

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
REGULAR MEETING AND PUBLIC HEARING
JUNE 18, 2015**

A Regular Meeting and Public Hearing was held by the Planning Board on Thursday, June 18, 2015 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, Boardmember Kerry Gould-Schmit, Village Attorney Linda Whitehead, Building Inspector Deven Sharma, Deputy Building Inspector Charles Minozzi, Jr., and Deputy Village Clerk Mary Ellen Ballantine

Chairman Cameron: Welcome to the Planning Board meeting of June 18, 2015. Mary Ellen, would you please take the roll?

I. ROLL CALL

II. APPROVAL OF MINUTES

Meeting of May 21, 2015

Chairman Cameron: Does anyone have any comments on the minutes?

Boardmember Ambrozek: I already sent my comments in to Mary Ellen.

Chairman Cameron: Yeah, I have a minor typo. Other comments?

Boardmember O'Reilly: I have just one small issue. On page 31, according to what I was looking at when we were talking about trees, there's a statement there attributed to me which I know I sometimes don't make sense, but this one really didn't make sense. It says ... what I meant to say was "I guess I can't tell a good one from a dead one." We were talking about the trees. I just wanted to be correct about that.

Chairman Cameron: Do you have any comments on to minutes?

Boardmember Alligood: No, I wasn't here, I'm sorry. So I'm not going to weigh in.

Boardmember Sullivan: I was not here.

Chairman Cameron: OK, perfect. Richard?

Boardmember Bass: I have no comments.

Chairman Cameron: OK, I have no comments. I would entertain a motion to approve the minutes of May 21, 2015. Anyone like to make that motion?

On MOTION of Boardmember Ambrozek, SECONDED by Boardmember O'Reilly with a voice vote of five in favor (Boardmembers Alligood and Sullivan abstained), the Minutes of the Regular Meeting and Public Hearing of May 21, 2015 were approved as amended.

III. NEW PUBLIC HEARINGS

1. **Accessory Apartment Permit Renewal – Application of Janet Harris – 51 Summit Drive – SBL: 4.40-30-6 on the Village Tax Maps. Waiver required for parking.**

Chairman Cameron: First, we have three new public hearings tonight. The first one is an accessory apartment permit approval. Buddy, can you give us a report?

Dep. Bldg. Inspector Minozzi: Sure, there's been no changes to this accessory apartment since its last inspection. We have received no complaints over the last three years. There is no off-street parking, and it does require a waiver for parking. The square footage is OK.

Chairman Cameron: Anybody on the Board have a comment? Anybody in the audience wish to comment on this application?

On MOTION of Boardmember Ambrozek, SECONDED by Boardmember Bass with a voice vote of all in favor, the Board approved the application for the renewal of the accessory apartment of Janet Harris at 51 Summit Drive, known as SBL: 4.40-30-6 on the Village tax maps, with a waiver for parking.

2. Accessory Apartment Permit Renewal – Application of Rochelle Steinwurtzel– 26 Pinecrest Drive – SBL: 4.100-97-1 on the Village Tax Maps. No waivers required.

Chairman Cameron: The second public hearing is also an accessory apartment renewal. Buddy?

Dep. Bldg. Inspector Minozzi: There's been no change to this accessory apartment. It's actually an accessory dwelling since the last application. No complaints were received on this application. They had to just bring their carbon up to date, which was done. They are code-compliant and no waivers are requested at this time.

Chairman Cameron: Anybody on the Board wish to comment? Anybody in the audience wish to comment?

On MOTION of Boardmember Bass, SECONDED by Boardmember Ambrozek with a voice vote of all in favor, the Board approved the application for renewal of the accessory apartment permit for Rochelle Steinwurtzel at 26 Pinecrest Parkway, known as SBL: 4.100-97-1 on the Village tax maps, with no waivers required.

3. Accessory Apartment Permit Renewal – Application of Muriel & Jason Poure – 19 Marianna Drive – SBL: 4.140-151-79 on the Village Tax Maps. Waiver required for square footage.

Chairman Cameron: The third public hearing is also an accessory apartment permit approval. Buddy, can you give us a report?

Dep. Bldg. Inspector Minozzi: There's been no complaints received in the past three years, there's been no changes to this apartment. The only thing updated was the smokes and carbons again. This accessory apartment does exceed the 25 percent limit by 0.9 percent. It's a total of 25.9 percent of the primary dwelling. It also is going to require a waiver for off-street parking for one space.

Chairman Cameron: Anybody on the Board wish to comment on this? Anybody in the audience? We're looking for approval of the application of accessory apartment permit.

On MOTION of Boardmember Ambrozek, SECONDED by Boardmember Alligood with a voice vote of all in favor, the Board approved the application of the accessory apartment permit for Muriel and Jason Poure of 19 Marianna Drive, known as SBL: 4.140-151-79 on the Village tax map, with a waiver required for square footage.

Dep. Bldg. Inspector Minozzi: Excuse me, Jamie, I have a correction. You'll have to forgive me, my assistant has started doing the accessory apartments. On 19 Marianna Drive, the last one, I'm sorry. It does not need a waiver for off-street parking. It does meet the off-street parking. It's going to require a waiver for square footage.

IV. NEW BUSINESS - None

V. OLD PUBLIC HEARINGS

1. **View Preservation and Site Plan Approval – Application of RTB Washington, LLC for the construction of 16 townhouses in three separate clusters, a café and pedestrian mews over a sub-grade parking garage at 9-17 Washington Avenue. Said property is located in the MR-C Zoning District and is known as SBL: 4.70-48-37 & 38 on the Village Tax Maps.**

Chairman Cameron: The next item is the application of RTB Washington, LLC. If the representative would like to make the presentation?

Alexander Chen, owner/applicant: Ned Baldwin is acting as architect. There's an update from last filing. I'm just going to go through them quickly. There's a new submission. First is, we have two posts set up with flags marking the northeast corner and southeast corner of the west units of townhouses. That's the first thing we have done since last meeting. We have also set up funds – set aside funds – for a check on our engineering work of this project. Also, there's an aspect of the plans being revised. First is a zoning analysis being provided, and there's also landscape design being provided. I'm just going through this list to have an update. Also, I'm putting quite a lot of effort doing the building height studies, plus other minor changes.

Regarding the plan that we have submitted, first of all were made known that we need to consider a setback because of certain interpretation that we have. This is quite a big challenge for us because there's no other building in this MR-C zone comply with this interpretation or this requirement. As I understand, this requirement is intended mostly for

residential zone only, and this is MR-C. The current design actually has a setback on the eastern unit already provided. For the west unit, the west boundary, there are butting mostly backyard from some of the houses. So there's not gonna be any, at this point, issues. We are requesting relief, or reinterpretation, of this setback requirement. That's the first issue that we are requesting at this time.

Regarding building height, that's where we put most of our effort. With designed according to the original interpretation by Mr. Sharma and Mr. Minozzi originally. All the building actually comply with this allowable height, with the first interpretation. Actually, some of the buildings are significantly lower than this allowable height. For instance, all the eastern units, all five units, are lower, significantly lower. Three out of four of south units are lower than the allowable height. Even the most contentious part, the west unit, two out of seven are lower than allowable heights.

After the previous meeting, we offered three more interpretations of the zoning code. All of this is shown on sheet number 14. You can see the code was never ... this is a rather challenging terrain. It's a steep terrain with a very long and deep lot. Looking at all this interpretation, one thing that struck me is we have reference point far outside the property. Because of the steep terrain, some of the reference point got to be rather far away from this property. Therefore, I believe the intent of the law is really to have all the reference point within the boundary. We request any reconsideration and new interpretations to use the reference point within this boundary of the property to be used in calculating building heights.

Lastly, regarding view preservation, it's probably my fault. We made the diagram, but I guess we didn't expressly mention those. In my opinion, the summer view of this property with this proposed building is greatly improved. The window view is arguably improved. This could be seen by looking at the photograph that we provided on this plan. Actually, we displayed this plaque last time, in last meeting, but I need to point it out to the Board. I want to approach the plaque. This left-hand top row picture shows the summer view. You can see all the river view and Palisades was completely blocked in summertime. We don't have lot of winter picture, but this is the winter picture taken from one of the Warburton townhouses. You can see they can see some Palisades, some river going through the branches. With the tree removed ... and this is the situation, this is almost like the current winter view, and you can see the difference between these two. This is the winter view after the tree was removed. Comparing this, you can see them greatly improved.

To recap, the summer view I think is undisputedly improved. The winter view is, we take away some because the building is gonna take away some of the rear.

Michael Wilson, 491A Warburton: The views will be improved?

Mr. Chen: Is this enough so people can see?

Boardmember Bass: We can't see.

Mr. Chen: I think the point is, we are in the process of cutting down a tree. We need to cut down the tree in order to proceed with the design. Actually, without cutting down the tree you won't be able to see the posts that we erected; none of the posts you'd be able to see. While we were cutting down trees – shortly after we cut down tree – we hear a lot of praises from neighbors about the improvement of views. Or also this project could bring to improvement of the neighborhood. So we are comparing with the immediate step when the tree were removed versus when the proposed building is put up versus actually before the project, which was tree was all present. And as you can see, this is the big difference. Even in the view preservation submission on sheet VP-1 and VP-2, we show the existing, which already tree ... that means tree already been removed. That's not really a fair comparison.

I think that's what I want to bring your attention to the Board. I think this is quickly the points I want to make, and now I'm waiting for any questions from the Board.

Chairman Cameron: Anybody have any questions?

Boardmember Sullivan: Would it be helpful to hear, from the Village's perspective, what variances are needed.

Chairman Cameron: Did you give us the chart with all the variances listed on it?

Mr. Chen: It's sheet number 10.

Village Attorney Whitehead: One thing that I think has yet to be determined is if any height variances are necessary. Everybody's still looking at what the real requirement is, if whether this does comply. There's been some different methods looked at. I think the other variances, which he does list in the chart – although they need to be listed with the actual dimensions of the variances required – there's a variance requested for the size of the parking spaces. On the chart, we need you to list that X feet required, Y provided with that type of zoning.

The same thing, there's also variances required for the side yard setbacks. Again, they've done this as an area within the setback; the Zoning Board needs to see it in feet, like 24 feet required, 13 feet provided. But it needs to be set forth that way. Was there anything else,

Buddy? And coverage. The coverage variance, I guess, is necessitated because of the below-grade garage, which technically counts.

Boardmember Bass: And the side yard variance is for the western side yard.

Village Attorney Whitehead: It's actually for both. There's two provisions of the code that apply on the variances, on the yards. There is, in the code, a requirement of at least 10 feet for the side yard on any side of the lot adjacent to a residential district. And the MR-C is multi-family residential/commercial; it is a residential district so 10 feet is required. There's another provision of the code, because of the depth of the lot, that requires you to add to that based upon the extra depth of the lot.

Boardmember Bass: Right, after 50 feet.

Village Attorney Whitehead: Yeah. It goes up from the 10 feet.

Dep. Bldg. Inspector Minozzi: The west side is 27 feet, and the east side is 25 feet.

Village Attorney Whitehead: So it goes up a lot because of that, and I think that's not an unreasonable request to vary it. It's up to the Zoning Board ultimately, but that's a pretty excessive requirement. Because not only is the lot long, but it's narrow.

Boardmember Bass: As I read that, it wasn't ... the side yard wasn't required for the length of the entire lot for the initial side yard, it was for the 10 feet. As you got deeper ...

Dep. Bldg. Inspector Minozzi: It's one setback.

Boardmember Bass: OK, I read it differently.

Village Attorney Whitehead: Where is that section?

Boardmember Bass: Because from an urban design sense, that doesn't make a lot of sense to have that wide of a side yard, the length of a lot. It's a proportionality for the depth of a building; as the building gets deeper, then the side yard gets wider. That makes sense. But to have two really large side yards doesn't make a lot of design sense. That may be the interpretation, but I disagree with it.

And can you just explain all the options on height?

Chairman Cameron: Yeah, I'll do that.

Village Attorney Whitehead: Yes, we'll leave that to Jamie.

Boardmember Alligood: Staying on the zoning analysis, I'm reading this part here about off-street parking – towards the end of the paragraph – something about connecting the sidewalk within would permit, two-way traffic. However, by means of signal lights we will avoid this. I don't understand what that means. What are the signal lights going to do, and what are we trying to avoid? I don't understand that.

Boardmember Sullivan: Where is that listed?

Boardmember Alligood: It's under "off-street parking requirements," under discussion points on the zoning analysis on page 10, towards the bottom. Do you see it now?

Ned Baldwin, Baldwin & Franklin Architects: In minimizing any disruption to traffic flow in lower Washington we were anxious to have enough space in front of the garage doors so a car would wait off-street without blocking traffic coming down the hill. There will be signal lights so a car exiting the garage at the same time would be aware there was a car waiting and would not enter the ramp. That's the idea. The ramp is wide enough to allow cars to pass, but the object here was to make that not happen.

Boardmember Alligood: So the car waiting would be on the sidewalk?

Mr. Baldwin: No, beyond the sidewalk: the tree and the sidewalk and the door into the garage, there is enough space for a car to wait. But the driveway is wide enough for two cars to pass. We want to avoid that situation, and it should be very possible with a relatively small garage and signal lights. I think it should work fine.

Chairman Cameron: So this is an internal light.

Mr. Baldwin: It's internal in the garage, yeah.

Chairman Cameron: It's in your garage.

Mr. Baldwin: Yeah.

Boardmember Bass: Can we go back to lot coverage? The garage is below grade, correct?

Boardmember Sullivan: I don't really think it is. That's, I think, a misstatement. It really isn't a below-grade garage. When you look at the elevation towards the Zinsser parking lot

the elevation is at 102, and the grade at that level is 88. So it's substantially higher on two of its sides.

Village Attorney Whitehead: It's only partially, and below the buildings.

Boardmember Sullivan: But if you stay with the fact that you have this line and you're building a structure which has the townhouses above it, it isn't a below-grade garage by any stretch of the imagination. It's partially below ... two sides at Washington over towards the east side, those are at grade. Because that elevation is similar, but when you get the side towards Zinsser on the west side it's quite a bit above grade.

Boardmember Bass: What's our definition of "below grade?"

Village Attorney Whitehead: I don't think there's any real dispute that it counts towards the coverage.

Boardmember Bass: OK, I'm questioning it. Because I've run into similar situations in other jurisdictions and recently received an interpretation that a similar garage was sufficiently below grade by the definition of that jurisdiction. So it really depends on how we define "below grade."

Village Attorney Whitehead: And how you define "coverage."

Boardmember Sullivan: And how you define "structure," as well.

Mr. Baldwin: Could I comment on this? To the first point, the portion of the garage which is above grade is under a building. So that's already coverage. Where we get excess coverage is in the mews, the entire mews area. All the way out to Washington is treated as coverage because of our garage underneath it. That's what drives us over the 80 percent maximum.

Now, the interpretation was made by Mr. Minozzi that the garage constituted coverage. His basis was that it was a structure, and structures constitute coverage. However, when I look up the definition of "structure" in the definition section of the code, it nowhere refers to below-grade structures. It very clearly talks about above-grade things. In other jurisdictions, on other projects, I've never run into this. Something which is totally below grade is not considered coverage, generally. But in this situation, it's being interpreted that way. Nonetheless, our excess is relatively small and we require a variance.

Boardmember Bass: OK.

Boardmember Sullivan: Richard, I have some of these to pass around. This is sort of a quick sketch-up model of the site, and this is Washington here. This shows the wall that's on the east side. What I've done is put in the green here showing the parking structure itself. I was incorrect; even on Washington, it's above grade. This is towards the west side, and then this is the side toward Zinsser. Also, we've looked at parking lots being called structures. Our definition, I think, is very clear in showing this is a structure.

Boardmember Bass: Not to be argumentative, if this was a proposal to backfill the area to pilings, and the first level from Washington is the parking so that area underneath would be below grade ... I see I lost you guys.

Boardmember Sullivan: I am sorry.

Boardmember Bass: I can't do it with my hands. If the garage was above ... if it was level with the Washington elevation, and the portion below that was just fill and the building was on foundations through that fill, that would be below grade, by our definition. Because the parking would be level with Washington and everything below would just be dirt; it would be the foundation of the building. So I'm having trouble having a below grade definition on one scenario that's different than a below grade scenario on a different scenario. Below grade normally, in most jurisdictions, a slope on a site a percent below that slope is considered a cell or a basement below grade.

Boardmember Sullivan: Well, we had that in our code, as well. You can do a height calculation, you look to the grade point.

Boardmember Bass: OK. And was that done for this project? It's 4 percent. I'm not going to waste more time on 4 percent.

Chairman Cameron: So shall we go to height?

Boardmember Bass: Please.

Chairman Cameron: At our last meeting I asked a number of times, realizing I had some problems with the way it was being calculated. I went, took a closer look at it and talked to Buddy for awhile, took a closer look at that. Then I started communicating with Ned and Jill. The four ones you see in the back on page 14. Under the code, it very clearly says that when you divide it into equal pieces there's supposed to be equal size. Previously they weren't. So when I started talking to them they brought this out, which shows four of them at 5,110 feet each. I then tried to see if there was a way – and so did Ned and Jill – to try to

grade three of them. Because, quite candidly, if he will see the numbers below they do better in exceeding the height if there's three than if there's four. Just to show it wasn't merely because these things were at an angle with numbers outside of their boundaries. I had them – even though it's not what code says, it does demonstrate that even if they were entirely within the Y they still have a building that's too high. That was the reason for that calculation.

The last one I actually didn't mean for Ned to do because I'd already done it parallel to each side. Thank you very much, but this was perpendicular to the rear property line. The problem with the prior calculations is that they were using the height where they started, and they're doing diagonal. They were ending up with a structure which was not within the clear wording of the statute. These now, I guess A is correct. I still think we could probably get to B. The problem with B is that Washington ends up being more crooked than we thought. Thus it was harder to make them work with a 35-foot limitation. We have, under our law, calculation A, which reveals – as many of us have suspected – that the buildings in the west unit are too tall. While I'm on this, I would also point out that both the western units and the units on Washington have these cute little peaks, which kind of been covered, which is where stairs come up. They clearly have gardens on the roof, and the gardens on the roof would require that you have, I think, a 4-foot fence which would also be part of the height. So they also exceed from that point of view.

We know what happens from experience in this town. You give somebody access to go to the roof, the next thing you know you will have a fence up and you've added 4 or 5 or 6 feet to the height of the building. That is another difficulty we have. In order to try and get the height down in this building, I did suggest they think about – which brings me back to your garage, I'll get it underground yet – putting the garage on a slope. There are lots of examples of garages on a slope which are perfectly usable. Those, for example, are the Westchester or Ridge Hill. You go around the corner, you're going up the slope, there's cars on both sides all the way up. That would give you, in 100 feet, probably 6 feet, something like that. You can actually get a slope into it and actually get the garage, so to speak, underground.

Those are the difficulties. Having said all that, we haven't even come to what I referred to last time as the white elephant in the room, which is the view preservation. That's how the calculations work. Now we're saying this is totally unexpected. We don't think it was intended. When we were developing these methods in doing it, we took it over to the ARB and passed it by them on two occasions. All the people at the ARB examined it and understood how it worked, and said they thought it was a good idea.

Boardmember Sullivan: That's how to calculate the slope site.

Chairman Cameron: Of course, it was explained, as well, to the Board of Trustees. I don't think it's a secret. I'm sorry we had a misunderstanding here. But the law is the law, and that's what it says. So I think we got to work with what we have and see what we can do (inaudible) fight over who shot who, and when.

Gillian Anderson, Baldwin & Franklin Architects: Can I just make a comment about the landscape? You see on the landscape sheet that the roof gardens have a parapet of 2-foot high.

Mr. Baldwin: Two foot six.

Ms. Anderson: Yeah, that's right. Sorry, 2 foot 6 high. I think that was explained also, in the lease, you would not be allowed to put planting more than a certain height. We're not talking about 4 feet above the roof.

Chairman Cameron: But one of our problems – and maybe there are steps we can take just to stop it from happening – is that the first person who gets up there puts up a nice big wall. We see that on top of those four buildings that you and Ned designed so nicely. That's where we are, and that's what I'm actually visiting in view preservation.

Boardmember Sullivan: I had a couple questions. I'd like the open space to be more clearly shown on the plans. It's listed as each unit having a certain amount, but I'm not sure what's what.

Ms. Anderson: We can't hear you.

Boardmember Sullivan: I'm sorry. I'd like to have the open space more clearly shown on the plans what is being considered open space for each of the units. The off-street parking is a little confusing because you list, by unit, what spaces you're providing. But you aren't telling us what your assumptions are on the number of bedrooms in each of those units. I worked my way through it, and there are a couple of units where I question – and we talked a little bit about this – rooms floating around that potentially would turn a two-bedroom into a three-bedroom. I think just for clarity's sake, it'd be nice to have a chart that says this is the unit, this is the bedroom size that we're assuming, and this is the parking requirement that comes from that.

You noted that the commercial space is small enough that it doesn't involve needing any parking. One of the abilities in the downtown areas is, if you have a retail area under a certain size there's no parking. But you're showing an office on the plan, and that will trigger some additional parking requirement.

Mr. Baldwin: The office is a small room for the condominium corporation files. That's why it was there. It's just so we have some common area, storage area.

Boardmember Sullivan: I guess it just look at it being called an office, and I ...

Mr. Baldwin: Yeah, maybe that was the wrong terminology. I did stipulate what the requirement per apartment in terms of bedroom count and parking spaces required. I did not itemize it on each unit. And you are right, there is a discrepancy in the two lists I provided of the units. One, I showed three bedrooms when it should be two, and I corrected that on the list which I just handed out this evening. In fact, I think it might reduce our parking requirements by something like half a space. I'm not sure.

Boardmember Sullivan: It'd just be a nice thing to have on the drawings so you could very clearly see this unit.

Mr. Baldwin: OK, I can certainly do that on the next round.

Boardmember Sullivan: I see a couple that look like they really are three-bedroom, even though they were assigned a two-bedroom for parking. It'd be helpful.

Boardmember O'Reilly: Just in connection with that, on the list we did receive just before unit W-5 shows a three-bedroom with the same square footage as unit W-6 which is shown as a two-bedroom; both 1,632 square feet. I'm wondering what you adjusted.

Mr. Baldwin: This is the list I just gave.

Boardmember O'Reilly: W-5 and W-6, they're both the same size but one is a two-bedroom and one is a three-bedroom.

Boardmember Ambrozek: And also, W-2 is also shown as a three-bedroom with the same square footage of 1,632.

Mr. Baldwin: I believe what's ... I apologize for the confusion. I believe those units have a study, and Buddy has made it very clear that those are going to be interpreted as bedrooms. I think in one case I counted it, on another case I didn't count it. So one became three bedrooms and the other two-. We were trying to make them all two-bedrooms. The study space was clearly labeled "study" and not a bedroom.

Boardmember Sullivan: I saw four that could potentially ... two that could potentially be two-bedrooms that I believe indicated as two-bedrooms.

Mr. Baldwin: Well, in redoing the parking – or restarting the parking we are providing – I could take the worst case scenario, where every little room was called a bedroom. We can do it that way. I don't think it's a problem.

Boardmember Bass: Can I ask a question?

Chairman Cameron: Please.

Boardmember Bass: I had an e-mail exchange with the architect and the owner on what would be the impacts of reducing the height on some of the western structures. So it's not from my knowledge only. I'd like the architect to speak to W-4, -5, -6 and -7: if the upper floor was removed, what would be the remaining size of those units. You gave that to me in the e-mail. Could you state it for the record?

Mr. Baldwin: I believe all the two-bedroom units become one-bedroom because you're removing one story. So they become basically one-bedroom apartments.

Boardmember Bass: And those upper floors are about 500 square feet?

Mr. Baldwin: They're shown on the drawings with an office study and a bedroom. It's like in our previous conversation: if we count it as a three-bedroom, then you would lose an entire floor. So you would be down to one-bedroom.

Boardmember Bass: Right. So my question is, really, what would be the square footage of each unit if that was removed? What's the size of that third floor, per unit?

Mr. Baldwin: It's around 600 square feet.

Boardmember Bass: Thanks.

Chairman Cameron: Maybe you might address the issue of having a sloped garage.

Mr. Baldwin: I'm sorry?

Chairman Cameron: One of the things we brought up was that because the west units appear to be too high – and I think they are – that one way of dealing with it and not losing as much space as you would as well lose would be to put a slope in the garage.

Mr. Baldwin: That would help at the lower end of the garage, at the extreme north end. But pushing the garage down to really help with the W-7, -6, -5 buildings would create quite a steep ramp and a really excessively deep structure. Right now, we have something like 3 feet of fill under the mews, on top of the garage. We have height excesses that are up to 8 feet on two or three of those buildings. To push it down 8 feet would be making a very steep ramp. Probably it wouldn't even work just to get down to that level. At the far north end you could slope the garage down. It's easy to slope the floor down, but it means that to step the spanning structure above it down is an expensive proposition. It's not very practical.

Chairman Cameron: This building's built on slab (inaudible).

Mr. Baldwin: The floor of the garage is paving on grade. But the roof is a long span structure. In order to slope that, since we're building on top of it, building houses on top of it, we can't really literally slope it on an angle. That wouldn't work. We could step it down in steps, but that would be an expensive proposition and it would create vertical wall surfaces which you'd have to waterproof, and also lots of extra fill.

Chairman Cameron: I know you have great construction expertise (inaudible), but it seems to me that the garages in, let's say, Ridge Hill, are sloped top and bottom. One ramp of one is to move to the other.

Mr. Baldwin: That's right, but above each level is more parking. It's all sloping, the whole structure is sloping.

Chairman Cameron: They're holding a lot of weight.

Mr. Baldwin: Oh, yes. There are some cases there, I suppose, at Ridge Hill where they have a building on top of it. Because the sloping garage goes up to a roof level, which is level, then they build above it. But it's a high-rise structure. In this instance, we're talking about a structure which we're trying to keep well below grade and then build simple little crawl space foundations under each house which are only 3 feet deep. To push it down another 8 feet, we'd end up with 11 feet of fill.

Chairman Cameron: You'd have the three-story house going down with it on a slope.

Mr. Baldwin: I agree, we could do that. But it would only help on the north end of the project.

Chairman Cameron: Right.

Mr. Baldwin: And our biggest problems on the south end of the ...

Chairman Cameron: If you're 8 feet too high, plus 2 more feet because you're going to have to have a fence on your garden, 10 feet you might as well just put down a floor. But if you could get yourself down lower maybe there's some compromise in there. If you insist on staying out there you're not going to get anything.

Mr. Baldwin: Well, we can study it. We could study that, for certain.

Boardmember Sullivan: This is sort of Jamie's point, I think. This is from Zinsser. The blue shows the site, the green is a parking garage and the buildings on it. When you're toward the Zinsser side, where my finger is, that corner is actually above grade. That's the 87 elevation of the parking garage. I think his thinking is that something like sloping in that direction and getting down, you're only going down a foot. You're going from 88 to 87. That's an incredibly shallow ramp for a parking garage. I think it's just a thought to try to figure out a way to bring the buildings down. It could be explored, I think, very effectively.

Chairman Cameron: But one of our essential problems is that we have a zoning code which is supposed to have you have a place designed like it was Italy, and you're supposed to be stepping down. Then you want to build a level space underneath it. They contradict each other, you know? You can't have a level platform underneath it and have a step-down thing on top. They two don't go together. So you're going to have to think about those things because I just don't see otherwise ...

Mr. Baldwin: Well, sloping the garage is very easy. It's stepping the structure above it that gets complicated. But we can certainly study that. That's one option.

Boardmember Alligood: I have a question, looking at VP-2, the view 5, proposed view. The last time I saw this – I'm sorry I missed the last meeting – the café was in a different area. Is it now on Washington?

Boardmember Sullivan: It moved.

Boardmember Alligood: So the café is on Washington, and it's sort of inset into the building?

Boardmember Sullivan: It moved in the second iteration.

Boardmember Alligood: I missed the other iteration.

Chairman Cameron: Just clear out the thing, which I think is a good thing. You have this open space on to west side between S-1 and W-7. I take it that was designed to be open to line up with the porch of the house next below, and also their window? Or are they going to lose their window?

Mr. Baldwin: They're going to lose one of their windows. That is an open courtyard area, sort of part of the mews, and we have a bicycle shed along that property line.

Chairman Cameron: That's a bicycle upside down, right.

Mr. Baldwin: It's a small structure there.

Chairman Cameron: But it doesn't come up as far as your porch. You can't quite tell.

Mr. Baldwin: No, it's basically the height of the fence.

Boardmember Sullivan: I had, I guess, three things that I noticed. Well, two I noticed and one comment I want to make. You have your survey, but then on the plan of the area that's the rooftop of the garage, the mews area, you're indicating that you're going to use some of the other adjacent neighbors' property because it's sort of been there by right of some type. And that involves back behind the eastern units, where you're putting the gardens and then using the retaining wall as sort of the green wall of some type. I just think if that is going to happen you're taking this sliver of land that spans five or six different owners and we need to understand that is actually an agreement that's in place between you and them.

Mr. Baldwin: That would be an agreement that has to be ironed out with each buyer. The surveyor threw up his hands in trying to allocate ownership of that land.

Boardmember Sullivan: My point is, until we get assurance that that agreement's been made I'm inclined to treat it as something that's not pertinent to the design.

Mr. Baldwin: Well, we haven't used it on any of our calculations.

Boardmember Sullivan: You're just taking use of it, and there's potentially the need for a retaining wall if you don't get access.

Mr. Baldwin: If the use was denied we would just simply put our green wall on the property line.

Boardmember Sullivan: Pardon me?

Mr. Baldwin: If use of the land was denied by that buyer, then we would simply build our green wall on the property line.

Boardmember Sullivan: Correct. I'm just saying it's something I noticed that was like an assumption in there. Buddy's shaking his head yes.

The other thing is, I believe – and I guess it's kind of a question to the Board and Jamie – the applicant just gave us the short environmental form rather than the long environmental form, which I would ask for. But already I would ask for us to entertain the need for a traffic study in this property because of the complications of the sloped sidewalk, the driveway, the traffic that road takes. I bring it up just as a question of whether that's something that would be useful for us to do.

Chairman Cameron: This a footnote here someplace. He did actually have a discussion with the police department about exiting from the street. They have them always turning right, into the parking lot and right down the hill. Maybe we should actually ... I'm not sure the traffic study's going to show it, but we can do assumptions on how many cars an hour are going to exit from that driveway. But we do need (inaudible) before the end of our discussion.

We've been discussing a whole bunch of issues, and you have been very patient here. I hope you've enjoyed it. You could come up and speak on your concerns and happiness or whatever you have with the development as put forward. So if anybody in the audience would like to speak I invite them to do it now.

Josephine Andrews, 493 Warburton: Last time, I presume when we were talking about the car was that addressing the option of digging further down? Because I know that came up last time as an option.

Chairman Cameron: Yes, that's why we're bringing up the idea of having a sloped car park.

Ms. Andrews: OK, I just wanted to clarify that. I think the main issue for me is just that you can clearly see from the photos it's the massive concrete. We moved to Hastings to have, actually, a more countrified lifestyle so, for me, that's one of the main issues. And also I was really pleased to bring up the communal area, like how many plants, how much green is going to be in the building. But definitely to say that it's improved our view. I really disagree to see the concrete and to have just ... I mean, you all saw how peaceful and how

beautiful it is. I don't think it's going to improve the view at all. And then also to have people in the gardens could really destroy what we've got. I just wanted to make that point.

Chairman Cameron: They have one drawing here, which maybe they can get extra copies for people to look at, of what the plantings are going to look like on the property. That might be something you'd want to look at.

Ms. Anderson: There is no concrete in the project anywhere. Those are blank massing models done by the renderer to show the shape of the building, that's all.

Ms. Andrews: [off-mic] no trees.

Mr. Baldwin: No, there are lots of trees.

Michael Wilson, 491-A Warburton Avenue: I just want to second what she's saying. First of all, there's a misrepresentation of our views. Beth bought the place 10 years ago so we know the views very well. Easily eight months of the year the trees are naked and there's a panoramic view all the way south, all the way north. It's filtered through some branches but still it was a beautiful view year 'round, I mean those eight months. Then in the four months of the summer you felt like you were in a treehouse. Now, he's cut down all the trees in the back, or a lot of them, the ones on his property. Now you can see the river in the summer, that's true. I absolutely agree with that. However, if you're going to start putting buildings up there it's going to take away what we had eight months of the year, where we could see all of the river.

I also want you to consider the buildings on Washington Avenue, which are going to be considerably higher than the ones that are there, under any circumstances seems to me. So that's going to cut off the southern view. That's all.

Mr. Wyzeter, owner, 10 & 12 Washington Avenue: Good evening. We've been in this area, owning these buildings for the past three generations. We have two tenants, the Riverrun Bookstore and the Broadway Training Center. My questions concern construction and things like noise, vibration, dust, pollution, et cetera which I'm sure will not last two years but will certainly create its own problems for the intense building period. I notice that the garage is already being discussed, but it's a fairly big space. I think there are going to be 29 spaces there eventually. That seems to me to allow for a lot of digging. The noise, the vibrations and stuff, I'm concerned about what's that's going to do for the classes that are going on at the Broadway Training Center and if they might have any effect or not in terms of vibration, et cetera on our 100-year-old structures. I'm just wondering what kind of safeguards are allowed to us, whether it's the Village that takes care of this, whether it's the

county or the state to make sure these standards are followed in terms of both myself and the other neighbors. Thank you.

Dep. Bldg. Inspector Minozzi: May I address part of that question?

Chairman Cameron: Sure.

Dep. Bldg. Inspector Minozzi: There are set construction hours that anybody who has any project that's under construction has to adhere with. Taking into account what you said about classes going on during the day, it's just as much their right to construct as it's your right to have a class. Unfortunately, our code doesn't read like that. There are set construction hours that can't start before and can't start after. As far as dust and mud and stuff like that, we are very diligent about making sure that our contractors on our large construction sites especially have proper tracking pads, as in the project on Broadway. The truck tires are hosed down when there are very dusty conditions. They have to control that dust. It's up to the contractor, under our supervision as the Building Department, to make sure they're doing everything they can to keep those situations at bay.

As far as vibrations, unless they're blasting – which I don't even want to get into – there is nothing regulated in our code about vibrations.

Village Attorney Whitehead: Except for blasting.

Mr. Wyzeter: You said there are hours for the construction. I'm just curious because it sure seems like the people that are working on the bridge are starting awfully early. What is the earliest they can start, legally?

Village Attorney Whitehead: That's Westchester County. They're not actually subject ...

Mr. Wilson: Because they're there at 6:30, 7 o'clock I think. So they're allowed to do that?

Dep. Bldg. Inspector Minozzi: They're not under our control.

Mr. Wilson: And there's huge dust, a lot going on. So is that not controlled by us?

Dep. Bldg. Inspector Minozzi: This is the first I'm hearing about a dust complaint. There's never been any time that ... I drive through town all day, every day. I haven't seen any dust.

Mr. Wilson: That's one day this week when they were doing it.

Dep. Bldg. Inspector Minozzi: But I could certainly look into that. If you're seeing a problem, please ...

Mr. Wilson: It was one day only.

Dep. Bldg. Inspector Minozzi: ... please let us know in the Building Department and we will contact the county. That is not a problem.

Mr. Wilson: So they could start as early as they want?

Dep. Bldg. Inspector Minozzi: Unfortunately, they're not regulated by us.

Mr. Wilson: OK, thank you.

Chairman Cameron: Unfortunately, they're not there often enough.

Boardmember Bass: Buddy, for the record can you just tell the audience what the construction hours are?

Dep. Bldg. Inspector Minozzi: Yeah, construction hours are 7:30 a.m. to 8 p.m. Monday through Saturday, and 10 a.m. to 5 p.m. on Sunday.

Village Attorney Whitehead: Not for the county.

Dep. Bldg. Inspector Minozzi: No, that's not for the county. That's in our regulations for our contractors that are working in our village.

Boardmember Bass: Do they have to request weekend hours for construction, or is that as-of-right?

Dep. Bldg. Inspector Minozzi: No, that's set hours. And unfortunately, our code does not regulate on holidays. So if a holiday is during the week it's like a regular day.

Mr. Wilson: Seven days a week and holidays they're allowed?

Dep. Bldg. Inspector Minozzi: The way our code's written, yes.

Chairman Cameron: Code amendment.

Dep. Bldg. Inspector Minozzi: By all means, go to a Board of Trustees meeting and speak your mind. By all means.

Boardmember Bass: Can we go back to the architect on the VP-1 drawings? The proposed drawings simulate the river and the Palisades. Is there no way you can superimpose the proposed structure on the existing real pictures?

Mr. Baldwin: Yes, of course we could do that. That was a very preliminary 3-D model that Mr. Chen commissioned. Our first goal was to get the heights right. We didn't get into the detail of the building.

Boardmember Bass: I think, at this point, we need that specificity because we're talking about impact to existing residents, we're talking about the impact, or the issue of, variances on height. I think for us to have a more informed conversation we need more informed information. I have looked at this all week, Cary and I visited the site, and my seat-of-the-pants inclination is just to take off that third floor and call it a day. You lose 2,400 square feet, you still have a project of 24,000 square feet. It's 1,500 square feet per unit. I don't want to go there because I don't have the information and neither does this board to make an informed decision. And the people in the audience don't have the full information. They know what they see. There's a disconnect between their vision and these drawings, so I urge you give us better ...

Mr. Baldwin: I quite agree, and we'll do that. What I'm hoping for is that out of this meeting tonight we can get some reassurance on some fundamental ... we obviously have some redesign work to do, a lot of it. But if we don't get the coverage variance, if we don't get the side yard setback variance, then we don't have a project. We have to completely rethink the project. So I'm hoping for some sort of indication from the Board on those two matters, coverage and side yard setbacks. Height, we're not looking for anything tonight, I'm sure.

Chairman Cameron: Yeah, we can't help you tonight. You better produce more information and proper diagrams for us to talk about height.

Mr. Chen: No, no. Right now, we have four interpretations.

Chairman Cameron: You have one interpretation. It's A.

Mr. Chen: So we're going to stick with ...

Chairman Cameron: Possibly it can go to B, which is better for you, but it's really A. You

need a variance to go to B, so it's almost the same thing.

Mr. Chen: OK. That's what I'm looking for. As long as today's decision, at least we have some parameter we can design accordingly. Then we worry about view preservation as a separate issue, as a follow-up issue from there on. Right, OK.

Chairman Cameron: So I have another point of information question. Do you know how deep the Westchester sewer pipe is, next to you?

Mr. Baldwin: I can't remember exactly, but it's about 15 feet below our lowest foundations.

Chairman Cameron: OK, I figured that.

Mr. Baldwin: In your scenario, the stepping garage, that wouldn't be a factor I don't think.

Chairman Cameron: I figured it wasn't. I don't know how they get it to your property if it wasn't that deep because they'd have to make across the parking lot.

Boardmember Sullivan: I wanted to let the Board know I had an opportunity this week to call the New York State department that handles the code enforcement for the state building code enforcement. I had to call on another issue, and actually spoke with them. A couple things that came out was, in talking to the code official – the code assistant who helps with interpretations and answers questions under the building code – in her opinion she sees the garage and the buildings above as one structure. There's subgrade and there's stuff on top, so as she looks at this ... and there's some logic to that because the townhomes actually are kind of intertwined. The ones on Washington Street actually have basements that people enter from on the garage level. So it's not really as divorced, per se, as you would think.

The other thing that was of interest ... well, there are two other things of interest. One was the issue of the exiting from the north side down towards Zinsser. In her opinion, that's needed so that's another big question in how that can be accomplished from this site, given they need to traverse Village property. So that's another question. The other issue is one – and I guess this gets a little bit into the side yard issue – a concern I've had. And there's a lot of ways, as Buddy well knows, that this can be worked out working through the construction details. But the buildings are very close to the lot lines. As buildings get close to the lot lines there are greater and greater fire-resistant requirements that come into play. This is just building code stuff, it's not the planning issues. I just wanted to give a little bit of background.

One of the issues is construction of the wall, how much fire it can withstand. That's

measured in hours – one hour, two hours, et cetera. But also the issue comes into play with the type of windows and how many, and if any at all. So there are a lot of variables that impact that, to be honest with you, and there's no one dimension you can point to to say this is where that building has to go. But from my perspective, I see them intertwined in a way. Where if we go and approve something that's one dimension but, in reality as it gets worked out, it's not doable I kind of want to have those code assurances before I ... you know, in the matter of discussions. I guess, to your point, Richard, it's a little bit a greater level of detail. You can only go so far down that road, but you can start making some assumptions like the classification that was mentioned on the drawings as what residences were going to be built. Well, that triggers certain requirements of setback. And then a percentage of window if it went to a more robust construction there might be another conclusion.

I think it's a very complex structure that we're being asked to look at, and I'd like to have some of the code issues sort of stated and kind of nailed down soon, as well.

Mr. Baldwin: On sheet nine, I did address the proximity to the lot line in terms of construction. Yesterday I spoke to Erica Krieger about that in detail, and she was quite satisfied with the solution we have for making those openings protected openings. I mean, unfortunately we can set the glass back 5 to 6 feet from the lot line. But the decks and the rest of the structure is going to have to be within a foot or so of the property line. It's hard to imagine how we could do it otherwise.

Boardmember Sullivan: I guess that's the question. The Planning Board can do variances and have discussions about that, but the building code is a little bit tougher character.

Mr. Baldwin: Well, we obviously have to meet the building code.

Boardmember Sullivan: Right. So if your balconies are permissible a foot away from the property line or on the property line, that would be good to know before we go much further.

Mr. Baldwin: Well, she had no problem with the balconies and she had no problem with the window opening protection scheme that we have.

Boardmember Sullivan: I feel a little uncomfortable because this is really Buddy's area. I just bring it up because I have some knowledge of it. I guess my request kind of is when we see these drawings that these things are sort of sorted out. You had left on this that you were still waiting to hear from her. On your drawings that we received it was noted that you were still waiting to get some answers back.

Mr. Baldwin: Sure, but we have heard from her and I did report on it in the handout that I

made tonight before the meeting.

Chairman Cameron: I have mixed emotions about the setbacks on the site lot lines. But I do have a question which is a little puzzling to me. That is, I understand on the east side we have this big wall going up to the four townhouses up there, and you're not going up to the property line anyway. On the west side, though, you are going up to the property line. And I guess it's probably more of a question that if somebody else decides they want to develop something below you can they also go up to the property line. You have your windows on the property line and they have theirs on the property line, that I have a little problem with. I understand the argument that there's no setbacks and there is no argument there. But I'm a little bit puzzled who wins.

Village Attorney Whitehead: That was the building code. You cannot have windows right on the property line.

Chairman Cameron: Right.

Village Attorney Whitehead: They have to be back ... windows are back 5 feet. It's the balconies that go out to the property line.

Chairman Cameron: So we have a 5-foot balcony?

Boardmember Bass: Yeah, that's the building code. Does this village permit easements between property owners that could codify a distance between windows and windows and windows and walls?

Village Attorney Whitehead: That's a private agreement. An easement between property owners is a private agreement.

Boardmember Bass: Right. Again, in other jurisdictions I do these type of easements that allow light and air, and it's a private agreement between two parties. But it's acknowledged by the Building Department because then the parties agree that nothing else will be built in that easement. Is that something we do?

Village Attorney Whitehead: It's something that if the Zoning Board has a concern in granting the setback variance that they could look for a reason that supports sort of their granting the variance and reducing potential impacts.

Mr. Baldwin: For those properties, that would be the rear yard.

Boardmember Bass: Right, I understand.

Mr. Baldwin: Under the current interpretation, that would be a 30-foot rear yard setback.

Village Attorney Whitehead: It's only the rear yards on one side. On the other side you're up against side yards.

Boardmember Sullivan: Is there a rear yard setback in that zone?

Village Attorney Whitehead: Not up against the Village property because that's not a residential zone.

Boardmember Ambrozek: Oh, I have a concern that's not really the purview of the Planning Board. But the location of your driveway, there appears to be a tree there. So that will require you addressing the Village in order to have that removed if you're going to put the driveway there.

Mr. Baldwin: No, we plan to relocate the trees. All the trees on Washington Avenue have to be adjusted. I think there may be one that perhaps be saved. But generally, they're going to be all new trees and their location slightly shifted.

Boardmember Bass: I know you're looking for direction from us, but I think we still have insufficient information to give you that stronger direction. As part of my questions to you earlier in the week I asked about a conventional design. And Kathy knows I'm not an architect, but I can lay out a site plan that would have the side yards and the height of the buildings on Washington. I came up with a design that almost matched your square footage. It's not a pretty design. I like this concept, but I don't have enough information to satisfy my concerns or the Board's concerns. I think we need another iteration of information to help us decide that this is really the solution and how it works.

I'm not speaking for my Boardmembers, I'm only speaking for myself. But I didn't like the design I came up with.

Boardmember Sullivan: I guess my sense is, this is a very large site and we have people who are concerned about their views being impacted that live nearby. I feel reluctant to forgive setbacks or forgive coverage. I'd like to see them take your design, Richard, and do something with it. I'm concerned because of just the internal turning of the relationship of the units to the street and creating side yards that actually create separation, where people are not living on lot lines or living up against the huge wall. I mean, we went ... after looking at the flags, we walked onto the property. That wall is a monster those eastern units are going

to be facing. My gut instinct as we've look into this further I'd like him to look at your design, look at another option and see what they can do with it.

Chairman Cameron: So are you going to cover those big lovely building blocks for the garage?

Ms. Anderson: Kathy, at the last meeting I did say something about a wall with backyards, almost identical size, on Warburton behind Joe Locasio's office. If you walk between those buildings, all those ... it's very interesting because ... Astoria Bank. Those properties have exactly the same size backyard as the eastern houses, with a wall that is almost the same height.

Boardmember Sullivan: How long is that wall?

Ms. Anderson: It's two blocks of buildings.

Boardmember Gould-Schmit: If you go to the VFW post, on the lawn you can look down into them and get a sense of how it feels. I just happened to be there that day when we talked about it. You could go on the lawn and you can look down into the backyards there.

Boardmember Sullivan: Behind the bank?

Dep. Bldg. Inspector Minozzi: You can walk down and you can go to the rear of the buildings, and it's exactly what they're describing.

Boardmember Sullivan: I never knew that.

Ms. Anderson: It also has the same orientation so it's quite interesting because you get the southern light, and so on, and it's not nearly as bad as you think. There's a cliff at the end there which is about the same height as our wall.

Boardmember Sullivan: A cliff?

Ms. Anderson: Yes.

Boardmember Sullivan: This is in Hastings? Sounds like a secret place.

Boardmember Bass: So you've heard our concerns. You've heard the public's concerns. I think you need to sharpen your pencils and come back with refined drawings and additional information that the Boardmembers have asked, and we can have more discussion.

Chairman Cameron: At the time I actually wasn't worried about the setbacks, nor am I that worried about the coverage. So that's my perspective. That's just my perspective.

Mr. Baldwin: You're not worried about the setbacks, but you're worried ...

Chairman Cameron: I think the setbacks could be worked out, and so for the coverage, but that's just my individual view. But I'm very worried about the height.

Mr. Baldwin: Well, obviously the height is a problem. I guess we would feel a lot more comfortable if we thought that the Board ultimately would have a reasonably positive attitude toward granting the variances on setbacks. Because we could spend a lot of time on this project – and we will – in the next month, and to then be told the setbacks are unacceptable or the coverage is unacceptable would be a great shame.

Chairman Cameron: Well, I think no matter what the Planning Board feels I think the setbacks are going to have to go the ARB.

Village Attorney Whitehead: The Zoning Board.

Chairman Cameron: ZBA, rather.

Village Attorney Whitehead: Yeah, the variances ultimately have to be granted by the Zoning Board.

Mr. Baldwin: But we're looking for your recommendations. We're also looking for your recommendations on the agreement with the Village. We're relying on that, so that another issue. It's the coverage, the side yards, and that north exit.

Chairman Cameron: So maybe we should go to the agreement with the Village. I think some of the things we have said this time to you was that whatever deal we have has got to be one in which you guys can't cancel it and decide that you're still going to go down the hill and the public can't come through that. It's got to be an agreement which we both ... and personally, if we come up with a plan, just me speaking, we come up with a plan that we approve, I think you can assume that the approval's going to have to include a rear fire exit for you, and hope that it's a pleasant one. You wanted your answer before we approved the design. I don't think you're going to get that, but if we do agree on design I think, from my perspective, that would be part and parcel of the package. I wish other people would speak. I just talked too much.

Boardmember Bass: I don't think the access and the easement through the parking lot is an issue. Especially since we're addressing another development on the corner. I see it as a way of activating that area. That should be your concern.

Boardmember Sullivan: One of the things I learned in speaking with this woman I mentioned was the applicant, if this would get approved that they could use Village property they would need to bring them to the street. So we'd be talking about a legitimate sidewalk from their stairs, not a gravel path. We'd be looking at a sidewalk from where it lands that would bring them to the existing sidewalk that runs in front of the buildings on Southside. So I won't say complicated, but it's more involved than was initially shown on the drawings. Again, that's kind of the co-issues I'd like to have resolved.

Boardmember Bass: The details we're seeking.

Chairman Cameron: And I think it would be their nickel to maintain it, not the town's. The Board of Trustees would certainly say that to you.

Boardmember Sullivan: There may be some accessibility issues with egress that this woman had started discussion but, again, it was kind of above and beyond my role in this job, this project.

Village Attorney Whitehead: My understanding – and I think this was in the supplement that we got tonight – was that Erica Krieger did say it would have to be accessible. So I think we need to see how you're looking to make that accessible.

Mr. Baldwin: It's not going to be easy.

Village Attorney Whitehead: Good luck.

Mr. Baldwin: It's not going to be easy, but I think it can be done obviously. But it'll be substantially more elaborate than what we're showing now.

Boardmember Ambrozek: My major concern is the height of the buildings, especially the west buildings and the south buildings. I have some concern about providing access as individual units to the roof gardens. I think trying to make those, if you are going to have roof gardens, have them as greenspaces that would be common areas not specific to anyone. This is just my feeling, I'm not going to dictate. But that's my major concern.

Chairman Cameron: One of my interests in the sloped garage is that from the drawings I think you're going to make a great effort to take the two-story so-called east units and have

gardens on the roof. They're still actually fairly high. They're only about a foot or so below the top of the wooden wall at the back of the parking lot of the townhouses behind. I think that's about what, 2 feet or a foot-and-a-half to 2 feet. I just think the visual effect for the people who live there, and peace and tranquility, would be to make sure that they are still looking at something nice and attractive going forward. That's important.

Boardmember O'Reilly: I was going to say I agree on that. Most of my concern has been the height of the west buildings, as everyone has said initially. I think in terms of the south buildings, which are on Washington Avenue, less so. But I still think that's an issue to look at. But definitely the height of the west buildings; their three stories do make a difference. The comment was made that it improves the view, it only improves the view if you like the look of the building. Which I think it obviously is a concern.

Boardmember Gould-Schmit: I guess I would just echo what Jamie was saying. The height is obviously a big concern. I do feel like that east row is so close to the people ... I mean, that is my concern. Like they're looking right at those roofs so you hope there's no mechanical equipment. I mean, it would be great. I missed the beginning, and I guess you're talking about greening those roofs. Something like that should definitely be looked at because that's in very close proximity to people, I think.

Ms. Anderson: Our landscape drawing does show vegetated roofs on all those buildings, and we don't think there should be any roof access there at all because it's too close to the neighbors.

Boardmember Alligood: I share the same concerns so I don't have too much to add.

Boardmember Bass: Well, you can repeat.

Chairman Cameron: OK. Well, then, I think we've given you a good feel. We'll see where we go from there. Anybody have a last word?

All right, thank you very much. Oh, we asked for SEQRA.

Village Attorney Whitehead: Just procedurally, the Board should really start the SEQRA process. So you have gotten, as Kathy said, a short EAF. There are other involved agencies here, not only the Zoning Board – because they're going to be connecting directly to the county trunk sewer – the county Department of Environmental Facilities has to give an approval. So you should initially just determine it's an unlisted action under SEQRA. And then if you want to do a coordinated review, circulate your notice of intent to be lead agency to those other involved agencies.

You should just have a motion to determine this application is an unlisted action and that you're going to circulate your notice of intent to act as lead agency for SEQRA.

On MOTION of Boardmember Bass, SECONDED by Boardmember Ambrozek with a voice vote of all in favor, the Board determined this application is an unlisted action and a notice of intent to act as lead agency for SEQRA will be circulated.

- 2. View Preservation and Site Plan Approval – Application of CCI Properties, LLC for the construction of an additional building containing five (5) townhouse units on its property at 32-34 Washington Ave. Said property is located in the MR-1.5 zoning district and is known as SBL: 4.70-53-11 on the Village Tax Maps.**

***** Deferred Until July Meeting *****

VIII. ANNOUNCEMENTS

Next Meeting Date – July 23, 2015

Chairman Cameron: We have another meeting, you'll be pleased to know, on July 23 at 8:15.

IX. ADJOURNMENT