

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

A Regular Meeting and Public Hearing was held by the Planning Board on Thursday, February 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 Eva Alligood, Boardmember Michael Ambrozek, Boardmember William O'Reilly, Boardmember Kathleen Sullivan, Boardmember Richard Bass, Village Attorney Marianne Stecich, Deputy Building Inspector Charles Minozzi, Jr., and Deputy Village Clerk Mary Ellen Ballantine

**Chairman Cameron:** Ladies and gentlemen, I'd like to call to order the February 20, 2014 meeting of the Planning Board and ask Mary Ellen to take attendance.

**I. ROLL CALL**

**II. APPROVAL OF MINUTES**

**Chairman Cameron:** With regard to the minutes, we do not have the required number of people for the blessing of the December minutes due to absences, so I'm going to roll that forward. And as for the January meeting, a number of us didn't receive the minutes so we're going to roll that meeting over, as well. So we're going to do those minutes at our next meeting.

**Meeting of December 19, 2013**

**Meeting of January 20, 2014**

**Chairman Cameron:** As for the agenda, we're going to change the order of the agenda. We're going to do all the new public hearings first, and then we're going to go to CCI Properties and the Ginsburg Development center. The first three shouldn't take as much time.

**III. NEW PUBLIC HEARINGS**

- 1. Steep Slopes Approval – Application of Sandra Russak to remove 242 square feet of existing concrete paved area to create new raised**

**and unpaved patio at rear yard of property at 5 Oxford Road. Said property is in the R-7.5 Zoning District and is known as SBL 4.140-151-47 on the Village Tax Maps.**

**Chairman Cameron:** So first we go to the application of Sandra Russak to remove 242 square feet of existing concrete paved area to create a new raised and unpaved patio at the rear yard of the property at 5 Oxford Road.

**Edward Weinstein, architect/planner:** Good evening. I am going to present this matter to the Board. It's a steep slopes application, section 249 of the Village code. The applicant is planning to take an existing 281 square foot concrete patio that was enclosed with a chain link fence that the previous owner, I think, had used for his dogs; take out the concrete; create a dirt area and enlarge the flat area a little bit to create a play area for the kids. The reason they're doing this is because, as you could see, the site ... could I use this microphone?

**Chairman Cameron:** Yes, of course.

**Mr. Weinstein:** OK, the site is 5 Oxford, and as you can see the existing site has over 1,000 square feet of steep slope, which is why we're here, and an existing concrete patio is up here in a relatively flat area of the site. What we're proposing will intrude into the steep slopes area in a minimal way. This is greater than 25 percent, which we're allowed to disturb 25 percent. We're disturbing it 24 percent. The steep slopes between 15 and 25 percent, we're disturbing 8 percent, whereas the code has a maximum of 35 percent. We're going to probably ... not probably, but we will improve the stormwater situation by constructing this because we're removing an impervious surface and replacing it with a dirt play area.

**Kathy McSweeney, 6 Oxford Road:** And that's it.

**Chairman Cameron:** OK, anybody in the audience like to have any comments on this?

Is there something I could see what it's going to look like? It's right in front of my window.

**Deputy Building Inspector Minozzi:** Ma'am, just come up to the mic and state your name.

**Ms. McSweeney:** It's not on the backyard, it's on the side yard. I don't know why it says the backyard. I was just wondering if I could see it. There's a drawing. Is there a drawing of what it's going to look like? That doesn't look like what it's going to look like. I live directly across the street from this area, which is on the side of the house, not on the back of the house.

**Chairman Cameron:** So you're the next one up, going up this road on your left?

**Ms. McSweeney:** I'm directly across from that area.

**Chairman Cameron:** Oh, straight across.

**Ms. McSweeney:** Right across from that area. It's right in front of my big window. So I was wondering if I could see what it looked like. That's not really telling me what it's going to look like.

**Mr. Weinstein:** I can describe it. If you look at the site and you see the chain link fence across the street, the chain link fence will be removed. And basically, that same area that's concrete now that's enclosed by the chain link fence will be expanded and surrounded with a picket fence. So in my opinion, your view will improve. It's low. It's going to be, I think, probably lower than the chain link fence.

**Ms. McSweeney:** They're going to cut it down?

**Mr. Weinstein:** It's going to be whatever the ...

**Ms. McSweeney:** And the trees around it are going to go?

**Mr. Weinstein:** ... about 42 inches. They won't disturb any trees. No, there are no trees that will be disturbed.

**Ms. McSweeney:** OK. So it's going to have a picket fence. It's going to be expanded a little?

**Mr. Weinstein:** It's going to be expanded, yes.

**Ms. McSweeney:** And a picket fence.

**Mr. Weinstein:** Yes.

**Sandra Russak, applicant – 5 Oxford Road:** Yeah, we're putting up a fence that we can encase the play area for the kids. And it's actually ...

**Chairman Cameron:** Could you actually ... you have to get the microphone.

**Deputy Building Inspector Minozzi:** Speak into the microphone.

**Ms. Russak:** Yeah, sorry.

**Mr. Weinstein:** State your name.

**Ms. Russak:** I'm the owner at 5 Oxford Road. It is on the side, but set back. It's not like on the side of the house and toward the front because we have a front lawn. So it's on the side, but it's set back. And we do plan to put up a fence, again, encasing a play area.

We only have a deck and we don't have a yard for our children to play in. So that's what we want to do. We just want to utilize what we have so our children can play. And we think that it would decorate the property better because it's not attractive at all. All it is is rock, dirt and a chain link fence that a dog used to play in. So we're actually making the property look a lot better, and then driving by it just looks better. We don't plan to take down any more trees, so this way whoever is beside us or in front of us ... but, again, we're improving the property and we just want an area for the kids to play in. So we're not going to have parties or anything like that. It's just strictly a play area.

**Chairman Cameron:** The lady behind you has some questions.

**Ms. McSweeney:** No, I just want to know what it'll look like. It is on this side of the house. It's directly in front of me, the big window right there. Right now, you can't see the chain link fence because of the greenery, right? What I had before was just nice trees and greenery. That's why I wanted to know what it's going to look like.

And it is on the side. They have a front lawn over there – this is here – and it's not that far back. I mean, it's just behind ... there are trees there now. So I just want to know how big a difference it's going to be. And I was hoping to see a picture of it is what I was ... or a drawing.

**Ms. Russak:** We don't have a picture.

**Ms. McSweeney:** I mean a drawing, of course. Of course.

**Robert Russak, applicant – 5 Oxford Road:** I'm also the owner of the property. The yard that we're speaking about is diagonal in back of the house. I know there's some disagreement if it's the side or the back. Take from the corner of the house, it's diagonally back.

Now, the way our backyard is there's a large rock structure. The house is on a rock. So now on this rock, there's a plateau. Now on this plateau there's some grass. All we would like to

do is extend it slightly and level it out so we can put a play set up there. Nothing else is being taken out, there are no trees being taken out, nothing else. So the only thing that's being taken away is a chain link fence with an impermeable concrete base. So that's being removed. Putting dirt, grass, putting the play set on there, and that's it.

**Chairman Cameron:** OK, thank you. Our lawyer has some thoughts. Then I'll get to the other members.

**Ms. McSweeney:** That's fine. I just ... there was not ...

**Chairman Cameron:** I know, I know.

**Village Attorney Stecich:** This is going to address this, OK?

**Ms. McSweeney:** OK.

**Village Attorney Stecich:** Because there's a bunch of submissions that are supposed to be made on a steep slope application that weren't made on this. And some of them would address those questions. You're supposed to put in elevations of what you're putting in. You're supposed to put in a landscape plan. Well, maybe there's not going to be a difference in landscape, but maybe a letter explaining that you're not taking any trees down.

But the thing that concerned me, actually, before anybody spoke tonight – and maybe it was submitted and it was just not in what was passed around to the Planning Board members – there's supposed to be statements by a licensed architect describing the methods to be used in overcoming any disturbance of the steep slope, and a statement under the seal of a licensed professional engineer certifying that it's not going to affect runoff. Those statements are often not a big deal. They're just sentences that say it's not going to do it, but it's under seal and the Planning Board has relied on those.

**Mr. Weinstein:** Well, those statements were made in the transmittal letter, describing exactly ...

**Village Attorney Stecich:** Under seal of a licensed engineer?

**Mr. Weinstein:** I am a licensed ... I'm a licensed architect.

**Village Attorney Stecich:** No, licensed engineer. See: "*... a plan submitted under the seal of a licensed professional engineer, showing and certifying the following.*" And then: "*... a statement made under the seal of a licensed professional engineer certifying that the activity*

*will ...* – anyway, there's a bunch of stuff. And that really has to come in on a steep slope application. Because it's on the basis of that that the Planning Board decides if the construction on the steep slope isn't going to affect anything.

**Mr. Weinstein:** Well, I think if ... I mean, we had discussed this with Mr. Minozzi, the entire – what was required. I think we submitted sufficient information to describe what we're doing. It's so minimal what we're doing and so much under the allowance, and we're decreasing the amount of runoff by replacing concrete with permeable material, and we're replacing a chain link fence with a picket fence. So all in all, I think what we're asking for is quite minimal. And going to the expense of hiring an engineer to tell you what I'm telling you, I think, is overkill.

**Chairman Cameron:** Any other comments?

**Boardmember Bass:** I have a couple of quick questions. What's the height of the existing fence?

**Mr. Weinstein:** The existing fence is about 4 feet.

**Boardmember Bass:** And the proposed fence?

**Mr. Weinstein:** It'll be 3-1/2 feet maximum.

**Boardmember Bass:** What is the proposed fence made out of ?

**Mr. Weinstein:** It'll be, you know, picket fence, probably wood picket fence, painted white. And the purpose of it is to just enclose the area so that the kids don't fall off the steep slope. It's a plateau, and there are rocks below it. So the purpose is, you know, for safety.

**Boardmember Bass:** The existing square footage of the enclosed fence area?

**Mr. Weinstein:** It's 281 square feet.

**Boardmember Bass:** And you're expanding it to?

**Mr. Weinstein:** We're expanding it to 582 square feet. So roughly 15 by ... you know, more than 15 by 15, and it's going to be approximately 24 by 24.

**Boardmember O'Reilly:** I did a drive-by to sort of look at the landscape. And it's true, it's up there. Actually, from street level I couldn't see up to the top of it. I didn't try to get up

there. But it is something that I think people would see from up across the street. I understand that.

My question is, in which direction are you expanding it? Because I was looking at it. As you look from Oxford Road, you're looking at it up the hill, but I wasn't sure which ... so you're expanding it towards Oxford Road.

**Mr. Weinstein:** Yes. It's being expanded pretty much to the south.

**Boardmember O'Reilly:** So you're basically enlarging the plateau.

**Mr. Weinstein:** To the south and to the west because that's where the site is lower.

**Boardmember O'Reilly:** So you have more room to play with in that direction than on the opposite streets.

**Mr. Weinstein:** Yes.

**Boardmember O'Reilly:** Is there any playground equipment intended to go in there, like swings, slides?

**Mr. Weinstein:** I think they're planning to put in a play set, yes.

**Boardmember O'Reilly:** A play set. But it's going to be grass.

**Mr. Weinstein:** It's going to be, yeah, grass or mulch. You know, a soft material, permeable material.

**Boardmember O'Reilly:** To look like playground.

**Mr. Weinstein:** It'll look like – it will be a playground.

**Boardmember Ambrozek:** I have a question. You're proposing a stone retaining wall along the southern side, what I would call the more southerly side. What is the expected height of that before you put the fence on top of it?

**Mr. Weinstein:** There'll be no maximum. At its highest point it'll have 4 feet exposed at the corner, which will be the ... and then it'll, you know, slope. The ground slopes up, so it'll slope up. At the lowest point there'll be maybe 2 feet exposed. So it runs from about 4 feet to 2 feet. It'd be a stone, gravity-type wall.

**Chairman Cameron:** Yes?

**Boardmember Bass:** Any changes to the egress from the existing?

**Mr. Weinstein:** No. There's an existing stairway, that stone stairway that leads up to the concrete area, and that's going to be a path that leads up to this new area.

**Chairman Cameron:** So we have a little quandary here because we do have some legal requirements which you well know, as since you around when we wrote the law, and we need to have those statements. So I would suggest that if the Board pleases we'll approve it, but subject to you submitting those statements that are set down.

**Mr. Weinstein:** Thank you. I will provide an engineer's statement and my own statement with my seal. Thank you.

**Chairman Cameron:** So I would entertain a motion to do that, if anybody would ...

**Boardmember Sullivan:** I'm going to abstain since I missed the presentation.

On MOTION of Boardmember O'Reilly, SECONDED by Boardmember Alligood with a voice vote of all in favor (with the exception of Boardmember Kathleen Sullivan who abstained), the Board approved the steep slopes application of Sandra Russak to remove 242 square feet of existing concrete paved area to create new raised and unpaved grass area at rear yard of property at 5 Oxford Road on condition that a statement from a licensed engineer, under sign and seal, be provided.

**Chairman Cameron:** All right, passes. So don't sit down for too long because we're going to put you up next.

**Mr. Weinstein:** Oh, you are going to me up next.

**Chairman Cameron:** Yes, we just thought we'd ...

**Mr. Weinstein:** Then let me get my board.

**Village Attorney Stecich:** Just make sure, Ed, you understand that there's two statements by licensed professional engineers, 5 and 6.



2. **Site Plan Approval – Application of Hudson Valley Health and Tennis Club for in-kind – except for any changes required by the current codes – repair/reconstruction of a previously-existing deck on the river side of the Tennis Club building at 100 River Street. The property is in the MW Zoning District and is designated as 4.30-19-2 on the Village Tax Maps.**

**Chairman Cameron:** So this is the application by the Hudson Valley Health and Tennis Club for an in-kind replacement – except for required code changes – of their dock on the east side of the club. And, of course, this is at River Street, and this was a dock that was partially destroyed by the hurricane that we don't like to remember.

**Mr. Weinstein:** OK, so I'm here now representing the Hastings Tennis Club. The property is owned by the Hudson Valley Health and Tennis Club. The owner is here, as well.

As you know, on October 29, 2012 along came Sandy with a storm surge that far exceeded anything this region has seen since people were here. The water level got to about 4 feet above the 100-year floodplain. Some people estimate that was about a 750-year storm, but we'll find out in the future. The deck was substantially damaged at its southern end. And subsequently, the stair broke loose. So pretty much we're thinking that there will be almost a reconstruction of the deck, with some of the deck at the northern end may be in good enough condition to keep.

The proposal is strictly an in-kind, in place reconstruction of the deck that existed before Hurricane Sandy. It's a timber deck, it'll have a timber railing. And the applicant is only asking for permission to rebuild what was there. Just to make you aware, the reconstruction is authorized by a Corps of Engineers nationwide permit. It's nationwide permit number three, which means that you don't even have to notify the Corps of Engineers; it's a presumptive permit. And it's also covered by a general permit by the state Department of Environmental Conservation. We pretty much have notified the state, and it's approved as long as it's Sandy-related and that you're not expanding or enlarging anything.

So that's it. I can show you the photographs. You can see the damage that was done. It pretty much pulled up the entire deck. This is an exterior which I think you guys have. It's a real amenity for the members of the club and for people who dine there. And I think a lot of the public comes, as well. They'd like to get it rebuilt by the time the bubbles come down, which I guess is in late April or May.

**Chairman Cameron:** So what are the changes that are going in to this thing due to code changes? Anything?

**Mr. Weinstein:** I'm not aware of any code changes.

**Deputy Building Inspector Minozzi:** That would just be to make sure the railings meet code.

**Chairman Cameron:** OK. All right, any questions from somebody on the Board?

**Boardmember Sullivan:** It looks like you're decreasing the size of the deck, is that correct?

**Mr. Weinstein:** No, we're planning to have the width of the deck the same as it was. We're going to be supporting it on the existing piles, which are still in pretty good shape, and new steel channels that'll be bolted into the existing concrete wall.

**Boardmember Sullivan:** I'm just looking at the existing section on A-001. The width is shown as 6 foot 7-1/2 inches – 7 foot 6 inches.

**Mr. Weinstein:** Seven foot six existing, right.

**Boardmember Sullivan:** The new deck section on the following page is shown as 6 feet. So that's why I'm asking.

**Mr. Weinstein:** That, in all likelihood, is a typo. I apologize. We're going to put it back where it was: 7-1/2 feet.

**Boardmember Ambrozek:** Actually, I think I can explain that. The cross-sections shown are not at the portion of the deck where it's ... there are different widths of the deck. So at the northernmost end it's, at its widest, approximately 20 feet. Then the first-level deck decreases to 7-1/2 feet. And then the southernmost half is the 6 feet that you're referring to. And the cross-sections that are shown here are both at the 6-foot section.

**Mr. Weinstein:** That's correct.

**Boardmember Sullivan:** Thank you.

**Chairman Cameron:** Do we have any other questions?

**Boardmember Bass:** How long will the construction take to replace?

**Mr. Weinstein:** I would guess it'll take about six weeks, six to eight weeks.

**Village Attorney Stecich:** Ed, are you sure about the DEC?

**Mr. Weinstein:** Absolutely.

**Village Attorney Stecich:** OK. Because my read of it was that the homes hurt by Hurricane Sandy didn't need approvals. But if anything was ...

**Mr. Weinstein:** Well, I'll be happy ... I'll send you the general permit.

**Village Attorney Stecich:** Well, I don't need to know. Oh, OK, you could do that and then give the OK to the Building Department. Because I would just want the Building Department to be sure that ...

**Mr. Weinstein:** Just yesterday I sent the general permit note. What you have to do is send a notice of intent to the DEC up in Albany. The very same day I got back the general permit.

**Village Attorney Stecich:** OK, so just submit that to the Building Department.

**Mr. Weinstein:** Will do.

**Village Attorney Stecich:** And then the other thing is, there isn't an EAF in here, an Environmental Assessment Form. But you don't have to go through it because this is a type two action because it's a replacement in-kind. And you can do that, even if you have to make a couple of changes to make it code-compliant. So you don't need to go through the EAF, but you should say, in approving it, that you recognize it's a type two action therefore it doesn't need SEQRA determination.

**Chairman Cameron:** And just for the people in the audience who don't know this, we already waived view preservation on this dock because you can't really see anything. Understand that we have a new procedure, where the Building Department and the chairs of the ZBA and the Planning Board, in a very obvious situation, can look at it and then file a waiver with regard to that. So that has already been cleared.

So is there anybody from the audience who has a question they'd like to raise on this matter? Seeing no movement or action, I would entertain a motion, noting that we are doing a neg dec on this.

**Village Attorney Stecich:** No, you're not. It's a type two action so you don't need to do anything.

**Chairman Cameron:** So we don't need to do it, OK. And approve the in-kind replacement of the dock on the east side of the Hudson Valley Health and Tennis Club. Anybody would like to make that motion?

On MOTION of Boardmember Ambrozek, SECONDED by Boardmember Sullivan with a voice vote of all in favor, the Board approved the site plan application of Hudson Valley Health and Tennis Club for the in-kind, except for any changes required by the current codes, repair/reconstruction of a previously-existing deck on the river side of the Tennis Club building at 100 River Street.

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

**Mr. Weinstein:** Thank you.

**Village Attorney Stecich:** Ed, can you use these?

3. **Site Plan Approval – Application of Elkrief LLC for the addition of a toilet and associated alterations to the first floor in the rear of an existing two-story mixed-use building at 575-577 Warburton Avenue. The property is in the CC Zoning District and is known as SBL 4.30-22-4 on the Village Tax Maps.**

**Chairman Cameron:** We're now going to switch over to an application by Elkrief LLC for the site plan approval for the addition of an enclosure for a toilet at the rear of 575-577 Warburton, otherwise known as currently Juniper Restaurant. And I'll also mention that the view preservation's already been given under the waiver procedures I previously mentioned. Here we are.

**Mitch Koch, representing the applicant:** I'm here, really, on behalf of the tenant, Juniper Restaurant, to help facilitate the building of a new second, and accessible, bathroom in the space ... in a little space behind their restaurant – sandwiched between an existing walk-in cooler, which you can see here, and the main building in front.

Not much to say about it. We'll, given if we get approval, will do drawings for the Building

Department. But it will be a bathroom on the ground floor, which is ... so you can see, raised a few feet above the level of the backyard. I'm proposing, as part of this work, to kind of clean up the mess in the back by adding a pitched roof that will match this roof here to cover not only the bathroom, but in addition the walk-in cooler, and sort of organize visually the space in the back; really, on behalf of anybody who's looking at it from the other side. And obviously, I need to cover the bathroom somehow.

So it seemed to be the right way to do it rather than another chaotic shape back there. Basically, we're going to net about perhaps 60 square feet of new impervious, which I would address with a small drywell in the backyard. There's plenty of room back there. And that's it, basically. So if you have any questions, I'm happy to deal with them.

**Chairman Cameron:** Does anybody on the Board have questions? Anybody in the audience have a question?

With that in mind, I would entertain a motion to grant site plan approval.

**Village Attorney Stecich:** First on this one, actually, this does need SEQRA because it's not residential. And it is new construction. But you can just issue a neg dec on it.

**Chairman Cameron:** I have that written down here. But we're going to do a neg dec, I suggest we do one. Looking for a motion by the Board to give site plan approval for the construction of an enclosure for a toilet and associated alterations at 575-577 Warburton as presented in the plans and the drawings.

**Village Attorney Stecich:** You might want to say "subject to treating drainage" because that's not on the plans that were submitted.

**Chairman Cameron:** All right, subject to putting in the driesink that you mentioned.

**Village Attorney Stecich:** Drywell.

**Chairman Cameron:** It's a Canadian term.

[laughter]

On MOTION of Boardmember Ambrozek, SECONDED by Boardmember Alligood with a voice vote of all in favor, the Board approved the site plan application of Elkrief LLC for the addition of a toilet and associated alterations to the first floor in the rear of an existing two-

story mixed-use building at 575-577 Warburton Avenue subject to treating drainage with installation of drywell.

**Chairman Cameron:** The motion passes. Thank you.

#### **IV. OLD PUBLIC HEARINGS**

- 1. View Preservation and Site Plan Approval – Application of CCI Properties Inc. for View Preservation and Site Plan approval for the construction/addition of a new 9-dwelling-unit building in place of an existing two-family dwelling at 32-34 Washington Avenue. Said property is in the MR-1.5 Zoning District and is known as SBL 4.70-53-11 on the Village Tax Maps.**

**Chairman Cameron:** Now we're going to move to 32-34 Washington. Why don't you come forward and go from there.

**Deputy Building Inspector Minozzi:** Did we need to do a separate motion on the neg dec?

**Chairman Cameron:** Well, I sort of threw it in there.

**Village Attorney Stecich:** It was in there. It can be part of it.

**Deputy Building Inspector Minozzi:** OK, thank you.

**Lino Sciarretta, attorney, CCI Properties:** Good evening, Mr. Chairman, members of the Board. Also with me tonight are Jim Ryan and Anthony Nester from John Meyer Consulting, and with the architects Kim Martelli and Jerry Bucanauer. And the applicant is also here, Mr. Cortese.

Since the last time we were here – we were here last month giving you our new vision of this project – basically, what we want to do tonight is just give you an update of what we've done since the last meeting, based on the comments that were received. One of the things we did at the last meeting – I know Marianne had stated we need to meet with the Building Department just to get a better idea what variances we would need for this – we did do that. We met with the Building Department, sat down. I'll have Jim Ryan go through those variances that we need for this particular application.

But just by way of background, just to recap, this is really the result of what we've heard from this board and the Zoning Board and the community meeting that we scheduled. You may recall, originally this was one big project, one big building, one big structure, not preserving this former convent on Washington Avenue. This plan intends to keep the structure, subdivide the property creating a new lot A, a lot B, with a new, proposed two-story, seven dwelling-unit structure on the new lot B. Last month, you recall, we did a video. We don't have the video tonight, but I guess we do have some minor adjustments to the plan that Jim will go through.

Basically, with respect to the variances, I will just touch with them briefly. With respect to lot A, as we mentioned last month, we need a subdivision. This is a nonconforming lot. So we're definitely going to need a coverage variance for this. Because right now, as existing, we exceed coverage with this building. We are also going to need a rear yard setback variance, as well. Same goes for the new lot B, with the proposed new structure. There's going to be a coverage variance that we're going to need for that. We're also going to need a driveway variance. The code requires 960 square feet of driveway. We have 1,300. One of the things, too, that we did last month, the comment was the driveway was much too large. We reduced that to 20 feet, from 24. So that was one of the comments we heard last month.

One of the other variances that we're going to require is the retaining wall, the height, with respect to what the variance currently provides. We have a 10-foot high wall with a 4-foot fence proposed on top of it, which the code currently requires 6-1/2 feet. And then we have the coverage issue which we keep running into. But, again, that was just the overview. I'll have Jim come up from John Meyer Consulting to explain the rest. Thank you.

**Jim Ryan, John Meyer Consulting:** As attorney Sciarretta had indicated, we've made some adjustments. And we've submitted, essentially, one plan. It's the plan that we took time, per the suggestion of this board and your attorney, to work with the Building Department to make sure we accurately depicted the variances that are required. As Lino had indicated, they really come down to the coverage requirement for the property, both our lot A – what we're referring to as lot A – and lot B. I think the important aspect, obviously, is the Zoning Board decision on the coverage.

But I think one of the things I want to point out – and, Anthony, you can put the plan up for that – one of the things that we're adding in terms of the coverage is that when we did an analysis of all of the properties in the MR-1.5, there's only one property in all of the multi-family zones that actually complies with the coverage requirement. And that's the one that we've indicated in green. Actually, there's one. It's the dark green blot right there. The existing lots, we're going to hopefully be able to demonstrate to the satisfaction of the Zoning Board, when we get there, that while we don't comply with the coverage requirement that

we're consistent with the neighborhood in that, in fact, we have a largest lot. Or I think it's one of the two largest lots in the MR-1.5 district. The existing building, as it stands right now, if we were to do nothing on the property that existing building, given that large lot, still doesn't comply with the coverage requirement.

But we've heard the various input that we've received from the Board with regard to the preservation of the character of the Washington Avenue and Warburton corner there, with the existing residence that's there. We're going to maintain that, as I indicated at the last meeting, and look to upgrade that. The subdivision to create the new multi-family complies with the setback requirements, the parking requirements, virtually all requirements. It's less than the height that's allowed under the code. It's one story less. We did that with some intent in terms of preserving the visual and the views from the adjacent properties. We thought that was fitting and in keeping with the neighborhood.

Our attorney can go back to the site plan, we had made a few changes to the site plan to try to address some of the impacts. As we go through the process, we can detail that more. But as Lino had indicated, we heard a comment on the width of the driveway, which was 24 feet. We've reduced that width to 20 feet. The reason for 20 feet, in talking with your building officials, that's really the minimum width of a driveway for purposes of fire protection. So we were looking, possibly, to go smaller than that, but we revised. And I think, rightfully so, that the minimum should be 20 feet to accommodate fire apparatus on that driveway.

We've also made a change to the corner of the building. There were, I think, objections to what looked like in the visual elements a rather large stairway on the prominence of that. We have modified that so the entrance to the stairway to get access to the front of the building is actually through the garage. Anthony, just put up the visual. What we tried to do is modify it in such a way that with the decrease in the driveway we can provide additional landscaping there. But really scale that back in terms of how it might dominate the view from Warburton Avenue. I think we were successful in doing that. Obviously, as we get further into the process – and if the Zoning Board were to allow us move forward – we can make that kind of substantive change and really affect, I think, the visual element primarily off of Warburton. We've gone ahead and made that change. It is reflected in the plan you have.

The other comments we have heard related to the existing lot, as well. When we comply with the parking required, whereas the existing building does not comply with the parking, there was concern about where we had placed one of the parking spaces, which was in the front of the building. What we were trying to do here is, we shortened that area up so it's not a parking space and could not be used a parking space. But in reacting to some of the concerns we've heard from the neighbors, to allow an area where vehicles could actually turn around inside the property without backing out into traffic.



While in my belief we could have allowed that to stay as it is because it's existing nonconforming – we're not changing the unit mix on there, we're not increasing the intensity of that building – we thought it prudent to make those improvements to the parking concerns we heard from the adjacent property owners on that. I think all in all we've tried to at least bring forward, while we were looking at the substantive issues of what variances we would need to try to make several improvements to this plan, and try to address some of the concerns, at least the initial concerns, we heard from the Planning Board at the last meeting.

I think that's really all we wanted to present tonight. I think our issue right now is to move this to the Zoning Board. Because, obviously, without these variances we couldn't proceed with this plan. The one last point that I want to make is, you know there was some thought on this particular property that we could reduce the variance even further by eliminating the building out on Washington. But it was our recommendation to our client that I think that visual element, that corridor, should be preserved. So that's why we went in the direction of separating the building and looking at the alternative, which subdivides the property.

I believe there is, I think, some ... hopefully the Zoning Board will agree that there is some consistency with the adjacent properties. The limitations that restrict this property with regard to coverage, I think, are so constraining that we don't believe you could build, even on a property this size, a building that complies with the coverage requirement under any circumstance. It just would create such a small building footprint with the parking that you need. I think we're prepared to show that to the Zoning Board of Appeals. That we could not build, even though it's a multi-family zone, or construct a multi-family residence in this district without that kind of a coverage variance.

So I'm here to answer any additional questions you might have.

**Chairman Cameron:** Yeah, there's one point which I think we've made to you fairly consistently – like every meeting, and long before you came – that asking for coverage of 300 to 350 percent of what you're allowed is a non-starter.

**Mr. Ryan:** Right.

**Chairman Cameron:** And as you may know, under our law we've got to give a report to the ZBA, which we will. I have the feeling you're going to hear from us that we think this is a non-starter. So you come back here, you make this nice presentation. Barely mention the fact that you've had this discussion with us repeatedly, and there's still other problems with your variances. I'll get into that later, but it's a loss to us what you're doing. And before you come back here again you can go to the ZBA. If they say no to you it better be an absolute

full presentation when you come back, and you better have everything there, and you better have something that's sensible rather than what you've been giving us.

I am at a loss to see what to do because we've spent more time with you, almost, than we spent with those nice people from Ginsburg who are building 66 units. The amount of time you've taken up is beyond belief. Any other comments?

**Boardmember Bass:** You're going to have to excuse me, I'm new to the Board so I'm going to have a lot of basic questions that may have been covered before. Your existing lot coverage is noncomplying.

**Mr. Ryan:** The existing building on that large property is noncompliant.

**Boardmember Bass:** OK, what's the ...

**Village Attorney Stecich:** No, no, no. Not on the full lot.

**Boardmember Bass:** The full lot.

**Mr. Ryan:** Yes, it is.

**Village Attorney Stecich:** If you have that full lot, that's more than 15 percent?

**Mr. Ryan:** Yes, it is.

**Village Attorney Stecich:** Then just barely.

**Mr. Ryan:** Just barely. But as I pointed out, every single property with the exception of two in this multi-family zone ...

**Village Attorney Stecich:** Yeah, that's a different point.

**Mr. Sciarretta:** I think that's relevant.

**Boardmember Bass:** Well, let's talk about the relevancy. Can you give me some specifics? What's the degree of noncompliance now?

**Boardmember Sullivan:** one thing, Richard, just to jump in, the area that they showed as M-1.5 does not include the whole zone. So there are some large pieces of property that ...

**Mr. Ryan:** Yeah, there's more ...

**Boardmember Sullivan:** There are a number of large pieces of property that you're not considering in that calculation. So to show that to the Zoning Board ...

**Mr. Ryan:** Yeah. But we'll show that to the Zoning Board, as well.

**Boardmember Sullivan:** ... you should make sure that you look at every piece of property in the MR-1.5.

**Mr. Ryan:** Yeah, I can assure you we will.

**Boardmember Sullivan:** Yeah. Because you are not showing that tonight.

**Mr. Ryan:** Well, that was ...

**Boardmember Sullivan:** You've selectively picked areas on Washington.

**Mr. Ryan:** It's hardly selective, but there area couple of properties, yes.

**Boardmember Sullivan:** You've selected a section of the MR-1.5 to show tonight. It doesn't include some of the larger properties in that zone.

**Mr. Sciarretta:** I take your point, and we'll make sure the Zoning Board sees that. We will.

**Boardmember Bass:** OK, I have a series of questions and we'll take them one at a time.

**Mr. Ryan:** OK.

**Boardmember Bass:** So what is the existing lot coverage for the entire lot, and how is it noncompliant? What degree is it noncompliant?

**Mr. Ryan:** The existing lot has a coverage of 19.4.

**Boardmember Bass:** First of all, what's the size of the existing lot?

**Mr. Ryan:** The size of the existing lot, Anthony do you have that?

**Village Attorney Stecich:** It's 26,000 – just over 26,000.

**Boardmember Bass:** OK, so 15 percent of 26,000 is what, gentlemen?

**Anthony Nester, John Meyer Consulting:** Five-thousand square feet or something.

**Village Attorney Stecich:** No, it's not. It's about 33,000.

**Boardmember Sullivan:** It's 3,918.

**Boardmember Bass:** So if it's 3,900, is that what we ... 3,900, and the existing lot coverage is what?

**Mr. Ryan:** Yeah, 19.4 percent.

**Boardmember Bass:** So it's 19.4.

**Mr. Ryan:** Yes.

**Boardmember Bass:** OK. For the ...

**Mr. Ryan:** Again, it's not just the building. It's all the driveways, the hard surfaces are all included in your coverage requirement.

**Boardmember Bass:** You gave examples of other noncompliance in the neighborhood.

**Mr. Ryan:** Yes.

**Boardmember Bass:** That obviously wasn't the entire zoning district. You just selectively chose.

**Mr. Ryan:** Well, we selected areas that were immediately adjacent to ours. But we can extend that out.

**Boardmember Bass:** OK. For those areas that are immediately adjacent what's the percentage of noncompliance so we have a comparison of apples to apples?

**Mr. Ryan:** Sure. Which properties ... I can start with going right around all of these properties here. This property here, this is along Williams right adjacent to ... well, there's one lot in between this lot, this long linear lot, that's adjacent to us. The coverage is 36 percent. In back of that, this lot in particular is 38 percent. I'll just move around. That's 55 percent here. And I'll work my way to the back here: 57 percent, 76 percent, 48 percent, 46

percent, 32, 43, this one's 22, 27. The corner one here is 16 percent, and this one on the corner is the one that complies, at 13.

Just moving directly across, this is 37 percent, 74 percent, 42 percent. This is 21 here. This is the large lot that the Boardmember was referring to. We'll make sure that that's calculated out, too. We can do that. This one here is 71, 56. This one is 24, 39, 30 and 38. And we'll include the rest of them when we give that to the ...

**Boardmember Bass:** I would find it really useful if you could include all of them in the zoning district, including the lot size and the lot coverage. And if you can provide the date, or approximate date, when they were built. Because, again, the build condition and the zoning regulations don't always jive (sic). And so you're trying to, you know, compare the neighborhood. Compare the neighbor, give us all the data.

So the variance you're requesting on the lot coverage, you're expanding the degree of noncompliance that currently is at 19 percent, and on the two lots you're basically looking at 50 percent lot coverage.

**Mr. Ryan:** Yeah, I think it's 30-some. Anthony, on the two lots?

**Mr. Nester:** It's 50.

**Mr. Ryan:** It's 50 on both of them?

**Mr. Ryan:** Pretty close.

**Village Attorney Stecich:** Yeah, 48.2 and 53.8.

**Mr. Ryan:** Yeah, 38.2 and ...

**Village Attorney Stecich:** No, 48.2 and 53.8.

**Mr. Ryan:** Right.

**Boardmember Bass:** And the justification for increasing the degree of noncompliance?

**Mr. Ryan:** The justification?

**Village Attorney Stecich:** Yeah.

**Mr. Ryan:** It's a request. It's a request.

**Boardmember Alligood:** What's the hardship?

**Mr. Ryan:** There is no hardship requirement. There is no hardship requirement in the state of New York as far as I'm aware.

**Mr. Nester:** That's correct. I mean, what we did was this is a request because we've been going through this and we've been coming up with the same issues with respect to that 15 percent. At that number, and based on the ZBA's interpretation of what constitutes coverage, you can't get a multi-family structure at 15 percent – including walkways, parking area – so that's a request. It's just you can't ... you can't do it given the current mathematics of it in your code. We went to the ZBA for an interpretation. We got the interpretation because one of the issues that we had was what is coverage.

So we went there, we got the guide from the ZBA. Working with that definition, we're trying to come up a plan, also taking into account your comments with respect to the existing structure. So we're taking all these comments. They want this preserved as opposed to torn down, we left it. So we're left with a limited coverage issue in terms of this is all we can do here. I mean, can you make it smaller? Sure I can. But you're not going to get a multi-family. Your code allows for three or more in the zone. That's what we're doing. And no matter how you do it here, we tried ... I think this is like the fourth or fifth plan we've been here. The coverage has always been the issue. So no matter what we do here, we're going to have to address that.

And the reason why we took the slice of that neighborhood, I mean part of the neighborhood is the analysis. We took ... this is the neighborhood, Washington and Warburton. That's what we took. But we can easily come back and present the entire zone district, as you requested.

**Boardmember Sullivan:** This zone includes single-family and two-family homes as well as building over three-families. So I think, Richard, when asking for an indication of building coverage, lot size, also use would be interesting to see. Because it isn't just a multi-family, three-story or more zone.

**Boardmember Bass:** And my question of the justification is, I understand you want to get as many units on the site. But regulations, such as parking requirements, lot coverage, setback, they're put there to limit the size of development. And sometimes you can't always get the "it" in that box.

**Mr. Nester:** Understood. And we were at, I think it was, 13 originally? Fourteen? How many, 13? Yeah, we were at 13 originally, and we're shrinking it down. So now we're down to seven. We were at that size, but we're getting smaller.

**Chairman Cameron:** Right, but you're down to nine actually.

**Boardmember Alligood:** You got to count the other one.

**Mr. Nester:** Well, the existing house. I'm not ... yeah, I'm just talking about the new structure.

**Village Attorney Stecich:** The initial plan.

**Boardmember Bass:** And did you do ... who's the owner? When you did your due diligence – or if you were the technical advisors – you had an idea of what you could build as-of-right on this site. When you make an economic choice of buying a piece of property you take a risk that if you buy it and you want to build more you might get turned down. Is that a reasonable assumption on the zoning and development process?

**Mr. Nester:** No, we understand that.

**Boardmember Bass:** I have more questions. I don't mean to ...

**Chairman Cameron:** No, go ahead.

**Boardmember Bass:** The driveway and the entrance in terms of the slope from Warburton, can you give me some visuals? Can you tell me how many steps one would ... a pedestrian would use? What's the slope in terms of the drive up from Washington into the parking lot?

**Mr. Ryan:** Sure. It's a modest slope, Anthony. I don't think it's any more than 3 or 4 percent. Three percent – it meets the code requirement. The property actually tapers down in that direction, so by the time you get to the entrance point ... so the wall is a little more significant here, but the grades start to fall off on this side right here. So this slope and this access here, this driveway, I think, is 3 of the 4 percent maximum.

**Boardmember Bass:** OK. And the stairs going down, what's the purpose of those center stairs?

**Mr. Ryan:** The stairs? Well, what we did is, we designed this so all the parking is underneath the building. So in order to access the units at grade we have below-grade

parking. So we have a stairway coming from inside. This is one of the changes that we made. We had an exterior stair before. But we have an access from the parking garage up the stair to this first level. Again, which sits above the parking garage.

**Boardmember Bass:** OK. I'm a resident of the building, I want to walk into town. What's my experience from that first landing down to the stairs to Warburton?

**Mr. Ryan:** So you have an option. We have a stair here. If you want to come in and access your car and drive into town, you can drive into town. You want to walk into town you can come down these stairs. There a short stairs here coming down a level, fairly level, area here. And then a step down, a number of steps down. We actually have a visual here. So this is how this sits up on the property here.

**Boardmember Sullivan:** And if I live in the back?

**Mr. Ryan:** Yes. If you live in the back, your experience is, if you're in the garage you come out here through the garage access stairs up to the second level which, again, sits above the garage level here. If you were to walk out here you could walk straight down the driveway and out to the sidewalks here.

**Boardmember Bass:** The driveway, you have two different driveways. Why doesn't the site plan incorporate them?

**Mr. Ryan:** There's one driveway – one driveway for this lot, and one existing driveway.

**Boardmember Bass:** Right, but I'm thinking this is one development site.

**Mr. Ryan:** Well, that's the reason for the subdivision. The one-development-site scenario is when we actually attached the building in a previous application. Attached the building to this and made one lot, essentially. This, we see as preserving this corner, preserving this building as is. And then creating the new multi-family development.

**Boardmember Bass:** This may be outside Hastings regulation, but why couldn't you use the driveway off of Washington and have an easement if you have to have the two separate tax lots? And have a different circulation.

**Mr. Ryan:** Oh, you mean have a circulation through the property? I think the grades would preclude that, too, because there's a grade change from here up into this area here. I think it's about 8 feet from here up into this level here. And then we have the issue of the coverage because now the driveway is part of the coverage requirement, too. So it's a balance. We



needed that to meet our open space requirement, too. This is, I think, pretty attractive open space the way that it's set up now. We're virtually doing no grading in the back here to create that. I think it's a nice situation, from our position anyways.

**Boardmember Bass:** The site is pretty well treed. How many trees are being removed and how many being replaced?

**Mr. Ryan:** Do we know that, Anthony?

**Mr. Nester:** There's 20 proposed on Warburton Avenue, trees to be moved.

**Deputy Building Inspector Minozzi:** Have him talk into the microphone, please.

**Boardmember Bass:** There were nine existing spruces proposed to be removed along Warburton Avenue, and six proposed trees put back in its place. And that included a mixture of three deciduous trees and three evergreen trees. Can I see that site plan? This is the existing condition, or this is the proposed condition?

**Mr. Nester:** That's proposed.

**Boardmember Bass:** And where's the existing condition?

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

**Boardmember Bass:** I'll give you the floor back, if I can come back and ask more questions.

**Chairman Cameron:** Sure. Anybody else on the Board have a question at this point in time? Anybody in the audience?

**Village Attorney Stecich:** Jamie, actually I noticed a bunch more variances that they needed.

**Chairman Cameron:** Yeah, I did, too.

**Village Attorney Stecich:** Well, I think we should go through that. Because if what they're going to do is go to the Zoning Board, I think there's some other variances you missed. One is, I don't think you meet the side yards. On lot A, the side yard should ... unless I'm ... well, the side yard should be 20.5 feet because the building's 17-1/2 feet high, 35 feet high according to what you say. So then it has to be half of the building height, 17 feet.

**Mr. Ryan:** Well, on the corner lot your side yard ...

**Village Attorney Stecich:** No, no. That's different, that's different.

**Mr. Ryan:** But we went through these one by one with the Building ...

**Village Attorney Stecich:** Maybe so. I'm asking because I think it's 17.5, plus you have to add 3 feet because the depth of it is greater than 50 feet. And then that works out to 3 feet. So you have to have the 17.5 to 3, and you get 20.5. And I don't think either of the side yards on lot A meet that.

Now, you know the porch on the front of the building? Does the porch on the front of the building have a cover?

**Mr. Nester:** Yes.

**Village Attorney Stecich:** OK, yeah. So then it would have ... you need 20.5 on each side. I think on one side you're close, on the other one you're not. All right, look again. But I believe that's another variance you need. You might want ... you know where you've got, on the rear yard, there's a note up there that it's an existing nonconformity? It really isn't an existing nonconformity because it used to be that the rear yard was behind the building. And because now you've shifted what's your front yard you've made it a nonconforming rear yard.

**Mr. Ryan:** We didn't shift anything. The lot is what it is. And when you're on a corner lot, your lot ...

**Village Attorney Stecich:** No, I think before you were ... now you can. But before, I believe the front yard was on Washington.

**Mr. Ryan:** Why would that be ...

**Village Attorney Stecich:** And then the rear yard ... well, that's how the setbacks work. In any event, it's kind of a technicality. I'm just saying I don't believe it's an existing nonconformity.

**Mr. Ryan:** We would respectfully disagree.

**Village Attorney Stecich:** OK. Now either your driveway is wider than the code allows – the code says a driveway can't be wider than 24 feet and it can't be bigger than 960 square

feet – so there's ... you need variances one or the other way. If you're saying that this – on lot A – if this is all driveway ...

**[Male Voice]:** It's the other way.

**Village Attorney Stecich:** No, no, no. I'm on lot A for now. If that's all driveway ...

**Mr. Ryan:** Yes.

**Village Attorney Stecich:** ... both, it's wider than 24 feet at the turnaround, and there's more than 960 square feet. If you're calling only the narrow part the driveway ...

**Mr. Ryan:** This is considered the driveway by definition. And these are parking spaces.

**Village Attorney Stecich:** Yeah. Well then you need a variance for parking in the required yard.

**Mr. Ryan:** Not according to the Building Department when we met. There is a provision ...

**Deputy Building Inspector Minozzi:** Deven did these calculations.

**Mr. Ryan:** ... that we're allowed to ...

**Deputy Building Inspector Minozzi:** So I'm not exactly sure.

**Village Attorney Stecich:** Well, I mean, I point out that I ... you keep saying that I said to meet with the Building Department to figure out the variances. That wasn't the scenario. But you can have a driveway or a sidewalk in a required yard, you can't have parking in a required yard. So if those are parking spaces, then you need a variance for parking spaces in a required yard.

**Chairman Cameron:** That's very clear.

**Mr. Ryan:** I don't think it's as clear, but I think first of all let me correct the record. You didn't say go to the Building Department, but you said we should work out the variances.

**Village Attorney Stecich:** Right.

**Mr. Ryan:** Which, under standard procedures, as far as my experience is, we'll take another look at the plan. We'll sit down with the Building Department and we'll figure it out because they are the interpreter of the code.

**Village Attorney Stecich:** OK.

**Mr. Ryan:** That's what we attempted to do. We think that we got it right. If we don't have it right, then Mr. Sharma and Mr. Minozzi will tell us that we don't have it right and we'll work that out with them.

**Village Attorney Stecich:** OK, I'm just pointing it out now. Because my understanding was, you came to this board for determination of what variances you need so you can go to Zoning Board. That's what I understood. But anyway, tonight ... OK, whatever. I'm telling you what variances you need. If you don't want to listen you don't have to listen. You go to the Zoning Board, you'll come back and I'll tell the Board you need those variances before ... or you can listen and I'll tell you the rest of the variances you need.

**Mr. Ryan:** We will be listening.

**Village Attorney Stecich:** OK. All right, then on the additional variances on lot B. Now, on the building at the rear, what are those little boxes? Did you see there are three little boxes there? Is that just a ground floor ...

**Mr. Nester:** Those, I think, are coverings. Those are awnings.

**Village Attorney Stecich:** Oh, they're just awnings. OK, so those can go into the yard. The curbcut, I measured the curbcut out at about – it's about 40 feet, isn't it? How big is the curbcut?

**Mr. Ryan:** Here?

**Village Attorney Stecich:** Well, the curbcut. Wherever the curb is.

**Mr. Ryan:** Well, it depends on how you define it. We typically, as engineers, define it as this are here. It has the returns on it. But this area here coming straight down and extending into the road, that curbcut to us is 20 feet. That's the way we determine it.

**Village Attorney Stecich:** That's how you do it, OK. OK, because there's a limit on the curbcut.

And then the only other question was I couldn't tell from the legend what's in the recreation area. What's in it? It's not paved or anything, is it?

**Mr. Ryan:** No, no. It's all lawn landscaping.

**Chairman Cameron:** So I have one comment. We got this little e-mail saying that, in fact, the required side yard for lot B was only 15 feet. It came through at the last moment this evening. I was looking at it, wondering how they came up with that conclusion. Because when you look at the side of your building you actually referred to as the east elevation. But it's, in fact, the north elevation. You can see that the wall – admittedly at the uphill side – is only 20 feet high. But the downhill is 30 feet high. And this is a natural slope that's there already.

So the question comes up, since you have to have a setback of 50 percent of the height of the building, plus the 3 feet because it's 80 feet long, whether really it isn't 18 feet should be down there. But you've actually handily measured it at the northern end, where the wall is only 20 feet high and therefore concluded it was only 15.

**Mr. Ryan:** Well, the northern wall would be the side yard. So the north and south wall are the side yards of the building.

**Chairman Cameron:** Yes.

**Mr. Ryan:** And by definition from the interpretation from the Building Department, the increase in the side yard over 50 feet is with regards to the depth of the building. So if the building is 63 feet long ...

**Chairman Cameron:** Well, that's not what the code says.

**Mr. Nester:** That's how ...

**Chairman Cameron:** I know, but it's clear what the code says, actually. And I'll be happy to share it with you. It's very clear.

**Mr. Nester:** I'm just going by the interpretation of the Building Department.

**Chairman Cameron:** OK. But also you have the issue of the height of the wall because you're on a slope. You've said it's only two stories high. In fact, the building, because of the slope, your entire building's about 36 feet high on the street side, and it's only 26 feet high on

the backside. And our height code, as you know, actually has slopes. You have to follow the slope with your building. You can't just slip from one to the other.

**Mr. Nester:** Yeah, and I believe the code allows for 40 feet height in this.

**Chairman Cameron:** I know what it allows for. I'm just giving you how you measured the height and the question of how big your side yard is.

**Mr. Nester:** OK, I understand.

**Boardmember Sullivan:** I think there's another variance for size of parking space in lot A. The two that are sort of jutting in the back of the building, well, one there's sort of an odd curve to the driveway. I think that top space is actually unusable. I don't think you really can easily get in and out of it. But the only dimension on that space is, I think, 8 by 16. And our code has, I think, 8 by 20?

**Village Attorney Stecich:** No, 9 by 20.

**Boardmember Sullivan:** Nine by 20?

**Mr. Ryan:** There's provisions in the code that allows ... if I'm not mistaken again was discussed with the Building Department that allows you to reduce the width of the parking. I don't know to quote verbatim. But it allows you to reduce it down to 8 by 16 foot width.

**Boardmember Sullivan:** Eight by 16? No.

**Chairman Cameron:** Reduce it to 8, but not ...

**Boardmember Sullivan:** Not length.

**Deputy Building Inspector Minozzi:** Eight by 18?

**Chairman Cameron:** Yeah, 8 by 18.

**Boardmember Sullivan:** And I have to disagree. That upper space, if I'm a person who's going into that space and having to back out, I mean you've created a very awkward and unsafe condition for me to get out again. Even to back up to the now very shrimpy little turnaround.

**Mr. Ryan:** OK.

**Boardmember Sullivan:** So that whole parking ...

**Mr. Ryan:** We did try to make it ...

**Boardmember Sullivan:** Besides being in the required yard and sort of adding to the density on that particular lot, I think it's a very unsafe situation that you've created.

**Mr. Ryan:** OK. It is ... what we looked to do as an improvement over what exists there now, they function well there now as far as we've heard. We tried to make an improvement here. I don't believe it was a required improvement. We could maintain it the way that it is. We just thought this was a better situation, given a couple of the comments that we heard from adjacent property owners. Because we're not changing the function of that, we're not changing the density on that building, we're not changing any aspect at all. It's been functioning like that for many, many years.

**Boardmember Sullivan:** I'm not sure. How many parking spaces does it have right now?

**Mr. Ryan:** They stack the parking. There's no defined parking.

**Boardmember Sullivan:** So right now, the parking that's there is not sufficient for the two two-bedroom apartments that are in there.

**Mr. Ryan:** I'm not sure what non-sufficient means in terms of the code.

**Boardmember Sullivan:** Well, it's undefined.

**Mr. Ryan:** It's maybe existing nonconforming, but it's been there for many, many years. And to the best of my understanding, there have never really been any major problems there.

**Boardmember Sullivan:** I think you heard from the neighbors that there were problems.

**Mr. Ryan:** Well, problems. But they thought that it might be better if the cars didn't back out into Washington. So we tried to create, I think, a better situation for them.

**Boardmember Sullivan:** So some improvements needed.

**Mr. Ryan:** I'm sorry?

**Boardmember Sullivan:** So some improvements were needed to the existing condition.

**Mr. Ryan:** They were suggesting, and we thought it was a good idea, yeah. And we still think it's a good idea.

**Village Attorney Stecich:** But you know what? I'm going to get back to the driveway. That's got to be a turnaround, the little knob.

**Mr. Nester:** Right here?

**Village Attorney Stecich:** Yes, that's a turnaround.

**Mr. Ryan:** Yeah, we didn't make it full depth. The concern was ...

**Village Attorney Stecich:** Yeah, so that makes the driveway wider than 24 feet at that point.

**Mr. Nester:** The driveway right here ...

**Mr. Ryan:** That's the driveway.

**Mr. Nester:** This is the driveway, that's parking.

**Village Attorney Stecich:** No, it's not. Well, it can't be parking because if a car is parked there you can't turn around.

**Mr. Ryan:** They're going to put grass there.

**Village Attorney Stecich:** You know what? Just so you have a complete package when you go in to the Zoning Board, if that's what you want, then ... and I would think it needs to be ... it can't be a parking space because if it's a parking space it's not going to be a turnaround. So then it's got to be part of the driveway. And if it's part of the driveway, that point of the driveway is wider than 24 feet. I'm just saying you should include it on your list of variances.

**Mr. Nester:** It's 13 feet wide right now. So 13 plus 11 is 24 feet.

**Mr. Ryan:** So it's 24 feet.

**Village Attorney Stecich:** So the reach is 24. Well then you're OK. Because on the other side that's parking spaces.



**Mr. Nester:** Correct.

**Village Attorney Stecich:** OK.

**Mr. Nester:** At this worst spot right here it would be 24 feet.

**Village Attorney Stecich:** OK, then you're all set.

**Mr. Ryan:** Just to, I think, follow up, we did meet with the Building Department to go through this in terms of what variances we need. But I guess to get the bigger picture what I would suggest is we would go to the Building Department again with a list from you in writing exactly what variances we need so we know exactly what application we have to submit to ZBA. Again, we thought we did that the first time around. But if we can something in writing from the Building Department as to what variances are going to be required, if we have to meet again we'll do that. I think that will be helpful.

**Boardmember Ambrozek:** I'd like to make a suggestion regarding the turnaround. Because I have a concern that the turnaround will actually be used as parking space for small vehicles such as motorcycles or small city cars. And so I was thinking that the proposed sidewalk that you have coming in from Washington Avenue should actually utilize that turnaround and force pedestrians to go across that and then have your proposed sidewalk continue parallel to the house. Actually, go across ... no, go across the whole bottom.

**Mr. Ryan:** All the way across to here.

**Boardmember Ambrozek:** Yes.

**Chairman Cameron:** So, Richard, you had more?

**Boardmember Bass:** Yeah, I just ... besides the zoning the lot and the use information I requested before, I'd like a clearer tree survey showing all the existing trees. Because the number you gave me is not the number I counted, and I don't want to do this on the quick. So if you could provide that, a simple chart what's existing, what's proposed.

The parking gives me concern on the circulation. The turnaround is going to be used how?

**Mr. Ryan:** Are you talking about this lot here?

**Boardmember Bass:** That lot. We'll go to the other lots in a second.

**Mr. Ryan:** Well, what we had envisioned here is an opportunity for these vehicles to back in, turn, and face out to get out of the driveway if they wanted to do that.

**Boardmember Bass:** So a car in the southern parking spaces would back the length of the building back into that turnaround space then go out?

**Mr. Ryan:** Yeah, what they do right now is it goes about to this distance, actually a little bit further. And what they do is they back all the way out right now, into that. Because this driveway is out to here right now, somewhere in this area.

**Boardmember Bass:** So the existing condition is not very safe.

**Mr. Ryan:** Well, again, we don't know there's any problem, but we see an opportunity to make an improvement so that's what we're trying to do.

**Boardmember Bass:** And that's the best improvement you could do.

**Mr. Ryan:** Yeah, I think it's a good improvement. Just dimensionally I think it's a workable improvement.

**Boardmember Bass:** Going back to my earlier thought about your driveway and your circulation, if you extended the driveway from your lot A – if I may – if you extend it here, and then have your parking below grade, you eliminate all this driveway and paving and you just have a small extension here. You still have your internal circulation and you open up the space.

**Mr. Ryan:** OK. Well, we can look at that. I'll have to look at the grades for that, but we can look at some kind of a through driveway.

**Boardmember Bass:** It just seems like such a waste to have the curbcut on Warburton with that much paving. So I'm troubled by your vehicle circulation. I'm also troubled by your pedestrian circulation. If you put yourself in the unit and you want to walk into town, especially the units in the back, that's a strange way of entering the community. The building doesn't really fit in terms of pedestrian circulation.

**Mr. Ryan:** OK. Well, we'll take another look at that. Again, since that circulation ties into the coverage, too, we'll look at alternatives to that. Maybe there's something that can be done with an easement coming across here so these people could walk directly into town. But we'll take a look at that when we look at the driveway circulation.

**Boardmember Bass:** Also, I would double-check your numbers. On the plan you gave us you actually have a 25-foot wide driveway noted. If that's a concern, just so your numbers ...

**Boardmember O'Reilly:** It looks like 25.

**Mr. Ryan:** Here?

**Boardmember Sullivan:** On your plan.

**Mr. Ryan:** At the turnaround?

**Boardmember Sullivan:** Yeah.

**Mr. Ryan:** That's only at this point. The width of this is 13 feet.

**Boardmember Bass:** I think there's a better way of solving your circulation. And the existing condition may not be great, and you're improving on it slightly. From a practical point of view, this is very clunky. And if you're seeking relief from the Village's regulations come up with a better site plan.

**Mr. Ryan:** OK, we'll take a look.

**Mr. Sciarretta:** Just one other housekeeping matter. I don't know if this board's ever declared lead agency under SEQRA. I mean, we've been here, you said, awhile. So I don't recall the record ever making a lead agency determination.

**Village Attorney Stecich:** Are there any other approvals you need besides the Zoning Board and the Planning Board? You don't need anything from any other agency.

**Mr. Sciarretta:** No, it's just this one.

**Village Attorney Stecich:** Then it's probably not worth doing coordinated review. I think each board should do its own because it gets really, really complicated. Because if this board's lead agency, the Zoning Board can't make any decisions about variances until this board makes its SEQRA determination. And it gets crazy. So each board will make its own determination. It works better.

Just one other thing. I haven't seen, and it's premature, but just so you guys recognize you

also need a special permit. That wasn't included on your list of stuff you need. Because the multi-family's a special permit use, I believe. Wasn't it? I'm pretty sure. Wait, let me just double-check. You know, I didn't notice that before until I was looking at it, and maybe I was reading it wrong. Hold on one second.

**Boardmember Sullivan:** I don't think so because I looked recently, but that doesn't mean anything.

**Boardmember Bass:** While she's looking it up – trash removal. Will Hastings trucks come onto the site, or do you move the garbage to the curb?

**Village Attorney Stecich:** No, take that back. You're right, it didn't. But no, it does not.

**Mr. Ryan:** [off-mic] private party so we have a [off-mic] for this driveway so there's easy access to that? So the trash hauling could be [off-mic].

**Boardmember Bass:** But that hasn't been decided?

**Mr. Ryan:** No.

**Boardmember Bass:** How do Hastings trucks deal with multiple dwellings now?

**Deputy Building Inspector Minozzi:** It depends on the unit. Some have dumpsters, some have garbage pails. They do pick up some dumpster, or areas that do have dumpsters that they pick up. So it depends on the dwelling itself.

**Boardmember Bass:** Would this scenario fit into something that exists today?

**Deputy Building Inspector Minozzi:** I would have to leave that up to the Superintendent of Public Works. But from my opinion, it looks like a garbage truck could back into that space and pick up the dumpster.

**Boardmember Bass:** Could you have a conversation with DPW so we don't have to guess?

**Deputy Building Inspector Minozzi:** Yeah, that would be the best bet is to talk to the DPW Superintendent.

**Boardmember Alligood:** That would definitely raise safety concerns if that's the access for the people living in the back to have garbage trucks basically backing into their walking

space. So I just raise that as another circulation problem, based on the scenario you described of a person that's coming ...

**Mr. Ryan:** So your concern is that a trash vehicle would have to go into the driveway?

**Boardmember Alligood:** If you're saying that's the main exit for a person leaving the ... you were asked earlier to describe how a person living in the back homes, the homes that are in the back. They're not going to always drive to go one block into town. So their way to access Warburton and walk into town is to go down through that driveway. So having a big garbage truck backing in there at least twice a week is a concern. Young children.

**Boardmember Bass:** I think that just goes into the whole, you know, rethink your circulation.

**Chairman Cameron:** So any more comments?

**Boardmember Sullivan:** So they're going to go to the Zoning Board and discuss these variances, and then the Zoning Board will make a determination?

**Chairman Cameron:** Well, we also have to send the Zoning Board a report. I'm going to circulate a draft.

**Village Attorney Stecich:** But you should get a consensus of the Board tonight before you circulate it.

**Boardmember Alligood:** That's what I was just going to say.

**Chairman Cameron:** I was going to do that a little later, but I can do it now.

**Boardmember Alligood:** Oh, OK.

**Chairman Cameron:** I mean, my thoughts are, as I stated earlier, that the development is too big and it's violating our coverage requirement by over 300 percent. And that we deserve and need a smaller one than that. I'm not saying it has to fit within it because I'm sure they'll seek a variance in the end. But what they're asking for now is way out of line. And despite of our best efforts they haven't come up with a smaller proposal.

**Boardmember Sullivan:** I think part of the size too, Jamie, gets into a lot of the issues that have been discussed tonight, as well as in past meetings, about the issues of circulation for both people and cars. And with the building coverage itself being so great, there's a lack of

opportunity to ... in this particular site, which we've talked about, is a very busy and difficult intersection. And adding this type of density at this particular location, I think, brings up some public safety issues. Again, that comes back to the coverage issue.

**Chairman Cameron:** Right.

**Boardmember Sullivan:** So the coverage that they're requesting being much greater than what the zoning allows.

**Chairman Cameron:** Yeah, I think you're absolutely right. The size of the coverage has been popping up – the side yard and all these other problems.

**Boardmember Sullivan:** We don't have the breathing space to make this a project that really fits well within this community.

**Boardmember Alligood:** And I think piggybacking on that comment, my concern has been repeatedly that I don't think this fits in character with what's around it. I would say that from an aesthetic standpoint, as well as some of the other things that were discussed that have to do with circulation and how do you experience this space and how people get out of that development and into town. I just want to emphasize that point, that I think a better job could be done to design something that really fits with the character of that part of town.

I think keeping the existing building is a huge positive, and I want to acknowledge that. But in terms of the new building being proposed, I don't see it. I said that last time, and I don't see any change to that.

**Deputy Building Inspector Minozzi:** Excuse me, Mr. Chairman. Would ARB, at this point, be helpful, do you think? Or would you still choose to hold off a little bit?

**Chairman Cameron:** They're going to go to the ARB. We're required, under the code, to send a report, so the code says. So we're going to send a report. It won't be a specific report on where we are.

**Village Attorney Stecich:** No, he's talking about the ARB, not the ZBA.

**Chairman Cameron:** Oh, ARB.

**Village Attorney Stecich:** It's premature.

**Chairman Cameron:** If the ARB can make it look smaller, there's the thing.

[laughter]

They're good guys, I know.

**Boardmember Sullivan:** They're creative folks.

**Boardmember O'Reilly:** I don't have any technical comments or questions with regard to this site, but I do have to admit to a certain frustration and conflict about the nature of the project. I mean, I'm sympathetic and I think most of the people on this Planning Board are sympathetic to a project that will increase the vibrancy of the Village and the ability to walk around the village of Hastings in proximity to the Village as this project could be. The only problem is, as from to comments you've heard and all the variances required, you're asking for a lot in order to make the project workable.

But as I say, on the other hand, I think most people would say they're sympathetic to the notion of a development that allows for increased traffic, walking traffic, in the Village as opposed to vehicular traffic. And anything in the downtown area can have that appeal. It's an opportunity, but on the other hand when you're asking for something like a 300 percent variance on coverage you wonder if this is the lot where such a project as his should be developed.

**Boardmember Ambrozek:** I have a question in regard to the steep slopes. That there's been ... I don't see anything addressing steep slopes for this development. And I think that there may be some issues of steep slopes here because there is a significant grade.

**Mr. Ryan:** I think we did steep slopes on this. I don't think there's any existing steep slopes on this.

**Mr. Nester:** [off-mic] there is on-site.

**Mr. Ryan:** The grades ... what helps that situation, the grades actually start to fall off in here, and we take advantage here by coming in at a flat portion of the property underneath the building. Back here is an existing retaining wall here. It's an old remnant and a foundation. We thought it was something we could work with. But we're not doing any significant grading in the back, nor are we doing any significant grading in the front of the building. You know, it's probably perceived that way because there's the stone and it flattens out. It's a slight slope front to back. But we are excavating out so we can place the parking underneath the building. But this area is fairly flat in the back, as well.

**Boardmember Bass:** And, again, you have to excuse me. I'm new to the Board.

**Mr. Ryan:** Sure.

**Boardmember Bass:** I'm troubled being put in a position to make a recommendation one way or the other. I'm still needing more information, and I think you can provide both in terms of the factual information. But in terms of your site plan and your circulation, it's awfully clunky. And I think that can be improved. You may want to look at a better site plan that may trigger other variances, but they make the project work better. I'm getting the sense that this is being forced into this corner site, and it's not shoehorned correctly.

I think you could come up with a better site plan. And with a better site plan and with the additional information and a better outline of what variances are required, bring it back to the Planning Board before you go back to the Zoning Board, and then go to Architectural Review. I think you've still got a couple more layers of the onion to peel before you can ask any board in Hastings a yea or a nay.

**Mr. Ryan:** If I could ask a couple of questions, we have an alternative of going higher on the building. We're not taking advantage of the height requirement. We could certainly reduce the need for the coverage variance by going higher. I don't know that the Board wants to see that. We thought that there are some advantages to staying to two-story here. We could certainly make the variance requirement smaller by going three stories, but we didn't think that was to anybody's advantage.

We've always had the option of connecting the building. In fact, they've shown, before we were involved in it, plans that connected the building. It certainly reduces the variance requirement, but it's a single lot. We'll attach that building to that building. But at least the feedback that was conveyed to me is that one of most important things on this site – and I think one of Boardmembers emphasized that – is to try to maintain the character of this existing building. While we tried to make some improvements to the driveway, we thought it just prudent to do that. We're trying to maintain the character and create that disconnect. And we create that disconnect better with the subdivision here. We didn't want to link the building. We want it to stand alone. We wanted to make some improvements to that.

This particular building, we believe – and, again, we'll go back to the Building Department and talk more with them – we don't think it needs a lot of variances. We think it needs the variance for the coverage, that being the major variance. Obviously, with creating the subdivision it's creating the need for – because we're creating a noncomplying lot. But other than that, a particular aspect, we have the wall requirement. We're certain of that, that we need that variance. We could certainly grade that out to minimize that wall. I could



eliminate that variance. So it's going to bring it down to a couple of variances. While being substantial, I think it is relevant of the fact – and I brought it up very early on – that we could not create a multi-family on this property. Forget about having two buildings. We could not create multi-family on this property and comply with the zoning requirements.

So we reduced the unit count from 13 to seven. We reduced the height of the building, pulled it away. We thought we'd created a situation where we meet all the parking requirements. There were some initial comments that related to parking. And we had suggested let's get all the parking underneath the building, let's not have an issue with the parking. It is a transit-oriented type of development here, multi-family densities I think are important.

**Boardmember Alligood:** What about it is ... you're using a term that has meaning: "transit-oriented development."

**Mr. Ryan:** Correct. And I've done plenty of these developments.

**Boardmember Alligood:** What about – and this is one of my questions – what about this project espouses transit-oriented development? Other than the fact that the train station is nearby, other than that. Because that's not the ...

**Mr. Ryan:** That's not true.

**Boardmember Alligood:** What about it ...

**Mr. Ryan:** That's not true. The fact that ...

**Boardmember Alligood:** Please explain. I would like to know.

**Mr. Ryan:** ... you have access – just our experience. The fact that you have walking distance to the train station is relevant. If, for instance, you look at ...

**Boardmember Alligood:** So is there an aspect of the design of your project that takes advantage of the fact that you're within walking distance of the town? That we just pointed out tonight that we don't see good access as a pedestrian coming out of that building to the town.

**Mr. Ryan:** I took note of the comment on the pedestrian access, and I think there are things we can do for that. We can expand on that.

**Boardmember Alligood:** I just think if you're going to use a term that has a meaning, and that has principles around it, then you should provide explanation to us, and show us in your design, how that is ...

**Mr. Ryan:** Be thrilled to do that. I've done many, many developments, and this proximity to train stations is an ideal example of ...

**Boardmember Bass:** But proximity doesn't make a TOD.

**Boardmember Alligood:** That's not ... exactly.

**Mr. Ryan:** It's not all about this, but it is probably the most ...

**Boardmember Alligood:** You're talking to two planners, and you can't just kind of throw that out there.

**Boardmember Bass:** But if we're going to dress this up as a TOD, then your pedestrian circulation in terms of access to the town and the train station are inadequate. So the project should be then defeated on that alone. You can't have it both ways. You can't have a badly-designed pedestrian circulation, and then call it a TOD.

**Mr. Ryan:** OK. Well, I disagree it's badly-designed circulation, but we can make improvements to it. So we'll look at that, but there is a proximity that ...

**Boardmember Alligood:** So maybe next time, if you're going to use the term, what I would like you to do is go to the Web site and there are plenty of Web sites that define TOD. Bring us the principles of transit-oriented development, explain to us what those are so everyone in the audience can understand and we're not just using a technical term, and then show us how your project espouses those principles.

**Mr. Ryan:** I will do that.

**Boardmember Alligood:** That is what we'd like you to do if you're going to use that.

**Mr. Ryan:** Fair enough, fair enough.

**Boardmember Sullivan:** Have we discussed our variance recommendations for the Zoning Board?

**Boardmember Bass:** I still think it's unclear what variances they need.

**Village Attorney Stecich:** It's not unclear.

**Boardmember Bass:** OK, then I stand corrected.

**Mr. Sciarretta:** We need to come up with a list with the Building Department as to exactly what variances we need. Because part of the problem is, we're going there, we're going back and forth. We just need a concrete ...

**Village Attorney Stecich:** You know, I just want to point out that at the very beginning of this process you asked to sit with the Planning Board Chairman, myself ..

**Mr. Sciarretta:** Right, and I said nothing about that.

**Village Attorney Stecich:** ... the Building Department to figure out the variances. And we sat down. You could see that there wasn't necessarily a first-blush agreement on everything. This go-round you had the meeting, you did not include the Chairman, you did not include me. I'm telling you what variances you need. Go on back and talk to the Building Department if you want. But if you want a fruitful meeting, I suggest you get the three of us together – I never heard from anybody since the last meeting – and we come to agreement on the variances.

**Mr. Sciarretta:** All right, we'll do that. We'll do that.

**Village Attorney Stecich:** Having interpreted this code for 30 years, I'm confident that I'm reading it correctly.

**Mr. Sciarretta:** All right, we'll do that. And, you know, we did it, I acknowledge that we did it. But at the last meeting, we were asked to go and figure out what variances we needed. So we went ...

**Chairman Cameron:** But not by us.

**Mr. Sciarretta:** Well, I mean, I can go back and look at the videotape. But we were asked to go figure out what variances we need, and that's why we went to the Building Department. And as the interpreters of the code, that's what we did. So we can do that again, and we're happy to sit down with you, the Village Attorney and the Building Department to figure out what list of variances we need. Put that in writing so we can present the complete application.

**Chairman Cameron:** Well, I think we need to move on to the next person who's been very patient with us. But I thank you very much.

**Mr. Ryan:** Thank you.

**Village Attorney Stecich:** It looks like there's a neighbor.

**Chairman Cameron:** Oh, sorry. A neighbor, sorry. Sorry, could you hold on for a minute? It looks like I've never asked the audience.

**Joe Lemischak, 26 Villard Avenue:** I'm here on behalf of my mother, who has the adjacent property on 40 Washington Avenue.

**Chairman Cameron:** Could you guys please pay some respect to a speaker who's talking about an adjacent property.

**Mr. Lemischak:** She owns the adjacent property on 40 Washington Avenue, which is a single-family dwelling. I've been coming to Planning Board meetings, Zoning Board meetings, community outreach meetings for about 5 months now. To your point, Mr. Cameron, nothing seems to ... I mean, things have been moved around, but the size of this there hasn't been any reduction that I can see. I don't know if you're making a recommendation to the Zoning Board after tonight. That's why I'm speaking. I would like to point out, I haven't heard view preservation, anything about that. I did hear them saying possibly going higher. I would just like that all to be taken into consideration if you are making a recommendation. Thank you.

**Chairman Cameron:** OK? Nobody else wants to address this topic? All right, we'll go on. Thank you.

2. **Subdivision and Site Plan Approval – Application of Ginsburg Development Companies, LLC, for:**
  - a) **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 total of three lots, and**

- b) **site plan approval for the development of the three lots for a multi-family dwelling complex with a total of 66 dwelling units, 12 of which are proposed to be affordable units.**

**Village Attorney Stecich:** Buddy, you handed out the January 17 letter from the county. Did you hand out the subsequent one?

**Deputy Building Inspector Minozzi:** No, Jamie gave me a copy. I just made copies of what Jamie gave me.

**Village Attorney Stecich:** OK. No, there's a second one. It's got some of this as addressed. I did make copies for everybody.

**Chairman Cameron:** OK, good.

**Village Attorney Stecich:** Buddy, you know what? I have them in packets stuck together, so here. So you're going to have seconds of the January 17 letter. And there's a subsequent one behind it. But apparently what happened was, Ginsburg replied to the county and then they responded after that, some of the things we addressed and some not. You must have gotten it because it went to you and then I got a copy from you. But whatever. So a few of the things were addressed. I assume that you're from his firm.

**Douglas Hahn, Hahn Engineering:** Good evening. I'm Doug Hahn, and this is Frank Annunziata with Hahn Engineering.

**Chairman Cameron:** Sorry we kept you all waiting so much. So we won't waste any more time. Just go ahead.

**Bruce Lozito, Ginsburg Development Companies:** With me tonight is Tony Castillo from SESI Consulting Engineers. They're the site engineers. Tony is the hydrologist who does the stormwater design in particular. Of course, Sue Smith and Rose Noonan, our faithful affordable housing advocates, are here tonight, as well.

Since the last meeting we did a couple of things that I just wanted to bring the Board up to date on. We had submitted to you a revised landscaping plan that your board had requested, together with a proposed landscaping care program that we thought would be appropriate for the site. We also made the submission to the Architectural Review Board and made a presentation to them about a week-and-a-half ago, as the Board had requested. As Marianne mentioned, two letters were received from to county. One rather lengthy letter that I think

was written before they had had an opportunity to fully review the development plans that we had prepared and submitted to the Village.

So Tony Castillo and myself met with them subsequently and informed them about certain aspects of the project, and they wrote the follow-up letter based on things that we had agreed upon to address their concerns. And then, of course, we received fairly received – I guess Tuesday evening – Hahn Engineering's memorandum. And while we haven't had a chance to fully respond to it, we're prepared to respond in part.

So I just wanted to go through some of the things that we've done in more detail with respect to the planting, first, the first item I mentioned. We had been asked to do a couple of things both by this board and by the Fire Department. This is a portion of the site, lots 1 and 2, buildings A and B. What is changed on this portion of the plan was to eliminate the white pines that we had previously indicated, and replaced those with Norway spruces. I think we have a fairly good track record with Norway spruces on this property, that they should do well here.

Also an important thing, that was actually something that had been incorporated in the previously-approved plans, was to have a no-mow zone, if you will, between the buildings and the river behind to create somewhat of a buffer between those two uses. So what we've introduced in this dappled graphic is a meadow grass that would be basically a wild flowering berry grass meadow that would require minimal maintenance and would essentially just be a natural buffer between the buildings and the river. That carries over on to the southern portion of the property also.

The other relatively minor thing, when we met with the Fire Department about the road widths and so on, one of the requests they had of us was to move ... we had three river birch trees here that they thought confined their ability to access building B. I have an alternate access in addition to the more obvious one. So they asked us to eliminate a tree and shift those northward just so they'd have a clear path to get to the building in another way.

On the southern portion of the site we did a couple of things also. We added the meadow grass behind building C, between it and the river. And we added a note that one of the Boardmembers had asked about what was going to be happening with the existing pavement. So we added a note that that pavement will be removed, as well as the base material, topsoiled, fine-graded and seeded so that when the Village gets it it's in a lawn'd condition. We would do that at the very end. Because, as I mentioned, we want a sidewalk. As in a previously-approved project, we didn't want to use this parking area as a construction and marketing area. The previous approval had a construction trailer and a marketing trailer

parking, and that was to serve the project. And we would use the same approach so we could keep that activity away from the construction activity.

Related to that, we had shown a berm on the property for a portion of the frontage. That was a question, and I remember what the reason was. There's an existing curbcut here in addition to the existing curbcut located to the north. We thought it wise to leave that curbcut in existence for two reasons. One, while we're doing the construction and marketing also, then, the Village would have an established curbcut for the park site that they could utilize, as well. So it would serve us on a temporary basis, and serve the Village on a future basis. That's why the berm wasn't quite long for the entire frontage of the site. If the Village chose, at some point, not to use that, that would make sense. It's an existing and viable curbcut.

In terms of the management plan that we submitted, we used a contractor – GDC has used a landscaping contractor for years who's very responsible – works on GDC's waterfront properties, and very sensitive to ecologically important sites. They came up with a plan that we submitted to you that took advantage of the fact that we're going to create this buffer between the river and the buildings and other lawn areas that would be not mowed, it would not be irrigated, it would not receive fertilizer, it would not receive pesticides. If any random weeds or saplings or something occurred they would be removed manually from that area, both on the southern section and the northern section. That was a key element to the landscaping program.

I should mention, and many of you may already know, one of Ginsburg Development Companies', GDC's, trademarks is the quality of the landscaping. It very often creates a site that is more attractive than it was in its natural condition in terms of the variety and robustness of the landscaping. So they're very conscious of how to properly treat the landscaping so it's healthy and attractive and viable. The program that our contractor suggested was to use organic fertilizers for the lawn areas and the planting beds; use an absolute minimum amount of pesticide applications.

They provided a schedule, they identified the materials that would be used, and noted that it would be of the minimum concentrations that would be appropriate for the landscaping to maintain it in a healthy condition. Use other methods to control pests and deal with any disease, such as if a tree has a limb that's diseased rather than spraying the entire well. tree, remove the limb that's diseased. Do it selectively. Control irrigation so there's no excessive runoff from the site that might carry something in its flow. So control that very carefully and, as I said, use the minimum amount of materials necessary to have a healthy environment. We're using, in accordance with the Green Building Code, predominantly native plantings. So they, by their nature, are suited to the environment and should require less care, as well. I understand that the Board may retain a landscape architect to review our

plan and our program for maintaining the site. So we'll look forward to working with that individual as the process evolves.

Should I keep going, and then you'll ask questions? In terms of the Architectural Review Board, I thought we had a very constructive meeting and I think we were positively received. They're a pleasure to work with, they're very thoughtful and make suggestions in a very constructive way. One of the comments they made – since they were asked by your board to review it under the site plan review phase of the project – they did look at some of the site features. One of the things they noticed, as a number of you did from the rendering, that we did have a bit of a regimented layout on the rendering which doesn't depict what's on the plan. They commented on that, as well. But I want to just point out, and you probably looked and saw it for yourself, that the plantings on the plan include fountain grasses, perennials, ground covers, evergreens, and deciduous. There is a variety. Even though these are just similar symbols here, there are multiples of these three different kinds of evergreens. There's a Douglas fir, there's a Norway spruce, Canadian hemlock, and eastern red cedar. So there's a variety in heights and types so there's not a cookie cutter type of a condition there.

We were sensitive to that. And we think this addresses that issue. We do have a more formalized street tree configuration on the internal roadway. We think that's an appropriate treatment of a more residential aspect. This is more of a natural landscaping calling card, if you will, for the site, along Route 9-A. And then this becomes a neighborhood street, where street trees are placed on a regular basis and are a very common, attractive, and accepted treatment in a residential area. That was one of the comments from the ARB.

They applauded the berm, and they also applauded the use of a neighborhood street in lieu of a parking area. Those were two things they thought were very positive. They did mention that they had some concern about the visibility of the buildings, the rear of the buildings, from Saw Mill River Parkway and the trail. I hear that. We had done a number of things to address that. If you remember, the previous plan had the two 300-foot long buildings. One of the first things we did when we came back was to chop that up, making a smaller building, so we'd have more open space areas and less of a wall of building that the previous plan had.

The buildings are about 200 feet, on average, from the Saw Mill River Parkway. So there is a considerable wooded area between it. I know in the wintertime the leaves are down, it's not as effective. In the warmer weather it is clearly more effective. We also took care to maintain all the perimeter trees that currently exist. As you know, this is a cleared site with parking lots, and there's just not a lot of vegetation there to serve as an existing buffer. But whatever was there we tried to preserve. We'll take a look at it and see if there's some key locations where trees could be planted in the rear to just maybe break up the visual of the building a little bit. We also are limited in terms of the available space because of the



bioretention basins and things of that nature. So it's a little tricky, but we'll try to finesse that a little more. But I think this site design, by its nature, really mitigated a lot of the previous impacts and came up with a better approach.

In terms of the architecture, you had the comments. But those are sort of bullets, so I just wanted to provide a little context for them. I think the most important response from the ARB was that they felt this was fundamentally an appropriate design concept for the project. Calling it "recreating an industrial loft building" is the approach that we took. We brought photographs of the commercial building to the north of us and the office building across from us. This just seemed, I think to everyone, it just kind of fit right between those, in a sense. The building to the north is a stucco, one-story/two-story type of building. The building across, the office building, looks like Alucobond but I'm not sure if that was the material of the day. But it's a more glossy type of a finish, and they thought this not so glossy, more former historic type industrial building, was a more appropriate design concept.

They did however have a number of suggestions that we're going to take into account when we get to the detailed design, incorporate those for the ARB's final approval. They commented, for example, that we have this cap along the top where they felt, for a building of this nature, it would have a more substantial cornice, for example. We explained that we had height limitations. But we said we could do something to beef that up, so to speak, so it's not so new and more in keeping with the concept that we're trying to achieve. They wanted some more weight in some of these areas between the buildings, where there's an extension of the building code's column, if you will. It comes out from the face of the building.

On the architectural plans that detail wasn't really as clear as it was on the rendering, where you can see shadow lines. That shows as a more beefy architectural feature there than the plans indicated. So they want us to correct the plans so this is what it reflects. They thought this area was very important, and they wanted us to beef up some of these elements to make that more apparent.

**Village Attorney Stecich:** Did they like the sculpture?

**Mr. Lozito:** I think they did. I think they appreciated the fact ...

**Chairman Cameron:** They were very positive about the sculpture.

**Mr. Lozito:** The whole idea of emphasizing this was helped by that so I think they'd did like it. Now, they did have some concerns, and that's our own fault.

**Chairman Cameron:** "Brutal" was the word they used.

**Mr. Lozito:** This, unfortunately, doesn't depict the condition that's on the plan because this was done before the grading was done. So there's actually some fill here that cuts this about in half, which would have helped. And also, the architectural renderer was basically working from an elevation. He really didn't have information about what occurred below the design façade. So he just filled it in, so to speak. We'll have to do something to make this either a continuation of the upper floors or a better material, something less of a blank slate, so we can address that concern. That was just, unfortunately, an oversight. Doing a conceptual drawing like this doesn't necessarily depict the full intent.

Another comment they had, and this applied to the front as well, this is a metallic-looking panel – spandrel, if you will – that we bought a sample of. It's actually the same material, but it's a different finish to it and it does have sort of a metallic look to it. But they didn't think it went far enough. I think one of the comments they made was that if you're going to do that design approach we're talking about it has to be done with authenticity. So the materials and the details are going to make it something that looks substantial and not something that was just a modern day version of something that existed before. So we had to work on that kind of thing, that kind of detail, as well, both in the front and the back. And they wanted us to try to pay as much attention as we could to the back because it is visible from the trailway and so on and so forth.

This is obviously a conceptual stage. When we get to the building permit we'll have considerably more detail, we know what they're looking, and we'll be able to address it. And as I said, it was a very nice exchange of ideas, and I think we can work very well with them.

**Chairman Cameron:** If I remember correctly, either end of the portable building doesn't have any windows. Did they talk about dressing up either end so it looked more like the other buildings?

**Mr. Lozito:** I did show them this and we did go through it. We did look at the question of adding a kitchen window. Unfortunately, it would be in this area, and with this and this and this it would really have ...

**Chairman Cameron:** Yeah, maybe it has enough windows.

**Mr. Lozito:** We added some from the first time I think.

**Deputy Building Inspector Minozzi:** Actually, in this façade – in this picture of this façade that Bruce is showing now – they had more concerns of the side view of the front canopy

than anything else in this particular picture that he's showing now. That was a very large, a very big, concern of theirs.

**Chairman Cameron:** I think put a couple of those half rounds on top of it.

**Mr. Lozito:** Thank you, Buddy. They think, again, the devil's in the details. They want to be sure that when that gets detailed that it's an attractive thing. It's an entry point. That doesn't show up, sorry. This is going to be your invitation to the building. The thinking is that this would actually be an open roof in this area. So there could be plants under there that would get sun naturally. This would be a covered area over the doorway. They want to make sure the treatment of the ceiling, when you're looking down on from inside the units, is done properly and attractively. They were really homing in on the details of what it's going to be like to visit this, what the experience would be and those kinds of details they would want to see more on that.

Let's see. I think that's most of it. They did ask for more information about the pedestrian bridge. We provided, in one of our detail sheets, the basic configuration of the prefabricated pedestrian bridge. We haven't specified a material yet. It's steel, but what exactly that will be, what the finish will be, they want to know about that. Another thing, we hadn't provided any information about the gazebo that's between the affordable and market rate building. I'm just going to throw out a thought. Showing the gazebo here, we hadn't really thought it out. I have to say that when we went on our field visit, and we saw in the field where the corners were and where the gazebo was right in the middle, I expressed some concern about that, the appropriateness of having a structure there between those buildings so close to the residences.

We'd actually like to rethink that and possibly eliminate that, or maybe do something lighter. Maybe a trellis type of thing or something like that. It's a thought we had. I thought the Board, or the Chairman, had a question about the wisdom of that that there, at one point.

**Chairman Cameron:** Well, I still like the other side better but we had steep slopes.

**Mr. Lozito:** So I don't know if you think that would be helpful.

**Chairman Cameron:** Well, we talked about it. But I think a destination thing is often useful where people are going to use something. But that's something the whole Board can talk about.

**Mr. Lozito:** I think that was it from the points of the ARB.

**Chairman Cameron:** Since we have our engineer here, maybe we should move over to the engineering side. I think that would be nice to do.

**Mr. Lozito:** I just want to say we did take a look at their comments. And I think in large measure we could readily respond. Much of it was providing some additional calculations. We do have some different opinions on some of the standards that we'd like to be able to discuss with them at some point. We appreciate the effort.

**Mr. Hahn:** Ok, I guess I'll just start at the top. Again, this is Frank Annunziata. He looked more at the stormwater part of this, but I'm pretty familiar with it, too.

Starting at the top, we mentioned the steep slopes. So they have to show compliance with the steep slopes chapter 249 of the Village code. Number two is the filling and the structures in the floodplain. So they'll have to address the section of the code. Chapter 146, flood damage prevention. We're looking for a little more information on some of the signage so we know their site distance. You could see, when you're pulling in and out, during construction. That's for the temporary sign. They'll need a DOT permit, or permission from the DOT, for some of the work on the right of way.

The existing drainage that crosses through the property, they have a lot of easements. They have sewer easements, they're going to have some other drainage easements. So we're looking for I guess there's no easements through the property now for the existing drainage. So we wanted to make sure that it's operating properly and that it's in an easement for someone to maintain in the future if something goes wrong. The trash area, we see one trash area just south of building C. We wanted to know if there's going to be any other trash areas for the other buildings, or if they're going to have to bring the trash from building A off to the other side of the site. And then also it seems like a difficult area to pick up the trash. So the Village DPW or somebody should have to take a look at that and make sure they can easily access and get rid of the garbage.

We recommend a maintenance bond for landscaping. And the slope, they have some slope protection that they're proposing. Trees should be protected, should be shown on the plans. We recommend a fence. Some of the walls that exceed 4 feet in height. As far as sidewalks, they're showing a 4-foot. We recommend the 5. It's more ADA compliant. Number 11, we're really just looking for some clarification. Accessing into the lower parking areas, the configuration is more like an S-curve instead of driving directly down. We just wanted some clarification. It seems like maybe they're trying to deter people from pulling straight down into the garage versus the driving around it.

Some of the cuts and fills, we were just asking about that. Erosion control. Getting into the

stormwater, I guess one of the main concerns was just clarifying exactly where the groundwater table is because you're supposed to have some separation between the bottom of the practice and where the groundwater table is. So in some of the reports it was a little unclear exactly where it is. So we're looking for clarification for that.

**Village Attorney Stecich:** Doug, let me ask you, on this one I had forwarded you the letter from the county because they had some similar concerns.

**Mr. Hahn:** I didn't see it.

**Village Attorney Stecich:** Oh, you didn't see it?

**Mr. Hahn:** No.

**Village Attorney Stecich:** OK, I don't know what happened. I know we were sending a lot of e-mails back and forth, but I'll show it to you. Because the county had some concerns, as well, and I just wanted to make sure you were looking at that.

**Mr. Hahn:** OK, as far as stormwater?

**Village Attorney Stecich:** No, they had a particular question about the ... well, they had some about the county sewer. And then they did say something about the trash and the potential for flooding. Just so I don't forget, here, take this copy now. You don't have to look at it now. Some of the stuff you're saying overlaps, so let's just make sure that it's all included. I'm sure you picked it up, as well.

**Mr. Hahn:** I'm sure. Let's see, what else. The bioretention, you typically see them off-line practice. Which means that all the stormwater flow doesn't go through the entire practice, it's just the initial water quality volume goes through the practice. It gets treated, and then the larger flows are diverted around the practice. Draft NOI should be submitted. Some of this stuff is just kind of protocol.

**Village Attorney Stecich:** What is that, Doug?

**Mr. Hahn:** NOI is a notice of intent. It goes to the DEC. The SWEP, we're looking for a couple things in the SWEP. Contractor certification. Historical places. Documentation supporting historic places and archeological resources. Draft maintenance easement and agreement. Looking for compliance with the soil restoration requirements in the manual. The limited disturbance, they're showing almost 4-1/2 acres. Once you get over 5, there are a

couple other requirements that they have to comply with. They have to do it in a phase, and they have to show this and explain in detail in the SWEP and on the plans.

So it looks like they'll probably exceed 5 acres. I know that he mentioned before, they're probably going to do the parking lot after, I'm sure. So it sounds like they can address that. That's shouldn't be an issue. Construction schedule. We're asking to combine the schedule and add a couple things as far as the sequence goes on the plans and also in the SWEP. We're looking for some additional information for the pretreatment for the bioretention practices. And also some information on the vertical sand filters. Tension worksheet. Some clarification on the worksheets, which is just standard. It's just standard information.

One of the things was the rate at which ... the bioretention calls for a specific type of soil, and it changes the size of the practice. So we want them to clarify exactly which rate they're using, whether it's for the soil or whether it's sand, and to make sure that the details and the calculations match. Because it could change the size of the practice. Again, some clarification on the water quality volume. A couple ... talking about the details for the under-drain, so we're just looking for some details. Again, we mentioned maintenance earlier. In the SWEP, we're looking for long-term maintenance procedures. They have to clean out the swell chambers, clean out the practices. And so we just wanted a little more detail on that.

And then we're looking for them to verify that the existing outlets are in good condition and they're not eroding. And if they are eroding, then how are they going to address it. They'll have to maintain it make sure it has a good integrity.

**Village Attorney Stecich:** Doug, you just skipped over 28. Is that an issue? That looks like it's a big issue. Is it?

**Mr. Hahn:** That has to do with the water quality volume and how they calculate it. It's redevelopment, but they're actually calculating it as new development. They're actually treating more than they have to right now, so we're just asking them to clarify it. I mentioned that they need to check the condition of the existing stormwater pipes and outlet. And then on the erosion control, they're showing one construction entrance and there are two entrances. So we're just looking for either another construction entrance or how they're going to make sure they only leave through the one entrance so they don't track sediment and dirt down the road.

And those are our comments.

**Chairman Cameron:** So any comments from the members of the Board on these things?

**Boardmember Alligood:** On everything?

**Chairman Cameron:** We're going through the report.

**Village Attorney Stecich:** The engineer.

**Boardmember Ambrozek:** Well, I have a question on the planting presentation by Mr. Lozito.

**Chairman Cameron:** Well, that will come when we get the landscape person.

**Boardmember Ambrozek:** Oh, OK.

**Chairman Cameron:** We're just doing the water while we have Mr. Hahn.

**Boardmember Ambrozek:** All right.

**Chairman Cameron:** I do have a couple comments myself. But I guess the one on the trash area, as you undoubtedly know there's only one trash bin, which is over by building C. As I understand it, they're intending to have their management move the trash from buildings A and C to that dumpster and that's how they're going to get it there. Because they have alternative bins in the basement of the other ones. My concern, which I brought up earlier, which seems to be a concern of the county, is how do we assure that the people in the affordable building are given the opportunity that they make sure they do their trash properly.

Because, you know, we have these 12 units there and it's a long way to walk around. And there's no real place to put in the meantime in their own building at the current time. So that comment from the county really rang true with me when I read it, that Hastings prides itself in getting things into three bins – or two bins, and garbage. And just to see how we would be able to do it with respect to affordable building I thought was an issue.

**Boardmember Sullivan:** I think we need to also think about recycling as well.

**Chairman Cameron:** For three bins. I'm assuming that the dumpster's going to have three compartments in it.

**Mr. Lozito:** Right. There'll be several in that trash area for recycling and trash.

**Chairman Cameron:** OK.

**Mr. Lozito:** One of the things that may not have been obvious, the affordable building, each of the units has an extra large utility closet proximate to the kitchen. A minimum of 25 square feet. So there'll be an area where people can readily keep their recyclables. Even though they don't have the basement that the market rate units have, where there's a trash room, they'll have an extra utility closet where they can readily put their recyclables. And as far as bringing out the trash, we did talk about that last time. I thought there was consensus that it made sense, I think from my experience and I think Sue's, that to walk and carry your garbage, which you drive occasionally and drop it off, was better than having conspicuous and potentially unsightly trash bin in your front yard.

So it's sort of a tradeoff, and we thought this was the more appropriate solution than to have another really obvious trash collection area in the heart of the development on the residential street.

**Boardmember Sullivan:** I don't think we gave any real firm direction. I know that conversation happened because I've been thinking a lot about that issue. Felt like we needed to address it perhaps more equitably for the affordable housing building. I mean, I started thinking about ... and I haven't had ... and I apologize. I haven't looked back at the architectural plans, but maybe think about making sure there's a janitor's closet or something like that also in the affordable for cleaning hallways and maintaining the building.

So personally, I don't remember us making a comment that what was discussed about one facility at the southern side of the property, and people are either driving or walking their trash there from the affordable building towards the direction.

**Boardmember Alligood:** I think you have a point to that, is that the market rate buildings will have somebody hauling the garbage, as I understand.

**Mr. Lozito:** Because it's going to be compacted so you couldn't carry it.

**Boardmember Alligood:** Right. So that is a big difference for the people living in the affordable housing building having to manually haul their own trash over to the trash area.

**Mr. Lozito:** Well, it's not heavy. I mean, my parents live in an affordable complex like this. My father's passed recently, but my mother is 90 years old and she uses it as an excuse to get out of the apartment. They've got a very similar configuration. Their building is here and the trash area ...



**Boardmember Sullivan:** Well, I guess the point is I don't think we've come to final terms with that whole conversation. I found it thought-provoking.

**Chairman Cameron:** Yeah, and I think the reason it caught my eye was not only because I was thinking it was going to be relatively difficult for them to get it over there, but also, as the county brought up, the county has an interest in making sure it's done properly and so does the town. Otherwise, we're not going to get good recycling. And admittedly, going forward, we need to do recycling better and better. And so, really, thinking about this now I thought it was really important. This is why I brought it up again.

**Boardmember Bass:** I thought the layout made it difficult for people to dispose of their trash. And if you make it difficult they don't do it properly. I think you can think of a better solution than the one you have right now. But also, one of the things that the Village has proposed is composting, and I didn't see that as an option.

**Boardmember Alligood:** Since we're on that anyway, I, like my fellow Boardmember, have questions about the landscaping plan that was presented. Because it actually specifies what I see as a potential for composting as something that could be negative because it would breed vermin or something. And it also talks about taking all the grass clippings and bagging them. That's going in the opposite direction of where we are trying to encourage our town to go. So I did not see that as a very responsible landscaping plan at all, and looking forward to hearing comments from our consultant on that. But while I think the effort to have the no-mow lawn near the river is a step in the right direction, I don't think that addresses the other concerns.

**Mr. Lozito:** It was my impression from the landscaper that they pick up the cuttings to prevent the spread of disease, which was ...

**Boardmember Alligood:** Cuttings do not have disease.

**Chairman Cameron:** They don't have disease.

**Boardmember Alligood:** We're talking about ...

**Chairman Cameron:** You mulch them right into the grass.

**Mr. Lozito:** But they have pathogens.

**Boardmember Alligood:** There's no disease in your grass.

**Mr. Lozito:** Well, there's bacteria in everything.

**Boardmember Alligood:** That already is ...

**Chairman Cameron:** Our town is making a big push on mulching your grass into the thing. And mulching your leaves, take nothing off the property. So you guys are going the opposite direction of this town.

**Boardmember Alligood:** Absolutely. There's nothing diseased about ... it's organic to take the clippings from your grass and just spread them on the grass.

**Chairman Cameron:** Or you get the right lawnmower, it mulches them right in.

**Boardmember O'Reilly:** A mulcher.

**Boardmember Sullivan:** One thing, I took a look at the plant list, and there are no real plants that deer love to eat.

**Boardmember Alligood:** That what?

**Boardmember Sullivan:** Deer love to eat.

**Chairman Cameron:** Guys, could we actually stick to the water side?

**Village Attorney Stecich:** Engineering.

**Chairman Cameron:** Engineering. Next meeting we'll do the landscaping. Because otherwise, this poor gentleman will have to come back. You may have to come back later anyway.

**Mr. Hahn:** Whatever you need.

[laughter]

**Boardmember Bass:** I have a question that's kind of engineering, but more a lever question. The county raised the concern about flooding, and we're hoping this area doesn't flood. But we've had some bad floods recently. Is there a way that the Village could be held harmless if there is a flood condition that occurs, even though our engineer and our studies have showed that the site is immune to flooding? Can we be protected and can the developer hold us harmless?

**Village Attorney Stecich:** I don't know what they'd hold us harmless from because we'd never be liable. The Village would never be liable.

**Boardmember Bass:** OK, that's my question.

**Village Attorney Stecich:** It's not a concern.

**Boardmember Bass:** So if an owner of a unit ...

**Village Attorney Stecich:** That's one aspect of it, but the more important aspect is you don't want to allow a building where people who live in your village would be at risk. So then that's why you would want the engineers to make sure that it's not going to flood. I think Doug had asked for ... Doug also had some concerns, and he'd asked for some additional information about it. And the county did. That's the most important thing, to follow through on that and make sure that we're being as protective as we are.

**Boardmember Bass:** Right. Again, going back to Ed's discussion earlier, most of our flood analysis is on a 100-year storm. Well, we had a 750-year storm and we may be having more severe storms. You know, we may be using the wrong measure to determine we're flood-protected. So that's kind of my question.

**Mr. Lozito:** Can I respond to that? Because we've been talking about flooding on this site for about 15 years. Very recently we got into in depth when we went through and did an FEIS on this in 2006-2007. We did an expanded EAF this past year. That was a focus, as it always has been. And we've said numerous times, and it's true, that Hurricane Sandy – whatever year storm that was – the impact of that arose from the tidal influences and the surges. This river, the Saw Mill River, is subject to none of those.

So the new maps that FEMA came out with dealt with areas subject to those kinds of conditions, and this is not one of those. So we have scrutinized the flooding to a fare thee well. And just at some point, this concept plan was approved which that taken into account.

**Chairman Cameron:** Just to fill you in, I'm the person who brings up flooding all the time, as they well know. And my concern is putting electrical in the basement. Because once that floods, the building's useless. But anyway, I got beaten down a bit even though I think Hurricane Irene is a better example. A massive rain storm, and we'll all see we may not be around.

**Boardmember Alligood:** I think the flooding issue, I agree, the type of flooding

experienced from Sandy is different than what we should be concerned about, which is the over-development along Saw Mill corridor is what's causing all this flooding, and why we experience issues in developments along that corridor. And yours is one of them. So I don't think we should dismiss that as an issue.

**Mr. Lozito:** Well, we haven't dismissed it. We've studied it and we've made findings on it already, if I may. And this Board made those findings.

**Boardmember Alligood:** Right. But I just wanted to correct the notion that just because a Sandy type of flood isn't likely to occur there doesn't mean we shouldn't be concerned.

**Mr. Lozito:** Well, it's not going to occur there. But we have studied that and we've taken great pains not to place anything in the floodplain. Our first floor elevations are 10 feet above the flood elevation. The ground elevation between the river and the buildings is 5 feet above the flood elevation. So we've kind of been through this, and at some point findings should be findings.

**Mr. Hahn:** And they do have to ... they do have to fill out the flood ... they have to go through the chapter 146, which is flood damage prevention, which gets into those things, too. It takes into account the buildings, where they're located. I believe you do have some fill in the floodplain.

**Mr. Lozito:** There's a small amount of fill ...

**Mr. Hahn:** Small amount.

**Mr. Lozito:** ... around this building and this building.

**Mr. Hahn:** So they have to address that.

**Mr. Lozito:** That is a permit that's issued by the Building Department. In the last approval process that was made a condition of site plan approval. And, of course, we have to do that.

**Boardmember Bass:** I have a state DOT question, and it's something we discussed when we were stomping around in the snow the other day. Though it's maybe unlikely, if this Route 9-A corridor is overdeveloped it may cause it to be widened. Did you have discussions with the state DOT, and what would be the impacts to the site plan if this road became a four-lane road instead of a two-lane road?

**Mr. Hahn:** We didn't speak to the DOT. We know that they will need a permit from them,

but we could probably look into that.

**Boardmember Bass:** Well, could we ask that question? And they may say, you know, hell will freeze over before it's widened to four lanes. But with the development that's being proposed in Dobbs and with the bad planning from Ridge Hill, 9-A is really impacted. And I wouldn't be surprised if one day someone says it needs to be a four-lane road and that then impacts your landscaping, your entrance and the whole site plan.

**Mr. Lozito:** Can I respond to that, too, if I may? The traffic situation here has been studied in depth also, not only by us but by Rivertown Square. And when we analyzed the traffic we took into account our development and Ridge Hill. When Rivertown Square came in after us, after our first approval, they took into account their traffic, Ridge Hill traffic, our traffic. And mitigation has been defined to the intersection or the interchange of Saw Mill property with Lawrence Street. Some minor work at the signal at Lawrence and 9-A. Ridge Hill had to do the major improvement on Jackson Avenue and 9-A.

It's the intersections that are the limiting factors. And to place the burden of a widening on a property owner, what-if has a really serious impact. It puts a cloud on the property. It makes it more problematic to sell. And to do it on an unfounded concern, if you will – because those things have been studied – that's very problematic for us. And there's also an opportunity to widen on the other side.

**Boardmember Bass:** But that's why I'm a planner and you're an attorney.

**Mr. Lozito:** No, I'm a planner and an attorney and an engineer.

**Mr. Hahn:** We could reach out to them.

**Boardmember Bass:** I would ask you to reach out to the DOT and say if there was an expansion how would it occur. The answer may be no, and you may be absolutely right. But I'd like to ask the question and have it answered.

**Chairman Cameron:** Well, I do agree with you on those architectural signs, and I'm sure you guys are going to look at it.

**Mr. Lozito:** Yes, definitely.

**Chairman Cameron:** But they're awfully big and they stick far out. And we were out there yesterday again, and the sight lines don't look great. So maybe the signs can't be as big as you're planning to make them.

**Mr. Lozito:** Yeah, we'll look at that. They may need to be pulled in.

**[Male Voice] XXX:** Could you include the landscaping in the proposal, too?

**Boardmember Sullivan:** The last go-round started showing the topography around the bioretention basins. Can you just explain what exactly they look like, physically? Because it looks like they might be a very built up element on the side of the hill.

**Mr. Hahn:** Yeah, there are some ... I'm not sure what the slope is on the side of those, the slope off of the bioretentions.

**Mr. Lozito:** We actually went to small retaining walls in an effort to minimize the extent. This one we encircled with stone walls. We want to make this, actually, an attractive landscape feature, and not have it look like it's too engineered. So we wanted to use boulders, and I think the height of the wall is a maximum of 4 feet maybe. No, 3-1/2 feet, 2-1/2 feet. So it's a fairly low wall, with a little bit of grading. Similar to our treatment here, a little bit of grading here. These are 1-foot contours so it may look misleading.

**Mr. Hahn:** Which side did you mean, as far as where the grading's going?

**Boardmember Sullivan:** Well, I just want to try to understand what ... I've always seen them as just a single line sort of rectangular shape. And then with this plan, I started seeing the topography so I just was curious.

**Mr. Lozito:** There's a little slope on that one side, and then a little wall. The bottom of this basin is 122.75, and the top is 126. So it's about 3 feet.

**Boardmember Sullivan:** So the grade meets it at the upper side.

**Mr. Lozito:** This is the existing grade. It kind of dips down a little bit, about 3 feet. Flat, and then there's a little wall and then flat again. There's actually some ... oh, I don't have those.

**Boardmember Sullivan:** So it meets the grade on the side towards the river?

**Mr. Lozito:** Yes, it meets the existing grade. It doesn't disturb any of the ...

**Anthony Castillo, SESI Consulting Engineers:** It's not cutting into the slope. The bank comes up ...

**Chairman Cameron:** You've got to ... mic.

**Village Attorney Stecich:** And identify yourself.

**Chairman Cameron:** We've a vast TV audience listening to this.

**Mr. Castillo:** What happens here is the ...

**Deputy Building Inspector Minozzi:** Just identify yourself, please.

**Mr. Castillo:** Sure. What we have here is a situation where you have a stream bank that comes up. You have a top of berm, a natural berm, that's level. And then you have a drop of about 3 feet into the bioretention basin itself. So these aren't going to be cut into the slope.

**Boardmember Sullivan:** All right, so basically you created sort of a long, 3-foot deep pool for the water to go into.

**Mr. Castillo:** Right.

**Boardmember Sullivan:** And then when it meets the upper side, what happens?

**Mr. Castillo:** We meet the upper side. Again, you have a wall on the upper side, which comes up again about 3 feet. And then you have rear yard as you proceed towards the rear of the building.

**Boardmember Sullivan:** OK. It would be nice if it was figured out to be a landscape picture in some fashion.

**Mr. Castillo:** Absolutely.

**Boardmember Sullivan:** I'm sure you meet the certain cubic volume of water to be retained, but the shape can vary quite a bit.

**Mr. Hahn:** There's certain plants, too, that they have to use that are specific for that practice.

**Mr. Castillo:** Absolutely. And just to kind of explain a little bit more about what the design is here. The intent of these facilities is essentially to capture. You have two pipes coming in opposite sides. You have opportunities for water to basically slow down any erosive velocity, slow down in the pretreatment areas. You have sand filters. Again, to slow down velocities, allow water to settle out any flotables. This is the middle cell, which is the actual

area where you have your landscape features. And you also have the benefit of material to filter through, and then that treated water is captured by the other drains.

**Boardmember Sullivan:** So the long rectangular pieces are the same filters.

**Mr. Castillo:** Yeah, on either side here of the center you have these gabion walls, which are only protruding about a foot or so off the ground. You're not going to see these massive walls within the basin. They're very, very small. Most of the gabion basket itself is below grade.

**Chairman Cameron:** So what keeps kids, deer and other things out of these?

**Mr. Lozito:** They don't have water in them for long periods of time.

**Mr. Castillo:** Not at all. They typically will drain. Usually the standard practice in New York State is about two days to have these facilities drain out.

**Chairman Cameron:** But there's no wall around it or anything like that, a fence or anything like that.

**Mr. Castillo:** At this time, no.

**Boardmember Sullivan:** So a 3-foot pool. And we've talked a lot about kids coming down to the river.

**Mr. Castillo:** The water doesn't get that high. The water does not actually get necessarily to the 3-foot. These are off-line systems because what happens here is you have the benefit of ... you have protrudant (ph) cells. The system here allows for water, all storms, up to the water quality event if going to bleed through. It's going to collect, it's going to bleed through the sand filters, and it's going to pond. Once the water gets to the elevation of ... inside each of these systems there will be an inlet drop box. That feature in and of itself allows these systems to be considered off-line, according to my discussions with the department. And those were the comments that you had brought up, Doug.

One of the things that we do, the guidance documents for the design of stormwater facilities like this in New York State is a guidance document. As you know, the science keeps evolving with these systems. More of these systems get tested as the years go by. And the maintenance and policy changes do take place, and the DEC does allow the things to be modified. Within certain parameters, designs can be modified and they still would maintain the intent and purpose of the DEC's requirements, that is to treat stormwater properly and to



provide adequate conveyance of stormwater.

So that's what we did in Hastings. You know, there are certain areas of the manual which doesn't provide all the data that we were seeking here. So we did seek consultation with the DEC during the process of the design of these facilities. And as a result, that's future things we would like to discuss with you off-line to kind of go over it in a little more detail as far as what these changes were and provide you with the data that you need in order for you to be satisfied. But in essence, that's what you have. You have a situation here where you have water collecting, building up to a certain elevation.

And then what happens is water will spill into these inlets. But the water level in them does not go ... you're not going to see a situation where you have 3-foot plus of water sitting in there for any extended period of time. Water's going to fill in, drop in the box and go out. Could be a pipe and connect to the existing storm system at different locations.

**Boardmember Sullivan:** So how deep would be at it deepest, and for how long?

**Mr. Castillo:** The system will drain in less than hours. So I would say less than 2 or 3 hours.

**Boardmember Sullivan:** And how deep would it be at its highest level?

**Mr. Castillo:** Approximately ... I don't have it in front of me but, obviously, plus or minus of about maybe 2 feet tops. If you have a storm event such as a 100-year storm event, which is a storm event that ...

**Mr. Hahn:** You're talking about the peak flow.

**Mr. Castillo:** Correct.

**Mr. Hahn:** Peak flow, which is a duration of maybe a couple hours.

**Mr. Castillo:** That's right. And in a site like this, based on the urbanized conditions that you have here, that would occur very, very quickly.

**Village Attorney Stecich:** Did you understand him, Doug?

**Mr. Hahn:** Yeah. I mean, he's saying basically a couple hours. During the peak flow of the storm it may rise, but then it will ... as soon as the storm dies down, then the flow goes away, the depth goes away.

**Chairman Cameron:** Kathy, what's your concern?

**Boardmember Sullivan:** I think a safety issue more than anything. I think safety and how attractive this will be as a feature. So how deep's the water, how long is it going to be there. Because it becomes a small swimming pool in the back. And I know it's not going to be that, but I think we just need to understand that. Since it's a wonderful feature, an innovative infrastructure feature, but I'm trying to picture it on the back of this property which, however, is quite visible for people that are on the trail.

**Chairman Cameron:** The trail goes right by it.

**Boardmember Sullivan:** I know the trail, and also from the Saw Mill itself. So thank you for your explanation.

**Mr. Castillo:** Oh, my pleasure. These systems are ever-evolving, and we're trying to ... you know, we understand that you want it to be aesthetically pleasing as well as providing their true function; in this case, treating stormwater going into a very nice waterway. So we want to make sure we work with the area that we have.

**Chairman Cameron:** We could on to the ADA sidewalk, but that's something ... maybe the best thing to do on some of these issues is now, or next meeting, maybe the two of you talk or the three of you talk, and then work out where you have things that we don't necessarily see eye to eye to, and see if we can get an understanding so we can feel comfortable with where this thing is going.

**Mr. Hahn:** Sure.

**Chairman Cameron:** I think that's probably the best way and the most efficient way of doing it. It's always nice to have you educate us at the same time.

Elsewhere in the county, they mentioned about having draft agreements on maintenance and things of that nature. I think that's nothing to do with you guys. It's more to do with Bruce. We're going to have to revisit so we know what the agreements look like. We've talked about this before.

**Village Attorney Stecich:** Yeah, not just the maintenance agreements, not the ones just Doug mentioned. But there are a whole lot of agreements, Bruce, that are going to have to be reviewed. I don't want to get them the night right before the next approval. So I guess Mike was writing them for you. Get moving on them so we can start reviewing them.

**Mr. Lozito:** Could that be something that's conditioned to your approval, or something like that?

**Village Attorney Stecich:** No. I think we need to see it before site plan approval. I think the Board needs to review it. Besides which, I'm not going to be here much beyond the next meeting. Maybe I'll continue on this one, on this application.

**Chairman Cameron:** Bring you back for a special appearance?

**Village Attorney Stecich:** Yeah.

**Boardmember Sullivan:** There are a lot of these ones that were discussed.

**Mr. Lozito:** Well, a lot of them are somewhat typical: utility easements and things of that nature. Cross-easements that I think would largely be somewhat simplified blanket easements that allow unfettered access to the various facilities so we don't get bogged down to too laborious legal documents that's not understandable to anybody. We try to keep it as simple as possible, but I think they're fairly standard. So we'll get the drafts.

**Village Attorney Stecich:** You're going to have to do them anyway, so do them sooner rather than later.

**Chairman Cameron:** Right. You must have done it before, too.

**Boardmember Sullivan:** In the approvals for the concept plan there were a number of things that we were going to look in site plan review, as well.

**Village Attorney Stecich:** Yeah, I have a list of those things.

**Boardmember Sullivan:** But it would nice to see you circulate that just to be reminded. Because there are a number of things that we pushed off or said they'd be better addressed at that phase.

**Chairman Cameron:** I just one more here, the area disturbance 4.4 acres. I think you've said to us, when we were out at the site, Bruce, that you were going to actually stage the construction. Maybe do building A and B, and then do C afterwards?

**Mr. Lozito:** Yeah, we'll give you something on that. The disturbance is actually 4.3, and then we did a calculation of that pavement area. It would be 9.6, so that would be 4.9. I

think the 4.4 might have been in some of the written documents. We had done a revision since. But that's the thinking. We would set up our construction operation and marketing operation here. Start at this end, maybe these two buildings simultaneously. And the main reason for that, I mentioned, was to build a pedestrian bridge while construction is going on. You can't do it with everybody here. So we'd have to save this for last and do it that way. So we'll give you something on that.

**Chairman Cameron:** I think we'd also like to have a little more information on the bridge. Because it's pretty vague as to the standard diagram you've given us. Pedestrian bridge and what kind of surface it's going to have on it. Because we're going to have people and bicycles going across there. And also whether it's going to be wide enough. I hope it's going to be wide enough for two wheelchairs to go across in different directions. I mean, we just need to take a look at that and get more information on that bridge.

**Village Attorney Stecich:** On the bridge, too, have you started working with the DEC or the Army Corps?

**Mr. Lozito:** No.

**Village Attorney Stecich:** Because I doubt it's going to affect your site plan, but I think you should get moving on that, too. Because let's say this board approves it subject to their approval. And then they have some big change they need in it. I kind of doubt it, but I think you should ... there's quite a few of those open items that I think it's time to get moving on. And, Kathy, I'll follow up and I'll send a memo to the Planning Board with all the open items from the concept plan approval. Because I was keeping a running list and I've been keeping it, so I'll put it together and circulate it.

**Boardmember Sullivan:** That'd be nice, thank you. That would be a big help.

**Village Attorney Stecich:** But there's a bunch of things. I think it's time to get moving on it.

**Mr. Lozito:** OK. I just wanted to mention a couple of the items on the county letter so it's understood what took place when we met with them. If you've read the second letter, they were more positive about the affordable housing and they recognize that the Village, your board, had actually made that change to have the building in the center of the development. And they previously commended us on the unit mix, the variety of housing unit types that we were providing.

But with respect to the county trunk sewer, I just want to mention a couple of things. They

had a list of concerns in their initial letter. And when we met with the commissioner of the Department of Environmental Facilities we explained to him that we would be sure to design the building foundation so it didn't have an adverse impact on the trunk sewer. We would limit the areas of crossing of the trunk sewer and, if necessary, reinforce or protect that crossing. And they'll make all those specific things a condition of their approval. With respect to fill, we've pointed out that we're not filling any higher than the levels that currently exist on the site.

So they were relieved when we explained to them the actual conditions and some of the things we would do to address their concerns. Which are fairly typical, actually, so we weren't surprised that they'd asked for them. And we gladly offered to provide them. So we think we've addressed their concerns as they mention in the letter to the extent that they'll make those things conditions of their approval. We do have to show them, which we thought would have been obvious to them, that there is no village sewer in the vicinity of this site. I checked the Village's sewer map with Deven. The nearest sewer is across the Saw Mill River and the Saw Mill River Parkway. And you'd have to go to Jackson Avenue and Ravensdale Road to get to the other side. It's about three-quarters of a mile. They thought that because there was an office building across the street there were sewers, but that office building actually has a sewer that comes across our site into the county trunk sewer.

They just wanted to see the documentation that that is the case that there is no village sewer in the vicinity. So I think we've addressed their primary concerns. They recommend some mitigation of the increased flow, but they don't require it. And we made the point that we are discharging directly into the county trunk sewer, we're not using the Village system in any way, so we won't exacerbate any problems in the Village system.

**Village Attorney Stecich:** Doug, that's item two in both of the letters. And that was one of the things that the Board will be counting on you to take a look at.

**Mr. Hahn:** OK.

**Mr. Lozito:** I think that we've already talked about.

**Chairman Cameron:** Well, from their original letter – you know, the ones that we deal with as we go forward – are three.

**Village Attorney Stecich:** Which we just talked about.

**Chairman Cameron:** Four, I think we still may have to revisit. Six, which we just talked about a minute ago, which is the bridge. And eight, which I think you've already discussed

with us about reserving spaces. I'm not quite sure how you're going to do it.

**Mr. Lozito:** Well, those will be assigned, the 20 spaces.

**Chairman Cameron:** Well, the tenant will know that's their space.

**Mr. Lozito:** We'll put signage.

**Chairman Cameron:** But the visitor won't necessarily know that.

The other question I had is just a silly question. People are going to drive into this thing from different directions. I guess you're going to accept that people may park what I would refer to as the wrong way in the parking spot. Otherwise, they have to go do a U-y and come back.

**Mr. Lozito:** Well, if they know they have an apartment on this side they'll use this entrance to come in.

**Chairman Cameron:** Well, you watch. Give me a buck for everyone that parks sideways and I'll be a rich man.

**Village Attorney Stecich:** And you jumped over seven. Seven is the flooding one that we're also going to be relying on Hahn to follow up on that.

**Chairman Cameron:** All right, so I think we're done with you. You have lots of great conversations and come back and tell us where you stand, that'd be great.

**Mr. Hahn:** Thank you. Have a good night.

**Chairman Cameron:** Thank you very much for showing up, both of you.

**Village Attorney Stecich:** Thanks, Doug.

**Mr. Hahn:** Thank you.

**Chairman Cameron:** I'm sorry we kept you up so late.

**Mr. Lozito:** If I may, one of the things that Doug had mentioned in his memo, item number one, about the steep slope ordinance. We actually had submitted an application for that. I brought an extra copy for you.

**Chairman Cameron:** So I think we should now ... I mean, I think we're finished with you guys now. Maybe we ought to talk who we're going to hire to do the landscape review.

**Boardmember Bass:** Could I ask a couple dumb questions?

**Chairman Cameron:** Sure.

**Boardmember Bass:** The market rate buildings are 200 feet wide, with the center court that creates corridors that are close to 100 feet long. In New York City, you wouldn't be able to build corridors that long. What's the rule with the county?

**Mr. Lozito:** This is state building code.

**Deputy Building Inspector Minozzi:** State fire code. We'll be checking into that as the project progresses.

**Boardmember Bass:** OK. Also just as a user, that's a really long corridor.

**Deputy Building Inspector Minozzi:** Right.

**Chairman Cameron:** You should have seen the other buildings.

**Mr. Lozito:** They were 300 feet.

**Boardmember Bass:** Is there going to be any route usage?

**Mr. Lozito:** Oh, I'm glad you asked that question. Not for people. We did show it to the ARB also, the route root plans so they could see where the mechanicals would be.

**Chairman Cameron:** Could you send us a copy of those route plans?

**Boardmember Bass:** The electronic?

**Mr. Lozito:** Yeah.

**Chairman Cameron:** That'd be good, thank you.

**Mr. Lozito:** And the intent is to put the AC units over the corridor so they're not over the units and creating a potential noise issue for them. That will work in both the market rate

building and on the affordable. There's no public access to those. It's only for capital equipment, the elevator bulkhead. It's access that you have to have at the top of the stairwell. So it's just functional things as opposed to the recreational.

**Boardmember Bass:** The middle decorative siding you described, it's not going to be reflective.

**Mr. Lozito:** No, I don't think so. No, because it has to be sleek. We had shown a flat silver.

**Chairman Cameron:** OK. So we have two proposals which we have for landscape person. I just might mention to you while you're here, Bruce, that I was a little surprised you picked Norway maples. I know there's a couple on the ground that we kept. But one of the things that concerns me about it, which I'll be bringing up with the landscape person is, do you really want 160-foot trees sitting there over your parking lot and next to the road. Because that's how tall those trees get to be, maybe 120, 130 feet. It'd be much better if we had trees that maxed out at a lower level, but we won't be around to watch that, mind you. But it's just something the town has to think about. I'm doing this for Buddy and Mary Ellen.

You may not know this, and Marianne's going to send you a copy, we wrote a 50-page report for the first stage of this thing that went to the Trustees. And the 50-page report goes into more than you'll ever want to know of how this development went.

**Village Attorney Stecich:** It was a pretty exhaustive study. I'll send it to you.

**Village Attorney Stecich:** While you're waiting, did you need to talk about your recommendation on CCI, or is that clear?

**Chairman Cameron:** Well, I think it's reasonably clear. I think there are some people who are a little hesitant. I was going to draft something up and circulate it. I think I got a good feeling for the people in the group about the density.

**Village Attorney Stecich:** But probably if it's going to be your recommendation you want to do it before the next Zoning Board meeting. I think you guys need to vote on it. You need to vote at a meeting. You can't just do it by circulating.

**Boardmember Alligood:** Absolutely.

**Chairman Cameron:** I think one of the problems with the discussion we had with those fellows today is that they were saying, well, over here we've got to have this. You know, there's a whole stage of different size buildings they could have stepping down from that.



And they have just never volunteered for anything smaller than that. So my feeling about the whole thing is that we really do need a building with less multiple of the coverage that's allowed. It's not that there won't be a variance for them. It's just the variance they want, which is all or nothing going for 350 percent, is just, to me, overreaching and doesn't produce. I know they could design the perfect building. And, with all candor, I find that building they designed pretty ugly. But we don't have an ugly test in the Planning Board.

So I thought that our recommendation would be that there are a lot of variances being necessarily required here, and many of them are caused by the fact that they want a very high coverage on the building. We don't think that that level of coverage is deserved. Exactly what the number is, we don't know at this time. But we think that they need to come up with a less dense proposal, and they have refused to do so. And we don't think we should give them the variances they asked for.

**Boardmember Alligood:** I think what I would add to that, what I propose in our comments to the Zoning Board, is that in the case that they're making for that level of variance that they want that I would expect there to be a better effort on their part to address the things that we as a village have voiced very clearly that we embrace and want to see. So I prompted them, from the first meeting onwards – and it came up again today – you know, how is this in any way green? If it's transit-oriented, give us some idea of how you're addressing that. If it's you're incorporating green technology, something where we can feel that this is in keeping with what we're looking for.

The other piece I would say is I want to mention on the record, and I hope they watch this, is that we are a village committed to affordable housing. In my view, they have skirted that in the fact that they've gone to the maximum number of units they can develop without meeting our affordable housing code. I have a problem with that, too. I think that if they want to make an appeal to us to really bend our ... make exceptions to our regulations and build this densely in our downtown, they should be making some effort to address those things that we care about as a village.

And I always want to echo what Bill O'Reilly pointed out that we're excited about. I want to say we are excited about the concept of development in our downtown that is vibrant and brings something, what we see as an asset. Because I think it's not an inappropriate place to develop. I think we should say that clearly. But the way they are proposing, the way they want to develop this, is completely inappropriate to me and does not embrace the values of our town.

So I think we should say that. My recommendation is we say that, as we also express the fact that we don't recommend granting them the variances in the form that they've requested

them.

**Chairman Cameron:** In the level of coverage that they want. OK.

**Boardmember O'Reilly:** That's a good summary.

**Boardmember Alligood:** All right.

**Boardmember Sullivan:** I think the density issue, though, in that location I hear you sort of offer if you meet other standards like affordable housing, then perhaps we would accept this level of density. I don't think that's what ... I wouldn't want to say that.

**Boardmember Sullivan:** In this particular case, I don't think ... again, there's a certain benchmark that we've put out there in our code. If it's eight units or more you need to start looking at the affordable housing ordinance. I don't want to make that a tradeoff. I think in this particular case they have nine units already – two in one building, seven in another. I don't want to see the seven-unit building turn into an eight- or nine-unit building and the same lot coverage and that's going to make it more palatable. I think it's too much. We have a lot of issues with circulation, both for people and for vehicles, from that site. It's a complicated corner. You know, I don't want to offer a tradeoff in this particular case.

I appreciate what you're saying, however. But I think the circumstances of this site and the density that's being proposed, back to Jamie's point, we need to back down where that point is. And if it's a variance, there's a conversation that we had.

**Boardmember Alligood:** OK. By code, they would have to go up in order to be required to put in a unit of affordable housing. I'm putting it out there as, hey, look. If you guys want to look for things that we care about ... they're probably not going to be interested in that unless they get even higher density than what they propose. I just want to put out there something that we care about, and maybe we'll address that. That's all I'm saying.

**Boardmember Sullivan:** Understood.

**Boardmember Alligood:** I don't see it as a tradeoff.

**Boardmember Sullivan:** OK, thank you.

**Chairman Cameron:** So is that kind of letter OK with you two down on this end?

**Boardmember O'Reilly:** Mm-hmm.

**Chairman Cameron:** I'll write it, and you get to comment on it.

**Boardmember O'Reilly:** You'll write it, yeah.

**Boardmember Ambrozek:** I mean, I had exactly the same thought as Eva when they reduced the size of the single structure to two. That it did not have affordable housing in consequence. I mean, it's not our role to be architects to tell them what to do. But I can see a way that they could be reducing the hard cover very easily by not having the entrances to the units from the outside. To do it somehow, develop it from internally. And also by reducing the number of parking spaces the driveway could be positioned to there's much less ground cover.

I mean, I could see them reducing the hard cover substantially, but they don't seem to be interested. This is just my opinion. They don't seem to be wanting to try to do that.

**Boardmember Bass:** Their site plan is really clunky. And I know that's not a proper planning term. But because it's clunky I think it highlights issues of lot coverage and density. I think it's important to have density in our downtown. More people walking into our central business district to use our shops and our restaurants is a good thing. I think the design of this building will discourage people from walking out of the building. It's oriented to drive. And then having all those cars coming in and out at that intersection is not a good thing.

So if they came back with a better site plan with variances we may be more open to whatever the variances are. But I think the site plan is fatal. And until that improve that, talking about 50 percent lot coverage versus 45 percent lot coverage is kind of missing the point.

**Boardmember Alligood:** But I do think it gets to design, then. I don't know if they're unwilling or incapable of producing what we're asking for, but I think with a more sensitive design to what you're talking about we'll get there. So I think I'll leave it at that.

**Boardmember Ambrozek:** And another concern I have is for view preservation. I would be very concerned in raising the height of the building. In fact, I'd like to somehow see the building lowered a bit. I was thinking that, for example, the height of the below grade parking could maybe be reduced, or reduce the overall height of the structure.

**Boardmember Bass:** My sense, there's a severe topography there. My sense of going up Washington. And they don't really have topography maps showing the building in relation to the corner and the neighbors. So it makes me want to guess at what this really is, and I

shouldn't be guessing.

**Chairman Cameron:** The building actually is almost 36 feet high on the front and 26 feet high in the back. Because it's almost a 10-foot change. If you go there and stand on the sidewalk, which I did this evening before the meeting, and look over the wall there you realize you're going to like this.

**Boardmember Bass:** Right. I've stood at the wall. And, again, it's a tough corner. You got a gas station across the street, you're building market rate units. I would want some of the things we talk about on the comprehensive plan is to get people out of their homes walking. And this building is designed the opposite for that.

**Chairman Cameron:** Well, we have another problem which we run into just down the road. And that is that if you made it hard to get into the parking lot people come driving down the street, they park in front and walk into their building. They never use their garage. So when you go down to the affordable unit farther down there's never more than six or seven cars in that parking lot. It holds 15 or 16. People just park on the street and go in.

**Boardmember Bass:** You know, if we really wanted to do a TOD they eliminate the parking on this site. They buy parking spaces from the Village at whatever, \$100,000 a space, and let them park in the parking lot by the train station. And the Village then uses that money to create more parking. And that's a TOD. But just because I'm near the train station doesn't make me a TOD.

**Boardmember Alligood:** Right, exactly. We have a lot of feedback from the community saying they didn't want any reduction in the parking, unfortunately.

**Boardmember Bass:** I understand that.

**Boardmember Alligood:** So we have that problem.

**Chairman Cameron:** So I'll write the letter.

**Boardmember Bass:** You have our permission.

**Chairman Cameron:** To write, yes.

**Village Attorney Stecich:** Now pick the landscape architect.

**Boardmember Sullivan:** Do we need to vote, you said, Marianne?

**Chairman Cameron:** Yes. All in favor that we send a letter with a recommendation along those lines, with such comments as you all may make to the letter, of course.

**Boardmember Alligood:** The recommendation that they not grant the variances as requested. Right, OK.

On MOTION of Boardmember Alligood, SECONDED by Boardmember O'Reilly, with a voice vote of all in favor, the Board approved a recommendation to the Zoning Board of Appeals to not grant the variances as requested by CCI Properties Inc. for the construction/addition of a new 9-dwelling-unit building in place of an existing two-family dwelling at 32-34 Washington Avenue.

## V. OLD BUSINESS

None

## VI. NEW BUSINESS

None

## VII. DISCUSSION ITEMS

**Chairman Cameron:** OK, now we're going to landscaping. We have two proposals here

**Village Attorney Stecich:** I can say, for what it's worth, both of them responded very promptly. So I'm sure with either one of them you're going to get response on this.

**Chairman Cameron:** So actually I think both of them ... did both of them come through? No, one of them has worked for the Village before?

**Village Attorney Stecich:** The RGR Landscape did some work before.

**Chairman Cameron:** And Fran Frobel liked him.

**Village Attorney Stecich:** And he sent a subsequent e-mail. I forwarded it, I'm not sure if

everybody would have paid attention, where he said ... I asked him to give a time estimate and he said he could review the drawings, develop a set of comments, and prepare a memorandum for the Planning Board in about six to 8 hours. Now, the other guy said 15 to 25 hours, but it might have been a lot more work he had in mind.

**Chairman Cameron:** I don't really differentiate between those two. It's just how much work you ask the person do, in the end.

**Village Attorney Stecich:** Right.

**Chairman Cameron:** So does anybody have a preference? I don't want to have a long discussion.

**Boardmember O'Reilly:** They both look pretty solid. RGR is going to have many more people on the thing so no wonder he's going to do it in less time, or number of hours. He seems to be quite a number of levels.

**Village Attorney Stecich:** I have to say this Sean Jancski guy I think might be one guy.

**Boardmember O'Reilly:** Is what?

**Village Attorney Stecich:** He's one guy. I don't think he has a whole firm, from my sense.

**Boardmember O'Reilly:** Well, he's got a registered landscape architect and an architectural staff person, which he'd probably bring in. The other one looks like a big-time guy. RGR dealt with the Village before, and Sean what's-his-name?

**Boardmember Sullivan:** Does this guy need two?

**Village Attorney Stecich:** I think they were both.

**Boardmember O'Reilly:** But he doesn't come with any recommendations.

**Village Attorney Stecich:** Well, he can't be. He was on a list I got from Kathy.

**Boardmember Sullivan:** This is someone who I found as a member of a landscape professional organization when I was looking for folks that were Westchester-based. So I have no personal experience. It just seems like a person's whose experience was worth exploring.

**Boardmember O'Reilly:** Do we know who he's done work with?

**Chairman Cameron:** I don't know. Actually, I like the Roesch guy because I'm a park guy. He's done Hudson River Park, East River State Park, Hudson River Walk. This is like Scenic Hudson. This is really what we're trying to create, almost like a park. I don't know. I just want to know who doesn't like using Roundup.

**Boardmember Alligood:** Yeah, exactly. Who's going to back us up on that point?

**Boardmember O'Reilly:** Yeah, see if you can get it on that one.

**Boardmember Ambrozek:** I like the idea of a local person, such as Jancski. With RGR, they have a number of offices, the closest being here in New York City.

**Boardmember Sullivan:** Well I think if Jancski someone we want to keep on the table we should contact a reference, someone that he's worked with. We do have, from the Village, backup on RGR. Request a set of records and make some calls.

**Chairman Cameron:** Or we could just choose one of them.

**Boardmember Alligood:** I'm fine with RGR because of the nature of the types of projects listed here. I would assume, I'm hoping – also because they're LEED certified I mean, they both are. But my concern is just somebody who's progressive in terms of how they work with landscape and try to truly minimize the use of pesticides and all those things.

**Chairman Cameron:** Well, I'm in favor of the RGR fellow because I want to hire somebody right away. He's worked for the Village before, and he's done a lot of work. And it doesn't bother me that he's got permits and six offices, since my firm had 87 offices.

**Boardmember Bass:** The developer's going to pay for it.

**Boardmember Alligood:** Yeah.

**Boardmember Bass:** So we don't really care that he gave us last year's fee schedule.

**Chairman Cameron:** No.

**Village Attorney Stecich:** Well, it'd be the same schedule, I'm sure. But that's the one he gave us.

**Chairman Cameron:** I mean, it's not such a big building we have to be that sensitive.

**Boardmember O'Reilly:** All right, I'll go with RGR if you like.

**Village Attorney Stecich:** So you want me to call RGR, tell him he's on, and call Jancski to ...

**Chairman Cameron:** Tell him thank you.

**Boardmember Sullivan:** It's nice to have him as a possibility.

**Boardmember O'Reilly:** We'll keep him in mind.

**Chairman Cameron:** Well, since it's only 11:30 I thank you all.

**Boardmember Bass:** What's customary practice for old plans? Do I recycle them, do I keep them for the next meeting? What should I do?

**Chairman Cameron:** Oh, you keep all plans you get until such time as the project is really finished and you don't think it's ever going to come back again.

**Boardmember Bass:** OK, I will keep them then.

## **II. ANNOUNCEMENTS**

**Next Meeting Date – March 20, 2014**

## **IX. ADJOURNMENT**