

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
REGULAR MEETING AND PUBLIC HEARING
NOVEMBER 20, 2014**

A Regular Meeting and Public Hearing was held by the Planning Board on Thursday, November 20, 2014 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 Michael Ambrozek, Boardmember Kerry Gould-Schmit, Boardmember William O'Reilly, Boardmember Kathleen Sullivan, Boardmember Richard Bass, Village Attorney Linda Whitehead, Village Special Counsel Marianne Stecich, Deputy Building Inspector Charles Minozzi, Jr., and Deputy Village Clerk Mary Ellen Ballantine

I. ROLL CALL

Chairman Cameron: So welcome to the November 20, 2014 Planning Board meeting. Mary Ellen, could you take the roll, please?

II. APPROVAL OF MINUTES

Meeting of October 16, 2014

Chairman Cameron: Could we do the approval of the minutes now, please? Actually, we have the minutes of the October 16, 2014 meeting which needs to be approved. And I wonder if anyone has any comments on these minutes.

Boardmember O'Reilly: There were a few typos or errors.

Chairman Cameron: Would you like to give yours?

Boardmember O'Reilly: Page 29 and page 34, there's an attribution to Trustee Armacost a couple of times. She keeps popping up.

Deputy Village Clerk Ballantine: Do we know who it should be?

Boardmember O'Reilly: I don't know who said ... I had no way of knowing who said what where Trustee Armacost was credited with it. Sorry, it was not me.

Special Counsel Stecich: What'd she say? Maybe I know.

Female Voice: *“That was another thought that occurred to me. That there is a lot of impervious cover on this lot, and it might be an opportune time, since a variance is gonna be required to increase that coverage, to perhaps provide some compensation in impermeable.”*

Special Counsel Stecich: I guess it was Eva.

Chairman Cameron: It could have been Eva, yeah.

Boardmember O’Reilly: It might be Eva Alligood, yeah.

Village Attorney Whitehead: Was she here?

Boardmember Ambrozek: She was.

Boardmember O’Reilly: On page 7 it says Chairman Cameron, but there is no comment. But if you go to the top of page 18, it looks like what might have been attributed to Mr. Lozito. The first sentence could have been, accurately, Chairman Cameron. But there is no ... you’re blank.

Chairman Cameron: Between page 7 and page 18?

Boardmember O’Reilly: Bottom of page 7 ... oh, sorry. Bottom of page 7 – I think it’s 7 – and top of page 8.

Chairman Cameron: Seven and 8.

Boardmember O’Reilly: Yeah.

Chairman Cameron: What did I allegedly say? I don’t have it as ...

Boardmember O’Reilly: Do you have the top of page 8?

Female Voice: It came up when we were doing the declaration of what the easements need to be. I think Marianne might have brought it to your attention [off-mic] any easement for those over there.

Village Attorney Whitehead: That was Bruce?

Chairman Cameron: That’s Bruce.

Boardmember O'Reilly: That's you. So then you said nothing.

Chairman Cameron: I said nothing.

Boardmember O'Reilly: You said nothing.

Chairman Cameron: Any other comments on the minutes?

On MOTION of Boardmember Ambrozek, SECONDED by Boardmember O'Reilly with a voice vote of all in favor, the Minutes of the Regular Meeting and Public Hearing of October 16, 2014 were approved as amended.

III. NEW PUBLIC HEARINGS

- 1. Amended Site Plan Approval – Application of Ginsburg Development Companies, LLC for minor amendments to the previously approved site plan for the subdivision of a 7.45 acre tract of land situated on the westerly side of Saw Mill River Road (State Route 9-A) immediately south of the municipal boundary with the unincorporated area of the Town of Greenburgh, and approximately 0.3 miles south of the intersection of Lawrence Street and Saw Mill River Road, into a public space and a multi-family dwelling complex with a total of 66 dwelling units, 12 of which are proposed to be affordable units. Said property is located in the Village's Mixed Use Planned Development District (MUPDD) and is known as Lots 4.60-46-1 and P4A on the Village Assessment Roll (also formerly known as Section 11, Sheet 22, Parcels 4 and 4A).**

Chairman Cameron: So now we move on to our public hearing, final subdivision approval of the application of Ginsburg Development Companies. Bruce, if you would come up.

Village Attorney Whitehead: Actually, amended site plan.

Chairman Cameron: Oh, it is.

Bruce Lozito, Ginsburg Development Companies: Actually, this is the public hearing on the amendments to the site plan.

Deputy Building Inspector Minozzi: Hold on, Bruce. The microphone please?

Mr. Lozito: We requested approvals to minor amendments to the site plan, the Saw Mill Lofts.

Cable Access Director Corso: Sorry to interrupt. Can you make sure the microphone's on?

Mr. Lozito: How's that?

Cable Access Director Corso: Perfect. Thank you.

Mr. Lozito: OK, thanks. Once again, Bruce Lozito for Saw Mill Lofts LLC, Ginsburg Development Companies LLC, the applicant.

We submitted a request for approval of some minor site plan amendments. They were discussed at the meeting in October, but there was a need to notice a hearing on the matter. So we're back again tonight to finish up. A couple of requests were made by the Board at the October meeting for certain revisions, which we've incorporated in the plan. At the time, it also gave your Village Engineer an opportunity to review the engineering details further so that he could sign off on the plans. I'll just roughly run through the changes that were made in response to your requests.

This is the overall site plan. We were asked to establish our side yard setback at the north end of the property, from the border of this access easement to the adjoining property owner rather than from the property line. So we have shifted that side yard setback to measure 50 feet from the easement line. There was also quite a bit of discussion about an easement that we had proposed on the open space parcel that was to be dedicated to the Village. We had reserved a triangular-shaped easement to accommodate a retaining wall, landscaping, some curbing, some paving and some lighting at that side of our entrance drive or southerly access drive. That was felt to be a bit excessive, so we revised the easement to simply be roughly 10 feet parallel to the adjacent property lines, with a small angle point. What we'll do is, instead of having the landscaping behind the wall as we had previously, which called for the larger easement, we'll just put the landscaping in front of the retaining wall at this point and keep the easement confined to the bare minimum.

There were some computer glitches last time around and a pathway had been left out from the main sidewalk to the barbecue area. That's been replaced on all the plans. And we also had a comment with regard to the lighting for building B at the entry, questioning whether there would be sufficient, I think, at this point ... what we had on the plan, you notice for these other entries, these lights are actually shielded in this direction so as not to cause glare for the unit residents. They manage to reach the building because the building is closer to the

curb. Here, the building is set back further. These do not have a shield because the distance is such that the glare won't impact the building. We preferred not to put additional lighting on the ground. We thought that just lighting underneath the entry would be sufficient to make a clear and safe access to the building. We put a note to that effect: the lighting would be addressed by building lighting at that location.

And I think that was ... as I mentioned, we did get a memo from Hahn today saying that all the engineering comments are addressed. So I think that's it.

Chairman Cameron: OK. Anybody have any comments? If there are no comments, we have a resolution.

Special Counsel Stecich: Any public?

Chairman Cameron: Oh, yes. Ask for public comments. Anyone from the public wish to comment on this?

Boardmember Sullivan: I just want to mention, because you shared via e-mail, the question I had about the environmental easement. I have questions about the bioretention basins, if that was permitted within that environmental easement. And as you know, you sent out to us all that it is a structure – or not really a structure – but something that can be built within that easement.

Special Counsel Stecich: Right, because the site perimeter language reads essentially that there can't be any hardscape; there can just be landscaping, which this is.

Boardmember Sullivan: Thank you.

Special Counsel Stecich: So it's not an issue. I did send that around to the rest of the Board, too. But for the public, OK, I'll just go through it. If at any point something's off, just raise your hand. Otherwise, I won't stop.

RESOLUTION

WHEREAS, on April 22, 2014 the Planning Board granted site plan approval to the 2013 Saw Mill Lofts project proposed by GDC subject to 38 conditions detailed in the resolution.

WHEREAS, as the project proceeded, but before construction began, certain changes were required to be made to the approved site plan, including ...

Special Counsel Stecich: Let me just stop a second. Some of the things I'm gonna be mentioning now are more than Bruce said last night. I think the changes Bruce talked about tonight were the changes since the last meeting. So this'll incorporate all the stuff from the last meeting, as well.

... widening the road in front of Buildings A and B from 22 to 26 feet, adding an easement on the parcel to be dedicated to the Village to permit maintenance of the retaining wall and lighting, moving the northern setback line to 50 feet south of the access easement for the property to the north, completing the design of the pedestrian bridge, modifying the construction phasing and adding details required by Hahn Engineering, the Village's Consulting Engineer; and

WHEREAS, on October 2, 2014, GDC applied for amended site plan approval, and under 295-105 of the Zoning Code revisions to site plans are subject to the same requirements as site plans submitted for the first time; and

WHEREAS, a duly noticed public hearing was held tonight at which all interested parties were heard; and

WHEREAS, all the changes of the amended site plan were minor and within the scope of the SEQRA negative declaration issued on October 15, 2013; and

WHEREAS, Hahn Engineering reviewed the amended site plan, and in a memorandum dated today stated that all engineering issues were adequately addressed;

Special Counsel Stecich: I believe that was circulated to the Board.

NOW, THEREFORE, BE IT RESOLVED,

that the Planning Board grant site plan approval to the amended 2013 site plan for Saw Mill Lofts consisting of the following drawings ...

Special Counsel Stecich: And then I just updated the ... essentially just updated the dates of the drawings 'cause the drawings all had the same titles.

... subject to all the conditions included in the April 22, 2014 resolution, and subject to the additional condition that the lighting in front of the building be approved by the Architectural Review Board ...

Special Counsel Stecich: That's because there weren't enough details of the lighting at this point. And if the Board's OK you could vote on it.

Is that fine with everybody? If that's the case we're gonna have a roll call vote.

Boardmember Ambrozek: Bruce has a comment.

Mr. Lozito: The neg dec was actually August 29. That might have been the consequence.

Special Counsel Stecich: I'm not sure.

Mr. Lozito: This is August.

Special Counsel Stecich: Are you sure?

Mr. Lozito: Yeah.

Special Counsel Stecich: Yeah, actually, 'cause I remember it. It ruined those couple of weeks for me up in the Cape. Yes, it was August. OK, you know what? I can just change the page 1. You can still sign this. Fortunately it was on page 1.

Chairman Cameron: Fortunately, I'm the only one who has to sign. So if nobody has it we're going to do a roll call vote. You call off the roll call.

Boardmember Ambrozek: Do we have to have a motion?

Chairman Cameron: OK. Can I have a motion, please, to approve the resolution as it was presented to the Board?

On MOTION of Boardmember Ambrozek, SECONDED by Boardmember O'Reilly the preceding Resolution was duly adopted upon roll call vote:

ROLL CALL VOTE	AYE	NAY
Chairman James Cameron	X	
Boardmember Eva Alligood		Absent
Boardmember Kathleen Sullivan	X	
Boardmember William O'Reilly	X	
Boardmember Michael Ambrozek	X	
Boardmember Kerry Gould-Schmit	X	
Boardmember Richard Bass	X	

Chairman Cameron: Thank you very much.

Mr. Lozito: Thank *you* very much.

Village Attorney Stecich: OK, Jamie, just a minute and I'll give it to you.

Chairman Cameron: So we're adding a proviso you got to break ground within two months.

Deputy Building Inspector Minozzi: Now I get my turn.

Female Voice: Our turn.

Deputy Building Inspector Minozzi: Our turn, excuse me. *Our* turn.

Boardmember O'Reilly: This part was easy.

Chairman Cameron: Thank you very much, Marianne.

Special Counsel Stecich: Yeah, yeah. OK, bye-bye, everybody. Happy Thanksgiving.

Chairman Cameron: So if we've recovered from the excitement we can go on to our next agenda item.

2. View Preservation and Site Plan Approval – Application of Nichole Davis and Michael Didovic for the addition and alterations to their multi-family dwelling at 12 Marble Terrace. Said property is located in the MR-1.5 Zoning District and is known as SBL: 4.70-57-4 on the Village Tax Maps.

Chairman Cameron: The next item is view preservation and site plan approval, application of Nichole Davis and Michael Didovic for the addition and alteration of their multi-family dwelling at 12 Marble Terrace. It'd be nice if you could actually say who you are when you start speaking.

Mitch Koch, project architect: I'm architect of record for my neighbors, Michael and Nichole. For the record, I just want to say I gave the mailing receipts to Charlie Minozzi to show that we're in compliance with that part of the requirements.

We're here tonight to ask for relief. Right now we're here because we're in the view preservation corridor and we'd like to build a second-floor addition on top of an existing first-floor addition to provide bedrooms for Mike and Nichole's kids. As you can see right here, it's about 250 or 260 square feet. One of the bonuses of the addition is the opportunity to put a very cool deck on the roof of it, with views of the river.

As you can see from our photographs and our renderings, there is a slight impact of the addition on the view from the Aqueduct. I want to point out there are no neighbors directly behind, or affected by, this view. The nearest neighbor who's behind is way up on the hill above the quarry on the Aqueduct. As you can see from this photograph taken from the Aqueduct, basically the impact is really on the view of the neighbors' houses from the Aqueduct, but not of the river or the Palisades beyond. That being said, it's something. I mean, it's there. The other view is basically ... I mean, all this stuff outlined in red is the location of the addition and where it would be in elevation. This diagonal line represents the existing roof of the current first-floor bedroom.

I want to say that we presented – maybe nobody picked this up, but it's been brought to my attention – that the drawings, the zoning chart, says that this is a two-family residence. My neighbors are using it as a two-family residence, but technically it's still a three-family residence. There used to be a third floor apartment upstairs and, currently, they and their kids are sleeping in this attic space. You know, the spirit of this project is to get the kids their own individual bedrooms downstairs and the parents would continue above. Part of this work, they're gonna legalize the transition from the three-family residence to a two-family residence because they're keeping a very good tenant downstairs.

Deputy Building Inspector Minozzi: For the record, it is a three-family dwelling on the tax rolls.

Village Attorney Whitehead: But they're gonna convert it back to a two.

Mr. Koch: Yeah, that's the ...

Village Attorney Whitehead: You're giving up the right to the three because the three is nonconforming, right?

Mr. Koch: Right?

Michael Didovic, applicant: That's correct.

Mr. Koch: That's it, really, in spirit. I mean, there's some effort to make it look like the rest of the house. It's kind of a big, looming house and they want to articulate the addition in a nice way to integrate it with the front; maybe make it look like an enclosed porch.

I think that's it. If anybody has any questions, it's a pretty straightforward project here.

Boardmember O'Reilly: Even though you say an enclosed porch, I take it it would be a see-through porch?

Mr. Koch: No. I'm just trying to say that the hope would be to articulate the second-floor addition. Right now, if you look at it, it's a pretty uninteresting, vinyl siding-clad addition from the '80s. We're hoping to dress this up by articulating it with kind of a panelized construction to speak to this enclosed porch below. So it's gonna look ... they're gonna talk to each other.

Boardmember O'Reilly: No, I'm talking about when you're out on the top deck.

Mr. Koch: Top deck, it would be a minimal railing. But absolutely we'll need to have a railing up there, and it would have a slight impact. You can see we articulated, on those renderings, a line showing the impact of the handrail. So full disclosure, yeah, it's a little bit more obstruction. But it's not as opaque, obviously, as the second story that they're hoping to add. And, you know, they haven't determined what kind of railing they're gonna use yet.

Boardmember Ambrozek: Well, I went out to the site. And my observation is, if the top of the second-floor addition comes to the existing roofline of the bottom to the third floor that it would actually obscure more than you show in this rendering. It would actually

obscure the river all the way to the far shore. And the deck railing above that would be obscuring a good portion of the Palisades beyond that. You're showing this view ... you call it the southeast view. I'd actually call it a view to the west.

Mr. Koch: Right. It's shot from the southeast.

Boardmember Ambrozek: OK. But if you were to go further north – and walking along the Aqueduct further north of the point where you took that view – the addition actually obscures much more of the river and the Palisades from the Aqueduct. If you had taken that view sort of to the right of the front stairs, if you had been standing on the Aqueduct at a point a little further north of those front stairs, you would see that the addition cuts off a lot more of the view of the river as you're looking south, and of the Palisades.

Mr. Koch: I can't argue that. But I am actually ... you know, just looking at this, this does seem to align with this. But, you know, obviously, from different vantage points there's more or less. And absolutely, I mean, in this rendering I'm not even showing the railing. So I understand absolutely that there's gonna be a piece of the Palisades, as seen from the Aqueduct, that will be obstructed. But I would point out that, in general, there's intermittent views, and then as you move along the Aqueduct there's plenty of unobstructed views of the river. Obviously, you can see that the house beyond – on the other side of Marble Terrace – has an impact anyway on the view of the river.

Boardmember O'Reilly: I also went around and looked at the site, and stood on the Aqueduct and tried to draw that imaginary line myself. But it's clear that there are no neighbors affected. People walking on the Aqueduct, obviously, if they usually like to glance that way, would be affected. But they're walking on the Aqueduct. There are no neighbors affected. Even if you try and go higher, you would be that high up that this would not affect that view. That's another imaginary line which I drew in my mind, but there's nobody up the back.

Mr. Koch: Right. I want to say that I was up at the Lehner's, who are the property on the top of the hill there, trying to get a line that would be obstructed. But there's just no way. I mean, obviously, from up there there's a bunch of trees. And in fact, their house sits way back closer to Broadway so you have to go to the very extreme end of their property to actually even detect where this house might be. But from the Aqueduct, there is a small impact.

Boardmember O'Reilly: There is.

Boardmember Sullivan: But the impact is, as you were saying, walking along the Aqueduct. And there's so many different buildings that are close to the Aqueduct, farther away, or higher, lower. So, you know, I can't ... without a neighbor coming to talk about why there's a view that they're concerned about, I would say I wish you luck in the addition. And may you get two bedrooms for two boys soon. Two kids, I guess I assumed they were boys.

Chairman Cameron: Any other comments?

Boardmember Gould-Schmit: No, I agree with what Bill and Kathleen were saying.

Chairman Cameron: Yeah, it would be nice if that rail was as slim as the way you depict in your drawing and it didn't end up as the white rail which is on the rest of the building. I understand the desire to make the two the same, so I would sort of expect that you don't make the two the same. Otherwise, you just won't see anything through that. But I also agree. I walk there all the time, and you can use other angles. I'm not going to get you doing some tree cutting but, anyway, I think it's fine.

So any other comments on this? Are there any comments from the public? We don't have a public, OK.

So what we're looking for now is a resolution making a recommendation to the ZBA on view preservation that we agree that it to the minimal extent possible disturbs the view. And granting site plan approval for the changes being made to this.

On MOTION of Boardmember Bass, SECONDED by Boardmember Gould-Schmit with a voice vote of 5 to 1 (Boardmember Ambrozek opposed), the Board approved the site plan and the recommendation to the Zoning Board of Appeals for view preservation for the addition and alterations to the multi-family dwelling at 12 Marble Terrace.

Chairman Cameron: I got five votes, so you did it.

Mr. Koch: Great. Thank you.

IV. DISCUSSION

Chairman Cameron: The meeting's almost over. It is likely that we're not gonna see the Washington Mews for a little while. We understand they're changing. I would like to put on the agenda – we had on the agenda previously and for the next meeting just to tell you about it – looking at the coverage percentages in a bunch of districts.

Village Attorney Whitehead: And some definitions.

Chairman Cameron: I will send out information to you on that within the next two weeks so you can have a chance to look at it before our meeting because we may have a fairly quiet December 18.

V. ANNOUNCEMENTS

Next Meeting Date – December 18, 2014

Chairman Cameron: Just out of curiosity, are people going to be here?

Boardmember Ambrozek: Yes.

VI. ADJOURNMENT