complete replacement on the inside. The wall facing west is an 8-inch thick brick wall, and it was peeling, pushing away from the main structure. And that's because it just wasn't built properly to begin with. We have a new steel skeleton that runs along the length of that wall and is pinned to new steel beams with new steel columns going down the middle. This was a surprise to the owners that we would have to take care of this condition. It was all hidden behind the walls. A new roof has been put on.

So, you know, it took time to build that structure. And then I think Rosemary's business took a different direction. She has, now, a juice business. She has a wellness center, and she started producing her own juices. She's working on that right now. She became so busy with that that now they were thinking of selling the building. But they may not be able to get what they need to recoup the investment. She is looking. I received an e-mail from her tonight saying that she may have a business partner. Because she thinks she needs a partner to help her because it's a big area, the restaurant. As far as she knows, as of tonight, she wants to move forward with the interior build-out, which will be the phase two construction.

**Boardmember Alligood:** And just by way of background, just to fill in one piece for those of you that weren't on when Jamie and I were, one of the reasons why there was a lot of study and careful thought about this project is that originally it was proposed as a steakhouse with catering facilities, which would bring a lot of people in at once into the downtown. So that, naturally, needed studying, and we had concerns about that.

**Ms. Griffin:** Yes.

**Chairman Cameron:** You could imagine all the plastic surgeons in Westchester coming in for dinner, each in their own car. Anyway, we worked very hard at that and I think we got something that worked, in the end. So we have the ability ... and also, you should know that that list which Marianne sent to you of all the rules were all distributed to the people here. So they have all read them.

**Ms. Griffin:** I also reviewed it again and sent it to the owners to ask them if there were any changes they anticipate. They said no.

**Chairman Cameron:** Good.

**Ms. Griffin:** But I do want you to kind of know that they may be looking for tenants for the wellness center. So if there is any change – they understand, to the use – we will be back.

**Chairman Cameron:** So under 295-111(c) we have the ability to extend it in our discretion. They don't get standard ... my standard, actually – just one we could work with if they wanted to – was the standard that we would extend it unless there were ... well, if there were changes we couldn't extend it because we're extending what was already approved. But the standard is that unless we either had what I would call a material adverse change in the laws in Hastings – or a material adverse change in downtown Hastings ... like three more steakhouses had just been built, except for those things that we should exercise our discretion in considering it, it was that kind of standard to make a decision of whether or not we would extend it or not.

**Boardmember Sullivan:** What's the original period that the permits were valid for?

**Chairman Cameron:** Well, that's also set forth here. That it's supposed to get a building permit.

**Village Attorney Stecich:** Yeah, it's valid as long as you get a building permit within 12 months. And then, presumably – you know, once you've got the building permit – you're going ahead and building so the site plan doesn't expire. But what happened here was, they didn't get the building permit renewed because they weren't actually building. So had they continued to keep the building permit alive by doing some work, then the site plan approval would still be alive. But it's because they stopped building that the site plan approval lapsed.

**Boardmember Sullivan:** So we could agree to extend it for 12 months.

**Village Attorney Stecich:** Twelve months would be tonight.

**Chairman Cameron:** But if, within that 12 months, they went to get a new building permit and kept on building they could actually spend a couple years doing this, or whatever.

**Deputy Building Inspector Minozzi:** Right. Their old permit has since expired.

**Chairman Cameron:** Right.

**Deputy Building Inspector Minozzi:** So if you gave them 12 months to get a new building permit, then I guess it would give Christina time to get the new drawings together and actually get that building permit, which would then be good for two years.

**Chairman Cameron:** Right.

**Boardmember Alligood:** I don't think the downtown has changed much since we approved this, and the use was reduced significantly from when we had concerns about parking issues. So I would be in favor of extending it, and hoping that the renovations...

**Chairman Cameron:** Is that a motion?

**Boardmember Alligood:** Yes, I can make that a motion.

**Chairman Cameron:** That's a good one.

On MOTION of Boardmember Alligood, SECONDED by Boardmember O'Reilly with a voice vote of all in favor, the Board resolved to carry over and extend the site plan and view preservation approvals that were granted on December 12, 2009, for renovation to 555 Warburton Avenue to the upcoming building permit, subject to the same terms and conditions.

## VII. DISCUSSION ITEMS

**Advisory opinions to the Board of Trustees regarding two proposed local laws amending the Village Zoning Code: (1) Section 295-104 regarding "Necessity of Site Plan Approval," and (2) Section 295-82 regarding "View Preservation Districts."**

**Chairman Cameron:** OK, we have one thing left, guys. Don't bolt for the door here.

We have two discussion items on two proposed law changes which have been distributed to us, with suggestions for our advice, from the Board of Trustees. One is on the necessity of site plan approval, and the other one is on view preservation. Why don't we do view preservation?

So basically, this new provision allows somebody who has something that used to require view preservation to go in and see the Building Department. If the Building Department inspectors determine that the erection or interior alteration will have no negative effect on the view of the Hudson River and the Palisades for neighboring properties – adjacent properties and rights of way, which is what this thing covers – then if that determination is confirmed by both the chairperson of the Planning Board or a designee of that person, and the chairperson of the Zoning Board of Appeals or another member designated by that person, then it wouldn't come before us. It's got a nice balance of somebody in the field making a determination, and then the two boards that they otherwise go to confirming that.

**Village Attorney Stecich:** And all three people would have to agree that it has no impact on views.

**Chairman Cameron:** Right.

**Boardmember Ambrozek:** Not just two.

**Village Attorney Stecich:** No, three. All three. Because if anybody thinks it might have an impact on the view, well then it should be looked at.

**Village Attorney Stecich:** This was kind of a compromise position. Well, not a compromise position. The Building Inspector wanted more discretion in this. On the Planning Board this had come up different times, and I think this reflected what the Board believed. Also, I didn't think it was a good idea to have like a group do it because there's the trouble of gathering the group together. This way, you could just go to the people individually and there's no point of everybody meeting together. Because if one person vetoes it, that's it.

**Boardmember Strutton:** How is this going to be documented?

**Chairman Cameron:** I'm sure it's going to be a piece of paper signed by the Building Inspector and countersigned by the other two people.

**Boardmember Strutton:** And put in the file.

**Boardmember Ambrozek:** And who are the other two people?

**Chairman Cameron:** The chair of the Planning Board and the ZBA, or another member designated by the chair of each.

The thing I like about – and this is sort of reverse logic, but you got to expect that from me – is that it shares the blame if you make a mistake. You know, it's very hard. If you make a mistake and you waive the view preservation issue...

**Village Attorney Stecich:** Jamie.

**Chairman Cameron:** ... and, boy, someone's really unhappy about it, they're going to go right after, I hate to say, the Building Inspector. But this way, no, it's the Building Inspector, the ZBA and the Planning Board. It's both a check and a balance, and a spread of the blame.

**Boardmember Alligood:** I think it's a great solution to the problem. We've had a few projects where we just look at it and say this makes no sense to come before us.

**Boardmember Strutton:** Even the generator tonight, really. I mean, it's like 45 inches off the ground and it's in a valley with nobody behind them, looking out. Like how is that possibly...

**Boardmember O'Reilly:** That would have been one.

**Boardmember Alligood:** So I think it makes sense, and I'm in favor of it.

**Chairman Cameron:** I am, too. So Marianne's going to be writing the memo. Express that the Planning Board reviewed the language and agreed with it as drafted.

**Village Attorney Stecich:** Yeah, and I'm also going to send a memo to the Building Department to tell them to figure out some way to document it.

**Chairman Cameron:** Right, that's a good point.

**Deputy Building Inspector Minozzi:** I'm sure Deven will come up with a form letter.

**Chairman Cameron:** Right. So we'll give Marianne a second, and then we can go over to the second issue. Did we vote?

**Boardmember Alligood:** Do we vote, or it's a recommendation?

**Village Attorney Stecich:** It's a recommendation.

**Chairman Cameron:** OK.

**Boardmember Alligood:** Or does anyone disagree with it?

**Chairman Cameron:** All right, let's go the necessity of site plan approval. Marianne, you might want to explain this one. I could explain it, but I may have different reasons than you do when you wrote it.

**Village Attorney Stecich:** The concern was people having to come in for site plan approval when there were no changes to the exterior of the building. Right now, the way it reads you have to come in and then there's nothing really to look at in site plan approval. So that's what this is addressed to. Right now, it reads that "*Site plan approval is required for the construction, reconstruction, alteration, renovation, demolition or enlargement, moving or removing, of any building or structure.*" And what was added was "... except for interior work that does not change the exterior of the building."

**Chairman Cameron:** Maybe this "*or structure*" doesn't belong there.

**Village Attorney Stecich:** "*Or structure*" is crossed out.

**Chairman Cameron:** Well, I know, but you have the "*or structure*" up here.

**Village Attorney Stecich:** No, I'll think of it. There was a reason for it. Because it was something that one of the architects raised at the meeting. I can't think of it, but there's a reason.

**Boardmember Sullivan:** What meeting are you referring to?

**Village Attorney Stecich:** The Board of Trustees meeting where this was considered. Because remember, this came before the Board of Trustees. There actually was quite extensive discussion about it, and I think they were about ready to vote. But they can't because they have to wait to get a recommendation from the Planning Board and the Zoning Board.

Then we added that "*Site plan approval is required for the construction or alteration of a driveway or parking space.*" That was a little unclear before, but it certainly seemed like something that *should* require site plan approval. So that was added.

And three was put in there that if you altered a building in such a way as to create an additional dwelling unit you would have to come in for site plan approval. This would address something that really is just an interior alteration so otherwise would need site plan approval. But if they're creating a dwelling unit, you need to be able to pick up the rec fee.

The rec fees are allowed only ... because remember, those are permitted by state law, and they're allowed only on subdivision approvals and site plan approvals. So you can't just require them because somebody's creating a new dwelling unit. It has to be part of the subdivision approval or site plan approval.

So we're saying if you do interior alterations, creating a new dwelling unit; for instance, the Warburton Avenue one that came up today. Even though they're not doing any work outside, they would have had to come in for site plan approval because they were creating another dwelling unit that way.

**Boardmember Ambrozek:** Now, what about an accessory apartment, where you're creating an additional unit?

**Village Attorney Stecich:** You can't anymore.

**Boardmember Strutton:** What about where you're subdividing...

**Village Attorney Stecich:** Because the accessory apartment ... you can't create new. Because accessory apartments can only be in buildings that existed as ... oh, if you were creating an accessory apartment.

**Boardmember Ambrozek:** To an existing single-family home.

**Boardmember Strutton:** Right, or you have a single-family home that's zoned two-family and you're converting it into a two-family from a one-family.

**Village Attorney Stecich:** Yeah, then that's creating another dwelling unit. That would pick that one up. The accessory apartment ... you know what? I'm not sure about accessory apartments. But that wouldn't have to be in the site plan law anyway. If the Board wants to require a...

**Boardmember Ambrozek:** I mean, I would hope that we don't require site plan approval because we're trying to encourage accessory apartments.

**Village Attorney Stecich:** I mean, my gut sense is it wouldn't, but I'd have to think about it a little. I have to look at the interplay between the two laws. But however this is changed won't affect that. Oh, I see what you mean about the alteration of a building in such a way as to create an additional dwelling unit. Would that include creating an accessory apartment, that's a good point. I'll look at the accessory apartment law.

**Boardmember Ambrozek:** OK.

**Boardmember Sullivan:** I was concerned about just seeing interior work without explaining why that was important. Because it's interior work that doesn't do anything, like it doesn't change a use, it doesn't add a dwelling unit. So, I mean,, I thought about if I have a building and I want to change it from an industrial use to a commercial use or to a retail use, if it's just interior work there's no way that would be triggered, even though the use is changing.

**Village Attorney Stecich:** Correct.

**Boardmember Sullivan:** And there may be ramifications on the parking, on noise, on other things we might want to see for site plan. Just interior use, without linking it to the reason or the goal, seems to potentially cause some problems.

**Deputy Building Inspector Minozzi:** I can't see that posing any problems because that's something that's flagged by the Building Department.

**Village Attorney Stecich:** Wait. When you have a change of use in a building, do they have to come to the Building Department?

**Deputy Building Inspector Minozzi:** Yeah. Anything that changes in the Village ... if it's a business, they have to get the business operating certificate if that business is a change. Like we have the old Chelsea's Closet, they want to make it into a restaurant. That's got to come here.

**Boardmember Sullivan:** Why?

**Deputy Building Inspector Minozzi:** Because it's a change of use.

**Boardmember Sullivan:** Where in the site plan does it say that?

**Village Attorney Stecich:** Are you saying it has to come before the Planning Board?

**Deputy Building Inspector Minozzi:** Sure. It's a change of use.

**Boardmember Sullivan:** Well, where does it say that?

**Village Attorney Stecich:** No.



**Boardmember Sullivan:** It doesn't say that in here. That's the problem. I wanted to share something I found in Greenburgh because they had exemptions that were interesting. They said an exemption, for them, was all alterations to existing buildings or structures, whether or not there will be a change in use which is permitted with the zoning district, provided that ... and they had a waiver clause, which I think is also interesting. Having [off-mic] to the inspector, zoning board, planning board [off-mic] that they should go to site plan approval. But it will make a written finding that the alteration will not substantially intensify the use or substantially modify the site with respect to generation of traffic, pedestrian movement parking needs, noise, glare that may go on.

So it's, in a sense, saying we don't want to see this if it doesn't have these consequences. It's not just saying we don't want to see this because it's inside [off-mic]. There's a rationale to it.

And I'd share what Greenburgh had, not that we would take it verbatim. I think it's a really important thing to do. But I don't want us to get in a situation where things can happen [off-mic].

**Village Attorney Stecich:** Kathy, the one thing I can think of the parking requirement, I looked at that and I think it might be something ... I'm sorry, it might be in the parking section because that was always a concern. But I think it's already covered by one section in here.

**Boardmember Sullivan:** Yeah, what I'm saying, though, is that...

**Village Attorney Stecich:** I know what you're saying, but let me just make sure that's covered. See, it would be covered under the 295-22. If you change a use, you have to provide the required parking, OK? But if somebody was changing their use, do they come to you? Do they come to the Building Department?

**Deputy Building Inspector Minozzi:** Well, yeah, they'd need a building permit to do the renovation anyway. So there's always something to come before us.

**Boardmember Sullivan:** But the renovation could be an interior renovation. So it wouldn't be coming to us.

**Village Attorney Stecich:** Yeah, but either it's got the parking or it doesn't. If it doesn't have the parking it gets a variance. See, because generally, site plan approval is looking at the building and the site and whatever. This is directed toward eliminating anything that doesn't change the site.

**Boardmember Strutton:** But it's this also, what Kathy's talking about, covered by B here, where it says: *"In particular, without limitation, no building, structure or land within a site plan shall, at any time, be altered so it no longer complies with a condition in an approved site plan without Planning Board approval of an amended site plan expressly permitting that alteration."*

**Village Attorney Stecich:** Yeah, but that works, Rebecca, if there's been an approved site plan. There's not always, or it can't be found. I mean, theoretically it would. But, see, I guess the question I have is why would you want somebody who is changing the use and not changing the exterior of the building to come in. The one thing I could think of was parking.

**Boardmember Sullivan:** Right.

**Village Attorney Stecich:** But they have to meet the parking requirements if they're changing the use.

**Boardmember Sullivan:** That should be under site plan.

**Village Attorney Stecich:** But why? Why do you need site plan approval for that? What are you going to look at? They don't have parking. If they were going to create a parking lot, then they have to come in for site plan approval. If they were going to create parking spaces they would have to come in. If they don't have parking they have to go for a variance. But any change they would be making to the parking would require site plan approval.

**Deputy Building Inspector Minozzi:** And that's only over 2,500 square feet, correct?

**Chairman Cameron:** For restaurants.

**Deputy Building Inspector Minozzi:** In the CC district, yeah, and a restaurant.

**Village Attorney Stecich:** See, I think that was the thing. That was certainly what the Board had in mind, and I thought what discussion we had in mind.

**Boardmember Sullivan:** I trust your analysis. I just raise the concern that it seemed to be [off-mic] allowing someone to not go through site plan seemed to be important. But if you thought through all the different...

**Village Attorney Stecich:** I hope I thought through everything. That's why we came here. But the only thing I could think of, like I said, why just from a change of use would you want somebody to come in. The only thing I could think of was parking.

**Boardmember Sullivan:** Yeah, but as long as that's captured...

**Village Attorney Stecich:** And there's other ways to capture the parking.

**Boardmember Sullivan:** And it would go through site plan review if it needed to for some reason?

**Village Attorney Stecich:** Yeah. Let's say they had a parking lot, or let's say it turns out they don't have parking and it's required so they lease parking spaces from someplace else. That has to be approved by the Planning Board.

**Boardmember Sullivan:** Why not have the same review of the Building Inspector, Planning Board and Zoning Board when they look at what is decided that doesn't need to come through site plan review? Because site plan review actually is one of the important jobs we have as a planning board. And wouldn't it make sense to have the same kind of conference...

**Village Attorney Stecich:** You know what's a good example? Well, there's two things. A good example, I believe the Washington building that came in today under this new law probably would not have required site plan approval.

[cross-talk]

Let's pretend they didn't have the additional unit. What was there to look at?

**Boardmember O'Reilly:** It's like the one last month, where they were...

**Deputy Building Inspector Minozzi:** Mitch Koch's 24 Main Street is a perfect example.

**Village Attorney Stecich:** Because what site plan looks at is exterior stuff.

**Chairman Cameron:** Yeah, he still had a sink in that bathroom for doing hair.

[laughter]

**Village Attorney Stecich:** But the other thing, Greenburgh may have it. I'll tell you, I don't mind having that review by the Building Inspector for view preservation. Because the view preservation law was a Hastings creation. Site plan review, though, is a creature of state law. Subdivision review and site plan review are creatures of state law. The state law doesn't

have any provision for waiver in general. So that's why I wouldn't recommend ... I mean, that did come up. Deven raised that. And then the Planning Board agreed not to.

But, Kathy, or everybody, there are other changes in here. Let me tell you what the other changes are.

**Chairman Cameron:** Yeah, let's go through them.

**Village Attorney Stecich:** OK, that's one.

This other one, *"No site plan shall be required for the construction, reconstruction or alteration, renovation, demolition or enlargement of a single-family dwelling or a driveway, parking space or structure accessory within a family dwelling."* That was just to clarify that. That already existed, the exception for single-family.

Then the one in D is that: *"No site plan shall be required for the reconstruction, alteration, demolition or enlargement of a two-family dwelling, or a driveway, parking space, structure or accessory to a two-family dwelling unless the alteration or enlargement results in the creation of an additional dwelling unit."* The reason that was put in there is, previously – well, right now – the law reads that you need site plan approval for two-family houses.

It turned out in the course of reviewing this that the Building Department hasn't been requiring it for two-family houses, and recommended that it not be required for two-family houses. So this was changed to reflect the actual practice. Except it is required for construction of a new two-family house. And that's because when you build a new two-family house you are going to have the ... if you go from a one-family to a two-family you're going to have an additional dwelling unit. And it's to get at that.

**Chairman Cameron:** So that's where the word "construction" is missing.

**Village Attorney Stecich:** That's why construction's missing from that one.

**Chairman Cameron:** Because you and I were puzzling about that earlier.

**Village Attorney Stecich:** *You* were puzzling.

**Chairman Cameron:** I was puzzling yes, but you didn't remember.

**Village Attorney Stecich:** Well, it took me a few minutes, Jamie. I wrote this a long time ago.

And then the last change in this section two, where we added a waiver requirement: "*The Planning Board*" – even though I don't have it in italics – "*The Planning*"... this is a new section. "*The Planning Board may waive any of the required submissions if it finds, because of the special circumstances of a particular case, that the information is not necessary to assist the Planning Board in making its decision, or that compliance with the requirements may cause extraordinary or unnecessary hardship.*" The state law does allow the Planning Board to waive certain requirements. For whatever reason, that was never written into our site plan law. So this allows you to.

So if there's somebody who has to come in, I think, under this ... let me give an example. The church with the statue, that still required site plan approval because it is outside. But you could say, well, listen, you don't have to submit all this stuff; just a picture of what you're doing. The Board did talk – because at the encouragement of the ... I say the Building Department, but it was mainly Deven who thought that it should be not be required in a lot of other circumstances like a generator or something like that. And the Board did not agree.

**Boardmember Alligood:** I read the minutes on that. I don't agree with that.

**Village Attorney Stecich:** I don't either.

**Boardmember Alligood:** I really don't.

**Village Attorney Stecich:** And I think the example was a good example. Because Deven got up and gave the example of a generator. I said yeah, but generators can cause noise. So that was a situation, a perfect example, of where one individual might think it doesn't have consequences, but somebody else might.

**Chairman Cameron:** Let's ask that question. When are they going to test it?

**Boardmember Sullivan:** Well, thank you for your explanation late in the night.

**Boardmember Ambrozek:** So could this section two, item one be used in the case of a single-family home? That the Planning Board could waive the site plan?

**Village Attorney Stecich:** Well, no. Site plan is required on single-family homes, Michael.

**Boardmember Ambrozek:** Yeah, but if you're converting it, adding?

**Village Attorney Stecich:** Yeah, I'm going to have to look at that accessory apartment

thing. Because certainly the intention here, I believe – although I have to check with the Board of Trustees. Maybe you do want to charge a rec fee for an accessory apartment. I don't know, but it's a good question. That's why it circulated to the Board.

**Chairman Cameron:** Well, thank you all very much. And see you in a month.

**Boardmember Alligood:** Did we come up with our recommendation on this? Not a motion, but what's our recommendation where we're in agreement?

**Chairman Cameron:** I think we're in agreement.

**Boardmember Alligood:** OK, making sure.

**Boardmember Ambrozek:** We agree with the recommendation.

## **IIX. ANNOUNCEMENTS**

**Next Meeting Date – July 18, 2013**

## **IX. ADJOURNMENT**