

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
ZONING BOARD OF APPEALS
REGULAR MEETING
MARCH 24, 2010

A Regular Meeting was held by the Zoning Board of Appeals on Thursday, March 24, 2010 at 8:00 p.m. in the Orr Room, Hastings public library.

PRESENT: Chairman Brian Murphy, Boardmember Ray Dovell, Boardmember Marc Leaf, Boardmember Stan Pycior, Boardmember David Forbes-Watkins, Village Attorney Marianne Stecich, and Building Inspector Deven Sharma.

Chairman Murphy: Good evening, everyone. We're here for the March 24th, 2010 Board of Appeals meeting. We have two cases on our agenda tonight.

Chairman Murphy: The first case is number 3-10, Daniel Buckley, 44 Oakdale Drive, for the addition of a covered entrance porch on the side of the house. And our second case, number 4-10 for Blue River Valley, LLC, application 663-665 North Broadway for the construction of a single-family dwelling requiring view preservation approval.

Mr. Sharma, are the mailings all in order for these cases?

Building Inspector Sharma: I was so informed by my office that all the mailings are in order.

Boardmember Forbes-Watkins: I wish to raise a question about the mailing for the second item on our agenda. I'd like to know whether each of the individual unit owners were mailed, or only the condo board.

Chairman Murphy: Mr. Sharma would have to answer that question.

Building Inspector Sharma: Normally we send it out. We give the applicant a list of property owners of record, and the property owner of record in this case happened to be...

[Male Voice]: He was speaking of River Glen Tenants Corp.

Building Inspector Sharma: Yes, the tenants of the River Glen owners corporation. So it was up to them whether they circulated and distributed it among the property owners. We don't know.

Chairman Murphy: Marianne, is there a particular requirement?

Village Attorney Stecich: Yes, it is supposed to go to the property owner. Actually we probably should do something about that. I know when it was 45 Main we put notices up in the apartment buildings. If it's going to affect an apartment building you put a notice up. At the Planning Board meeting, when it was on last Thursday, the person who's the president of the tenants association -- the condo association, whatever it is there -- was at the meeting, so they knew about it.

Boardmember Forbes-Watkins: I object. I do not think it's appropriate, for either condominium or co-op buildings, for the owners not to be individually solicited of their information. And I think it should go back as a mailing.

Village Attorney Stecich: When the applicant comes in, they ask the Building Department for the list of the property owners, and they were given that and they complied.

Boardmember Forbes-Watkins: As a member of a homeowners association where, a year-and-a-half ago, I did not know because of the failure of that board to advise the owners that there was something related, I felt deprived of my right to participate. And I think it's inappropriate for us not to give that right to the owners of property. And the owners of the property are the co-op buyers, not the tenants association or the association.

Chairman Murphy: Is there also additional public notice given, Marianne, typically?

Village Attorney Stecich: Yes. There's notice in -- is it *The Enterprise*? I think it's in the *Journal News*. But there's notice, and then it's on the Village's Web site. And then it's in the places where the Village posts the agenda, which I think is in Village hall. I'm not sure if they also post it in...

[crosstalk]

Chairman Murphy: Wouldn't there be a Planning Board meeting for this?

Village Attorney Stecich: Next Thursday.

Boardmember Leaf: There have been several. Right?

Village Attorney Stecich: Yes, but only one on the view preservation. It was before the Planning Board last Thursday for view preservation and steep slopes which, by the way, they recommended view preservation approval. I have to say, I don't think at any of the meetings when this has come up that anybody's been there from ... once in awhile some of the owners...

[crosstalk]

Boardmember Forbes-Watkins: Whether they're present or not is not the issue.

Village Attorney Stecich: I know. But, David, the notice complied with the code.

[crosstalk]

Boardmember Forbes-Watkins: ... sufficient notice.

Chairman Murphy: OK. Well, let's do this. Our first case doesn't need to hear this. When we take up our second case, we can have a further discussion, David. I appreciate your point.

I. Case No. 3-10

Daniel Buckley - 44 Oakdale Drive

For the addition of a covered entrance porch on the side of their house. Existing Front Yard-11.09 ft.; Proposed for the addition-14.0 ft.: Required-30 ft. {295-68.F(1)(a)}

Chairman Murphy: All right. So let's deal with the application of Daniel Buckley, 44 Oakdale.

Do us a favor, and just so we can record the proceedings properly, state your name and who you're representing and please proceed to explain the application.

James Casey, Scrimshaw Custom Inc.: All right, I'm here representing Dan Buckley and MacKenzie Cadenhead. Our company is out of Scarsdale, New York.

Chairman Murphy: We received the application materials, including your drawings, Mr. Casey.

Mr. Casey: Yes, the drawings were not done by me, but somebody else.

Chairman Murphy: All right, fair enough. But why don't you just take us through the drawing, explain to us what is proposed to be done, what has been done, and why the additions are being done.

Mr. Casey: OK. Essentially, the house that they are in is typically a small house with a lot of small rooms. And they're just trying to maximize the space. So they want to eliminate the garage and create a bathroom/laundry area and keep the front part of that for the utilities and the garbage and whatnot.

In order to do that, we have to come in ... the big problem with their house is, they don't have a covered entrance on the main entrance to the house. So with the weather and stuff, they pull in the driveway. They would rather just walk around the side of the house and come in through the new proposed entrance with a covering on it. When we submitted for our building permit, we found out that this would be considered an addition because it's going to interfere with the setback.

Chairman Murphy: So I'm clear, this proposed addition is going on the side of the house.

Mr. Casey: It's on the side of the house, and it just has a roof on it just to keep them out of total weather. Because they also have a dog, the fenced-in yard, they want to be able to just let the dog out without getting wet and have him come back in.

So it's basically just a little spot for them to sit and put their boots on and take their boots off before they go into the house. And then they would enter through the house, and that would be their main way into the house.

Chairman Murphy: I see. So this is proposed to become, if you will, the main entrance?

Mr. Casey: They're still going to have the front entrance. It's just going to be a more usable entrance for them. Let's put it that way.

Chairman Murphy: And even though it's on the side of the house, the incursion is on the front yard setback, as I read this.

Mr. Casey: Apparently, yes. I had no idea that the ... I guess the property line is somewhere about 11 feet in from the road. But even if it wasn't, it's very tight lots up there.

Chairman Murphy: I guess, according to the application, the existing front yard setback is 11.09 feet.

Mr. Casey: Correct.

Chairman Murphy: And with the proposed addition on the side of the house, the setback for that portion would be 14 feet.

Mr. Casey: Yes.

Chairman Murphy: And 30 feet is required in that district.

Mr. Casey: Right.

Chairman Murphy: So what we have is ... and just so I'm clear on the drawings, this is an 8-foot by 5-foot...

[crosstalk]

Mr. Casey: Basically, yes. It's 8 foot 6 by 5 foot. It's 5 foot off the house, and it's going to be about 8 foot 6 wide.

Chairman Murphy: So approximately 40 square feet being added within the front yard setback.

Mr. Casey: Correct.

Chairman Murphy: And it's about 3 feet further back than the existing...

[crosstalk]

Mr. Casey: That's right. It's 3 feet off the corner of the front wall of the house.

Chairman Murphy: I was looking at the application. It didn't indicate -- or whoever filled it out didn't indicate -- the percent of lot area that's permitted. But typically it's 25 percent. And even with the addition, the proposed...

[crosstalk]

Mr. Casey: Oh, yes, we're nowhere near that.

Chairman Murphy: You're at 6.72 percent.

Mr. Casey: Right. Because they have a lot of room in the back of the house.

Chairman Murphy: So a very modest addition on the side of the house to improve the entrance through the mud room.

Mr. Casey: And also to improve the appearance of the neighborhood.

Chairman Murphy: Do we have questions from the Board?

Boardmember Forbes-Watkins: Clarification. On this drawing, is there an existing bathroom and existing mud room, and existing storage space?

Mr. Casey: No. That work is being done now. Permits are filed. We've received those permits to do the interior work.

Building Inspector Sharma: By the way, the plans for the permit included this porch entry, and I could not give them a permit for it because it would cause a variance. But I gave them the permit for the interior renovation, and then asked them to come to the Board to get permission for this.

Chairman Murphy: Thank you. Anyone else? Stanley or Marc, Ray?

Boardmember Leaf: What is the setback off Hollywood?

Boardmember Dovell: It's over 30 feet?

Boardmember Leaf: It's interesting, but if Hollywood were the front ... if the house were deemed to front on Hollywood, and Hollywood were the front yard...

[crosstalk]

Mr. Casey: We wouldn't be here.

Boardmember Leaf: ... this would be as-of-right.

Mr. Casey: Actually, what are the side setbacks ... then we would probably still be in the same scenario then because I don't think it would meet a side setback either.

Village Attorney Stecich: It's two front yards because it's a corner. So you have to meet two front yards. Each side facing a street has to meet the front yard.

Boardmember Leaf: So it's 33.95 to the existing house?

Mr. Casey: Oh, no. It's only, what, 11 feet?

Village Attorney Stecich: From Hollywood.

Mr. Casey: Oh, from Hollywood?

Chairman Murphy: According to the survey. That's what the survey says.

Boardmember Leaf: I would have thought it was further than that.

Mr. Casey: Again, the property line is not the road.

Boardmember Leaf: Do you have the survey?

Village Attorney Stecich: If that's right, you're right.

Boardmember Leaf: It seems like you have another encroachment. If there are two front yards, you're at 33.95 feet less the 5 feet that the new addition is projecting out.

Boardmember Dovell: But is that considered a front yard or a side yard? That's the question.

Village Attorney Stecich: No, they're both front. When you're on two streets, you have to meet the front yard setback on both.

Chairman Murphy: So if we have a favorable motion, we ought to make the motion for both streets.

Village Attorney Stecich: What district is this? What zoning district?

Boardmember Leaf: It's 33.95 feet minus 5; it'll be under 30.

Village Attorney Stecich: It's the R-10.

Boardmember Dovell: It's less than 30, so it's an encroachment.

Building Inspector Sharma: I do want to make a correction. When I look at it, they do need a variance that side, as well.

Chairman Murphy: So the proposed addition would be set back 14 feet from Oakdale, requiring a front yard setback variance, and will also be approximately 29 feet set back from Hollywood, requiring a variance on that side, as well. So when we make the motion, someone needs to just incorporate both of those, please, in the motion.

Mr. Casey: Do you have a road easement? Just from my recollection, this is like 50 feet from the road.

Village Attorney Stecich: Yes, but the right-of-way often includes what looks like your property, but part of that is right-of-way generally.

Mr. Casey: I'm trying to locate that stake then.

Chairman Murphy: Ray, anything?

Boardmember Dovell: No. I think it's a very small addition that you're proposing and it seems to be in character with the house.

Mr. Casey: They're making sure of that.

Chairman Murphy: The footprint is going from 1,015 to 1,055, which is pretty tiny.

Boardmember Dovell: It's marginal.

Chairman Murphy: Any other questions or comments from the Board? Anyone from the audience wish to make a comment or speak on this application?

Seeing none, can I have a motion for the front yard setbacks for the application of Daniel Buckley on 44 Oakdale?

On MOTION of Boardmember Forbes-Watkins, SECONDED by Ray Dovell with a voice vote of all in favor, the Board resolved [approval of Case No. 3-10, Daniel Buckley, 44 Oakdale Drive, front yard setbacks on one side of 14 feet and on the other side 29 feet, where the required setback is 30 feet

Chairman Murphy: Mr. Casey, thank you.

Mr. Casey: Thank you very much.

II. Case No. 4-10

Blue River Valley, LLC - 663-665 North Broadway

Construction of a single-family dwelling and View Preservation approval

Chairman Murphy: Our second case now is the application of Blue River Valley, LLC for view preservation approval at the location of 663 to 665 North Broadway, construction of a single-family dwelling. Just before we begin, Marianne, did the Planning Board make a recommendation?

Village Attorney Stecich: Yes, the Planning Board voted to recommend view preservation approval.

Chairman Murphy: Who is going to speak for the applicant?

Could I please interrupt? We have not have made a definitive statement on...

[crosstalk]

Chairman Murphy: No, I understand. I just want to have the gentleman introduce himself.

David Steinmetz, Zarin & Steinmetz - representing the applicant: Thank you, Mr. Chairman. Good evening, Mr. Chairman, members of the Board.

I am a member of the law firm of Zarin & Steinmetz. I am here tonight representing Blue River Valley, LLC as well as Hastings-on-Hudson, LLC. With me this evening is Michael Robinson, a representative of both client entities. Behind me right here, Noah Yaffe, from the architectural firm of Steven Holl Architects, and John Cavallero from Huff Wilkes.

Mr. Chairman, I thought maybe it would make the most sense for me to start by addressing the notice issue, if you would like, because I was most interested by the question and certainly want to chime in on that. First of all, under your view preservation provision, as I'm assuming you're all familiar, there's a specific provision that directs an applicant to Section 295-143(C) in terms of the proper procedures and methodology for serving notice.

Before I even get to that, because there is I think a very appropriate technical answer, I don't even want to start with the technical answer. I want to start with a practical answer. My clients have been in the community now -- have owned the property -- for several years, as you may all know. And I guess for the benefit of the record, we're here tonight dealing with 663 and 665 North Broadway. I'm going to show you where that's located on the plan momentarily, but let's deal with the notice issue.

They've been before the Village boards now for several months -- before the Planning Board addressing an issue of resubdivision, which I'm going to explain momentarily -- but maybe more important than any of that, my clients have actually met with the neighboring property owners regarding this application. They have met with several, if not all, of the residents of the Shandon House Cooperative to the north. They have met with many of the residents of River Glen to the south.

In terms of a practical answer to your question, which I feel is an appropriate question -- do people know about this -- people know about this. We've been around for awhile, we've met with our neighbors. We've tried to include them in the process, as we always do. Having said that, the technical answer to the question is: 295-143(C) requires that property owners listed on the last assessment role receive notice of this application.

Now, we don't, obviously, walk around with knowledge of the property owners on the assessment rolls, so we do what every applicant does: we come to the municipality and ask the municipality for the information. We went to the municipality, and Mr. Sharma and your village officers provided us with a list of folks. We notified all of those folks and then some, because we were somewhat conservative with who is notified.

But let's go to the specific question about the co-op. If you look at an assessment roll, an assessment roll taxes a co-op in terms of real property. The only one that gets a tax bill for a co-op is the co-op corporation. It then assesses individual unit owners through the common charges. So the notice was not only entirely appropriate from a technical standpoint, I just want you all to be comfortable, as we are, that our neighbors are aware of this, the community's aware of this. And you all should be very comfortable going forward.

Chairman Murphy: Mr. Steinmetz, let me ask you a question in terms of just of the practical issue. Can you give me an estimate of how many neighbors, people, were informed? Ten, 20, 30?

Mr. Steinmetz: How many names?

Michel Robinson: Nineteen.

Chairman Murphy: That's a good estimate. OK, 19.

Boardmember Forbes-Watkins: I would simply like to say, as an owner of a condo or a homeowners association, I'm on an assessment roll. So it gave me a different...

[crosstalk]

Mr. Steinmetz: Different situation, absolutely.

[crosstalk]

Boardmember Forbes-Watkins: ... the information.

Mr. Steinmetz: With that as some background ... Noah, will I screw it up if I turn it like this?

Noah Yaffe, Steven Holl Architects: Do whatever you like.

Mr. Steinmetz: I'm actually starting with a plan that's not part of our submission because I thought it would help just to orient us. We're here tonight for view preservation approval, as I said, for 663-665 North Broadway. And I'm assuming many of your are familiar with the property, but just for the benefit of clarity...

[crosstalk]

Chairman Murphy: No, please, give us the background.

Mr. Steinmetz: Frontage along North Broadway. It's a magnificent parcel that's actually comprised of seven different tax lots in its totality: four lots, because there's a little sliver right here, all located east of the Metro-North railroad tracks; and three tax lots located on the westerly side. For the sake of complete disclosure, my client -- or an affiliated entity -- actually also owns another property immediately to the north known as the Freitag property. Neither the Freitag property, nor the lots located west of the railroad tracks, are the subject of this application.

Why? Because when we came in with the application to construct a single-family home and appropriate accessory structures a determination was made to merge the lots, the four tax lots, on the east side of the railroad tracks. That's the application that we've actually been

involved with with your planning board for the months over the summer and the fall and the beginning of the winter. I'm pleased to tell you that on December 18, 2009 the Planning Board granted resubdivision -- or lot merger -- approval, putting all of those tax lots into one parcel.

In addition, on March 18 -- last week, as Marianne indicated -- we were before your planning board once again in connection with two different procedural applications. One was steep slopes approval. As you all know, the property in the Village slopes predominantly downhill towards the railroad tracks along the Village's Hudson River frontage. We needed steep slopes approval because we have slopes on the property. The Planning Board unanimously granted steep slopes approval.

In addition, we were in front of your planning board for the first phase of this view preservation. We made our application to Mr. Sharma. Our application was determined that we had submitted the appropriate materials, and he then referred that matter to the Planning Board. We appeared in front of the Planning Board at a duly-noticed meeting, and the Planning Board issued a report and recommendation to your board favorably inclined to see the view preservation approval granted.

We're going to walk you through the view preservation materials. Noah Yaffe and his firm have spent a great deal of effort identifying, with the Planning Board's assistance, appropriate view preservation corridors and angles; appropriate places from which to do the necessary analysis to show you what the site looks like currently, vegetated. In fact, you'll see -- and you've already got in your packets -- a number of the photographs were taken in what we feel is really the most conservative vantage point, which is winter shots with the maximum potential view out to the Hudson River and the Palisades.

Then we have supplied you with some computer-generated, or photo-generated, shots of the same angles, the same views, with the proposed house.

Village Attorney Stecich: I just want to interrupt one second on that. When I said what the Planning Board's recommendation was -- not that it's really that significant -- there was one dissenting vote, more of an abstention. But not so much because the views would be obstructed, but he didn't believe that the kind of photo renderings accurately showed what the building would look like.

That member preferred to have the building outlined in white or black. I believe they did that for tonight. Just so you know, the outline drawings weren't before the Planning Board. And that was the only basis for the objection.

Mr. Steinmetz: Marianne's right. At the culmination of the Planning Board's meeting, after we actually had left, that issue was fleshed out completely about outlining it. One of the members had raised it during the meeting, and then there was a further discussion later on. We watched the meeting, we were aware of the concern. The images, as Noah will describe to you, are entirely accurate and to scale and appropriate.

But out of an abundance of caution, and wanting to make sure that you guys had the benefit of that question and the answer tonight -- despite the fact that we didn't submit them to you in advance -- we have a number of images with that perimeter tracing, or line.

Chairman Murphy: That would definitely be helpful.

On this map, can you just identify exactly where the proposed new construction is going to be?

Mr. Steinmetz: I'm going to let Noah do that with absolute precision because we're going to show you that plan. I used this plan, Mr. Chairman, because I wanted you to see the multitude of tax lots and understand, despite the fact that we own the various lots, we're really only here with just a few.

I want to make one other slight explanation or modification that we explained to the Planning Board. The site is currently benefited by a driveway, that you can see at the north, that literally sits on the northerly common property line with our neighbor to the north. Originally, our concept was to bring in our own driveway just south of that and have a driveway independent on our property.

A decision was made that it would be more appropriate to not create a new curbcut, not create a new area for vehicles to come in, and to share the driveway that we currently share with one of our neighbors. We're happy to continue doing that. We've eliminated the proposed curbcut. We explained that to the Planning Board, and the Board was quite pleased with the fact that we will be accessing the site through that existing driveway.

What we're going to do in a moment is, Noah Yaffe's going to walk you through the submission. We're going to explain the various photographs that you have before you. As I mentioned earlier, many of those particular photographs were as a result of our discussions with your planning board. We talked about what would be appropriate to show, and share with them and with you.

In fact, what we ended up doing was going beyond that. We had talked about, I think, four or five locations with the Board. We ended up supplying you with eight different vantage

points, and we're going to walk you through that. We believe that the photographs are going to demonstrate, in accordance with your code, that as a result of the proposal and the location of this particular single-family home, the building that's the subject of the application, we are, indeed, causing the least possible obstruction of the Hudson River and the Palisades. In fact, we're going to make sure you can see where the small areas are that are currently visible of the Hudson, and where they remain, and walk you through the vantage point of the house from several different locations.

I'm going to end, at the moment, with just telling you procedurally what we are hoping you can do. Conduct your public hearing this evening. We would hope that you would be in a position to close the public hearing tonight and review the recommendation in the report that you've gotten from your planning board. And we would be most pleased if you could proceed to an approval this evening.

My client is anxious to move forward. We've spent a fair amount of time with Mr. Sharma and your Building Department, and look forward to becoming full-time neighbors and citizens here in Hastings. With that as background, I'm going to turn this over to Noah Yaffe to walk us through. And obviously, if you have any questions or anything we can respond to.

Chairman Murphy: Thank you, Mr. Steinmetz. Mr. Yaffe, go ahead.

Mr. Yaffe: I'm here representing Steven Holl Architects as part of the architectural design team working on this project. The proposal we have before you today, as David said, is a single-family house. It's a couple with three children who are very excited about moving to Hastings and becoming a part of this village.

When they first came to this site, what really captivated them and captured their imagination of it, and really made them fall in love with this site, was the wonderful open spaces, the beautiful trees, and the wonderful views. So that really, for us, became the primary directive in establishing the siting and massing of the house.

To that effect, what we've actually done is placed the house at the western edge of the large flat field; really tried to maximize this open space and this nice large field that exists there. There is a tennis court structure, accessory structure, that we're planning for the front. Here's what David mentioned that shows what was going to be the proposed curbcut. You can see here the driveway entrance that we're now proposing will come in like that, as a shared driveway.

Mr. Steinmetz: Noah, how far back is the house sited from North Broadway?

Mr. Yaffe: It's approximately 400 feet back from that edge. And, as you said, the tennis court accessory structure is 100 feet, to deal with the front yard setbacks.

Boardmember Dovell: For reference, where are the two existing houses?

Mr. Yaffe: Basically, one is here and the other is here.

Chairman Murphy: So one is in the area proposed for the tennis court?

Mr. Yaffe: Exactly. And you'll see that in some of the view preservation images -- the difference between having that house there and the lower height of the tennis court enclosure.

As you see, what we really tried to do when we analyzed the site, we found one of the primary ... there's this swale that comes across the site here and really provides, from the gate here, one of the primary public viewing corridors to the Hudson. To that effect -- what we tried to do with the site -- there's a grouping of trees here; really siting our house in that grouping of trees, keeping that area more open and to allow for those views.

In regard to the questions of height that we were just discussing, this is the proposed tennis court, and there you can see the height of the existing house. So that's approximately 29 feet, measured off-grade, whereas the tennis court enclosure would be at 10 feet.

Chairman Murphy: Say those numbers again for me, please?

Mr. Yaffe: Twenty-nine feet, approximately, and 10 feet proposed.

Boardmember Dovell: And the height of the existing structure there now, where the tennis court is, is...

Mr. Yaffe: Twenty-nine feet.

Mr. Steinmetz: Dropping to 10.

Mr. Yaffe: And yes, this will be ... the proposed is at 10.

Then with the house itself, the existing house is approximately 34 feet off of grade. And what we're proposing is actually 25 feet off of grade. What we tried to do -- what was really important to us -- was to really integrate the house into the landscape. That was really a

fundamental principle of how we developed the massing of the house, and the reason to have it here and really try to integrate it and reduce the height as much as possible.

Here, to that effect as well, beneath the tennis court we have a pool house accessory structure, again to reduce heights, and also minimize the footprint of what we're doing on the site. So rather than having that somewhere separate, out in the field, just to put that beneath...

Chairman Murphy: Is that entirely below grade?

Boardmember Forbes-Watkins: Is that a pool house, or a pool and pool house?

Mr. Yaffe: It's a pool with some changing rooms.

One of the questions that came up in our early discussions with the Planning Board was the massing as seen from North Broadway. So I think this really speaks to our efforts -- this is the east elevation, as viewed from North Broadway -- to really keep the massing of that house as low as possible.

Chairman Murphy: In terms of the existing trees, is there a plan for eliminating trees?

Mr. Yaffe: What we've tried to do in siting the house is actually preserve ... we really made an enormous effort to preserve the maximum amount of trees possible. In particular, this is this beautiful beech; there's some beautiful ginkgos and some large pines.

Chairman Murphy: Can you put that back up? So does that represent existing trees?

Mr. Yaffe: Yes, it does.

Chairman Murphy: And North Broadway, just to orient us again, is...

Mr. Yaffe: Is right here.

Inevitably, there will be a few trees that we'll have to remove, and we'll of course make the necessary tree preservation application for that. Just to be clear, our client's intent is to then plant the property with more trees than are actually planned. So go beyond even replacing in-kind and then increase, actually, the amount of plantings.

Chairman Murphy: And the edge of the tennis court, again, is 100 feet off North Broadway?

Mr. Yaffe: The edge of the tennis court enclosure, yes, right there.

Village Attorney Stecich: That's a setback there. There is a 100-foot setback in that district.

Boardmember Dovell: The elevation drawing that you showed us just before has trees in front of it. Where was that taken?

Mr. Yaffe: Exactly parallel from North Broadway. So yes, these are some of those ... like those trees, for example...

Boardmember Dovell: But all the structures in front of it are missing.

Mr. Yaffe: Yes, it does not show the tennis court, which would approximately come, let's say, to that height. I think we do show, in all of our view preservation images, the tennis court does appear in the foreground.

Boardmember Dovell: So that's a view that you will really never see.

Mr. Yaffe: No, it was a question directly about the massing of the house. The public would never see it. Of course, if you are on that meadow it is an elevation you would see. But I think you're correct -- that the views we generated probably speak more towards the nature of the view from North Broadway than this.

Boardmember Dovell: Is the tennis court proposed to be covered?

Mr. Yaffe: No. It does have an enclosure on the perimeter, but no roof structure.

Boardmember Dovell: The enclosure would be transparent, or partially transparent.

Mr. Yaffe: Yes.

Then moving on to the view preservation material, what we did was really tried to work with the Board and with the neighbors to see what we thought were some of the indicative views that you would have, in particular towards the Hudson and towards the Palisades, and really trying to show that those will preserve those views and that those views are maintained.

Chairman Murphy: Mr. Yaffe, could you do me a favor? Just turn that easel a little bit, push it this way. Because the light is such that I can't see the left part of your photograph.

Mr. Yaffe: Sure. Rotate this way?

Chairman Murphy: That's better. It's better for me anyway.

Mr. Yaffe: Is that OK for everybody?

So here you see views from the south, from the east, and from the north. And really, it's the views from the east that are the primary public viewing corridors. So in this top here, you can see what I was describing earlier as that swale viewing down to the Hudson. And just so the Board is clear on how these were produced, what we have is we took a photo of existing conditions. As Mr. Steinmetz mentioned, we by and large took these as winter views to try and show what would be, essentially, the most transparent condition.

It is a very heavily foliated site, and is set back 400 feet from the road, the house. Here you can see the Hudson River in the background, this large open field in the foreground. And here you can see, with the proposed house, the preservation of that view. Now, what Marianne was mentioning earlier -- and I'd like to pass these around -- what we did was, this shows exactly the same proposed view, the top image that you'll see on these.

But on the image below, what we did is just have a black outline that shows the exterior perimeter of the house which, I believe, was essentially what was requested. And also to be clear, you wouldn't see anything like that. But you would see ... what I've done also is to bring that into the foreground so it's above the trees, it's above North Broadway. Because when we first did it, and added, and showed it behind the trees it was still difficult to discern where the actual location of the house was.

One of the concerns also was the views from the Aqueduct. Here you see, in these wonderful views, off to the Palisades. You can see that those views are preserved. Another concern that came up in one of our early Planning Board meetings was the view from the temple here, and here. It is through quite a thicket of trees and quite far back.

Chairman Murphy: Where is the proposed house?

Boardmember Forbes-Watkins: It's not visible.

Mr. Yaffe: It's on there. It's probably easiest to ... this one will probably be the most helpful because that gives the outline of the house. But yes, it is quite far back and quite set back behind an enormous amount of trees there.

Chairman Murphy: You said the current house is 34 feet high. And this is 25 feet, the proposed?

Mr. Yaffe: Yes.

Boardmember Leaf: And 300 feet farther back.

Chairman Murphy: Behind the tennis courts. It's 400 feet off the street.

Mr. Yaffe: Yes.

Boardmember Leaf: And 300 feet farther back.

Mr. Yaffe: Yes.

Chairman Murphy: Behind the tennis court.

Mr. Yaffe: Yes.

Chairman Murphy: It's 400 feet off the street.

Mr. Yaffe: Yes.

So then in moving to the north, here you can again see -- and I think here gives you a clear idea -- that's that existing house in the front of the lot. And you can see its replacement with a tennis court and the proposed house behind in the distance there.

Boardmember Dovell: What are you screening the tennis court with?

Mr. Yaffe: Right now what we'd like to do is ... well, it'll be a fence, and then with vines growing on it. We're thinking about a kind of greenscreen material. I don't know if we'll use that as a proprietary material, but something along those lines. The primary view of that will be sort of a filtered view through vines is the idea.

And I think you can see there's a very similar intent also for the fence. So this is a view from the neighboring properties to the north, and here you can also see this reduction in height that I spoke of. So there you see that existing house. This is the house further west on the property. So I think these probably illustrate best.

That's the house further east on the property, and then the reduction in height there. And then the house further west, and the reduction in height there. This probably speaks most clearly to that of the existing house and the proposed. I should add that, of course, with these neighbors to the north there, their wonderful direct views to the Hudson are unaffected.

Boardmember Dovell: So this is really the prominent view. Your view 6 here is where you're going to see more than anything. The existing house is stone. What is the proposed house made of in this elevation?

Mr. Yaffe: We're still working with the client on the materiality of the house, so that's still something ... we've worked with him quite extensively to set the massing and work with him on the program, but we still haven't decided on the materiality of it.

Chairman Murphy: I just have question about the footprint area. In the application it says the existing footprint area's 10,153 square feet, and what's proposed is 21,121 square feet. So essentially double. Where is that mass coming from ?

Mr. Yaffe: I think that's by and large from the tennis court, actually. Because the house itself is actually quite similar to the 10,000 square feet; a little less than that, actually. But the tennis court...

Village Attorney Stecich: And there's also the pergolas, right?, that would be on the lot. There's two pergolas, I think. He's just asking where the other 10,000 square feet comes from.

Chairman Murphy: I'm seeing the 10,100 square-foot addition, and I'm wondering where it came from.

Mr. Yaffe: Primarily from the footprint of this tennis court. And these are the accessory structures that are being mentioned.

Chairman Murphy: The new issue is the tennis court, if at all. That goes to Ray's point about just whatever screening might be proposed.

Boardmember Dovell: And the pool is under the tennis court? The pool is therefore both underground and enclosed, fully enclosed.

Mr. Steinmetz: Yes, the pool is inside the pool house.

Boardmember Dovell: And there's currently a house that's 20 feet higher than the tennis court.

Boardmember Leaf: You're going from 29 feet to 10 feet.

Boardmember Leaf: Although you're going from looking at a house to looking at a fence. I mean, it's a beautiful house, the Mitzman house.

Chairman Murphy: No, it's really just the issue of whatever screening. The only question I really had was Ray's question, which was how did you propose to screen the tennis court.

Mr. Yaffe: We would certainly strive to make that as attractive view as possible. We're very conscious that that will be the view.

Boardmember Dovell: And then in front of all that you have another fence that's going around the entire property?

Mr. Yaffe: Yes.

Boardmember Dovell: And what is the nature of that fence?

Mr. Yaffe: That will also be a greenscreen type of material, as viewed from North Broadway.

Boardmember Dovell: And the height of that fence is...

Mr. Yaffe: Six-and-a-half. By code, that's allowed.

Let me just finish then. We had one more page of images, which were the views from the south. There you can see, I think very clearly, that fence -- the existing fence that they have; just a chain link fence, and then this.

Boardmember Forbes-Watkins: Let me ask a question. Your view number 7 is a direct northern view rather than a view looking to the river. Did you take a photograph looking towards the river? If you stand along the road that goes on the southern edge of the property, and you go back to where it turns and starts to go back again -- which is approximately behind the end buildings of the River Glen units -- you'll notice a beautiful view of the Hudson under the trees.

But that view is not being depicted here. Instead, we're seeing a view directly going north which looks at where the tennis court will be, or the great lawn in between the house and the tennis court. So I don't think we're getting a good depiction of what happens to the view at site number 7. Because unfortunately, it seems to me, at that point you'll be looking directly at the living room of the house and the view of the river.

Mr. Yaffe: I don't mean to get ahead.

Boardmember Forbes-Watkins: That, in view 8, looks back that way.

Mr. Yaffe: We did try and include a view.

Boardmember Forbes-Watkins: View 7 does not look that way.

Mr. Yaffe: No. As we mentioned, we have had meetings with the neighbors, and these were some of the views that they were concerned with.

Boardmember Forbes-Watkins: But our responsibility is view preservation, and view preservation includes looking at the view that might have to be preserved. View 7 does not give us that view at all. I would like to see a picture of 7 standing approximately where it was, but aimed at the river, and where that house would sit.

Mr. Yaffe: The closest that we'd have from the public view for that is actually, as Michael was saying, this view number 1.

Boardmember Forbes-Watkins: But that's not a public issue. I'm looking at this from the point of view of four or five or six people who own co-ops looking to the river, where they have a very nice view of the river. And that may be 10 or 20 people versus the five people who will be living in this house. And so on a pure numerical basis we'd be giving, I think ... but I'd like to see a picture that depicts one way or the other.

But I think we would be giving the view to five people, and taking it from maybe 15 or 20. In a pure depiction of view preservation, that's a problem.

Mr. Yaffe: Just so we're clear, you're talking about these...

[crosstalk]

Boardmember Forbes-Watkins: Position number 7.

Mr. Yaffe: The house, and it's not depicted, is actually...

[crosstalk]

Boardmember Forbes-Watkins: It's right there. And if you look towards the river from position number 7, particularly if you look northwest towards the river, you'll find the house sitting, plop, right in the middle of it, I think.

Mr. Steinmetz: Noah, isn't there an elevation change that takes that into account? In other words, my understanding is that there is a variance in terms of the elevation at River Glen.

Mr. Yaffe: Meaning that you'd be slightly higher at this point?

Mr. Steinmetz: Correct.

Mr. Yaffe: You are slightly higher at that point.

Mr. Steinmetz: Very slightly higher...

[crosstalk]

Mr. Yaffe: At the viewing point that we're talking about.

Mr. Steinmetz: The River Glen location.

Mr. Yaffe: Basically, the property has a continuous slope down in this direction, and also some sloping down in that direction.

Chairman Murphy: But point to us again view number 7 and then the existing house, or the house closest to the river.

Boardmember Forbes-Watkins: That's going to be over on the other side.

Mr. Yaffe: Just so our proposal comes to, basically ... sorry, this light is fading, but it's essentially in that area there.

Chairman Murphy: So is it overlapping the footprint of the current house?

Mr. Yaffe: Slightly, yes. Not in its entirety because that's actually ... this is nonconforming with setbacks, the current house.

Chairman Murphy: So you had to move it south a little bit?

Mr. Yaffe: Yes.

Chairman Murphy: To conform with the setback. And it's 9 feet lower than what's existing because it's pushed south.

Mr. Yaffe: Yes.

Chairman Murphy: So the real issue is just what kind of trees and foliage and whatever else is between view number 7 and where the house is proposed to go.

Mr. Steinmetz: It seems like what's being asked is that view 7 be rotated down to take in the Hudson. That's what you're asking for? Just to turn that view down?

The topography changes about how much, would you estimate, from that view 7 to the ground surrounding the new house?

Mr. Yaffe: I would guess that that's 10 feet, but I don't have a survey of this.

Chairman Murphy: I understand. But your best guess is this is about 10 feet higher?

Mr. Yaffe: Yes. And to be honest, I'm not sure what the apartment configuration ... as far as the views from the apartments, I don't know if those are actually higher.

Boardmember Forbes-Watkins: I haven't ever been in them, but I went down that driveway and went around a little bend. And I said, "Ooh, I want to look at this from here." And what I saw bothered me because I'm afraid ... view preservation, as I read the rules, is a very, very strict interpretation.

So the question is, how do you interpret impact on some houses versus the impact of one house. And does this create enough to make it a view preservation negative. I don't know, but I sure would like to see that photograph with the drawings to make sure that we're not tromping on something that we shouldn't be according to the way the rules are written.

Mr. Steinmetz: If I can just jump in for a moment, I think I understand the question and I just want to respond on the rules. The way your code is written, I think there's almost a balancing or a totality analysis that your board needs to do and that the Planning Board, I think, did, as well. The fact of the matter is, certain views are actually going to be, to some

extent, opened up. We have done that, and we have revealed that in some of the photographs.

One of the reasons we walked you through the relative heights of the structures that are there now is, we're actually taking out certain massing and bulk at a height of 29 feet, 34 feet, and replacing it with something that's lower. That's number one.

Number two, we're eliminating two structures and will remain with one single home on the property. The fact of the matter is, as I think your board is well aware, this property is actually zoned for multi-family structures. So conceivably, one could build some very different type of structure on this property that would have very different impacts.

Chairman Murphy: Is that true after the resubdivision?

Mr. Steinmetz: Once the plat is filed, that would no longer be true.

Village Attorney Stecich: But the subdivision was only approved on the condition that only a single-family house is built there, but that's peculiar to that. But let's say that condition were in there. Yes, they could build a multi-family there because it's a multi-family zoning district.

Chairman Murphy: No, understood. All I'm saying is once the subdivision is finalized, based on the condition...

[crosstalk]

Village Attorney Stecich: On that condition they can't do a multi-family.

Mr. Steinmetz: Right. But, again, that's not until, Mr. Chairman, the plat itself is filed.

Chairman Murphy: Understood.

Mr. Steinmetz: So all that having been said, we actually did endeavor, with the Planning Board, to try to come up with the most appropriate vantage points to take this from. I would just suggest to you that we have invested a fair amount of time, money and effort in doing these different analyses. The Planning Board certainly felt that it was sufficient for them to conduct the necessary analysis under your code, and it is something that we would certainly ask you -- whether you can conduct your analysis without further views.

We've done this in such a way that we think the view from the south, from River Glen, is fairly and accurately depicted on the photographs we've given you. And again, the code does not state that no view may be impacted in any way whatsoever. The code says that we're supposed to do the least possible obstruction of views of the Hudson River and the Palisades for neighboring property owners and for the public from public rights-of-way, meaning, really, Broadway.

We think when you look at everything as a package, we're not having an adverse impact on views of the Hudson and of the Palisades.

Boardmember Forbes-Watkins: Well, I really would like to see that picture with the drawing in it because I feel like I saw a clear potential obstruction. And if my reading of the zoning is the same as you just read, and it is, we expect least possible obstruction. It would be entirely possible to make that obstruction nonexistent by moving back 20 or 30 feet.

Mr. Steinmetz: Moving...

Boardmember Forbes-Watkins: Moving the whole thing back 20 or 30 feet.

Mr. Steinmetz: Moving the *home* back further.

Boardmember Forbes-Watkins: There's tons of room.

Mr. Steinmetz: You said "back." I want to make sure...

Boardmember Forbes-Watkins: Back away from the river.

Mr. Steinmetz: OK.

Boardmember Forbes-Watkins: You've got tons of room to do it. If you moved it back, there wouldn't be any view problem at all.

Mr. Steinmetz: We actually think -- and I'll let Noah speak to this -- it kind of goes to, I think, Mr. Leaf's comment earlier about we've gone from 100 feet back on the Mitzman residence to 400 feet back on our proposed location of the home. The more you bring it forward, it's like if I hold this pad out here. The closer I bring it to me, the more my view is impeded of you and of everyone else.

Boardmember Forbes-Watkins: There's no public view impediment that I can see on this proposal. The public view, the river view from the Aqueduct and from Broadway, all of

those, if anything, is less of a view problem. There is no view problem from my perspective on all of that. And the only reason you've got a view problem possibly -- and I'm only saying possibly -- is because you've moved that house so far forward towards the river to be bringing it into a possible conflict of view with other structures.

And by moving it back some, not too many feet, there'd still be a wonderful view for the people in that new house. But there wouldn't be a view problem for anybody else.

Chairman Murphy: Mr. Yaffe, is the proposed new home compared to the existing home ... how far back is it from the river?

Mr. Yaffe: We're, I would say, about 20 feet further.

Chairman Murphy: Well, don't you have a plan overlaying the two?

Mr. Yaffe: I don't have that plan overlay. I'm sorry, but the existing house comes to approximately there. So I think we're about 20 feet.

The other thing I would point out, I tend to agree with David's comments about you are making this more of an issue the closer, just in principle, you bring this to North Broadway. The other issue is, of course, the trees there and, in particular, this tree which is a beautiful beech specimen that would be...

Village Attorney Stecich: Why don't you take my drawing so you don't have to ruin your card, and draw with the yellow marker or something. Roughly outline where the existing house is. Can you do that?

Mr. Steinmetz: While he's trying to do that, I want to just go back on the question. I want to make it totally clear that we actually did meet repeatedly with the residents of River Glen discussing the house, the size of the house, and the location of our proposed house. And you should take note of the fact that they actually support this application, and no one from River Glen is in opposition.

And I totally appreciate your comment, and I want to respond to it. You know, there are five members of this house versus the 15 members of the co-op. Fifteen members of this co-op have not opposed this application. However, I'd like to just try to transcend that because I've never been in the River Glen co-op units. Mr. Robinson actually has been in those units, meeting with those folks and talking to them from those vantage points as they discuss this.

So I'd like, Mike, if you would to just take a moment to share with you what views, if any, there actually are.

Chairman Murphy: And Mr. Robinson, can you identify yourself?

Michael Robinson, representing Blue River Valley, LLC: Good evening. I represent the owners of Blue River Valley, LLC and Hastings-on-Hudson Property, LLC.

Over this year, we've met with River Glen as a co-op, various residents of River Glen. I have personally been in a number of the co-op units that face where you and Mr. Forbes-Watkins are talking about. There is no direct view of the river from those, given the elevation. There are small bay windows and little views through the doors, but one can't see the river from there.

The most direct view -- if we can look on this map -- from River Glen of the river is from ... let's see, there's a building that comes out here. There's a window at the end of it straight out to the river. There are other views from these units, of course, straight out to the river that are not obstructed. And the views from these units are not directly across this way or even that way, but they really are away out toward the river.

The reason we ended up including these views from River Glen -- I think it's 6 and 7, or 7 and 8...

Noah Yaffe: Seven and eight.

Mr. Robinson: ...I can't keep track of the numbers -- in this presentation this evening is to show you some view in some way of what they might see of our property, given that the majority of their views aren't of our property at all, but rather directly out to the Hudson. The reason we have that view 7, which is directly onto the property, is that was actually something that was requested by River Glen.

They wanted to see, looking here, what they would see straight across; not of the river because, of course, they didn't have your code in mind. But we prepared that image. We asked Mr. Yaffe and his firm to do so. View number 8 is really the view that we could sort of squeeze some siting of our house and our property into. But the vast majority of that view, as you'll see, is of the river both to the west and then off to the northwest.

So in walking through River Glen, in being inside of each of those units, and in talking with the various River Glen Tenants Corp. owners I personally don't believe at all that any of their views toward the river -- their primary views toward the river and the Palisades -- will

be impeded by the position of this home. We've reviewed it with them. They do not object to this and have been very cordial to us over the past...

Chairman Murphy: Can we see view 7 and 8 again?

[crosstalk]

Mr. Yaffe: ...behind here, while I switch those boards. This was the drawing, just a sketch, showing current house and proposed house. So there's those two views. Here's that view in question that, again as Michael said, was the requested view, without your code in mind, of course. And then this is more some of the viewing that you have down towards the river.

Mr. Robinson: And you'll see, too, if you look at view number 7 ... and it's difficult because the images ... Noah, if you could just hold this. If one were standing at River Glen and looking straight across we see what we would see now. If one were to turn one's body this way a little bit and try to look out to the river, first of all there are tons of trees, a series of huge trees. It's almost impossible to see anything. But if one did try to peer through to see to the Hudson beyond, in a trajectory sort of like this, one would first encounter a view of the existing stone house, which we're removing.

Boardmember Forbes-Watkins: If you stand and look, you see to the south of the stone house. You see across the open area to the south of the stone house, in that area.

Mr. Robinson: This way here?

Boardmember Forbes-Watkins: Yes, roughly.

Mr. Robinson: I've never been able to see that view there. To me, the view is further this way.

Chairman Murphy: Point to where the house, if you can, is going to be located.

Mr. Robinson: Right here. So all of this area here is still preserved open. I mean, it's steep slopes, there are lots of trees, it's almost a jungle-like condition. And as soon as it turns to summer the view is heavily obstructed. But given that all of this is going to remain open, from my point of view, and just having walked through there and been in there over the past while, I haven't...

Mr. Yaffe: The other thing I would reiterate with Michael's point, you actually have ... on this property, this is actually a large open area without trees.

Boardmember Forbes-Watkins: Will that stay open?

Mr. Yaffe: Yes. The house is just north of that, and you can see it ... it's probably best to go back. That's this group of trees, and that's that open area.

Boardmember Forbes-Watkins: Because right there is what I was seeing. And I was thinking that the house was going to impede, impinge, on...

[crosstalk]

Mr. Yaffe: No.

Mr. Robinson: Further north.

Mr. Yaffe: We actually purposely pushed it...

[crosstalk]

Boardmember Forbes-Watkins: But that's why I would like to see a photograph.

Mr. Robinson: It's further north.

Mr. Yaffe: But yes, it is further north. And really that is ... here, you do get some openings. And that's sort of what Michael's talking about; that you do get a wonderful view towards the river here, but really our proposed house only comes to there.

Boardmember Forbes-Watkins: If that be the case, then I don't have a problem.

Mr. Steinmetz: Thank you, Michael.

Boardmember Leaf: And so if you could go back to your two views, 7 and 8, what you're saying is, that edge right there is the limit. The edge in the foliage is kind of the limit of the view?

Mr. Yaffe: I think, certainly, in the summertime.

Boardmember Leaf: And farther back, view 7, we're looking into the meadow there.

Mr. Yaffe: Yes. I mean, certainly, in the summertime, as you see in this, it's quite densely...

Mr. Steinmetz: And, Noah, there's nothing we're doing in view 8 that we would be impeding what we're looking at there. We're not vegetating, we're not planting in there, we're not building in there. We're really looking out over the slope.

Mr. Yaffe: Yes. There may be some plantings for slope stabilization done, but that would be done...

[crosstalk]

Mr. Steinmetz: In a different angle.

Mr. Yaffe: Yes, just in that zone there, and also be quite low.

Mr. Steinmetz: So that more or less takes you through our photographic analysis of the site of the existing views and the proposed views. We hope that we've answered the questions about that open area, which will remain open, and hope we've identified where the proposed house, tennis court, et cetera are located.

In sum, it continues to be our position that as designed, as proposed, as sited, we are, in fact, causing the least possible obstruction. I know our clients are very pleased to be coming in with a single-family house on this property, and doing so in a fashion that we know we're coexisting quite well with our neighbors.

Chairman Murphy: OK. Mr. Steinmetz, thank you. Mr. Yaffe, thank you.

Unless there are any other questions from...

Boardmember Forbes-Watkins: I've had my go at it.

Chairman Murphy: Well, that's what it's for. Ray, I'm sorry. I didn't mean to cut you off.

OK, is there anyone from the public who wishes to speak or be heard on this view preservation application? Seeing none, any comment from the Board on the presentation we've heard before we vote on the view preservation?

Boardmember Forbes-Watkins: I will make a comment. I'm pleased that we went through this as hard as we did because it clarified it. Thank you.

Chairman Murphy: No, I agree. I think, obviously, the applicants have put in a lot of time and effort and the Board has put in the time and effort. And I do think, on balance, it's quite sensitively done. I mean, it's a very large, prominent property in the Village. And particularly the height reductions of the structures, one can have their own views about replacing old structures. But that's not what we're here to do. So in terms of view preservation, I don't see much of an issue.

The only issue I had, really, was the issue Mr. Dovell raised about screening the tennis court, if necessary, from the road. I don't know if we can make that a soft condition.

Village Attorney Stecich: The condition being what?

Chairman Murphy: Just that some type of screening, natural screening, be utilized between...

[crosstalk]

Village Attorney Stecich: I think you could make ... that would be a fair condition because it's certainly a relevant condition to the approval.

Mr. Steinmetz: And if we didn't make it clear, we kind of felt like we're voluntarily offering that condition in terms of the vegetated greenscreen on that tennis court enclosure. But certainly, should your board wish to further encourage our clients to make sure that that is vegetated well -- and with the vines, as Noah was describing -- that is our intention.

I don't think anyone who's playing on that tennis court necessarily wants to interfere with Broadway or vice versa. If I were playing on that court you would not want to see in.

Village Attorney Stecich: It's not a bad idea to make it a condition because, hopefully, the clients will own it for a long, long time. But it's conceivable that it could turn over, and you want the condition to be part of the condition of the variance.

Chairman Murphy: I don't want to micromanage it. Just some type of natural screening would be appropriate.

Mr. Steinmetz: No objection to that at all.

Chairman Murphy: So if we could put that in the motion, if the rest of the Boardmembers agree, I would suggest that.

David, any further comment? Stan?

Boardmember Leaf: Before we vote I just want to get on the record that I'm an officer and a trustee of Temple Beth Shalom. I think that the temple must be in your notice area.

Mr. Steinmetz: It is.

Boardmember Leaf: I did not recuse myself, on the advice of counsel that it was not required. But I would like to put it out there. If anyone has any concerns I'd be happy to recuse myself.

Boardmember Forbes-Watkins: So noted, no objection.

Chairman Murphy: Thanks, Marc.

All right, anything else from the Board?

Boardmember Dovell: I think it's really sensitively done. The siting is quite nice, and the fact that the house is fairly low-slung and appears to be kind of an accretion across the face of that edge is really lovely. And it should be quite a wonderful house to see when it's finally finished, whatever material it's made of.

Chairman Murphy: I think we can count on the fact that it won't be cinder block.

[laughter]

Village Attorney Stecich: Aluminum siding.

Chairman Murphy: All right then. Can I have a motion from the Board for the request for view preservation approval by Blue River Valley, LLC for the property at 663-665 North Broadway?

On MOTION of Boardmember Dovell, SECONDED by Boardmember Pycior with a voice vote of all in favor, the Board resolved [appropriate the view preservation for Case No. 4-10 for 665 North Broadway and 663 North Broadway, and the condition that the tennis court be screened with natural material on the visible sides of it from Broadway.

Chairman Murphy: The vote's unanimous.

Mr. Steinmetz: Thank you, all.

Chairman Murphy: Mr. Steinmetz, thank you.

Mr. Steinmetz: Thank you for your time and your attention, and we look forward to moving forward with our project.

III. Approval of Minutes

Regular Meeting - March 4, 2010 (originally scheduled for February 25, 2010)

Chairman Murphy: We just need to approve our minutes from the March 4 meeting of the Zoning Board of Appeals. I don't know if any of the Boardmembers have any...

Boardmember Leaf: I have very little. But on page 6 where Chairman Murphy says: "*Actually, I think that's the total of both sides, 36.*" Subject to that correction, I think that's 30 ... you must have said "30 feet."

Chairman Murphy: Correct.

Boardmember Leaf: Subject to that correction. So that would be page 6.

And then page 13, the "*doserin loop*". I'm not sure what that is.

Chairman Murphy: I forgot the name of that. That's on the T-Mobile application. It's in the overlay district.

Village Attorney Stecich: In the overlay district, but I don't know what issue, where it is.

Chairman Murphy: The overlay district for the cell phone antennas.

Boardmember Leaf: Is that in Children's Village? Is that where that overlay district is?

Village Attorney Stecich: There is one in Children's Village, if that's where that is.

Chairman Murphy: I think that's where it is, yes.

Village Attorney Stecich: Yes, there is one in Children's Village.

Boardmember Dovell: I might correct the spelling of my name, but other than that I think it's all here.

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Dovell with a voice vote of all in favor, the Minutes of the Regular Meeting of March 4, 2010 were approved as amended.

Chairman Murphy: Marianne, our next meeting.

Village Attorney Stecich: April 22, and maybe T-Mobile will be there.

Chairman Murphy: Right. We're still waiting for supplemental information.

Boardmember Leaf: Maybe propagation maps.

Chairman Murphy: Mr. Sharma, we may want to clear the decks for that meeting if it's T-Mobile. Just getting through their information is going to take all night.

So our next meeting is scheduled for Thursday, April 22.

Village Attorney Stecich: Is that going to have to be re-noticed?

Building Inspector Sharma: I don't know. You tell me.

Village Attorney Stecich: Well, it's not on this agenda. I suppose you could announce tonight that T-Mobile will be on for the April 22 meeting, and then that would sort of continue it. Unless the Board wants them to send you a notice.

Building Inspector Sharma: We could say the applicant requested that it may be deferred from tonight's meeting to then.

Village Attorney Stecich: Because it was actually supposed to be on the agenda tonight. I don't know why it wasn't.

Chairman Murphy: So I'll just note for the record that the T-Mobile application for the cell phone antennas was originally supposed to be on tonight's agenda. But it was postponed at the request of the applicant, and we're going to reschedule it for Thursday, April 22.

Village Attorney Stecich: That's good.

ADJOURNMENT

On MOTION of Stan Pycior, SECONDED by David Forbes-Watkins with a voice vote of all in favor, Chairman Murphy adjourned the Meeting at approximately 10:30 p.m.