

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
REGULAR MEETING AND PUBLIC HEARING
SEPTEMBER 17, 2015**

A Regular Meeting and Public Hearing was held by the Planning Board on Thursday, September 17, 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 Kerry Gould-Schmit, Boardmember William O'Reilly, Boardmember Kathleen Sullivan, Boardmember Richard Bass, Village Attorney Linda Whitehead, and Building Inspector Charles Minozzi, Jr.

Chairman Cameron: Good evening, ladies and gentlemen. Welcome to the Planning Board meeting on Thursday, September 17, 2015. Buddy, could you take the roll call, please?

I. ROLL CALL

II. APPROVAL OF MINUTES

Regular Meeting of August 27, 2015

Chairman Cameron: We have a quorum. Anybody have any comments on the minutes? Any changes they wish to make?

Boardmember Gould-Schmit: I think it's around page 42 there was a bunch of comments attributed to Trustee Armacost. I think it was Michael who was making the comment.

Boardmember O'Reilly: I think it was Michael, yeah. It only appears twice.

Boardmember Gould-Schmit: Is it twice? OK.

Boardmember O'Reilly: On page 42.

Dep. Bldg. Inspector Minozzi: It's supposed to be Michael?

Chairman Cameron: Should be Michael, yeah.

Boardmember Gould-Schmit: Not Niki.

Dep. Bldg. Inspector Minozzi: OK.

Village Attorney Whitehead: And Buddy, same thing is on the Zoning Board minutes. When you speak, it has "*Deputy Building Inspector.*"

Building Inspector Minozzi: Yeah, I know. We were straightening that out. He's got a brain lock.

Boardmember Gould-Schmit: And on 42, too, there's something I said that was attributed to Christina. It's just a thing about the ITE being a standard. It's on page 42.

Building Inspector Minozzi: OK, it's ...

Boardmember Gould-Schmit: I said it.

Building Inspector Minozzi: It's not in there?

Boardmember Gould-Schmit: It's in there, but it's ...

Village Attorney Whitehead: It's attributed to Christina.

Chairman Cameron: Anybody else have any comments? Anybody wish to make a motion? Was everyone here last week?

On MOTION of Boardmember O'Reilly, SECONDED by Boardmember Sullivan with a voice vote of 4 in favor (Boardmember Bass abstained), the Minutes of the Regular Meeting and Public Hearing of August 27, 2015 were approved as amended.

Chairman Cameron: We have four people. Do we have an abstention?

Village Attorney Whitehead: Richard wasn't here.

Chairman Cameron: The rest of us are voting yes, I believe, since no one said no. So the minutes have been approved.

III. NEW PUBLIC HEARINGS

1. **Accessory Apartment Permit Renewal – Application of Linda Osborn – 17 Villard Avenue – SBL: 4.40-27-44 on the Village Tax Maps. No waivers required.**

Chairman Cameron: Buddy, could you give us a report on this?

Building Inspector Minozzi: Sure. There haven't been any changes to this accessory apartment. Parking is as originally approved. No complaints have been reported or received related to this apartment for the last three years. It is code compliant. There are no waivers required. And like I said, it has off-street parking. We recommend that it be approved.

Chairman Cameron: Any comments from any members of the Board? Any comments from anybody in the audience? I will entertain a motion for the approval.

On MOTION of Boardmember Bass, SECONDED by Boardmember O'Reilly with a voice vote of 5 in favor, the Board approved the renewal of the accessory apartment permit renewal application of Linda Osborn – 17 Villard Avenue – SBL: 4.40-27-44 on the Village Tax Maps, with no waivers required.

Chairman Cameron: Two are absent, as you know. It passed.

2. **Site Plan and Steep Slopes Approval – Application of Ben Diep for low retaining walls in the rear of the property at their mixed-use dwelling at 385 Warburton Avenue. Said property is located in the MR-O Zoning District and is known as SBL: 4.100-93-13 on the Village Tax Maps.**

Chairman Cameron: Mr. Metzger?

Jim Metzger, project architect: Mr. Diep should be here momentarily. We're here tonight because about six years ago or so this board approved a renovation to this building. It was a long and complicated process. In the process of putting this project together, our previous Building Inspector suggested to my client, Mr. Diep, that we do something around the perimeter of the property where it goes from relatively flat slope to steep slope. Going down in this direction is the DPW building. We actually have 100 percent slope there; it's a

45-degree angle. We have this relatively flat platform, and then as you get around this contour line – contour line 68 – the slope really drops off. What Mr. Sharma suggested is that we do some sort of low retaining wall to keep the flat area from washing down into the DPW area.

When we were looking at this originally, what we wanted to do was put a fence up around this area of the property. What we found out, after we put in the concrete retaining wall that's here now, is that the view from the back of this property – which, hopefully, you've all had a chance to see the photographs and I know some of you have visited the site – we decided we didn't want to put a fence up because it would block the view of the Palisades, this panoramic view. The fence was really going to be a security fence. Along the south edge of the property is the Quarry Trail, which really is only complete up into the bridge on Warburton Avenue. There were some trees taken down on Village property. They were just left in the quarry road so nobody really goes down there now. But before those trees were cut down, Mr. Diep found people coming down the Quarry Trail and ending up in his backyard. So it was like, "Folks, this is private property." "Yeah, but the views are great." We thought about putting a fence in.

When we started putting in this concrete work to attach the fence to, we decided we really didn't want a fence either because the views were just so nice. We put in this low wall. We don't have a steep slope situation anywhere on the southern edge of the site. And where the wall went in on the west edge of the site is right at the crest of the hill before it starts to drop off. This is not a deep retaining wall; it only goes a few inches below grade. Because it starts to drop off, you'll see – if you look at the photographs, for example photograph six – if you look at photograph seven you could see the wall is only about this high. It goes just about this far below the grade. What we did is, we had concrete columns put in about every 6 feet. So what's supporting this wall is concrete columns.

We backfilled behind the wall with gravel and a 4-inch perforated drain. Part of the paperwork I submitted to you shows the little bit of backfill we did on the edge of the property is more than enough to retain all the stormwater that would fall on the site and keep it from washing down the hill. The concept here is, the concrete columns will keep this wall in place. They go down 3-1/2 feet, but the wall itself is really just retaining about this much backfill. Except when we get to this corner – which I'll describe in a moment, we calculated all this – we've got all our stormwater runoff calculated. Again, the idea is to keep it from washing down.

The other issue we had is that when Mr. Diep bought this property, people from across the street had cut down four or five major trees in this area of the property, at some point, middle of the night. It was never approved. This is before Mr. Diep owned it. Got up one morning

and walked down by the site – I walk my dog by there – and all of a sudden all these trees were gone. What happened after that, the rain started washing out ground cover that had been in place for decades that had been holding back this 100 percent slope going down to the DPW building. Once those trees came down, all of a sudden when we had heavy rains there was a bit of an issue. What really caused the problem, very early in the construction there was a freeze and a water main break. That water main break created a problem with water running down the slope. Again, that's when Mr. Sharma got involved. He said we need to protect the site during construction, which we did. We put in hay bales, we did all the proper site protection. He said, "When the job is done, I really suggest you replant all the ground cover here, even though it's Village property. It will save everybody some time and effort in the future. And do some sort of low wall here just to try and differentiate your property from the Village property." That's what this is about.

Mr. Diep's property line, you can see, runs right through here and runs about this close to the curve of this wall. Which is why this wall comes, and then comes back and follows the property line. This also happens to be a very steep part of the site. It's also part of the site ... this concrete pad has been there for decades. I believe the previous owner used this to put out a picnic table. This was starting to get washed out during construction, when all the grass back here turned to mud. During the construction it became an issue. This wall got backfilled with a lot of gravel, drains in the gravel. Then all this has been backfilled – when I say "backfilled," just with topsoil – and has all been planted with grass. Anything that was disturbed during construction has been replanted. If you've been to the site ... I accompanied Mr. O'Reilly last week. He said, "Have you been down there?" You can't actually get down here anymore. It's a jungle, so well planted back in there. We have not had any issues with site disturbance since the project was done.

But again, we wanted to put a fence up here. Because all of a sudden now we have a situation where, on the edge of the property, we have a greater than 30-inch drop – 36 inches out – from the edge of the property line. We are going to put a fence across here – there is some mechanical equipment back on the property here for the air conditioning – a fence here, and then we want to run the fence just far enough around the curve to get to a point where it's no longer an issue if people step off the end of that curve. That's the impetus of this project. I know you've seen the photographs. I've got sections cut through the site. You can see this is the area where it's incredibly steep. Like I said, we've had no problems in the last year-and-a-half or so, and are not anticipating any problems.

Open for questions.

Chairman Cameron: Anybody?

Building Inspector Minozzi: Mr. Chairman, could I just say that, in case anybody doesn't know or is not aware, the project is already done so we're kind of backpedaling a little bit. This is in the view preservation district, and they have received a view preservation waiver.

Chairman Cameron: Fine. I'm going to read that into the minutes at the end of this.

Boardmember Bass: What kind of fence are you proposing?

Mr. Metzger: I'm sorry?

Boardmember Bass: Jim, what kind of fence are you proposing?

Mr. Metzger: The fence over here is going to be a simple metal picket fence – 4-inch spacing, 42 inches high – with a wood top cap.

Boardmember Bass: Do you have a drawing of that?

Mr. Metzger: I do not. The answer is no, I do not.

Boardmember Bass: OK.

Mr. Metzger: On the existing project we used metal cable, cable rail with a solid top. But we're probably going to use, just like I said, a simple flat metal picket fence, 4 inch on center, 3/4-inch pickets, and a top cap at 42 inches high.

Boardmember Bass: If we approve this, can we make it a requirement, a condition of the approval, that those plans be submitted? Because we normally don't just have someone say I'm going to put in a fence, and describe it.

Mr. Metzger: I don't have a problem with that.

The other question – well, not a question – as I understand it, a fence is allowed as-of-right without requiring approval. Now, I don't know how that works into view preservation.

Building Inspector Minozzi: The dimensions are already written in our code, except for the height.

Boardmember Bass: I know, but we're doing a site plan and part of the site plan is a fence.

Building Inspector Minozzi: Just putting it out.

Boardmember Bass: No, I fully understand. But my approach is, if I have a site plan in front of me I have a site plan in front of me. Just like the gentleman a couple months ago who was describing a tree, you got to give some details.

Village Attorney Whitehead: With site plan, even though fences aren't regulated by the code they should be shown on a site plan.

Mr. Metzger: Absolutely. The other thing I wanted to say is, we have a second layer here. We have a 30-inch drop from this level to that level, so we've created a small walking path. In this area, as you can see, it's not a problem with slope. It becomes a problem around here. The fence is going to be on this lower level. In fact, I show it in the section here. It's obviously not a sample of the fence, but I show the 42-inch high fence. It's going to be on the lower section, down here where it steps down 30 inches from this platform. When you're standing here, the fence is going to be 36 inches out. It's only going to be this high. So there won't be a view preservation issue, certainly, from the property, and even from up top. You won't see the fence. You'll be looking right down into the grass below or into the plantings below.

Boardmember Bass: So what you're describing, where you're standing, is that on Warburton or is that on the property?

Mr. Metzger: No, that's on the property. That's down below. Warburton is two stories above grade on this building.

Boardmember Bass: So standing on Warburton, I won't be able to see the fence.

Mr. Metzger: You wouldn't see the fence. I was trying to show that if you take a look – I don't know if you have the photographs in front of you, or not – the first picture is picture number one from Warburton, and picture number two is from Warburton. You can barely see the concrete wall from Warburton, and the fence would be basically down at that level and a little farther out.

Chairman Cameron: Any more questions? Any questions from the audience concerning this?

I'm going to entertain a vote to approve the site plan, subject to the provision of a drawing of the fence and steep slopes approval, and a vote of SEQRA.

Village Attorney Whitehead: No, you have to do SEQRA first.

Chairman Cameron: Well, you were going to do SEQRA. It's always good to do SEQRA.

Village Attorney Whitehead: Because this is a multi-use building, it's not a type 2. Therefore, it's an unlisted action under SEQRA. The Board is the only involved agency, as you're the only agency that has to give an approval. You have to make a determination of significance under SEQRA, and basically you have to determine if the Board agrees that this is not an action that could have a potential significant adverse environmental impact. That being the case, you would adopt a negative declaration of environmental determination.

Chairman Cameron: So I will entertain that motion.

On MOTION of Boardmember Bass, SECONDED by Boardmember O'Reilly with a voice vote of 5 in favor, the Board made a determination of significance under SEQRA that this is not an action that could have a potential significant adverse environmental impact. That being the case, adopt a negative declaration of environmental determination.

Chairman Cameron: Now we're going to move to site plan and steep slopes approval, with the addition of an obligation to provide us with a copy of the map.

On MOTION of Boardmember Bass, SECONDED by Boardmember Gould-Schmit with a voice vote of 5 in favor, the Board approved the site plan and steep slopes application, with the addition of an obligation to provide the Board with a copy of the map.

Chairman Cameron: Then I will note, as Buddy did a minute ago, that we have this procedure in Hastings whereby if the view issue is not of any significance we can actually have one person from the Planning Board and one person from the ZBA agree with the Building Inspector that is if no significance. And that has occurred with respect to this property. I want to read it into the minutes so if people are looking in the minutes they will find that that occurred.

Thank you very much.

Mr. Metzger: I'm going to change drawings while you read that.

Chairman Cameron: I know. You'll be invited back again. I'll read the next one. The next one is a steep slopes approval.

3. Steep Slopes Approval – Application of Michael Curtis & Nancy DeNatale for the creation of a patio, stairs and retaining walls in front of their two-family dwelling at 328 Warburton Avenue. Said property is located in the R-7.5 Zoning District and is known as SBL: 4.100-96-4 on the Village Tax Maps.

Chairman Cameron: Again, this one also had a view preservation waiver, which I will bring up at the end of the presentation. Jim, if you could turn your board slightly, we all have copies of this. If people in the audience, someone wanted to look it, we also have a trusty camera over there.

Mr. Metzger: You want me to turn this around?

Chairman Cameron: Not that the prior one wasn't just as interesting. Perfect.

Mr. Metzger, project architect: I'm the architect for Michael Curtis and Nancy DeNatale. We have an interesting situation here. We want to do work on this house and we're putting an addition on. But we're not building up: we're building out, we're building down. That's something that was a little bit confusing, but hopefully I can explain that this evening and everybody will understand what we're talking about.

The subject property is across the street from the dog park down on Warburton Avenue, a brick house. It sits up on a hill and is a little bit more than a story above grade. What we want to do is accomplish a couple of things. We want to create a more inviting entry into the house. The existing stairs that go up to the house have been in very poor condition. They need to be replaced, they're stone and concrete, been there since 1954.

We have a basement in the house. This is a two-family house. There are two 2-bedroom apartments in the house. We want to be able to use the basement possibly as a bedroom or as an office space, and we want to create a nicer entry into the house. Because the house is up on a hill we want to excavate in front of the house, create a courtyard situation that would give us a walk-out basement into the courtyard. That's where it gets confusing. We're excavating down about 8-1/2 feet from the porch; we're putting in retaining walls, which is one of the reasons why walls have come for you; and we're creating a courtyard that's going to be done – and we had this discussion a little earlier – with pervious surface. We're planning on using grass and pervious paving stones in this area – what is now stone and concrete – and moving or actually increasing the amount of pervious surface in the entry to the house.

The other thing we want to do with the entry, there's an old asphalt driveway. There is no sidewalk on this property, just a grass strip. We want to take the asphalt out from the carport down to the street and put either grass pave or gravel pave in. Which for those of you that are not familiar, it's a plastic grid that's 93 percent open. You either backfill it with gravel or with grass and it becomes a pervious surface. We're going to be removing asphalt here and putting pervious surface back in in its place. We're hoping to create a better situation for stormwater than what's existing now.

The issue we have on the interior of the house is a somewhat separate project. Both tenants of the house – the owner and the person who rents the upstairs – use a central hallway in the front. What we'd like to do is give both people who use the house more privacy. Again, this is not part of the project that's before you now, but it explains why we're doing what we're doing. There is a secondary stair up to the kitchen of the tenant's apartment in the back of the house. We want to create a new stair that goes up on the side of the carport, which would then have a path around and give the tenant a completely private entrance in and out of their unit, while the owners would use this primary entrance, come up onto their existing porch, and go into the property.

One of the key issues we have here – and this has been driving the design – you'll notice, if you look at the drawings, there is a large, beautiful Japanese maple on the property. It happens to be right on the edge of where we want to build. We'd ideally like to keep that tree in place. We've had two arborists on-site. And one of the contractors who's starting to look at the project, their other business is doing landscaping work. Everybody feels somewhat confident that we'll be able to save the tree because where we're putting in the new retaining wall is going to be replacing a retaining wall that's already existing. We believe the root structure of the tree is actually growing away from the house and into the hillside, as opposed to into where the existing stairs are. So we're hoping to save that tree, in addition to all of the other work we're doing.

I wanted to minimize the courtyard, give it some privacy. Because if the basement becomes a bedroom you don't want people walking down the street looking in. This courtyard is about this high off the street. There's a preliminary set of stairs – and I'm going to flip the page – that'll be done out of concrete that will come up into this courtyard area. The retaining walls we're putting in will follow the slope. They step. If you've looked at the elevations in the sections, the retaining wall closest to the house is at the same level as the porch itself. So it does not stick up above grade at all. As the slope comes down, the retaining wall as it steps in also slopes down. The retaining wall is going to come across, turn, step, come across, turn, step. We're keeping the retaining wall the bare minimum we can above the grade of the slope so we're not affecting any view preservation. Because the

8-1/2 foot high wall we're building in this area will be totally below the existing grade. If you look at the photographs, basically nothing is going to change from what you see in the existing photographs. Everything happens below existing grade in this area.

You'll come up to a landing here. All of this will be grass and pervious paving stones that will get you back to the entry into the basement. Then there'll be a secondary stair which we're planning on doing in some sort of open stair. It's something we're still designing, whether we do an open tread metal stair or a wood stair. This is going to be a floating stair in the space. It'll be sculptural decorative. It'll allow water on the stair to just run down into this area. Again, we'll be capturing all the water on-site; nothing will need to leave the site to go out into the street from what we're doing.

On this side, the other side of the carport, we're putting in a stair that runs up alongside. This stair would be concrete, but we would want to use pervious concrete so, again, any water that's flowing on that would have the opportunity to go back into the landscape. Some of the water will come down the stair and come out into the driveway but, again, we're doing a pervious surface in the driveway so even that water will have less of a chance of working its way down into the street. We're really trying to keep all the stormwater situation on-site and not affect anything else that's going on. Aside from that, I'm just going to flip to the elevation.

By the way, the cellar plan on A-003 shows you where we're talking about doing the pervious pavers and then the grass infill around that. We're hopefully going to put a piece of sculpture in there. It's going to become a very decorative space. Then we'll have the doors going into the basement. One of the other things we want to do is, the top of the carport is going to be redone as part of the construction when we file this for a building permit. It already is this way. We're going to be putting planting up on top of the carport. That carport was put up in 1967, I believe. It needs refurbishing, but it's going to stay on-site.

If you take a look at the south elevation on drawing A-004 you can see where these concrete walls are starting at about 30 inches high. Then as they go across, they step up but step into the landscape. None of the construction we're proposing goes above the existing grade on the site, except for a little bit of the walls where the site is sloping down relative to where we're building the wall.

Any other questions?

Chairman Cameron: Anybody have a question?

Boardmember Bass: The existing lot coverage and the proposed lot coverage in terms of

impervious surface, can you ...

Mr. Metzger: We're reducing the amount. We had a discussion before about what's considered pervious and impervious. The code's a little bit unclear. If you look at the grass pave or the gravel pave as a pervious surface – like I said, it's only 4 percent plastic grid, the rest is pervious – we're actually increasing the amount of pervious surface, I believe, by over 500 square feet. I know it's on the documentation I gave you. I don't remember whether it was part of the drawings. It was part of the paperwork that was submitted.

Boardmember Bass: I had trouble finding that.

Mr. Metzger: Oh, here is it. I'm sorry, it's on drawing A-002. There's a drainage site work photo location plan. The impervious surface that's being removed, which is this entry walk area and the driveway, is 667-1/2 square feet. The impervious surface that we're adding back in – because we're putting in some stairs and doing this stair up alongside the carport – is 143 square feet. So we're taking out 667, we're adding back in 143. That gives us a net gain of 524 square feet of pervious surface.

Boardmember Bass: You could see why I missed it.

Mr. Metzger: Oh, yeah.

Boardmember Sullivan: Jim, you're saying you're removing a certain amount and then adding back impervious. But what are you doing, with your ...

Mr. Metzger: I'll show you where we're moving.

Boardmember Sullivan: ... pervious pavement that's at 100 percent.

Mr. Metzger: OK. Right now, there is a concrete and stone stair that occupies almost this entire space. This is all concrete and stone. We're removing all of that, and the only thing that's going to be impervious is that first four or five treads going up to the courtyard. We're removing all of that.

The other thing we're doing is, we're taking out pervious surface in the drive area going into the carport. Currently, there is a walkway along the side of the house to get to the backyard that's a concrete walkway. We're removing that concrete walkway and putting pervious surface in there as well.

Am I answering your question?

Boardmember Sullivan: I guess I'm confused, but I think it's because the drawings didn't necessarily show those things clearly. I mean, it's a lot of information, when you gave us a full permit set or almost a construction set. So to look at it as a steep slopes application, it's hard to sort of sort out what the issues are. That's why I'm a little thrown by the math: this is going away, and then that being put back in.

Mr. Metzger: I appreciate what you're asking. If you take a look, again, at this drainage site plan on drawing A-002 – and I apologize for the fact that we're obviously now submitting things in PDF format and it's not as easy to read some of the drawings – there is a hatch line with a simple diagonal hatch which is showing the impervious surface that we're removing. Then there is a darker hash line by the stairs going up to the courtyard and the stairs going up alongside the carport. That's the impervious surface that we have to add back in after we do the construction. It's this newfangled technology.

Boardmember Sullivan: No, it's too much stuff on it.

Village Attorney Whitehead: That's the drawing where it shows, like on the side, where the walkway is coming out, the hatch that is coming out. Then he's got the calculation of the impervious being removed and new impervious.

Boardmember Bass: Can I digress for just a second? If we're going to just do it by PDF, I can't read these. Plans need to be then broken into separate pages and put on a scale that can be printed.

Building Inspector Minozzi: Excuse me?

Village Attorney Whitehead: When you print it, it's too small.

Boardmember Bass: When you print, even with my reading glasses I can't read it. I understand we're trying to save paper, but then we need to make the applicant have instead of three drawings on a page put one drawing on a page and make it large enough to ...

Boardmember Gould-Schmit: I need to print it landscape.

Boardmember Bass: I had a floater.

Mr. Metzger: They're very difficult to read regardless. If you had rotated the image so it filled up the page it would be a little bit – and I just mean a little bit – easier to read. The other thing is, as many of you know I'm one of those antiquated architects that still draws by

hand. When these get copied and reduced they probably don't hold up quite as well as a CAD drawing would.

Village Attorney Whitehead: Jim, my suggestion would be when you're submitting for just a steep slope permit ...

Mr. Metzger: Separate drawing.

Village Attorney Whitehead: Yeah. Give, really, just the plans the Board needs to understand the steep slopes, not all the extra.

Boardmember Sullivan: Yeah. It's nice to see it all because it's fun to see, but ...

At the end of the day, in the steep slopes application we require an engineer to certify and talk about how the drainage is being taken care of. I don't think we have that in this map.

Mr. Metzger: I understand what you're asking. This may actually talk to that. We do have ... it won't affect the drainage patterns. This was part of the package. We do have engineering drawings for all the retaining wall work that's being done, just in terms of proper retaining walls for steep slopes. In terms of the drainage, we can calculate the rainfall, I can calculate how much water is going to be retained. We're not doing anything substantial here. We're reducing the amount of pervious surface, we're reducing the amount of water that would potentially go back. I understand you want to know about retention of the water in this courtyard, and I can calculate all of that.

Boardmember Sullivan: I think a licensed engineer has to do it, Jim. It just seems to be what our code requires. We've seen that with some of the other things, and rarely see single-family homes except for steep slopes. That seems to be a consultant that folks typically bring just to deal with that.

Mr. Metzger: OK, we'll take care of that.

Boardmember Sullivan: Buddy, that seems correct I think.

Chairman Cameron: Any other questions? Anybody in the audience wish to address this?

So we have the issue of needing an engineer's drawing.

Village Attorney Whitehead: Is that a drawing or a calculation?

Chairman Cameron: A calculation. I hate contingent approvals so I think we better come back next time and get it then. I don't think we have anything but confirming that we have the capacity to take care of the water since it's a much larger area and there's no more water. But we don't know the 100-year storm.

Mr. Metzger: Right. The calculations I do when I'm running through this to make sure I'm ... obviously, nobody wants to create problems for their neighbors.

Chairman Cameron: Right.

Mr. Metzger: I go through whatever the most current codes are in terms of rainfall inches per hour, drainage off the building, all those things.

Chairman Cameron: Well, I personally have a high level of confidence it'll turn out right. But as Kathy said, we do need the ...

Mr. Metzger: No, we'll have an engineer put together a calculation for you. Absolutely.

Building Inspector Minozzi: Terrific. So he'll be coming back next month?

Chairman Cameron: Coming back next month just for the ... so thank you very much.

Mr. Metzger: Thank you.

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 and a café and pedestrian mews over a subgrade 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.**

Alex Chen, manager - RTB Washington LLC: I've been in front of the Board several times now. From last month's meeting, we took back all the questions raised and tried to answer them one by one. I believe, other than some ongoing work to be done, we do have

confidence we will be able to comply and do a proper job. I don't know whether the Board will need me to go over the list, or maybe we'll answer questions.

Chairman Cameron: We have some questions, too. Maybe you might go through what you've presented. I don't know if people have questions about what you presented. We have a number of issues that we have. I'll just lay them out, then we'll talk to you about them.

One is that no one responded to our engineer's questions. We gave you a whole bunch of questions for the engineers and there was no response, to the best of my knowledge, that we received concerning that. In the course of doing the water – and I know you brought us some new calculations on drainage – you were supposed to do a perc test, and I don't believe that has occurred yet. You can address that.

We do have some issues that have come up, in looking at the building code, which might impact the drawings you presented. That's something we'll discuss a bit with you later in the meeting.

The view preservation, I went and looked at the flags and they look much better. I'm a little concerned that the flags look a little too optimistic. So we're probably going to get a person who's an engineer to go in and take a look and measure the flags so none of us are surprised later that the flags were too high or too low because that is the worst thing that could possibly happen to us. But we really need to confirm they are where those heights will be on those buildings, and that makes good sense going forward.

Maybe it would be useful if you could go through the material. These meetings aren't just for us; they're also for the audience and for that nice little camera over there.

Mr. Chen: I guess I can run down the list. First has to do with the second egress from the mews level as well as from the garage level to be ADA-compliant. That is being studied by Mr. Minozzi – Buddy – with Mr. Drumm, and also based on the advice given by the state contact person. The number two issue is pretty clear. The ADA concern with the mews level has already been met so that's no longer an issue.

The flag, as the Chairman mentioned, has to be verified. We did our best to do a great job. It wasn't always easy, but I believe we got it down right. Number four was provided as part of the attachment. The height calculation, we checked them again we believe they all meet the height requirements for all the buildings. Point number six, we tried to clarify the office and put back as office use. We believe it's an office for maintenance. It's not going to be used on a regular basis, but we did provision some parking spaces for it that will alter some of the parking variances we'll be requesting. Point seven, the parking space dimensions, we have

made modifications. We have not yet issued a drawing but, clearly, the dimensions will be clearly marked in the next round of drawings. Point number eight is the parking spaces and also the width compliance issue. We have tried to redesign the structures so they will meet the requirement. That's actually the major change from last month to this, having to do with the driveway as well as the parking changes in that level.

Point number nine: we didn't expect it to be a pedestrian walkway. I guess there was a little misunderstanding, but we tried to address it the best we can. It's not for a pedestrian to walk in and out of the driveway, but we will put in all the necessary warnings and the provision to help with pedestrians down Washington Avenue. For number 10, there was a concern with the closeness from the west and north buildings to the sight line, especially how we'd be able to provide fireproof glass so close to the sight line. We have looked at one manufacturer which was able to provide over three-hours fireproofing, but I think that's definitely exceeding the requirement. That's one of the possible solutions. We'll try to look for something like that to meet this requirement. With number 11, the stairway ...

Boardmember Bass: Before you go on to number 11, can I just ask for a clarification? Instead of fire shutters, does Hastings – in lieu of – require sprinklers?

Village Attorney Whitehead: I think it's in addition.

Building Inspector Minozzi: Yeah, the fire shutters actually aren't required by code. We were going to discuss that point a little bit later on, after he makes his submission. The exterior sprinklers would only be required if the porches or the balconies were of a non-fire rated structure.

Boardmember Bass: OK, but the sprinklers wouldn't be required for the interior.

Building Inspector Minozzi: Oh, yes they are. Oh yeah, any new structure in Hastings has to be sprinklered.

Mr. Chen: So in addition to the sprinkler system inside the building, we're trying to make the grass non-combustible. That's what we're hoping to do with this fire shutter.

For number 11, the staircase, we will certainly look into it and see if we can come up with some solution. But as I understand, it will not have a big impact on the whole big plan. Number 12, I guess that's the engineering report with the percolation and groundwater storage. Actually we have attached a plan with our engineer that we would require no percolation. It will provide enough storage, then send it back to the sewage after the storm has passed. That's one solution to show that it actually is doable, and we are over-engineered

for that kind of solution. That's one of the reasons we didn't get to do the perc test. If we get to do the perc test it will be in the adjacent lot, which is a little bit out of this site. It's not going to be the same depth.

There was a concern with the balcony construction, whether they would be counted as open space and the construction of them. This paragraph, certainly we'll try to address that. Fourteen, we got into the calculation of water usage as well as the sewage as part of the usage. For the affordable unit, point 15, we have all intentions to comply. At this point, we have some consideration but it's not yet at the point to make a designation. We will, in due course, come to the Board with affordable units and ask for approval for their designation. Number 16 is clarification on the large home unit for two means of egress. A few houses qualify as large townhouses in this case, and they all have two egresses.

I just quickly ran down the list. I'm sure the Board has some questions, and we'll try to answer the best we can.

Chairman Cameron: Actually, it might be useful, Buddy, if you brought up some of the code things.

Building Inspector Minozzi: OK. First and foremost, the rear egress from the mews. According to the code, you have to have two accessible egresses, and the minimum discharge distance is 10 feet from the lot line. Of course, back to the issue we have raised once before, access to the publicway at a width of 10 feet wide. These three issues make the rear egress, as shown, noncompliant.

The spiral stairs from the egress to the roof is not a problem. The problem comes in that there's no egress permitted on balconies 10 feet from the property line. So the egress from the roof from the spiral stairs is noncompliant. The balconies, and thus the spiral stairs on the balconies, are not allowed to be more than 3 foot 10 off the building. So the balconies and the stairs on the balconies are noncompliant.

There is no requirement for steel shutters or safety glass on this project, as drawn.

Chairman Cameron: Buddy, just to make it clear that 3-10 comes from a calculation of how far they are from the property line, not because you can't have a 3-10 foot wide ...

Building Inspector Minozzi: Yes, that 3 foot 10 inches wide has come from the distance you have shown off the property line, minus the distance you're allowed to be plus the reduction of the one-third the code allows. The calculation comes out to be 3 foot 10 inches. We could really discuss it and go over it with you, but not here.

Mr. Chen: OK, appreciate that.

Building Inspector Minozzi: The western wall on the units S-1 and the parking garage walls with a setback under 5 feet, what we have to do there is, those have to be – and it's not really a Planning Board issue – they must be a one-hour fire separation inside and outside. But that's not a Planning Board issue.

We spoke about the parking ramp not allowed as an egress. On the parking in the basement, the ADA access aisle is required to be 8 foot by 20 foot. It has to be the length of the parking space; it's not allowed to be reduced. So that's something we're going to have to take a look at.

The obstructions in the aiseways are not addressed in the code at all. So we don't feel, at this point, those columns are going to be an issue, though the length of the aisleway will be an issue. It has to be full length of a parking spot.

The last thing we checked is that on the state code you are allowed up to four stories with a sprinkler system, but not in local code.

Mr. Chairman, that's the state code issues.

Chairman Cameron: Yeah, we wanted to bring up the state code issues because some of them – as you can see, and as you talk to Buddy and work your way through with them – affect the design. Since we have to approve the design, we figured we should bring them forward now rather than have you looking at them later because you wouldn't have a site plan you could work with if this reading is correct. That's the purpose of you guys working through with Buddy on a reading of the code and making sure we all are working from the same deck of cards, so to speak.

Mr. Chen: Buddy, would you be able to provide me with a copy of that, since it's already nicely typed up?

Building Inspector Minozzi: Of course we'll provide you with this. This is a list of comments for state code ADA and also a small list of local code issues that we had. They're all on here. I can't give you this copy, but I could send it to you electronically.

Mr. Chen: Please.

Building Inspector Minozzi: It was just finalized tonight, actually. I told you when we had

our sit-down it was going to take a little while to get all this together.

Mr. Chen: We all work very hard.

Building Inspector Minozzi: Would you like me to read off the local code issues, or not yet?

Chairman Cameron: Go ahead.

Building Inspector Minozzi: OK. Local code issues that were brought up at our last meetings. The open space code, or the open space issue, as not defined in our code shall include the terraces and the mews. The building height in feet appears, at this point, to be in compliance. The building height in stories, as in the MR-C district, is allowed three stories. The two clusters in question, S-1 through -4 and SW-1 through -W7, have cellars and not basements. Thus they're not four stories, they are three-story units. When you look at our basements and cellars ...

Village Attorney Whitehead: They're cellars so they don't count as a story.

Building Inspector Minozzi: Those three questions on local code have been satisfied.

Mr. Chen: Great.

Building Inspector Minozzi: That's all I have, Mr. Chairman, on that report.

Chairman Cameron: I guess ... where do we go from here? I think the most important thing is for you guys to resolve the state code questions, and then you can look at the ... because this affects the size of your balconies or how far you are from the property line. It also affects the width of your exit from the garage because you may need to make it wider in order to create another exit. Because I think you're going to need another exit down there, and Buddy can talk to you about that. Those things are all going to affect ... and the back stairs. So they're all going to affect ... and how you get down from there because you have an ADA issue coming down into the public parking lot. They all affect the design.

I figure that rather than try to go ahead – you know, we gave you some of your answers elsewhere – we really should get these resolved and then you guys can work from the same thing. We can look at it, and meanwhile we should take a look at your flags again. We will get our engineer out there to check the heights because it's a very emotional issue to some people in town, the view preservation, and we really want to make sure that's resolved satisfactorily for everybody. If the flags are right it's looking pretty good, but there you are.

Building Inspector Minozzi: Should I read the e-mail from Hahn?

Chairman Cameron: Oh, yeah. And drainage is also a major issue. You've got to speak to our engineer and do the perc test. We'd like to see that done. We don't like doing these things a little piece at a time. I think it's very important to get everything lined up and come back with it, rather than ...

Mr. Chen: Sure.

Boardmember O'Reilly: Jamie, can I ask you a question on the flags?

Chairman Cameron: Yes.

Boardmember O'Reilly: We looked at them this afternoon, the three that are there, at what seems to be a perfectly acceptable height level at this point if they're correct. If I'm looking west, the flag to the left, is that reflecting the height of the western building and the south-facing buildings, or simply the west-facing building?

Ned Baldwin, project architect: It's reflecting the west-facing buildings.

Boardmember O'Reilly: Not the south-facing building.

Mr. Baldwin: No, that's correct.

Chairman Cameron: Well, we need a flag reflecting the south building.

Village Attorney Whitehead: That's what was asked for.

Mr. Baldwin: Which one?

Mr. Chen: This is probably a bit hard to read. The south building is actually smaller than the existing building so we're not able to erect a flag for that. Those flags, at this point, are actually the corner of the west building and front of the west building. All three flags are existing points of the west building.

Chairman Cameron: Well, a very peculiar thing about those flags and everything is, if you look at your pictures, you look at the southernmost of the three flags, that is showing more of the river – the southernmost of the three flags – than your pictures. So one or two of them are in the wrong spot. Just look at your pictures, look at the flag and look at the view over

the flag, and then look at the pictures again; all right, what does that flag represent? I just suggest you look at it. It's important to everybody, and we don't want to get into the process of doing something and it doesn't work.

Mr. Baldwin: You are going to get it verified though.

Chairman Cameron: We are going to verify it, but I thought we'd give you a chance to look first.

Mr. Baldwin: OK. Could I just say a few words about the rear exit?

Chairman Cameron: Please.

Mr. Baldwin: We've studied making the rear exit ADA-compliant and it's basically quite incompatible. I mean, you end up with miles of ramps to eliminate the stairs. You can get to the top of the stair easily, but then to get down that stair – the last 8 or 9 feet of descent – means a lot of ramps. It's quite impractical, and also it would require that the path be paved and just a lot more elaborate than we think is necessary. Our attitude was that we would go for a state variance to not comply with ADA on that exit. The big reason being that it's very difficult for a handicapped person to get to the top of the exit anyway; there's no access. There are other exits that are ADA-compliant at the front of the building.

Basically, I would like not to pursue the rear exit any more than we've done already and to seek your approval on the assumption that we get relief from the state code and from ADA. I didn't understand your point about the garage ramp being not an exit. We think it can be a secondary exit, a pedestrian exit. Not any sidewalks or safety strips, but the ramp itself which is almost flat.

Building Inspector Minozzi: The ramp itself cannot be an egress, as per section 1019.1.1.

Mr. Baldwin: In the state code?

Building Inspector Minozzi: In the state code, mm-hmm. It's not because we don't want it to be, it's because that's what the state code says.

Mr. Baldwin: Well, I was unaware of that.

Chairman Cameron: It may be that you could make it wider and have a part dedicated to pedestrians. That's why I made the comment.

Mr. Baldwin: No, that's a possibility.

Chairman Cameron: I'm not looking for an extra place for people to walk up. We're trying to figure out how to comply with the code.

Building Inspector Minozzi: But the problem is, that doesn't give you a second means of egress from the mews.

Mr. Baldwin: Unless we could figure out a way to put another stairway down.

Building Inspector Minozzi: Well, you need two means of accessible egress from the mews, as per sections 1007.1 and 1015.1.

Mr. Baldwin: OK, I look forward to that.

Building Inspector Minozzi: But I'll give you this and then we can talk. Again, we don't need to talk about these particulars here. We can meet and have this discussion.

Mr. Baldwin: OK. On the perc test issue, our consultant will discuss this with Mr. Hahn and the two of them will work out some sort of arrangement.

Building Inspector Minozzi: This e-mail from Hahn I received today, he has an open invitation to your engineer to get together next week and discuss the issues at hand.

Mr. Baldwin: OK.

Chairman Cameron: Yeah, we don't need him to come here.

Building Inspector Minozzi: And I'll also forward you that e-mail so you can see his very brief comments, as well.

Mr. Baldwin: We're being told that the van-accessible space doesn't comply. I'm confused about that.

Building Inspector Minozzi: I believe it was short.

Mr. Baldwin: Eighteen feet is ...

Building Inspector Minozzi: Well, it's got to be 20 feet.

Mr. Baldwin: It's got to be 20 feet?

Building Inspector Minozzi: Yeah. And I believe the ...

Mr. Baldwin: Well, we can make it 20 feet if we have to.

Building Inspector Minozzi: Yeah, it has to be the same size as the parking space, and the parking space has to be 20 feet.

Chairman Cameron: The other advantage of having a wider garage – and it's not that you're losing space downstairs – is that you actually can then more easily make a turn into the garage when you're coming down the hill. It's a pretty sharp turn on that steep slope. Maybe that's something to think about as you're looking at maybe your needs for a second egress in the garage for pedestrians.

Mr. Baldwin: Yeah, that's a good point. One thing that was sort of hidden in the letter was the fact that our maneuvering aisle is 24 feet, not 25 feet as required by the Village code. So I'm interested as to what your attitude toward that is. Twenty-four feet is quite normal.

Building Inspector Minozzi: That would be up to the Zoning Board.

Chairman Cameron: Right.

Village Attorney Whitehead: We can ask Hahn to look at the maneuvers.

Building Inspector Minozzi: I'll definitely mention it to Hahn.

Chairman Cameron: To me, the key thing is how many pillars you have. Because once you have pillars, then you need more space to maneuver, from my experience. But there you are. I haven't looked at the pillars.

Building Inspector Minozzi: The pillars in the aisleway?

Mr. Baldwin: The pillars define the maneuvering aisle and the length of the spaces.

Boardmember Sullivan: Buddy, could Doug Hahn look at the issue of sort of the angle the driveway throat adds to the road?

Building Inspector Minozzi: He has not addressed that issue.

Boardmember Sullivan: If he could look at maneuvering that would be very helpful. That's a little sketch I sent out.

Building Inspector Minozzi: Yes, I saw it. I'll actually send him your sketches.

Boardmember Sullivan: And also having him look at the cross-slope of the driveway down into the garage would be important.

Building Inspector Minozzi: Sorry, say that one more time?

Boardmember Sullivan: The cross-slope is quite steep.

Building Inspector Minozzi: Oh, the cross-slope. OK, got you.

Boardmember Sullivan: That would be very helpful to get his recommendations on that.

Chairman Cameron: One thing about the flags. If you would actually tell Buddy when you check them, because then Buddy can get ahold of somebody to come and get a measurement on them.

Boardmember O'Reilly: If I understand correctly, if the driveway exit was wide enough and usable as a pedestrian exit, would that require a separate pedestrian door so you weren't opening and closing ...

Building Inspector Minozzi: Well, you can't egress through a garage door. It would be a separate door.

Boardmember O'Reilly: Separate pedestrian door, OK.

Chairman Cameron: Anybody else have any comments, questions?

Let's really to get everything in place before we come again so we don't have open questions, if we can. Because I really think it's important. We'll try to be on our tippy-toes to make sure we have studied everything very carefully.

Mr. Baldwin: You're suggesting we didn't respond to all the questions

Chairman Cameron: Well, things like we didn't get the engineer's response. If we really get these things all lined up – and I know it's a complicated project and I hope it happens – I think it would be a welcome project for the town. So I'm anxious to keep things rolling.

There you are.

Mr. Baldwin: The engineer's report is part of the letter.

Village Attorney Whitehead: The engineering report didn't address the comments from the Village's engineer. That was the concern. The engineering report you submitted did not actually include the information the Village engineer had requested. We know you submitted a report, but it didn't answer the questions.

Mr. Baldwin: Because the design that was in the report made those issues redundant.

Village Attorney Whitehead: I'm not going to argue about it.

Mr. Baldwin: OK.

Chairman Cameron: Thank you very much. Take care.

Building Inspector Minozzi: Jamie, would you like to read the e-mail into the record and the letter?

Chairman Cameron: I want to actually read an e-mail concerning this project from a neighbor.

"I just want to let you know that I cannot be at the meeting tonight because I'm a teacher at the high school and it's back-to-school night. We still have many concerns concerning the proposed plan for 16 townhouses, many but not all of which still concern the view. There are not flags..."

and we know there are flags

... "for example, to indicate the height of the southern units facing Washington."

There may not be, in fact.

"At the last meeting, in August, the revised proposals from Mr. Cheng show these units had not been lowered. If a flag or two were to be erected, it would be quite clear that those of us in the Warburton Avenue townhouses, among others, would lose our southwestern views."

"I have many more questions regarding the parapets and the rooftop gardens, just the same with the issue of the view. But I also wanted to clear up one misunderstanding from the last meeting. It is my understanding that the Board is assuming that we in the townhouses put up fences on our decks and roofs after purchasing the homes. This is not the case. The houses were built and sold with these deck partitions already in place on both the main and roof levels. I'm just wondering, therefore, what would stop the architects and builders from doing the same at the mews project. In any case, our deck roof partitions do not obstruct anyone else's view because there's no one above us. Also, our home is found on a property that already had a large apartment building on it. At present, as you know, there is no structure obstructing our view of the river. So if fences and partitions were added to the proposed units in front of us this would pose a real problem."

"Thank you for your time and consideration. It is much appreciated."

Sincerely,

Beth Rudd

In the presentation made to us, it's stated that the company's bylaw provisions for the units will have restrictions on this kind of development. I would mention we're also going to put it in the resolution of this board when we pass it, restricting anything put on the roof. We would have to come up with wording to do that.

Boardmember Bass: Could I ask an obnoxious question?

Chairman Cameron: Yeah.

Boardmember Bass: Was that an admission that the additions to their roof and their decks is a violation of the site plan that approved those buildings?

Chairman Cameron: I wasn't around when that site plan was approved, and none of the rest of us were either.

Building Inspector Minozzi: The architects are here.

Mr. Baldwin: (Inaudible) all the fences.

Gillian Anderson, Baldwin & Franklin Architects: They were all shown.

Boardmember Bass: OK. I just come from the school that people in glass houses shouldn't throw stones.

Ms. Anderson: The pergola (ph) is what they built.

Mr. Baldwin: Which is not on this.

Ms. Anderson: Not on this drawing.

Boardmember Bass: OK, thank you.

Chairman Cameron: Thank you very much for that. There's that horrible joke about the cannibal who's storing his throne and an earthquake comes along. It falls, it kills him, and the motto is that people who live in grass houses shouldn't stow thrones.

VI. OLD BUSINESS - None

VII. DISCUSSION ITEMS - None

VIII. ANNOUNCEMENTS

Next Meeting Date – October 15, 2015

IX. ADJOURNMENT