

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
ZONING BOARD OF APPEALS
REGULAR MEETING
OCTOBER 28, 2010**

A Regular Meeting was held by the Zoning Board of Appeals on Thursday, October 28, 2010 at 8:00 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

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

ABSENT: Board Member David Forbes-Watkins

CITIZENS:

Chairman Murphy: All right, good evening everyone. We're here for the October 28, 2010 Hastings Board of Appeals meeting. We have one, two, three, four, five, six cases on the agenda tonight. Mr. Sharma, are the mailings in order for all of these cases?

Building Inspector Sharma: I was told all the mailings are in order.

Chairman Murphy: And Marianne. Anything before we start, from counsel?

Village Attorney Stecich: You know what? There's a bunch of things, but we'll take them on each application, I would say.

Chairman Murphy: One at a time? OK.

I. OLD BUSINESS – (Adjourned from Previous Meeting)

**Case No. 8-10
(Adjourned from previous meeting)**

**Paula Panzer
47 Jefferson Avenue**

For the number, size and location of off-street parking incidental to the conversion of existing attached garage for non-parking use

Off-street parking: Existing – two (2) [one (1) in garage, one (1) on the driveway];

Proposed – one (1) on the driveway only;

Required minimum number of off-street parking – two (2) {295-36A}

Peter Shafran, 47 Jefferson Avenue: Good evening. I'm Peter Shafran, Paula Panzer's husband. We were before you several months ago, and at that time we had put in an application for a variance based on the two parking space requirement. Since that application, and since that last meeting, we have met with Mr. Sharma and our engineer to come up with an alternative arrangement, taking into consideration some of the comments that were made by the Board that night and trying to come up with a reasonable solution to accommodate the parking spaces, and also to accommodate, to bring it into compliance as much as possible with the existing guidelines, existing ordinance.

Chairman Murphy: Right. This was the off-street parking issue?

Mr. Shafran: That's correct.

Chairman Murphy: And the steep slope on the driveway?

Mr. Shafran: That is correct. So in the application that was submitted with the modifications, it shows a widening of the driveway so as to accommodate two cars on the driveway with a recutting of the existing walls, both in front and back, to provide the ability to park two cars in the driveway.

We would still need a variance because that still would not provide us with the ... still would not be in conformity with exactly the regulations as required by the code, but would be a much more reasonable alternative based on the fact that it is existing parking now and the use of the two spaces would alleviate the off-street parking with minimal interference to water runoff and minimal interference with any construction, or major construction costs, to do so.

I believe the proposal would meet the issues that we talked about at the last meeting.

Chairman Murphy: OK. Mr. Sharma, have you been out to the home at 47 Jefferson?

Building Inspector Sharma: Yes, I have. The variance that they're looking for now is the size of the parking space. Originally, it was doing with just one parking space, as opposed to two required.

Chairman Murphy: Well, we've got two proposed, at 8-1/2 feet wide?

Building Inspector Sharma: Right. But the depth is 18 feet.

Mr. Shafran: Its 14.8 feet.

Building Inspector Sharma: So the variance is required for the depth of each parking space.

Mr. Shafran: And in doing so, we would still have both cars off the street and not sticking out into the walkway or into the apron.

Chairman Murphy: Right. This was the issue where the walkway is running along the side of the street – which is, I guess, technically sidewalk or what have you.

Mr. Shafran: Yes. On our side of the street there are not sidewalks. So they're just aprons in front of some of the houses. But that would allow us to park two cars on the driveway. Even though it would be less than 18 feet, there's still enough room ... and we actually took both cars and parked them on the driveway so that Mr. Sharma could see how the cars could fit on the driveway.

Chairman Murphy: Yes, for me, that's really the only ... practically, is there enough space to get two cars in there.

Mr. Shafran: And there is.

Chairman Murphy: And, Mr. Sharma is that acceptable to you, from your inspection?

Building Inspector Sharma: Yes. That seems to be the only viable, available solution at this time. At the Board's request, by the way, I had inspected the property and saw how the garage was finished. Obviously, what I saw, I had to issue them a letter for the need to get this variance and redo something, amend the permit, and correct what needs to be done paper-wise – legalize some of the construction that was done in the garage.

For that, they will definitely need a variance. Otherwise, they would have to undo some of the work that they've done in the garage.

Chairman Murphy: OK. So the variance is to have two smaller-sized off-street parking spaces in the driveway.

Building Inspector Sharma: That is true.

Chairman Murphy: OK. Are there any other questions from the Boardmembers, if you remember this application?

Boardmember Leaf: Mr. Shafran, your letter says that the variance is not substantial because you would; I think it says you will, "*continue to park our cars in the same locations as we had parked since purchasing the home.*" What did you mean by that?

Mr. Shafran: Well, right now there is ... the way the driveway is configured you can park two cars, either front-to-front ... in other words, instead of side-to-side, they would be one behind the other. Both cars right now can fit within the driveway, as well. But since part of that driveway is not considered within the boundaries of what is considered a parking space, the part that's closest to the street is not considered, for purposes of the ordinance. So you can't measure that number.

So while the cars are parked off-street now, it would remain off-street. And this way, we would have ... by widening the driveway, instead of having them parked one in front of the other we'd be able to park them side-by-side.

Boardmember Leaf: Just so I understand, your application was originally justified by ... the driveway was so steep that you couldn't pull all the way down in to the bottom of your driveway. You didn't want to use ... even if you had a garage, you wouldn't be able to pull the car all the way down into the garage because of the steep driveway.

Mr. Shafran: Correct.

Boardmember Leaf: OK. With the widened driveway, will you be able to pull the cars in without interference with the steepness?

Mr. Shafran: Well, one of the parts of the configuration of the driveway is that there is a turnoff to the right as you're looking at the house, which is partially on the paper road that is between our house and the next door neighbor's house. So that while in the wintertime we wouldn't have to park all the way down to the driveway, there is an alternative to be able to park on this extra side.

Plus that there's already that apron on the street, which would allow us to park the extra vehicle during snow or ice emergencies so the cars would not have to be parked on the street, but would be able to be parked in that apron during those times. So the steepness would not be an issue at that time because there would be an alternative parking space.

Boardmember Leaf: I'm sorry. I'm still not sure I understand. Are you going to be using these parking spaces, or is this just a way of complying without actually using the spaces?

Mr. Shafran: No, we would be using that space.

Boardmember Leaf: OK, that's enough. Thanks.

Chairman Murphy: The point is the second car, instead of being on the apron next to the street, is going to be in the new parking spot, right?

Mr. Shafran: That's correct.

Chairman Murphy: OK. That's how I understood it. Mr. Dovell, anything? OK, can I have a motion on this application, please?

I'm sorry. I'm trying to move it along because we have a lot of cases. Is there anyone in the audience who wishes to be heard on this application?

Boardmember Collins: I'll move Board approval for Case 8-10, 47 Jefferson Avenue, granting the proposed one-in-driveway only...

Village Attorney Stecich: No.

Boardmember Collins: Is it two-in-driveway?

Village Attorney Stecich: No, he changed it. You know what? It's not on the agenda item. It's not listed. Do you want me to propose, just to move it along? Everything Matt said until *"the variance is that the two parking spaces ... that the area for the two parking spaces be 10 feet by 14.8 feet."*

Boardmember Collins: No, 14.5 feet by 8.5 feet, if you look at the plan.

Village Attorney Stecich: OK. That's not what the letter says, but OK. OK, 8.5 feet by 14.8 feet, under sized parking spaces.

On MOTION of Boardmember Collins, SECONDED by Boardmember Pycior with a voice vote of all in favor, the Board resolved to approve the application.

Chairman Murphy: The vote's unanimous. Thank you.

Mr. Shafran: Thank you very much.

Case No. 12-10
(Adjourned from the September 23, 2010 meeting)
Soon Ja Kim
189 Warburton Avenue

View Preservation Approval and for a one-story addition and deck
Variance sought is from the Side Yard requirements for an open deck or terrace
at a level no higher than the entrance to the building. Existing-NA, proposed 2.95 feet.
Minimum required - 6 feet. {295-20.(B.(6))}

Chairman Murphy: Ms. Kim? You can use the portable mic. That's fine.

Soon Ja. Kim, 189 Warburton Avenue: I'm here today because during the last meeting there was a question about my proposal to build a deck on the north. At the time, Mr. Collins, and then another gentleman, suggested that why don't I think about building, adding, a deck on the river side. That's one issue.

The other issue was that the setback from the common property line is too close. So at the time, a question was raised as to the vacant lot buildability and the current owner of that property's opinion. So that was the three issues raised.

For Mr. Collins' concern that why don't I build a deck on the river side, of course it is buildable. Everybody thinks it's buildable, OK? But what happens is that I am getting old. All my property is to minimize as much as possible the dependency and the maintenance and the expense, and thereby anxieties. Whereas the river side is buildable, but nobody can guarantee by 100 percent.

And if you need a checkup, that is a maintenance. Plus, second, that's about the issue of the ground. The second issue is the sun. You are young man. I was once a young woman, too. Worked, and then come home during the evening. It's a nice river view, and you can enjoy partying, whatever. But I'm old woman, and then I need access to a deck during the day. What happens is the river side happens to be the west. And from noon on it's really ... I told you, I don't have any trees at all. So it's directly exposed to the sun.

It's too hot, and I need an awning. What do you mean "using an awning?? Dependency. There is a maintenance problem. Water piles up on the awning, plus the wind. And then I have to do things. Suppose I'm 100 years old. I don't want to do that. And that's all. For

those two reasons, of course I decided to sacrifice the more open view, the more privacy. And that north side ... because that north side, I built this.

But see, this is the west end, this is the north. So the sun sets to the west, right? Then all day long this practically gives all day. During the midsummer, 6 o'clock in the evening it gives a natural. Mother Nature provided an unfailing shade there, and with a cool temperature. Plus, if I build a deck here I have to have an access door, right? So I build an access door. That is an 18 inch by 36 inch thick door. Then I open up, and then I'm a petite, small person. And right here I'm going to enjoy practically full shade all day long.

So that's natural. And then I don't need any awning or any umbrella or anything. I just go out and sit. That's all there is to it. So I don't have to have any maintenance. Plus, the ground is original ground – no field, no nothing. So absolutely correct. Third factor, so I said, shade – natural shade; the ground, that is, of course, the number one issue. No doubt about it.

The third factor is that ... again, I'm going to use this model. This red part is red shingle. This is a red shingle house. This is the chimney, which is cement. Underneath the basement, which is cement, what happens is the winter snow comes. Of course, the shingle is durable, et cetera, et cetera. But I don't want ice or snow to pile up too much. Here, only one is 36 inch, the other side is 18 inches. Plus, wind blows. Because of the Hudson River, wind blows big way. So unlikely it's going to pile up any snow. Pile up right at the corner of this chimney. That is a very small amount.

That's all three. Even if it's small, it's a house, it's a structure. If you damage it, you have to replace it. And it's very difficult to find the handyman, whoever it is, whatever it is. Currently, I fix everything. I fix the garage door, toilet tank, everything. You name it, I do it – everything.

But as an old lady, I don't think I can do it. So therefore I need some kind of help. But I don't want to blame anybody. I want to be total, as much as possible, in the maintenance-free – you know, to minimize it. That's why I decided to stick with this proposal.

Chairman Murphy: Ms. Kim, just remind me. How big is the deck that you're proposing?

Ms. Kim: Ten feet by 15 feet. But the chimney takes the place 6 feet by 2 feet. It's small. You see, currently I don't even need it. I have the passive down below. This is for my old age. Currently, I don't need any bathroom to build either. But I can put up with it, tolerate it.

Chairman Murphy: No, I understand. But the only issue is the size facing north, right? The setback requirement is 6 feet, you're proposing just under 3 feet.

Ms. Kim: Right. But that next lot is a vacant lot. It's about 37.5 or 47.5, whereas the frontage is 100. I don't think there is any deal. Because the original owner – who was an Irish family, two daughters and one son – they never, never ever married. And the purpose of having that vacant lot was so that they can have an unobstructed view. Therefore, without being married and they don't have – I don't think they have any close relatives either – I don't think there are any people allowing to build. Because the purpose was not to build.

So I doubt. And it's too small. And next to it is a park. So for the future possibilities I cannot argue now.

Chairman Murphy: Just remind me, because I was not at the last meeting, is this an enclosed deck, or is it open?

Ms. Kim: Open deck, of course. Close deck, you need maintenance, too.

Chairman Murphy: So the two issues are view preservation and the side yard setback, right?

Building Inspector Sharma: That is correct. By the way, if I may just bring another thing. The last meeting, Marianne and I were asked to look into the fact that Ms. Kim has suggested that it's an unbuildable lot.

Chairman Murphy: You mean immediately adjacent?

Building Inspector Sharma: To the north of her property. Although we could not establish that unconditionally, we went some period back. The size and the shape of the lot is less than ... it was never a conforming lot. But, conceivably, somebody can buy additional property and make it a buildable lot.

But the fact was, we did receive a letter from the owner of that lot. I passed around the copies of it, on Marianne's suggestion. The owners of that lot say that they have no objection.

Village Attorney Stecich: You should explain that the owner of the lot next to Ms. Kim owns the lot across the street, and purchased this lot...

Chairman Murphy: Oh, to protect the view.

Village Attorney Stecich: Presumably to protect the view. So they bought the lot across the street so the view would stay open. And then these people, I think Ms. Kim had actually mentioned at the last meeting that had helped her on this. But we didn't put everything together. So Dean Wetherell owns the lot next to her, owns the lot across the street, next to her. And he doesn't ... he and his wife doesn't oppose the application. That's what this letter's about.

Chairman Murphy: Just for the record, we have a letter we've been handed us dated October 1, 2010, addressed to the Zoning Board of Appeals from the Wetherells, who reside at 196 Warburton Avenue, which is across the street from Ms. Kim. But also own the lot facing immediately north of Ms. Kim's lot. And, in essence, they state that they don't have any objection to the construction of the proposed deck within the 2.95-foot proposed side yard setback, as shown in Ms. Kim's application plans.

So with that, Mr. Collins, why don't I turn it to you first.

Boardmember Collins: Well, as a fair-skinned guy myself I can certainly relate to wanting to stay out of the sun. I burn like it's my job, so I know how you feel.

I wonder if you could refresh our memory about no detail about the deck construction itself. Can you describe it? You've got a model of it there, but can you describe in more detail what that deck will look like, any fixtures that might be attached to the deck?

Ms. Kim: No, no fixture. Just a regular open deck with a railing.

Boardmember Collins: Would there be a railing around it?

Ms. Kim: Yes, railing. Yes, sure.

Boardmember Collins: How high...

Ms. Kim: It is required, isn't it, railing? Sure, it is required. So that's it. So just some more, and just in case, sometimes it's a confinement. You can read so much, you can watch TV so much, and you have to be out looking. You might ask the privacy. Not getting old, nobody visiting. And then you get passersby who just wave hello. That would be a great deal, too.

So I don't mind anything with indecent exposure or anything like that. Privacy is the least concerned issue.

Boardmember Collins: We're not concerned about that. Mr. Chairman, I'm satisfied with her response.

Chairman Murphy: OK. Anyone else on the Board? Anyone from the audience here on this application who wishes to be heard?

Seeing nothing, Ms. Kim, thank you. I need a motion for the two ... any questions about view preservation from the Board? So we a motion for two variances: view preservation, and also the side yard setback.

Boardmember Collins: Can we do that in a single motion?

Chairman Murphy: You can, I think.

On MOTION of Boardmember Collins, SECONDED by Pycior with a voice vote of all in favor, the Board resolved approval for Case 12-10 at 189 Warburton Avenue for Ms. Kim, one for view preservation approval and one for the addition of a one-story addition and deck.

Village Attorney Stecich: Just the deck. She got the addition last time.

Chairman Murphy: So just to be clear, the variance is not for an addition. It's only for an open deck.

Village Attorney Stecich: She got the addition last meeting.

Chairman Murphy: No, understood. But this motion is for the open deck, or terrace, at a level no higher than the entrance to the building.

Vote's unanimous. Ms. Kim, thank you. We appreciate your time.

Case No. 14-10
(Adjourned from September 23, 2010 meeting)
Alex Cheng

495 Warburton Avenue

View Preservation Approval for the addition, alterations and restoration of an existing building

Variance is sought from the off-street parking requirements. Existing and proposed - none.

Required for a two-family dwelling – four (4) spaces {296-36}

Chairman Murphy: Our next application, Case 14-10, is Alex Cheng at 495 Warburton. Who's going to speak, Mr. Baldwin?

Ned Baldwin, Baldwin & Franklin Architects: I am the architect for the project. Alex Cheng is my client, and Annabelle Roland from our office is here as well.

Village Attorney Stecich: Actually, this is one of the ones that I had to record from the Planning Board.

Chairman Murphy: OK, do you want to do that now, Marianne?

Village Attorney Stecich: Yes, I think it's a good idea.

This required site plan approval, and the Planning Board did give it site plan approval subject to several things. One, the Zoning Board's granting it. They need three variances: for lot coverage, for parking, and for the side yard setback.

And also subject to ... if you recall the triangular structure in the rear, the Planning Board wants this board either to interpret ... well, they don't want it. Their approval would be subject to this board's interpretation of that structure in the back being part of the main structure. Or if it's not, granting a variance for the separate structure in the rear.

Mr. Baldwin had sent a note around – I'm not sure of the Board got it – saying that the Planning Board had ... something about ... I just want to clarify that. That the Planning Board is asking you to concur with their conclusion that the project is, for all practical purposes, one building. They didn't come to that conclusion. They were confused about it, and left it to the Zoning Board.

Boardmember Leaf: Marianne, is there a setback variance being requested? I thought you said that. I didn't think that there was.

Village Attorney Stecich: Oh, OK. That's a new setback that came to light. One of the Planning Board members – when she, I guess, looked at the property, but what whether – recognized that this is the last property in the MR-C district that borders the CC district. And there's a provision in the code: there are not setbacks required in the CC district unless the building is going to be adjacent to a residential building, in which event the setback, I think, was 10 feet.

It's kind of strange in this situation because the setbacks are actually in place to protect the residential building. But in any event, it's a setback that's required. So the simple way to look at it is, because it borders the CC district it requires a 10-foot setback. So yes, you're right. That was not before this board last time, but it came up. I was satisfied that the notice adequately covered all of these variances. Because it was clear from the notice what they were doing, so anybody objecting would have been notified.

Boardmember Leaf: I'm sorry, I don't have a map in front of me. Is the CC district ... where is it? Where does it border?

Village Attorney Stecich: On its north border.

Boardmember Leaf: On the north border, OK.

Mr. Baldwin: I addressed all of those points in the letter which I sent to the Board.

Chairman Murphy: Yes, Mr. Baldwin, I think we all have your letter dated October 26. And it does lay out the issues pretty well, so why don't you walk us through the letter and each of the points that we have to decide tonight.

Mr. Baldwin: Well, Marianne has stated the variances quite clearly. The principle one is coverage. We are exceeding by nearly 10 percent the allowable coverage due to the fact that the structure in the rear is on what is the open space, basically, for the lot. However, because it is essentially below grade and has a landscape roof we feel that we are giving back the open space that we've taken away.

The hardship, in this case, for that variance is the fact that it's such a very unusual lot, with this deep ... you know, a sizeable portion of the rear land being at the much lower elevation.

Chairman Murphy: Right. How steep in that drop-off, front to back?

Mr. Baldwin: Well, there's a retaining wall which is about 12 feet to 13 feet high. And then at the foot of that wall the ground continues to slope on down.

You could show them the side elevation. Is that what you're showing them?

Annabelle Roland, Baldwin & Franklin Architects: I'm showing the photos of the back.

Mr. Baldwin: Oh, the photographs.

Ms. Roland: The back retaining wall.

Chairman Murphy: Thank you.

Mr. Baldwin: We feel that the structure will improve the appearance of that piece of land immeasurably by providing a rectangular garden area at the natural grade behind the building. And that the steep slope, that ravine is really an unsightly area now. We'd like to see that disappear.

There's approximately 203 square feet of coverage which we need a variance on. The second variance was parking, which is obvious. We need four spaces for the two dwellings. We have none, and we can't provide any on the site.

The side yard setback has been described. It is the peculiarity of this site that it borders on the CC district. That provision is in the provisions that apply to all districts. The 10-foot setback – if you're abutting another district and it's a one- or two-family house – clearly, that's designed for situations where you have a business or something and you don't want to compromise a residential area.

We don't feel that that has any relevance to this project because its municipal land, it is essentially unbuildable. It is a relatively narrow band of very steep land that goes down to the commuter parking lot. So we don't really think it has any relevance.

Chairman Murphy: Unbuildable because of the steepness of the slope?

Mr. Baldwin: Well, you can build on anything, of course. But it's just most unlikely, being Village land, that that would ever get developed. And, of course, in an MR-C district you don't have side yard setbacks. So the whole block is basically zero setbacks. So those are the three variances.

The interpretation which was referred to is the fact that we basically are treating this as one building because the structure is continuous through the entire building, through the site, and we don't know of any prohibition against multiple buildings on an MR-C site anyways. But the Planning Board did ask, I guess, that you agree with that conclusion.

Village Attorney Stecich: If I could just respond on the prohibition to one building?

Chairman Murphy: Yes, please.

Village Attorney Stecich: Section 295-72.2 for the MR-C districts lists the permitted uses. And then it refers back to any uses permitted in 295-70.1(a), which is less intense as a multi-family residence district. And there, one- and two-family dwellings are allowed, not to exceed one per lot. And a dwelling is defined as a building.

So based on that, it's essentially one dwelling a lot. I'd say one building a lot, but you can also have accessory buildings. So one building, an accessory building. So that's where that requirement comes from of one dwelling per lot.

Mr. Baldwin: Yes, but a dwelling is not a building.

Village Attorney Stecich: Yes, it is, if you look at the way "dwelling" is defined in the code.

Mr. Baldwin: But you could have multiple dwellings in one building.

Village Attorney Stecich: Do you want me to read the definition of the code for you? "*Dwelling: a building designed or used exclusively as living quarters ...*" and so on.

Chairman Murphy: OK. So the bottom line is, the code requires one dwelling per lot, right?

Village Attorney Stecich: Yes, and that's come up frequently before this board.

Chairman Murphy: And so, given the peculiarities of this particular structure, if we deem it to be one dwelling there's no variance issue.

Village Attorney Stecich: The whole thing one dwelling, exactly.

Chairman Murphy: Right. The whole thing one dwelling.

Village Attorney Stecich: Yes.

Chairman Murphy: And that also really ties into Mr. Baldwin's point about the un-usability of the open space. It seems to me that it all kind of ties in together. So the real question here is that this unique situation ... does the Board agree, or does the Board have questions about whether it should be considered something more than one dwelling, right? Because if there is, then there's a precedent that might be set in the district that we'd have to discuss.

Boardmember Dovell: Well, what's the downside of considering it an accessory building? Is there a downside in that? Is that a permitted...

Boardmember Leaf: The issue is whether the use that this space will be put is permitted for an accessory building. So if we were to approve it as an accessory building we'd have to have a use variance to permit the use. Can we give a variance to permit the second building without going through the ... I'm trying to figure out which is the variance which provides the least negative precedent.

Can we just say this is a very unique situation, and with this situation you're not going to create a precedent?

Village Attorney Stecich: I would suggest that it be tailored very narrowly. Because you're right. I'm glad you recognize this could be a really serious precedent. But yes, I mean I suppose that's one way to do it. That it's a variance from the provision of one dwelling per lot.

Or you could, in this situation – if he could somehow convince you ... that'd probably be the easiest thing, is if the Board could be convinced that it is one dwelling and he has some argument for why it's all one building. Then if it's one building, it's one building. It's not an issue.

Chairman Murphy: Right. And I think the sense of the Board, Mr. Baldwin, is that we're sympathetic to the uniqueness here and I think we'd like to help you. The problem is we don't want to create a negative precedent in the future for allowing two dwellings, or two buildings, on a site in a district that doesn't permit it.

So let's take the first option, right? Which is how would you explain that these could be considered one integral dwelling?

Mr. Baldwin: Because the structure is continuous. We have a stairway that runs from the middle of the residential portion of the building, down continuously. The foundation walls run continuously into one another. The retaining wall, which runs into the main building that already exists. So it's a continuous structure.

And the services, of course, and the access to that space are only through the interior of the main house. It's not as if you could walk into this building from some other location. So we consider it a single building, obviously.

Boardmember Dovell: So 100 percent of the access and egress is through...

Mr. Baldwin: Only through the main house.

Boardmember Leaf: Through the main lot, but not through the building.

Mr. Baldwin: Through the building. Only through the building.

Village Attorney Stecich: Where? Show on the plan. That's how you understand how that would be.

Mr. Baldwin: If you enter the upper dwelling unit through the right-hand door on Warburton...

Village Attorney Stecich: Wait. Point it out on the...

Alex Cheng, applicant – 495 Warburton Avenue: Let me point it out in this diagram. This pink line shows the existing structure. This is the retaining wall. It's about 13 feet from here, and then continues dropping to the municipal parking lot. This is going to be the south wall for the building that we're talking about. And this is tied into ... because we consider possibly the questionable strength or integrity of this retaining wall and the retaining wall is actually holding up 395, and 393 as well, because it's joined over here in this corner.

We're looking to tie it together to this main structure. So structurally, this is all connected.

Boardmember Collins: Can you show, though ... yes, that's it.

Mr. Baldwin: This is the plan of the upper unit. This is a partial plan showing the entrance at the ground floor. You enter into a hallway, and you go upstairs into the upper two floors. On the first landing there is a door that goes out to the stair which runs down the north side of the building. So the only access to that stair is there. Or from the lower unit, it's also possible to get to that stair by going through a gate which is at the rear of the lower unit, which then takes you down the same way.

But there's no other ... you have to go through the house to get to that stair.

Boardmember Pycior: Mr. Baldwin, one point last month. You mentioned the possibility of covering it to make it more of ... but that increases lot coverage.

Mr. Baldwin: It doesn't, really, because the stairs count as coverage. Marianne has made that clear. Anything on the site is covered. Therefore, we'd prefer not to build a roof because there's no particular function for it, really.

Village Attorney Stecich: It makes it one building.

Chairman Murphy: So your point is, the only ingress and egress is through the main building. And there's no other exterior doorway or anything else. And also you're saying the foundation is essentially one wall?

Mr. Baldwin: Yes, it's a continuous structure all the way.

Boardmember Leaf: And continuous structure that has a weight-bearing function. I mean, it's holding up the ... the retaining wall is holding up the sides.

Mr. Baldwin: As Alex explained it, the diagonal retaining wall is tied into the foundation of the house. And we're going to keep that situation; we're just extending a stairway down and building another north wall outside.

Boardmember Leaf: Because one of the precedents that I was concerned with, Mr. Chairman was that we not be allowing people to take a second building on a lot which would otherwise not qualify as an accessory building. And by connecting it to the first building, say through a walkway with a small wall – say, oh, it's a single structure because there's now a bit of brick coursework that goes from one building to another.

But here, this is very different from that. This is not a superficial connection, but more from a middle connection.

Boardmember Dovell: And you can understand the connection by virtue of the topography. So that's supporting that interpretation.

Boardmember Leaf: And limiting it.

Boardmember Dovell: And limiting it, right.

Chairman Murphy: No, I would agree with that. Given that the foundation is a contiguous structure, and there's no other point of ingress or egress, I don't see how you interpret it ... I think that's the most reasonable interpretation. And I don't think it's an artifact or something being done to get around the code. So I'm comfortable with that interpretation, based on the explanation I've been given.

But other questions from the Board on that particular question? And it seems to me that's the important decision to be made here.

Boardmember Collins: Well it certainly simplifies the request.

Chairman Murphy: Because I agree with Mr. Leaf. I don't want to set the wrong precedent, and there is a potential danger of that. But I think the record's been made clear, and I think this is a very unique situation and I don't think there's a problem interpreting this. And I would agree with, I guess, the Planning Board's assessment was the same.

Village Attorney Stecich: No. The Planning Board made no assessment on this.

Chairman Murphy: Oh, I see. They made no assessment. OK, fair enough.

Village Attorney Stecich: Yes, that's what I wanted to make clear.

Chairman Murphy: Well, regardless, I'm still comfortable with it unless anyone has any contrary points of view or further questions.

Boardmember Collins: No, I'm just trying to think about how exactly then do we state it in a way that is narrowly defined, I think as Mr. Leaf indicated. How do we state this in a way that avoids abuse?

Boardmember Leaf: I would limit it just to the case in front of us. That it's our interpretation that this structure, as presented to us on these plans, represents a single dwelling.

Village Attorney Stecich: No, I think Matt makes a good point. And either Brian or you said it, Mark. Because this retaining wall is part of the same structure, and integral to the house.

Boardmember Leaf: And the ingress and egress...

Village Attorney Stecich: And ingress and egress.

Boardmember Collins: And it predates, then, the work. That retaining wall was not – Mark, to use your example – built as an artifact to try to create a favorable situation.

Village Attorney Stecich: It's an existing retaining wall that's integral to the dwelling, and has no other means of access. I think that does it, that's enough. The fact that the lot's unusable, I don't think that's relevant. Because plenty of people have unusable space.

Chairman Murphy: Should we consider conditioning the variances on stating that decision first, and that it remains that way?

Village Attorney Stecich: What I would do first is say your interpretation: "As it's drawn, and for these reasons, we interpret this to be a single structure."

Chairman Murphy: And then do the variances, right. OK.

How about the parking, then? For me, that interpretation simplifies the lot coverage variance, the side yard setback, which I don't think, is an issue in this case in this district. I guess it's a question ... you know, parking is always the difficult thing.

Boardmember Dovell: Well, the lot coverage, what's stated here is that the lot coverage is short by something.

Chairman Murphy: Ten percent?

Boardmember Collins: Ten percentage points, I think, right?

Mr. Baldwin: Approximately 10 percent. Just under 10 percent.

Boardmember Dovell: Under 10 percent, but that equates to what in terms of square footage?

Mr. Baldwin: Its 203 square feet. I can't vouch for the exact area, but it's approximately that.

Boardmember Dovell: Approximately. And I think your justification for that, that you've got this roof garden ... this is a green roof. That green roof is ... is it a deep-green roof?

Mr. Baldwin: It's a deep-green roof. It's not just some sedums in buckets, no. It's a deep-green roof.

Chairman Murphy: And we can condition that. Maintaining a landscaper, sure.

Boardmember Dovell: Yes, remain a green roof. I think it's quite ingenious, actually. I mean, I think it's an interesting solution to the problem.

Chairman Murphy: Parking? Does anyone want to discuss parking?

Boardmember Pycior: Well, that building existed for who knows how long without parking. It's in a neighborhood that there are many residents like that that do not have parking. I know that the other buildings built in that area, in which there was a fire, there was a possibility of building parking. But their rear yards didn't fall off, and they had enough property to build an underpass, or driveway.

Mr. Baldwin: Well, they had enough frontage so we could make a penetration through to drive in and out. And Warburton is a county road, which you're not allowed to back out into. So you have to go in and turn around on the site. It's physically impossible here.

Chairman Murphy: So where are people going to park? Just anywhere on the street, then?

Mr. Baldwin: It's street parking. I mean, we've looked everywhere to find a long-term lease, and it's just not available. We are reducing the number of dwelling units from what was there before the fire. I believe there were three dwelling units in that building before the fire, so effectively we've reduced the parking requirement of that.

Boardmember Dovell: And how were the units dispersed in the building? Was it one per floor?

Mr. Baldwin: Now, in this proposal?

Boardmember Dovell: No, previously.

Mr. Baldwin: I have no idea. I don't remember.

Chairman Murphy: I don't think anyone's sure, given the condition of the building.

Mr. Baldwin: But I'm quite certain there were three.

Mr. Cheng: Three, plus storefront.

Mr. Baldwin: Three, plus a store? Yes, possibly.

Chairman Murphy: Right. I mean, bottom line is the code requires four off-street parking. Proposed is none. It's a headache, you know. On the other hand, given what that building was – has been, and how awful it is to look at – I would certainly, I guess ... I don't like it, to be honest with you, because we've given other applicants a hard time about not having any off-street parking on that block, and we've asked them to find a solution. So I take it you've looked for a solution.

Mr. Baldwin: We've looked for a solution, and if we could lease space anywhere near we would. The saving grace is that the building is very close to the train station. It's quite possible that residents wouldn't need a car, certainly not two cars.

Chairman Murphy: Well, based on all the cars that are currently on Warburton, I don't know about that. But I take your point. I mean, there's just not an easy solution.

Anyone else from the Board want to weigh in on the parking? Ray, Mark? No?

Boardmember Leaf: I agree with you. Parking is a serious issue, but I don't think this particular application is the one where we can draw that line. You can't prevent that building from ever being developed.

Chairman Murphy: Oh, I know, I know. I don't have to like it.

OK, does anyone from the audience wish to speak on this application? No? OK.

Mr. Baldwin, anything else before we ask Mr. Leaf and Mr. Dovell to make motions for these variances?

Mr. Baldwin: I think we've discussed it all.

Chairman Murphy: OK, thank you.

Boardmember Leaf: Let's break it down.

Chairman Murphy: Yes, go ahead.

Boardmember Leaf: So the first motion that I would make is that the Planning Board approve the interpretation of the lot at 495 and 495A Warburton – is that right? – as shown on the plan submitted to the Zoning Board for this meeting to represent a single dwelling, as that term is defined in the code, based on the factors present in this case, including the

structural integrity of the whole, the limited access to the rear area of the single dwelling, and the purpose as presented.

Chairman Murphy: And the fact that ingress and egress is limited to only through the main building.

Boardmember Collins: And I would just add to it, specifically the component here that links the buildings predates this project and remains an integral part of the project.

Boardmember Leaf: You could connect all the ... I mean, that's all part of the same motion.

Chairman Murphy: OK, do I have a second?

Mr. Baldwin: Could you maybe amend the single dwelling to single two-family dwelling?

Boardmember Dovell: A single two-family dwelling. Thank you, Mr. Baldwin.

Boardmember Collins: I'll second it.

On MOTION of Boardmember Leaf, SECONDED by Boardmember Collins with a voice vote of all in favor, the Board resolved to approve the application.

Chairman Murphy: The vote's unanimous. So conditioned on that interpretation...

Village Attorney Stecich: And I'll write something up and put it in the file so we've got it.

Chairman Murphy: Great, OK.

Village Attorney Stecich: Which we don't always do on the decisions; it's just in the minutes. But I'll write up a decision, I'll circulate it. But it'll put everything together, I hope, and then we'll put it in the file.

Chairman Murphy: All right. So conditioned on that interpretation, why don't we take the variances one at a time. Mr. Dovell, you want to take a crack at the first one for us?

On MOTION of Boardmember Dovell, SECONDED by Boardmember Leaf by with a voice vote of all in favor, the Board resolved [approve the variance for lot coverage in that it

exceeds the 80 percent permitted by the zoning ordinance to approximately 10 percent, conditioned that the greenspace on the top of the extension to the rear of the dwelling be maintained as a green roof.

Chairman Murphy: The vote's unanimous.

Can I have a motion on the parking variance, please?

On MOTION of Boardmember Pycior, SECONDED by Boardmember Collins with a voice vote of all in favor, the Board resolved approve parking variance, where four off-street spaces are required and the building has no off-street parking available.

Chairman Murphy: That vote's unanimous, as well.

Boardmember Collins: View preservation?

Chairman Murphy: Yes. Do we need the side yard? I think we need to do the side yard setback. Mark, you want to do that?

On MOTION of Boardmember Leaf, SECONDED by Boardmember Collins with a voice vote of all in favor, the Board resolved approve the variance to permit no side yard setback, where one is required, because of the adjacent change in zoning distri

Chairman Murphy: That vote's also unanimous.

And do we need a motion on view preservation, Marianne?

Boardmember Leaf: It's in the agenda.

Village Attorney Stecich: This is in the view preservation district, yes.

Chairman Murphy: Yes, it is. I guess we haven't discussed it.

Village Attorney Stecich: Well, yes. I think they have some photos.

Chairman Murphy: Can you please just identify yourself for us, for the record.

Building Inspector Sharma: And speak in the microphone.

Chairman Murphy: There's a microphone right behind you. Thanks.

Ms. Roland: I work with Ned. These photos were taken to try to illustrate that the view is preserved. This photo is taken from the front door of the Cropsey museum, and this is 497. This is the beginning of 495A. That fourth window right there is 495. So I believe it shows that there's nothing in front that could see this.

And then this one is taken from the roof of the building across the street from Citibank, from the new Rivertown Lofts. There is a building that had checkerboards in the front that's for sale right now. This is taken from the roof of that, and this is a bit of 497 right there. Then this section in the drawings I guess we should pass around.

Chairman Murphy: Anything from directly across the street?

Ms. Roland: Well, that's what we tried to show with this picture. But also here – from Google Earth, this birds-eye view – the property is right here, the yellow rectangle. And across the street it shows that there's nothing. They do have sometimes something ... a tent they put for parking. But there's no building right there. It's just a driveway.

And then it's the Cropsey property. So there's nothing they can see. There's nothing directly across from it.

Boardmember Leaf: And also, Mr. Chairman, the bulkheads that are going on the roof are set back quite extensively from the frontage so that it's not really visible from any of the street angles.

Mr. Baldwin: They compliment, or they do not exceed, those that exist in the houses to the south.

Chairman Murphy: OK, any further questions from any of the Boardmembers on view preservation? Anyone from the audience wish to be heard on view preservation for 495 Warburton?

All right, could I have a motion then on view preservation approval for 495 Warburton?

On MOTION of Boardmember Leaf, SECONDED by Boardmember Collins with a voice vote of all in favor, the Board resolved [approve view preservation approval for Case No. 14-10 at 495 Warburton Avenue] .

Chairman Murphy: The vote's unanimous. Mr. Cheng, thank you very much. Mr. Baldwin, thank you.

Mr. Baldwin: Thank you very much.

Case No. 16-10
Claire and Alfred Hansen
25 Cedar Street
For the addition of a covered entry porch at the front of their house.
Variance sought is for the front yard. Existing - 25.55 ft.; proposed-21.70 feet.;
Required Minimum - 25 feet. {295-69.F(1)(a)}

Chairman Murphy: Mr. Collins will recuse himself from this one.

Please just identify yourself.

Al Hansen, 25 Cedar Street: This has been home to my family for 32 years. The Cape Cod house was built 36 years ago.

We have a severe design problem with the house that is creating a hazardous condition in the winter, and has caused us to repair various aspects of the front of the house, foundation, and shingles over the 32 years we've lived there. We have a front porch that protrudes out from the front of the house by about 36 inches. The side steps are about 36 inches. The steps run north, to the end of the house.

We have an eave on our house that projects 18 inches out. And what happens is, in the wintertime when we get a storm – and especially a prevailing storm from the north – if it's raining, and it freezes, we get ice that is just impossible to take off. When it snows, if I get the snow off in time that's not a problem. If it turns to ice, it's hazardous. Mailman can't come up there, we don't walk up there. We go in through the side, through the garage.

We tonight have before you what we consider a modest solution. It's basically creating a covered porch, and that covered porch would extend from the ... would actually fill in the

current footprint. If you look at the landing in the middle of the house, and you look towards the north, we would pull a porch all the way out to the side. What that would in effect do is push the water away from the foundation and eliminate some of the seeping problems we have.

Additionally, we will have the steps. Instead of running parallel and contiguous to the house, the steps will come out and be perpendicular to the house and then make – depends on your orientation – but coming down, it'll make a right-hand turn ... excuse me, left-hand turn. And what we need in order to accomplish this is a variance on the setback. Right now, we're set back 25.5 feet. In our district, the setback requirement is 25 feet.

From our perspective, the encroachment will bring it out to 21.7 feet setback, which would be an encroachment of 3.3 feet. We feel it's a minimum encroachment. It creates a very safe condition for us, and eliminates the dangers that normally come their way in the wintertime. At this point in time, I'd like to have my architect, Julius Twyne, acquaint you with the proposal and the plans.

Chairman Murphy: Thank you, Mr. Hansen.

Julius Twyne architect - 25 Cedar Street: Good evening. My name is Julius Twyne and as Mr. Hansen said, I prepared the drawings for this modest addition. Essentially it is as Mr. Hansen said. He has an existent platform which we are really covering. These photos show the existing house.

One thing I would like to say about the setback requirement is, you notice that the street does sort of angle in front of his house. And as it turns out, if we were fortunate enough to have wanted to place this on this side of the house there would not be a problem. Unfortunately, the way the conditions are we need to put it on that side of the house. And of course we violate the setback requirements.

But the center of the house would not have been a problem just because of the way that lot is shaped. This is a condition that I've got several houses like this in the Village. It seems a reasonable kind of addition. The porch is very shallow. It just gives them an opportunity to get out and have a view of that side of the property, which they do not now have.

The other thing, of course, is that the Hansens have decided to enlarge the front window at the front of the house also.

Mr. Hansen: It's basically over the garage, the area where we have sufficient space.

Mr. [Twine]: This is a new window. It's much smaller now, and they want to put a little bay out front here. So it really opens up the front of the house – and the eastern exposure, which is a nice view since the land drops off – and they're able to get a nice view out front.

So as I say, the fact is that the way the lot is shaped it does give them a slight problem because of the side we're putting it on, if that's any kind of a little extra effort, to make it more palatable. I don't believe there is much else to say about it. From the side, it protrudes very little, as you can see. It just sticks out a small amount. As I say, the width of the porch is less than 4 feet. And the central portion is as it exists; it's just now covered. And once it's covered, of course, it becomes part of the structure and has to meet the requirements.

So basically, I think that does it unless I can answer some questions that you might have.

Chairman Murphy: OK, just so I'm clear. The width of the proposed porch is 4 feet across the front.

Mr. [Twine]: Yes. We were kind of limited by the fact that we were trying to deal with what we had. Actually, we were putting the footings right back over the existing entrance stoop. So we're really just taking the same entrance that we had, covering it, and placing our columns there to give it a little interest. But that's basically why it's so narrow.

And also, we didn't want to protrude any more than we had to into that front area. I've had a little experience with one of those kinds of narrow porches for someone very recently. The Bloomers, which is nearby, was a similar kind of narrow porch. And I was surprised that they said it was very useful, and they would get a lot of use out of even that narrow a porch.

Chairman Murphy: OK, I think it's pretty clear, Mr. Twyne. Thank you, Mr. Hansen.

I think the issues are pretty clear. It certainly looks like a lovely design, and an improvement to the front of the house. I understand about the safety issue, in the winter in particular. That makes sense. It's a very modest incursion in the front yard setback. It's in keeping with the rest of the neighborhood and, in fact, looks like a nice improvement from what I can see in the plans.

So with that, any other questions or comments from the Boardmembers on this one? And I guess Mr. Hansen, for the record, there's only four Boardmembers. Are you comfortable with four Boardmembers voting on your application?

Mr. Hansen: Certainly.

Chairman Murphy: Anybody from the audience wish to be heard? No? OK.

Can I have a motion, then, for the front yard setback on the Hansen application, 25 Cedar Street?

On MOTION of Boardmember Leaf, SECONDED by Boardmember Dovell with a voice vote of all in favor Boardmember Collins recused himself, the Board resolved approve Case No. 16-10 at 25 Cedar Street, for the addition of a covered entry porch at the front of the house, variance being sought for the front yard – existing 25.5 feet, proposed 21.7 feet – where the required minimum is 25 feet:

Chairman Murphy: The vote's unanimous. Thank you, Mr. Hansen. Mr. Twyne: Thank you.

Mr. Hansen: Gentlemen, thank you.

Village Attorney Stecich: I don't know whether you need the drawings for the building, or if you need these. You may need them for your building permit.

Case No. 15-10
Hastings-on-Hudson Affordable Housing Development Fund, Inc.
184 Farragut Parkway

Connection with a subdivision of a parcel of land to create a new lot for the construction of an affordable one-family house with an accessory apartment.

- 1. Lot width: Proposed-62 feet.; Required Minimum-75 feet. {295-69E}**
- 2. Off-street Parking Facility: Garage serving the principal use on one lot to serve as an accessory use to principal use at the other lot;
Required: Uses/structures accessory to a Principal to be at the same lot as the principle use. {295-67.C(6)}**

Chairman Murphy: Our next case, 15-10, Hastings-on-Hudson Affordable Housing Development Fund, 184 Farragut Parkway. And before we hear from the applicant ... you can come up to the mic, but I want to hear from our counsel.

Village Attorney Stecich: OK, this application was before the Planning Board last week. It's up for subdivision approval.

The Board voted ... they didn't vote on the subdivision appropriately yet because they needed the variances. But the Board did vote to recommend that the Zoning Board grant the variances. I know in the memo I sent to you I also said that the Planning Board declared its intent to be lead agency – because SEQRA's required on this, because it's a subdivision – but it occurred to me this afternoon ... because the process can be shortened by each agency doing its own SEQRA determination.

When you declare yourself lead agency, it's a coordinated review. But what happens, in this case, it kind of gets messed up. It slows things up. It would mean you couldn't make a decision. And when I focused on it, the decisions you have to make are Type 2 actions that don't require SEQRA review by this board. So while it requires SEQRA by the Planning Board, in short just forget the part about the Planning Board being lead agency.

I think that's it. The Planning Board just made the recommendation on the variances. I know they don't usually make recommendations, but the applicant did ask for a recommendation one way or the other on the variances. Which is why the Planning Board recommended they be granted.

Boardmember Dovell: And in connection with the accessory apartment?

Village Attorney Stecich: No, that's not a variance for you.

Boardmember Dovell: No. That's not for us, I know. That's for the Planning Board.

Village Attorney Stecich: Yes, that's for the Planning Board. It will have to come back to them for them to waive that. The two variances are for the lot width; the lot they're creating isn't wide enough. And then the other variance for this board – well, you're the only board that can grant variances, the other others are waivers – is having the garage for the main building being on a lot next door.

Chairman Murphy: Well, it's serving as the garage for the lot across the street, or next door, or whatever.

Village Attorney Stecich: Next door.

Chairman Murphy: Next door, OK.

Building Inspector Sharma: Marianne, would they also have to agree to the Planning Board being the lead agency?

Village Attorney Stecich: No. I just said that's irrelevant.

Building Inspector Sharma: They don't have to.

Boardmember Leaf: And Marianne that referred just to Case 15-10, 184 Farragut Parkway? In other words, the recommendations you've just referred to ...

Village Attorney Stecich: Yes, treat them totally separate.

Boardmember Leaf: Totally separate, good.

Village Attorney Stecich: This is just Farragut. No report on the Mt. Hope one.

Boardmember Leaf: Very good.

Village Attorney Stecich: Just this one.

Chairman Murphy: OK, who's going to speak first for the applicant? Ms. Smith?

Sue Smith, 645 Broadway: I'm the president of the Affordable Housing Development Fund and speak for them tonight, and have brought the architect, of course.

I realize we had a preliminary discussion of this back last month when I was not able to be here. But a number of you were not either. And it occurs to me that maybe there are some things that were covered at that meeting that some of you have questions about in terms of understanding the project. The architect can go through it again briefly for you, but there are some new faces.

Chairman Murphy: Yes, I would certainly benefit from that because I wasn't here.

Ms. Smith: OK. And I think it's covered in the letter that the community of Hastings is eager to create affordable housing. So our job is to be an advocate for that and to come forward with ways in which we can create affordable housing in Hastings, which we've done some already. But we have to keep going with it.

So Gary Warshauer is the architect for the project, and Michael Stein is from Hudson Engineering, who will discuss the drainage.

Gary Warshauer, architect – Warshauer Mellusi Warshauer: Good evening, Mr. Chairman, members of the Board. My name is Gary Warshauer, principle with Warshauer Mellusi Warshauer Architects, the architect of the project.

In order to meet the requirements for affordability as outlined by the Hastings-on-Hudson Affordable Housing Development Corp., we are proposing to build a three-bedroom main residence with a one-bedroom accessory apartment. This indicates the basic design and character of the home that we're proposing. The location of the new residence is to be behind...

Building Inspector Sharma: Your microphone is on? Green light on?

Mr. Warshauer: I'm sorry. How's that? Better?

Chairman Murphy: Much better.

Mr. Warshauer: Sorry. You don't need me to start over, do you?

Chairman Murphy: No, that's good.

Mr. Warshauer: The residence is a traditional style that we think is in keeping with the character of the neighborhood, and also is designed to set into the grade that exists. There's actually an existing wall, and we're setting the residence in the location of that wall so that there is a cellar level. And then the main residence has actually access onto the existing backyard.

One of the changes that were made since the initial presentation is a recommendation by the Planning Board that we actually relocate the entrance to the accessory apartment – which was in the front – to the side, which we have done. That makes it appear more like a single-family home, which it is.

In the plan, around the site plan, the proposal is to build the...

Chairman Murphy: Mr. Warshauer, I'm sorry. How many bedrooms in the accessory...

Mr. Warshauer: One bedroom.

Chairman Murphy: One? So it's three and one?

Mr. Warshauer: Correct, that's correct.

The new residence is proposed to be built behind the existing garage. This shows the existing residence and the existing garage to remain. The existing driveway is generally remaining as is, and we're proposing additional parking adjacent to the existing garage to accommodate the three additional spaces necessary.

One of the other changes that we've made is a recommendation from the Planning Board to reduce the width of the existing driveway. Currently, the driveway is very wide, wider than it needs to be. So we're proposing to reduce the width and pick up some additional greenspace which accommodates the entrance into the garage and, I think, improves the streetscape there, as well.

Chairman Murphy: And what are the dimensions, before and after, just for the driveway?

Mr. Warshauer: I knew I should have brought a scale. It's about 20-some-odd feet, and it was probably 40 feet. It's probably twice what it needed to be.

Chairman Murphy: OK, so roughly 40 feet. You're going to reduce it down to 20 feet wide.

Mr. Warshauer: That's correct. And again, we'll extend the sidewalk so there'll be a contiguous sidewalk, and add the landscaping back that's similar to what exists currently.

The proposal is to subdivide the one lot to create two lots. One lot would have the existing residence on it. And because the total width of the property does not accommodate the requirements for lot width, we're asking for a reduction in the lot width on the one lot from 75 feet to 63 feet.

And then the second variance request is we would like the existing garage to remain. And we'd like the existing access to remain as is for the house that's going to remain. So we're asking that the parking for the existing house, which is currently in the garage, remain in the garage. Only now, that garage is on an adjacent lot because we're creating the second lot.

Those basically are the variances we're requesting. Just applying this to an aerial, you get a sense of, again, the scale of the homes, the size of the homes in this particular neighborhood. And how this, we believe, fits in with the scale and the character of the other homes in this particular area.

There is also another situation that exists from a drainage standpoint, and I'll let Michael talk about that. There is a condition in this area that we think, with this construction, we can

improve. And in addition to the fact that we're reducing paved area, there are some other things we're doing. I'm going to let Michael talk to that.

Mr. Stein, Hudson Engineering: When we did the stormwater management design for this project, we actually looked at it in two different portions. The first portion was providing stormwater management for the runoff from all the new impervious surfaces between the new roof areas and new parking areas. So we designed an underground attenuation system that fully detains the 100-year storm even from the entire roof and the entire parking area.

So in addition to reducing the amount of runoff by reducing the width of the curbcut, we've actually reduced the amount of runoff coming from the site completely by just taking all the water coming from these areas and putting it underground.

The second portion that we had looked at was ... and actually let me...

Chairman Murphy: Mr. Stein, just stay with your first point. So what's going to go underground to catch all the runoff?

Mr. Stein: Sure. I'll put this one up. It's a little bit clearer.

We have an infiltration system, where all the roof leaders from the proposed building and a drain inlet from the proposed parking area will collect all the runoff and direct it to an underground attenuation system; basically drywells.

As I was saying, the second portion – because of the amount of runoff coming from the streets from behind the property – there's a significant amount of runoff coming into the property. And there's also water going onto the adjacent property that would be coming off of our property.

So what we're looking at doing is creating a depressed area to the rear yard of the new building and putting a drain inlet, collecting that water, conveying it, and connecting it into the Village's drainage system to prevent it from continuing the flow onto the neighbor's property.

Chairman Murphy: So you're going to install that in the backyard, basically, and take it out to Farragut?

Mr. Stein: That's correct.

Chairman Murphy: OK.

Mr. Warshauer: Basically that describes our proposal and what we're requesting.

Chairman Murphy: OK, I think I get it. I mean, your real pitch is that you're reducing the curbcut and the impervious surface area to serve two lots, really, with one garage and one driveway, right?

Mr. Warshauer: That is correct.

Chairman Murphy: The application, are you committed to the landscaping along the front? Because one of the variances is for a fairly significant front yard setback incursion. And one of the things we do when we have that situation is ask for the applicant to agree, and condition the variance on, installation of the landscaping as shown the plans.

And so we'd like to have a commitment that that will be done. That could be one thing.

Village Attorney Stecich: I don't think there's a front yard setback variance, is there?

Boardmember Collins: That's the second half.

Chairman Murphy: Oh, am I looking at ... no. Am I looking at the wrong one?

Village Attorney Stecich: Yes.

Boardmember Pycior: But even if there's not a front yard setback...

Village Attorney Stecich: I mean no, that doesn't ... yes, you may still want it.

Mr. Warshauer: Sorry, it's the...

Chairman Murphy: The off-street parking.

Boardmember Pycior: There's a large parking area.

Chairman Murphy: My mistake. But my point still stands. I'm looking at this drawing, and what occurs to me is that at a minimum you want to make sure that there's landscaping there.

Mr. Warshauer: That's correct. We will extend the grass area as it currently exists along the back of the sidewalk to the new edge of pavement. Basically we're taking the edge of

pavement from this area and relocating it to here, and from that area and moving it back. And that will all be landscaped.

Boardmember Dovell: Do you have room to maneuver? Its five cars will be parked in there total, correct?

Mr. Warshauer: Yes, that's correct.

Boardmember Dovell: Do you have room to maneuver five cars?

Mr. Warshauer: Yes. Basically, this area is the circulation driveway that pulls straight in to. When the cars are parked, they're out of the circulation. So cars coming in the garage, when they come out, they back out and come out frontwards. Cars that are parked in this parking area can back out and turn out.

Chairman Murphy: Is that a two-car garage?

Mr. Warshauer: It's a two-car garage, that's correct.

Boardmember Dovell: I think the screening aspect of it is really important because it's a high density of cars in a small area.

Ms. Smith: May I just speak to that? There are some shrubs; I'm not sure what's shown there. There is some shrubbery along the front of the lot that's at the bottom here, which is away from the Burke Estate. And certainly we can arrange to have a shrubbery/hedge kind of screen for that. You know something now that, in construction, would probably have to get broken up. But we can certainly thicken it and restore it, and make it serve that purpose to screen the cars that are parked there, which I think's a good idea myself, too.

Mr. Warshauer: Absolutely. Be happy to provide a landscape plan, whether we need to come back to your board or can be conditioned. We're going to be before the Planning Board, We could present it to them at that time.

Boardmember Pycior: Will the garage remain a gray, stucco garage. It seems odd to me to have a gray stucco building in front of ... I'm not certain that the building you showed us will be that sort of tan brick, ultimately. But has any thought been given to making the garage appear to be part of the building that's behind it?

Mr. Warshauer: Yes. What we'll do is we will propose to re-side the existing garage so it matches the house.

Boardmember Leaf: The drainage plan, Mr. Stein. You said that there would be a ... did you say a depression to collect the water at the upper slope?

Mr. Stein: That's correct.

Boardmember Leaf: That's a pretty steep hill up there. When you say a depression, do you flatten the area where the depression is?

Mr. Stein: It's actually lower down. When you walk out the back door it'll slope down towards the rear of the property to basically a low area. So it's not just a low area around the catchbasin. It does extend all the way along the back of the house. So that way, any water that may come down we're keeping it to direct into an area.

Building Inspector Sharma: You don't like to call it a retention pond, or something?

Mr. Stein: Well, it's not necessarily a detention pond. It's more we're depressing the area just to direct the flow in. We're not trying to detain the water in there. We're basically using it to direct all the water into the drain inlet.

Chairman Murphy: And according to the submission, your footprint area is not changing: 1,400 square feet existing, 1,400 square feet proposed. Is that accurate?

Mr. Warshauer: Well, the new residence that's proposed is all an additional footprint. So basically we're proposing that it would be roughly a 1,400 square foot new footprint that is being proposed. It's a 700 square foot accessory apartment, and a two-story 1,400 square foot residence, family residence.

So the new footprint, which is actually located behind the existing garage, that's new. So that's 1,400 square feet of new area. What's being reduced is some of the paved areas.

Chairman Murphy: OK, I see. That's how you're recapturing it then.

Mr. Warshauer: That's correct.

Chairman Murphy: So it nets out to a zero. But what you're doing is, you're ... well, you're increasing the living space.

Building Inspector Sharma: No, existing should be zero in the new one that's being created. Existing is zero proposed.

Mr. Warshauer: That's correct. In terms of building footprint, building coverage, we are adding a footprint of 1,400 square feet in the new building.

Chairman Murphy: OK, any other questions from the Board?

Boardmember Collins: Mr. Chairman, at the last meeting I had asked the question about whether or not, over the 99-year term that this property remains, I think, governed by this affordable housing, are there any restrictions that we know that come with the property? Things that can or cannot be done to build on the property in the future. Do we know?

I had asked that question at the last meeting and, at the time, no one had an answer about what conditions went with the 99-year term associated with this.

Village Attorney Stecich: Oh, Sue Smith could explain that to you, the deed restrictions.

Ms. Smith: There are a lot deed restrictions that go with this in terms of the price in the future. It can only be the purchase price, plus capital improvements and a cost of living index. So it can never be at a market rate.

Also, anything that would happen in the future, of course, would have to come before a board like this. Even if the person who owns it wants to do something else, they would have to come forward for permission for any variance. And 100 years from now, that would be the case also. But the affordable housing restrictions last for 99 years on it.

And that means also the people who live in it have to be income-eligible, depending on whatever the guidelines are from HUD. That remains for 99 years also. I'm not sure if I'm addressing your particular concerns.

Chairman Murphy: Is it a 99-year ground lease, or is the property taken...

Village Attorney Stecich: No, it's sold. The property's going to be sold.

Ms. Smith: It can be sold.

Village Attorney Stecich: But there are deed restrictions that for 99 years from when it's sold it has to be affordable, according to their rules.

Ms. Smith: The apartment as well as the house. The ownership piece of it, as well as the rental. The rental helps subsidize the mortgage for the owners.

Village Attorney Stecich: Which is actually a really strict requirement. I think to get funded it doesn't have to be that long. It's just that's what Hastings has required for affordable housing.

Ms. Smith: That's right. This is part of the Village law.

Village Attorney Stecich: So it's very proactive.

Boardmember Collins: My question had dealt with any building restrictions; anything that might then come before the Zoning Board at a later date. And what I think I'm understanding is that really, in terms of building, it's like any other property.

Ms. Smith: That's correct.

Boardmember Collins: Where it relates to future changes that might then require a variance.

Ms. Smith: That's correct.

Chairman Murphy: And can you just briefly explain the ownership requirements? For example, how it's worked in the multi-dwelling unit that we did on Warburton a few years ago.

Ms. Smith: Well, it's more comparable to the two houses down on Warburton Avenue on the far end opposite Pinecrest, which are ownership houses which have an accessory apartment on the lower level. And those are owned outright. But as I said, there are limitations on the price that it can be sold for in the future. The people who would buy it in the future have to be income-eligible whatever at that time the limits are.

But they have the opportunity for any capital improvements that have to be approved by the Affordable Housing Fund that they may make to their house, as well as a cost of living index each year. That limits what they can sell the house for, so that keeps it at an affordable level. And, in fact, their assessment is unique in the community because they can never realize the full market value. They are assessed, and they're taxpaying but never as much as a house that could reach market value. Because it can never be sold for market value.

Am I explaining this? I would turn to Rose Noonan from the housing action council, who was here.

Chairman Murphy: No, no, that's fine.

Ms. Smith: That's OK? I'm not leaving something out?

The other building is a rental building, so that is separate. But still, income eligibility always.

Chairman Murphy: Are there any preferences for applicants?

Ms. Smith: There were on those buildings that have been built. But because of the county – the county implementation plan, which is being required of the county, which is not signed off on yet – it eliminates preferences. So we are no longer able to do that. The county has to advertise it more widely.

So for seven years, for the duration of the settlement in this lawsuit, we will be limited in what we can do. I can double-check there. We would rather it was otherwise, but that's what the county is being required to do. And therefore we are, because we require ... in this case, and in most projects, we would look to the county for financial support.

Chairman Murphy: OK, thank you. Anything else from the Board? OK, how about from our audience? Anyone wish to be heard? Yes, please just introduce yourself and go right ahead.

Rosa Defilipps: My parents live in the house right next to where this is supposed to happen. They showed me the plans, and my dad was very concerned. They're in their eighties, my parents, and Farragut is a very, very busy street with new construction going up.

The first thing. Years – 20 years, at least – I have been with the Village past mayors regarding the water that comes into their property. Now all of a sudden this affordable housing wants to go up and now the water issues are going to be addressed, where my father has spent tens of thousands of dollars himself, building whatever kind of concoction he can to stop the water. And now here it is, in plain sight.

He loves his gardening. He's always outside in the grass. And now he'll be looking at a parking lot with five cars right next to his lawn going into this property.

Also I was wondering, how do you get into the house. Do you walk ... you know, how are you accessing it?

Mr. Warshauer: Access to the house is actually the existing path that's right alongside the current garage. There is a terrace in the back of that garage that currently exists, and off of that terrace you'll access the accessory apartment and then come up and access the main residence.

Ms. Defilipps: And that's why there's steps going into it?

Mr. Warshauer: That's correct.

Ms. Defilipps: Because that's a really steep mountain in there.

Mr. Warshauer: Yes, there are steps.

Ms. Defilipps: And who sells this house?

Chairman Murphy: Hang on a sec. I'm with you. Mr. Warshauer, just on the issue of the view of the parking lot from next door, is there screening being proposed for that?

Mr. Warshauer: There is existing screening, and we'd be happy to add additional landscaping on that side.

Chairman Murphy: And what side is that? Is that north, or south?

Mr. Warshauer: That is on the south side.

Chairman Murphy: And let me ask you this. You know, we were talking about the screening on the front, on the east side, on Farragut. Would it have to be maintained as low screening so it doesn't inhibit the view, or the sight lines, from getting in and out of the driveway right off Farragut Parkway?

Mr. Warshauer: I think that we could do heavier screening around the edge of the parking.

Chairman Murphy: Right. The back part of the lot.

Mr. Warshauer: In the back of the parking lot which is, I think, you would want it to screen the neighbor. But then I would say lighten it, so that when a car is positioned to get out onto Farragut Parkway they have good sight lines.

Chairman Murphy: Right.

Mr. Warshauer: So we could manage it that way.

Chairman Murphy: And can you address the question about the drainage?

Ms. Defilipps: Yes. All of a sudden now it's going to be addressed.

Chairman Murphy: Well, I understand. There's money coming in from the county. That's part of the reason.

Ms. Defilipps: But before, we've watched soap suds come down into the property.

Chairman Murphy: No, understood. So Mr. Stein, perhaps you can be a little more detailed and just explain...

Ms. Defilipps: Well, we spoke earlier. He explained it, and it sounds wonderful. It really does.

Chairman Murphy: Yes, it sounds like an improvement.

Ms. Defilipps: I'm not liking this whole thing at all, on my parent's behalf. And when you say you're going to have five cars, three to ... say if I'm facing the property, here's my parent's and here is the stone garage which you're going to face so it matches the new property. But it's definitely not going to match the existing house. That's a very old stucco house. So now it's either got to match the new dwelling, or it's got to match ... you're going to have all this mish-mosh on one piece of land.

Mr. Warshauer: Because of the proximity of the garage and the new residence, and the way these relate to each other, I feel architecturally that it would be better if the garage matched the new residence. So I would propose that we would do that. And again, it's just the siding of that existing garage.

Ms. Defilipps: So then when you have three cars parked along ... so we're facing, this is my parent's house, and this is the chunk of land with the three arrives that you're going to put there.

Mr. Warshauer: Yes.

Ms. Defilipps: So those three cars ... the ones parked closest to my parent's house are going to have to back out and then go past the other cars, and try to attempt to get onto Farragut.

Mr. Warshauer: Again, it's a standard ... there's a driveway that services the parking area. So basically, cars will come in and they will pull in to those three parking spaces, and then they will back out and turn out. There's currently an existing hedgerow that the aerial shows.

Ms. Defilipps: Yes, that's my parent's space. Can I come up there just to see something? Is that OK?

Mr. Warshauer: Sure. And what we would propose to do is to reinforce that hedgerow to sort of create a bigger buffer.

Ms. Defilipps: So this is my parent's house right here. This is looking out, and this is where...

Mr. Warshauer: Yes, that's the house to the south.

Ms. Defilipps: So you measured ... I don't see ... I mean, I'm there. I don't see that much grass behind those cars. Then you have the sidewalk. This is the garage here?

Mr. Warshauer: That's correct.

Ms. Defilipps: And there's nothing here right now. There's just grass going up and up and up.

Mr. Warshauer: That's correct.

Ms. Defilipps: So here's my dad, and the parking lot is here. And how much space between the hedges and...

Mr. Warshauer: Unfortunately, I don't have my scale with me, but it's probably 10 feet or 12 feet. The setback requirement is 7 feet, and it's greater than the setback requirement.

Ms. Defilipps: So you could reach in a car sideways. This piece of land is smaller. Like you couldn't even ... if you're saying 7 feet, 10 feet?

Mr. Warshauer: Ten feet or 12 feet from there.

Ms. Defilipps: So I'm at 5 foot 7, as tall as this. You know, you lay down, that's not much ... you know what I'm saying? I'm speaking for my parents. You know, I just can't see all this construction going on and what it's going to do to Farragut. And I hope they don't have to put the plates on Farragut because then it's really a big disaster. But I don't know.

Mr. Warshauer: The only thing I could suggest is the parking areas and the paved areas are within the zoning for development of the lot. To mitigate the issue that's been requested, I think we can add fairly heavy landscaping there in addition to the hedge that's there that would be taller that would help address the issue.

Chairman Murphy: Yes, I think that would help.

Ms. Defilipps: And to fix the drainage, are you going to be tearing up my parent's property all the way up?

Mr. Warshauer: No, the drainage issue, basically, as Michael had indicated, they're coming off of the driveway in the house up behind us. And as it comes down onto the property, we're going to pick it up. And we're actually going to grade from the back of the new residence to a low point about in the area of the existing wall in the back. And then that'll be piped and drained, and that line will be put in our property on our side of the hedge.

Ms. Defilipps: And what about lighting for that area? Because my parent's bedroom is right there in the front. So if you are going to live in this new house there has to be constant lighting going up to it.

Mr. Warshauer: Any lighting that we propose, it would be limited lighting. But there will be lighting, I'm sure. We haven't gotten really that far, but lighting will be directed so that the lighting fixture is capped. And there will be no stray light, which is a design standard now. So the light will be directed down, and not spill off the property.

Boardmember Dovell: Could you limit those to something like a bollard light that's down low so no light will leak upward?

Mr. Warshauer: Yes. The only lighting I think is necessary ... there may be something in the area at the edge of the parking lot, but it can be a low bollard. And just along the path, I would think, to light the path. I'd prefer to use the solar lighting, but some people don't like those. I have those in my house, but when the sun goes down the lights to out.

Village Attorney Stecich: There's no sun, yes.

Ms. Defilipps: And as far as the affordable housing part of it, does real estate sell this house or who gets to buy this house? And what does it do for resale on my parent's house? Like would a prospective buyer have to be told that this is an affordable housing place?

Mr. Warshauer: I'm going to let Sue address that.

Ms. Smith: Are you talking about if your parents would sell their house?

Ms. Defilipps: I'm going to need to move my parents soon because they just can't afford it anymore.

Ms. Smith: The evidence is that it does not affect property values at all in the neighborhood. It's just a separate thing. It has separate regulations that affect it, and it does not have any deleterious effect on the neighbors.

Village Attorney Stecich: And to answer your question are people going to know, no, they're not going to know.

Ms. Smith: It looks like other houses.

Village Attorney Stecich: I mean there are no special signs on the door or anything. It's just like any other house.

Ms. Defilipps: No, I didn't mean it that way.

Village Attorney Stecich: It's that the person it's sold to has a different income level, has a fixed income level.

Ms. Defilipps: OK, thank you.

Chairman Murphy: And I just had a question, looking at that photograph. What's the area just to the back of the dwelling? Is that a porch, or a patio?

Mr. Warshauer: Yes, it's just we're coming out of the house onto a little porch. And then stepping down on to grade.

Chairman Murphy: And is that where the drainage is going to get picked up, just behind that?

Mr. Stein: This is just a small deck that comes out of the living room space, and then what's going to happen is that the grading ... there'll be a high point at the back of the house, and then it'll slope to a low point that's creating a swale that's sort of off the wall in this area, the back of the area. And then that'll be picked up.

Chairman Murphy: I got it. OK, thank you.

All right, anyone else from the audience wish to be heard?

Joyce Harrington, Mt. Hope Boulevard: I just have a quick question.

Chairman Murphy: Yes, come up to the microphone, please. Thanks. Do me a favor, just introduce yourself, please.

Ms. Harrington: I guess my only question is, I know the water problem because I lived next door to Ms, Defilipps for eight years. And the water does come off the top of that range up there really badly, and can flood the garage very easily.

But that wasn't even my point. I was worried about more so this garage. Because it's going to be shared by the two people, the house next door and that house? How do they split the garage?

Mr. Warshauer: No, the proposal is that the garage would continue to be utilized by the residents of the main house.

Ms. Harrington: Oh, the main house. But it's going to be next door? Or do they utilize it at all, the new residents in the new house?

Mr. Warshauer: No.

Ms. Harrington: But they park their cars next to it?

Mr. Warshauer: Correct.

Ms. Harrington: So it stays on that side of the property.

Mr. Warshauer: Correct. Yes, it's existing and it's currently being used by the residents of the existing house.

Ms. Harrington: Right John McDonald. I know who they are.

Mr. Warshauer: It will continue to be used in the same manner that it currently is. The only difference is that with the subdivision it technically is on the adjacent property.

Ms. Harrington: Now, what happens when you sell the house? How does that work?

Mr. Warshauer: There would be a deed restriction and there would be common easements. There'll be common easements for access so that both properties will be accessing through the same driveway. And there would be deed restrictions on the garage and maintenance agreements.

Ms. Harrington: So the McDonalds would be taking care of that.

Mr. Warshauer: That's correct.

Ms. Harrington: And the people who own this house, they have no use for it at all.

Mr. Warshauer: That's correct.

Ms. Harrington: OK.

Boardmember Pycior: I have a concern which we probably can't solve. I noticed the McDonalds don't use the garage. They park two to three cars in front of the existing garage, and they always have. My daughter was a friend of their daughter. Might it present a problem if they park even one of those in the driveway now, or will continue to park one of those in the driveway?

Mr. Warshauer: They would have to use the garage.

Boardmember Pycior: Have to use it, OK.

Ms. Smith: The McDonalds have been eager to have the garage survive, if possible, continue to have it. But this is a change that they'll have to make. I mean, like a lot of people in Hastings the garages don't get used so much anymore. But they're going to have to go change that.

Boardmember Pycior: OK, thank you. As long as it's clear.

Chairman Murphy: Anyone else from the audience wish to be heard? Anything else from the Board?

So we have two variances in this application. First is lot width, and second is off-street parking. I guess we should take them separately.

Village Attorney Stecich: Yes, because there'll be a lot of conditions on the parking one.

Chairman Murphy: All right, can I have a motion on the first variance?

On MOTION of Boardmember Leaf, SECONDED by Boardmember Dovell with a voice vote of all in favor, the Board resolved approval of Case No. 15-10 at 184 Farragut Parkway, a variance to permit a lot with a 62-foot width, where 75 feet is required.

Chairman Murphy: That vote's unanimous.

OK, our second variance for the off-street parking facility. And I suggest we just read it from the application.

Boardmember Leaf: I'm sorry, Mr. Chairman. I just realized that motion that I just made should be limited to the subdivision in connection with the affordable housing plan. So that if, for any reason, the plan were interrupted between the times that the approval of this board ... we have to approve the subdivision first, or we have to approve the lot size first. And then the Planning Board has to approve the subdivision.

I just want to make sure that the motion that I just made, and which was approved, is conditioned upon the subdivision being used for the affordable housing.

Chairman Murphy: As stated. OK, so noted in the record. That's clear.

OK, a motion for number two, off-street parking?

On MOTION of Boardmember Dovell , SECONDED by Boardmember Leaf with a voice vote of all in favor, the Board resolved [approve the variance for off-street parking facility, read directly from that: garage serving the principle use on one lot, to serve as an accessory use to principle use, at the other lot; use of structure is accessory to a principal to be at the same lot as the principle use, conditioned on the re-cladding of the garage structure itself to match the affordable unit; that there be two layers of buffering, natural screening, along the lot line with the neighbor to the south, continuing up Farragut, to fully screen that, and that be done with some type of an evergreen so that it provides screening year-round, with a lower screening out towards Farragut; and that any lighting within that garage area be of a bollard type lighting so that the cutoff angles don't let light spill to the neighbor to the south]

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Chairman Murphy: The vote's unanimous. Thank you, Mr. Dovell, for that. Ms. Smith, Mr. Warshauer, Mr. Stein thank you.

Mr. Warshauer: Thank you very much.

**Case No. 17-10
Hastings-on-Hudson Affordable Housing Development Fund, Inc.
Mt. Hope Boulevard**

For the construction of an affordable one-family house with an accessory apartment

- 1. Lot width: Existing and Proposed-85 feet.; Required Minimum-100 feet{295-68E}**
- 2. Front Yard: Proposed - 7 feet.; Required Minimum 30 feet. {295-68F(1)(a)}**
- 3. Off-Street Parking-Proposed None: Required-3 (2 for the one-family dwelling plus 1 for the One-Bedroom Accessory Apartment {295-36 and 295-8D9b(1)(k)}**

Variance sought is for the front yard. Existing-25.55 ft.; proposed - 21.70 feet.; Required Minimum - 25 feet. {295-69.F(1)(a)}

Chairman Murphy: Our next case, 17-10, again Hastings-on-Hudson Affordable Housing Development. This is for Mt. Hope Boulevard for the construction of an affordable one-family house with an accessory apartment. Mr. Warshauer, I see you haven't moved. Do I take it you're going to present this one, as well?

Mr. Warshauer: Yes I will, Mr. Chairman.

Chairman Murphy: Again, at least I wasn't here last time. So if you could start from the beginning and take me through it, and the rest of the Board, I'd appreciate it.

Mr. Warshauer: Be happy to. Similar to the last proposal, to meet the affordable requirements we are proposing a similar-designed home that is a single-family three-bedroom with a one-bedroom accessory apartment in a single design. It is proposed to be built on what is a sloping site on Mt. Hope Boulevard.

Again, this design enables the home to step with the existing grade in order to minimize the impact of the construction on the grades. And the proposal is that access is similar. The accessory apartment is on the end in a cellar level, and then one would walk up to get access to a main residence, which steps above it and steps up the hill.

This shows the slope is a more dramatic slope here than on the other site, and the building is able to handle that grade transition in the design. Again, the building steps with the existing grade. And in the back of the main residence, at the main level, we are creating a little bit of a slope back so we have positive drainage throughout the building.

In the site plan, our proposal is to set the building as close to the bottom of the site as possible in order to minimize the impact to the existing slopes. And in that regard, we are requesting, I guess, three variances. One is a variance that the minimum setback from the proposed home to the existing stone wall that runs along the sidewalk, along the right-of-way of Mt. Hope Boulevard, be reduced to 7 feet.

Chairman Murphy: I'm sorry. Be reduced to what?

Mr. Warshauer: To 7 feet at the minimum dimension. And then it steps back from there, as this site is on a curve.

The second request is that we are allowed to park within the right-of-way so the three parking spaces that are required for the proposed residence would be within the existing right-of-way of Mt. Hope Boulevard. And we have actually modified since our first presentation. We actually were coming off, and had a parking area that was completely off Mt. Hope Boulevard. The Planning Board had requested that we look at minimizing the paved area by putting parallel spaces there that are similar to what is across the street here on Mt. Hope Boulevard.

So rather than come in and park in that area, they had asked that they we look at three parallel spaces along the edge of the right-of-way. There is a large right-of-way that you can see in the aerial. And what we are proposing in terms of parking in that right-of-way is consistent – the aerial shows are consistent – with the other uses that are occurring in this neighborhood.

The third request is the existing lot. There's no subdivision here, but the existing lot, the actual lot width – because the lot is wide at the curb, and then it narrows as it goes back – does not meet the lot width requirement. So we're asking for a reduction in that. It's actually existing, it's an existing lot. We're just noting that it doesn't currently comply.

So basically those are the requests. We would be asking the Village Board for permission, presuming that the variance is granted for the off-street parking. Because obviously it would be subject to conditions that would be imposed by the Village Board for parking in the Village's right-of-way, I presume.

Generally, that is the proposal. I can let Michael talk about drainage because, obviously, this is a slope. We are before the Planning Board. We presented this informally to the Planning Board, but we haven't had our formal discussion with them yet. We are asking for some relief in terms of slopes and some other things on this that the Planning Board would be dealing with. But before we can get there we have the three variance issues that we've requested.

[Female Voice]: [off-mic] from the place?

Mr. Warshauer: Excuse me?

[Female Voice]: I couldn't understand ...

Mr. Warshauer: Oh, I'm sorry. We are before the Planning Board for approval of ... this is a steep slope site. And so we are...

[Male Voice]: What's the grade on this?

Chairman Murphy: You'll get a chance to talk, OK? Let us ask our questions and then I promise everyone will get their chance, OK? Otherwise, I can't have an orderly meeting.

Mr. Warshauer: From a drainage standpoint, we are proposing that ... Michael, if you want to talk.

Mr. Stein: Sure I can do that.

Chairman Murphy: Mr. Stein, go ahead.

Village Attorney Stecich: The design for the stormwater management for this site we looked at – similar to the Farragut site – fully containing all the runoff coming from the roof, from the walkways, and from the new paved area for up to and including the 100-year storm. So we're percolating everything. We've run the perc tests out on the site, and actually have coordinated to have deep-hole tests escalated where we made sure we had no problems with groundwater or rock.

We hit very favorable soils, so we have no problem fully attenuating all the runoff that ... and actually similar to this condition in Farragut, where we're actually ... all the runoff that was coming there originally we're reducing the amount by the footprint of the house and by the footprint of the paved area.

Chairman Murphy: And where's it going to be, as you say, "attenuated?"

Mr. Stein: A portion of it, for all the parking area, we're looking at providing it right in the right-of-way. That's where we had also done the deep testing.

Chairman Murphy: But these will be the underground drywells you were talking about?

Mr. Stein: That is correct.

Chairman Murphy: And how much is that? In other words, you can't park on that, right?

Mr. Stein: Oh, you can park over top. They're rated...

Chairman Murphy: You can.

Mr. Stein: You can use them in parking lots for larger commercial sites.

Chairman Murphy: So it's going to get piped in at the back?

Mr. Stein: Yes. There'll be a drain inlet to collect the water from the new paved area. The road is currently cross-sloped going away from the site. And so we would actually be reverse-pitching the new parking area so we're directing into our collection system.

Chairman Murphy: Mr. Warshauer, explain to me ... let's start with the front yard setback. What's being proposed is obviously a very significant incursion.

Mr. Warshauer: Yes.

Chairman Murphy: Can you describe for me how that impacts the character of the neighborhood, and whether it's consistent or inconsistent with neighbors and other houses on the block?

Mr. Warshauer: I think as you see, the houses that are adjacent to us, and actually even across the street, as Farragut Parkway and the large right-of-way...

Chairman Murphy: Mt. Hope.

Mr. Warshauer: I'm sorry, Mt. Hope Boulevard – sorry, thank you – curves, the existing houses are closer, at some points, to the existing sidewalk, the edge of that right-of-way

which is a large right-of-way. So we are consistent with what is done in the neighborhood from that standpoint. The variance is the closest point.

But our goal is to locate the house in a way that minimizes, again, the impacts into the slope. The further the house goes back, the more impact it is of the existing slopes and the existing trees. And there are rock outcroppings, also, as you progress into the site and up the slope.

So the proposal is for us to minimize the impact of the site and the wooded nature of that site. The closer we can bring the house to the inside of that curb, or that front property line, the less impact it is on the slopes. There is also an existing wall that would remain. We are proposing to access the property through openings that currently exist in that wall. So we will maintain the existing wall and work with that.

Chairman Murphy: Is what you're saying is the reason for the request for the front yard setback is to accommodate the need to keep the house closer to the street because of the drainage issue?

Mr. Warshauer: It's in order to minimize the excavation of the site. Drainage would be a part of it, and this section maybe shows it a little bit better. As you see, the slope of the site is a steeply-sloping site. The further that we move back into the site, the more extent of excavation would be necessary.

So the greater impact there would be not only on the neighborhood, but also on the trees that exist within that site. Because as you excavate, you impact the root structures of the trees behind. So we want to, again, minimize the impact to the property. And the way we would do that is to keep that house as close to the lower part of the property as we can.

Chairman Murphy: What's the width, front-to-back, then, of what's being proposed?

Mr. Warshauer: The whole house is probably about 50 feet ... well, no; it's probably about 30 feet in depth. The whole house is about 30 feet in depth. And it's 15-foot steps. So that again, as we've designed it, its 15 feet and then another 15-foot block that can step with the grade in order to minimize the impact of the house. And it's about 50 feet in length.

Ms. Smith: Could I just add something?

Chairman Murphy: Yes, sure.

Ms. Smith: If you look at the other houses coming down that hill on that side, they're all pulled forward, I believe, because they all have large rocks in the backyard. When they were

built – and they've been there for a long time – I'm sure that was a consideration then, as it is for this particular site also. It has an outcropping of rock in a number of places.

You don't have rock?

[Male Voice]: That's not true. They're all 25, 30 feet wide.

Chairman Murphy: Hang on.

Ms. Smith: Well, you'll have a chance to say that. I'm sorry. When you drive along the street, it looks like there is rock in the backyards of the other houses. There is in this property, also.

Chairman Murphy: No, I mean it's really a question of balancing. You know, it's a self-created situation. It's a significant incursion. And your point is, well, it's not necessarily inconsistent with what's already there among the neighboring houses, right?

Mr. Warshauer: That's correct.

Chairman Murphy: Is that essentially the issue?

Mr. Warshauer: That's correct.

Boardmember Dovell: With parking in the existing houses, it seems that there are parking provisions for all the other houses that don't necessarily rely on the additional width of Mt. Hope there. What I'm looking at in the aerial is that despite the fact that there are a lot of cars in there, there seem to be driveways and garages that take all of the parking – that could potentially take all of the parking – off there.

Mr. Warshauer: I think that's correct.

Boardmember Dovell: Did you explore ways to pull the parking into the site?

Mr. Warshauer: Yes. Doing that, again, increases the cost of the project. And again, this is meeting cost criteria. And it also increases the impacts of the site. So, again, as we pull the building back, and as we excavate for a garage underneath in this site, it increases the site impacts.

Mr. Stein: And also, looking at that house to the south on this side, if you actually look at the driveway that's serving the rear garage on the property, it's a very steep driveway.

Which, trying to meet the Village's code, you'd be in excess of the grade that you would actually be putting in.

Also, with the neighboring properties, they are also utilizing – with the parking areas – a significant amount of parking within the right-of-way.

Boardmember Dovell: But that's an informal ... I mean, I understand they're parking there, but each of those houses has adequate parking on their own site, I think. And that they're not reliant on that right-of-way for parking.

Chairman Murphy: That's what it looks like.

Mr. Warshauer: I would guess that that's correct. I mean, the neighbors are here, so I'm sure...

Chairman Murphy: Well, they can address that. But the difficulty I have ... but what you're saying is it's kind of a difficult lot to build on, right? It's expensive to push the house back to conform with the front yard setback so you're pushing it closer to the line. And yet the parking is being pushed ... well, I'm not sure which plan because I have a different plan of parking than what you're showing. But either plan pushes the driveway out to the edge – well, close to the edge – of Mt. Hope.

Mr. Warshauer: Correct. Either we would park ... the proposal would be ... there are two proposals actually, and we're before the Planning Board with them.

Chairman Murphy: OK.

Mr. Warshauer: For the zoning variance, it's the same. It's allowing parking in the right-of-way.

Chairman Murphy: In the right-of-way. No, I understand.

Mr. Warshauer: But whether we come in similar to what you see ... the configuration that you see here, whether we would come in and park and back out similar to what we did on the Farragut Parkway, or we come along and run parallel to Mt. Hope Boulevard, those would be the options.

You know, interesting, the configuration of Mt. Hope Boulevard with what, I presume, was supposed to be an actual boulevard – which is now just an extended right-of-way at the end of which is a sidewalk – there is a public sidewalk that runs in front of the property, as well.

Sort of reinforces the streetscape, so our proposal would be to try to reinforce that streetscape.

Again, the Village Board would have to also grant this approval.

Chairman Murphy: If cost was not such a big concern – and apparently it is, and I guess I'm beginning to understand why – what would the alternative be for the off-street parking? If you didn't consider the cost of establishing your off-street parking.

Mr. Warshauer: I guess similar to what was done in the adjacent homes, particularly the home to the north, we would have to come in with a driveway and excavate underneath the existing home and put a garage basically underneath...

Chairman Murphy: Underneath one end of the house or something.

Mr. Warshauer: Underneath the residence.

Chairman Murphy: And could that accommodate one or two vehicles? I forget what's required. Is it two, or three?

Village Attorney Stecich: Three.

Mr. Warshauer: Three cars are required. And I think in order to accommodate that on-site in this particular configuration; it would have to probably be a three-car garage or a carport of some kind under the building.

Chairman Murphy: We have authority to reduce the requirement, but three is required. Could you get two in such a garage and still have enough house to live in?

Mr. Warshauer: Again, I don't know that the issue is ... it would not affect the house because the main floor of the house would be significantly above that. It would be more in the location of the lower level of the accessory apartment. So it would be down at that level.

What the impact would be is I think it would impact the right-of-way more; it would impact the wall to a greater extent. And of course there would be the cost of excavating. The construction would be expanded to the point where the whole project would be more costly.

Boardmember Dovell: But that, in a way, is the character of that particular zone in there, isn't it? It appears that rock excavation was needed to get the garages that are there, in there. And then what you're proposing seems really out of character with the parking solution in a

way that diminishes that nice open space, that right-of-way, which is quite pretty and is used informally by the residents there.

Chairman Murphy: What's the total footprint of the proposed structure?

Mr. Warshauer: Its 1,400 square feet. It's basically roughly a 700 square foot one-bedroom accessory apartment and a 1,400 square foot three-bedroom main residence.

Chairman Murphy: Same floor plan?

Mr. Warshauer: Basically the same design as the other.

Chairman Murphy: All right. I mean, the only thing I note is, in the application the numbers aren't consistent. I don't know why that is, but they're not.

Mr. Warshauer: What does the number say?

Chairman Murphy: It says 1,082. The other one said 1,400, so I don't know. That's what it says. It doesn't matter. You've told me what it's going to be, and that's what matters.

Mr. Warshauer: In this plan, you may be right. Because the footprint ... this is ... I stand corrected. The accessory apartment is two stories – 700 square feet in two stories – so it's 300 plus 700. So it's about 1,000 square feet. I'm sorry, you're right. Thank you.

Chairman Murphy: OK.

Boardmember Collins: I had a question about this aerial map, and you may have already covered this. But I noticed, on more careful inspection, that the lot area and some spots around it have blue dots, or circles, on my copy. And I'm just curious if you can explain what that is. And again, if it's already come up I apologize for bringing it up again. But I can't figure out what these things are.

Mr. Warshauer: Oh, this is a reduced plan. I believe that those are actually the metes and bounds description of the property. I think that's what that ... right? I think they're the metes and bounds description.

Boardmember Collins: Well, I see circles that are sort of in the property, and then two that appear to be outside. Or it could be lots of little blue dots in here, and then you've got a circle there and a circle there, and then two inside.

Mr. Warshauer: What that is, on that particular plan we'd superimposed the survey of the property. And those are, I think, metes and bounds descriptions of the property lines.

Mr. Stein: So the circle that's in the center is actually saying Lot 1, or there may be a number in the center of it.

Boardmember Collins: All right.

Boardmember Dovell: What is the landscaping condition that you propose outside this? The way the house is positioned, I can see it's set in to kind of minimize the cottontail configuration of the steep part of it.

Mr. Warshauer: That's correct.

Boardmember Dovell: So you delicately positioned it so we don't have to cut too much or fill too much. But what happens beyond the house itself in terms of how do you step out the back door without just falling down?

Mr. Warshauer: There will be a balance of grading, there will be some cut-and-fill required. So there still is some excavation. And behind the house, again, the entrance will be above the existing grade at that point. And then through cutting and fill we will grade back away from that point so that it'll grade away from the house in the back, on the high side, into what is actually a rock outcropping.

I think this site plan shows it. The survey certainly shows it. This shows it fairly clearly. This is actually a rock outcropping that is right up behind the house. So we'll grade from that point into that existing rock.

Chairman Murphy: I need to go back to this parking thing again, all right? In the application you're talking about an incursion in the ... what's required is a 30-foot front yard setback.

Mr. Warshauer: That's correct.

Chairman Murphy: And you're talking about 7 feet. And the statement is that – and I understand it's to minimize the site disturbance, et cetera, to preserve as much of what's there as possible – you say this is consistent with other residences on the street that have also reduced front yard setbacks for similar reasons. So the question is, they have reduced – I understand they have reduced – front yard setbacks. But what are the similar reasons? It's not the parking. Or at least that's what I'm taking from this discussion.

Village Attorney Stecich: Brian, in that context, I wanted to read one section for the Board on the front yard depth that I think is relevant that nobody's referred to. It says ... this is in the requirements for front yard, under "front yard depth." *"If on one side of the street, within 200 feet of any lot, there is pronounced uniformity of alignment of the fronts of existing buildings and at the depths of front yards that is less than the requirement minimum depth specified in this chapter, the Zoning Board of Appeals may permit a reduction in the required depth of the front yard for new building on that lot, or expansion of an existing building on that lot, provided that the spirit and intent of this chapter is met. And that the depth of the front yard shall conform as nearly as practicable to that existing on the neighboring lots."*

Just so you understand that that's addressed specifically, I guess. But you may want them to show, within the 250 feet. Maybe the drawing shows it, but if you could have them show that, that's not a section I don't think we've relied on. But it's an important section.

Boardmember Leaf: And Marianne, it's difficult for us to know exactly where the setback line should be measured from if you just go for visual inspection, or looking at the map.

Village Attorney Stecich: Yes.

Boardmember Leaf: So perhaps we could get specific information about the setbacks for the existing homes that are within the 250-foot distance of the proposal.

Chairman Murphy: No, I'd like that.

Mr. Warshauer: We would be happy to provide that.

Chairman Murphy: And what's your favored parking solution, then? What would you prefer to do if you had to do it your way?

Mr. Warshauer: I would prefer the ability, as proposed, to be able to use the extended right-of-way in a consistent manner to the way it is being used by adjacent properties to provide the parking for the lot. It's a more urban kind of a context, and it's more economic also.

Chairman Murphy: And that's the plan I'm looking at, the first one that was submitted, right?

Mr. Warshauer: In either configuration. The Planning Board preferred the one I'm showing you here, but in either configuration we would be comfortable.

Chairman Murphy: OK. But it would be paved, impervious surface, though? Or would you do a natural kind of pervious surface?

Mr. Warshauer: Yes, I would like to. One of the things that we're doing on both of these proposals is, to the greatest extent possible, we're going to use sustainable standards. All of the buildings will be Energy Star ... will meet Energy Star requirements, be well-insulated.

We were also going to investigate – and the final decision would depend on the cost and the financing – the use of pervious pavement on both sides; a Flexi-Pave kind of a system that we've used elsewhere.

Chairman Murphy: Can you describe what that looks like so people understand what you're talking about?

Mr. Warshauer: Sure. Actually, it comes in a lot of different kinds of designs. But the Flexi-Pave system that I've used in other places actually looks like pavement. But what it is, it's a combination of emulsion and tire parts. And it actually has a sort of flexible bounce to it, as well as it's completely pervious. So when it rains, the water goes directly through the system to what would be the water quality basins below, storm system below it.

We've had great experience with it. It heats up with the sun, it minimizes ice buildup. So that's one system, and it looks very much like pavement. Others look like brick pavers, and there are a lot of different systems that are out there.

Chairman Murphy: Have you proposed that system to the Planning Board?

Mr. Warshauer: The Planning Board has actually requested that we give very serious consideration to it, and I presume when we go back to the Board they will have to firm that up.

Again, what we had indicated was that, generally speaking, when we look at any project in today's world, we look at all sustainable measures and we evaluate the economics of them, from photovoltaics to geothermal to green roofs to pervious pavement to gray water recycling. We sort of factor all that in. And then you run the economics, and some projects can afford it when others can't.

Chairman Murphy: Well, but that's kind of the heart of this issue, isn't it? I mean, you could do it a different way, a better way, and it would be more expensive and people might

be less against it. But, you know, it is what it is. I just want to know what you think, so I appreciate you giving me your opinion.

But I do think we would all benefit from more information about actual measurements of the setback from the proper front yard line, if you will, to see how they compare in that particular neighborhood, or area.

Boardmember Dovell: I would add to that just kind of a visual survey of what the parking situation is with the neighbors on either side up and down the street.

Chairman Murphy: OK. Anything else from the Board?

Boardmember Leaf: I don't have anything else right now.

Boardmember Collins: The only thing that I would add, and I think I haven't heard anything yet to change my mind about it – I'm glad, Marianne, you brought this up – but to me, the 7-foot proposed minimum setback is a real ... it's a troublesome requirement for me. It's a troublesome ask. And that, to me, is something that ... I'm glad, Marianne, you brought it up. And I want to enter it into the record that that, to me, is a real big concern.

Chairman Murphy: No, it's a substantial variance. And so it has to be justified. And the parking, too. You know, the parking's such a pain no matter where you go in Hastings. You know it's hard to do anything.

But OK, Marianne. You want to weigh in before we open it up to the public?

Village Attorney Stecich: No, I just was saying that actually I was thinking of it in the other direction. I know that the 30 feet is ... you know, 7 to 30 are huge.

Chairman Murphy: No, I understand your point.

Village Attorney Stecich: But you don't just look at the number of feet. You also look at the way the rest of the house is on the lot.

Chairman Murphy: No, and it's clear we need hard data on the rest of the homes in the neighborhood. Because you can look at and I can see what you're saying, but it'd be better to have data for you and for us.

Mr. Warshauer: I understand.

Chairman Murphy: OK. Members of the public, one at a time, please just identify yourself for us and you can ask questions. That's what the architects are here for. You can have your say, and all of that.

Mary Wirth, 335 Mt. Hope Boulevard: I would request that I could read this statement. I have a letter that I'd like to submit to you, with signatures from the neighbors.

Chairman Murphy: Of course.

Ms. Wirth: I talk fast.

"On behalf of my neighbors and myself, I would like to state for the record that we are opposed to the building of a house on the lot in question on Mt. Hope Boulevard."

"Our reasons have little to do with the concept of affordable housing; they have everything to do with the quality of life in that neighborhood. We live in a cavern, or valley, on the banks of the Saw Mill River. Before there was ever a parkway there was, and still is, a river. All water in the neighborhood runs downhill, over the rock outcroppings. In the spring, vernal streams run steadily across our properties, down the streets, to the river. There is but one storm drain from Overlook Road down to Stanley Avenue."

"This situation will not improve with the removal of trees and the paving of the right-of-way that is proposed for this project. In fact, it will make an already hazardous condition at the intersection of Mt. Hope and Stanley much, much worse."

"In May, I will have lived in my house for 30 years. And in that time, the parkway noise has increased tremendously and now is almost constant. I lost a total of five massive trees behind my property between the ice storm in March and the hurricane last summer. Several neighbors also suffered such a loss. That, in addition to the number of trees that were clear-cut by the highway department a few years ago after a fatality on the parkway, has lessened the buffer that the neighborhood once had."

"We need every tree possible to absorb some of that noise and pollution. The proposed development would eliminate at least eight or nine very mature trees that we counted with the architect, at an earlier meeting." [And I think it was a

different drawing because I thought we counted at least eight or nine. OK]:
"Our neighborhood cannot stand to lose those trees."

"Another aspect of this plan that is very troubling is the number of variances needed to shoehorn this house into this site. What precedent will be set by these variances when future applications come before the Board? This project does not have a driveway or a garage; it doesn't even front on actual roadway. Paving over that open space will further contribute to runoff and drainage problems."

"It's a steep slope with a lot of rock – not just loose rock and boulders, but bedrock. The design, as proposed, did not take into consideration that families who might live there will not be able to enjoy their yards. Most everyone in the neighborhood has terraces or decks that enable them to enjoy their outdoor space. Will the homeowners be required to get another variance to build a deck, and will it be granted?"

"Lastly, I'd like to point out that when affordable housing in Hastings is proposed, in general it is said that building these homes will provide housing for municipal employees, teachers, police, and firefighters. If Hastings residents are not given first priority to apply for this housing, then anyone who qualifies will move to Hastings to take advantage."

"There is no guarantee that new residents will join the fire department or teach in our schools. They will most likely add to the number of children in the school district, living in a house that does not generate tax revenue to offset them. Furthermore, adding two or four units does not bring Hastings anywhere near the number of affordable units required by the lawsuit. So it makes no sense to force this issue at this time."

"Please consider these arguments as you make your decision."

Chairman Murphy: All right, and let the record reflect that Ms. Wirth has handed me her statement and it's been signed by a number of neighbors and residents on Mt. Hope Boulevard. Thank you.

Anyone else? Please.

Sandeep Mehrotra, 338 Mount Hope Boulevard: I live just two houses north of that. A couple of things. I had some issues, but a couple of things that were presented – again, the setbacks. I mean, the architect will provide that data but, again, just for the Board's knowledge that most of the houses there, a minimum setback there is about 25 feet.

About five years ago I came in front of the Planning Board to seek a variation to build an entryway. I had a 24-foot setback, and I wasn't granted that. So again the issue is, when I did my renovation I went back and I had to dig through the rock and pay the extra cost. So I don't quite understand. It's an equality issue, if you're going to be granting that. Similar cases have come that have not been approved.

I do have a significant problem with the drainage. I understand that yes, we are collecting all of the impervious surface, putting in a drywell. Well, being a stormwater engineer I know drywells are yesterday's technology. And the drywells in this area particularly will create additional flooding in the basements across the street. Because the entire outcropping is floating down. As Marianne pointed out, all of the water from the top of the hill is going to go to the bottom of the hill.

So the more you percolate, the more you're going to send water into the basements. Actually, the house just above that – the white house that's right next to it – if you go visit it, if you just open that person's garage you'll see a stream right there. And that's a perpetually-running stream that goes through his garage and then goes underground.

Chairman Murphy: But let me ask you something about that because I'm confused. I mean, what they're proposing to do is catch as least some of this water that's already running off the slope. So isn't that going to improve the drainage, or is it ... I mean, you're saying it's going to make it worse. I don't understand how it makes it worse if you put in drywells.

Mr. Mehrotra: Well, when you're adding impervious area you're collecting all of that water. You're concentrating the water. You're putting it in a cement tank with an open bottom so it's forcing the water to go into the rock. Well, you can't force it vertically because there's bedrock, so the water takes the easiest path. And the easiest path is along the soil and rock interface, and it flows downstream.

So the house that'll be across the street will end up seeing additional water and a higher water table because there is bedrock there.

Chairman Murphy: OK, hold that thought. Can I hear from you on that point?

Mr. Stein: Certainly. That's part of the reason that we had performed deep-hole excavations in the area where the practice is going to go. In accordance with New York DEC standard, they recommend approximately 3 feet difference between the bottoms of whatever practices you're putting in. And we're actually not proposing concrete drywells. What we're proposing is they're called "infiltrators." They're basically half-barrels and perform the same duty as a concrete drywell, but they're lower profile.

So in the area in Mt. Hope Boulevard where we did the deep-test hole, I think it was approximately 6-1/2 feet of depth that we were able to get. So the infiltrators we are utilizing, we're making sure that we had adequate separation between the bottom of the unit and any bedrock that we'd encountered. And the soils that we actually encountered when we did the deep-test holes were very sandy; there wasn't a lot of clay in them. So they're very conducive to using ... for percolating the water.

Chairman Murphy: Percolating it down.

Mr. Stein: Into the stormwater, yes.

Mr. Mehrotra: If I can just respond to that and, again, I don't want to get into a stormwater discussion here. But that 3-foot minimum requirement that the DEC requires is for the benefit of the infiltrators, not for the downstream waters. You know, they don't want you to install it with a water table within 2 feet because then it reduces the efficiency of your infiltrators. And what typically then happens is that your rate of inflow is much higher than you can get it out. So you end up flooding the property you're trying to serve.

But it has nothing to do with creating downstream flooding. Water flows downhill. There are no ifs or buts about that.

Chairman Murphy: Thanks. I just wanted to find that.

Mr. Mehrotra: The other couple of things, one that really troubles me is the parking. We understand that the undeveloped part of Mt. Hope Boulevard is the Village right-of-way. But by having formal parking there you essentially preclude the development of that boulevard in the next 99 years, as long as these apartments stay there. So to me, that's a much bigger action than having people informally park there.

All my neighbors, and me included, if the Village at any time wants to develop that portion of the boulevard it's not going to affect us. But this particular property it is going to affect.

Chairman Murphy: Do you have a garage?

Mr. Mehrotra: Yes, we do.

Chairman Murphy: And where's your garage relative to the right-of-way?

Mr. Mehrotra: This is our house, and our garage is right here.

Chairman Murphy: It's hard for me to see, that's all.

Mr. Mehrotra: This is the driveway for this, and this is our driveway. So if this road was developed we'd still have our driveway. That's all.

Boardmember Pycior: Sir, I see three or four cars parked in front of your house on the right-of-way. So do you normally park on the right-of-way? You say you're OK with informal parking there. Is that where you normally park?

Mr. Mehrotra: During the winters we usually just put the car in the garage. But during the summers, yes, we just informally park there, yes.

The other issue is, again, that this particular plan for parking – if you had taken a walk there – there's a berm that divides the paved part of Mt. Hope and the unpaved part of Mt. Hope. Essentially, the way the parallel parking is proposed you're going to remove that berm for that certain location. That, again, creates a drainage problem. Because currently, that berm serves as a conduit for all the water that's coming from the other side of Mt. Hope and wraps around Mt. Hope and comes down that entire green path.

Once you remove the berm, you're going to have a lot more water coming on the paved part. And typically, during the winters, this entire section of Mt. Hope is full of ice. So drainage is a big issue, and even under current conditions we are struggling with it.

Mr. Stein: If I may just address that point, we had – actually just as of yesterday I received – some additional survey information we had requested from the surveyor. Because part of what we're looking at doing is trying to address some of those drainage issues. One of the things we saw is that we do have a drain inlet across the street. It must have been covered at some point when we first did our site visit.

So we're looking at doing ... the berm does not look ... we're not looking at eliminating the berm. The berm would still be intact. But we are looking at other drainage alternatives that we can incorporate into the project to provide some alleviation.

Chairman Murphy: But if it's across the street, how are you going to access it?

Mr. Stein: We'd be putting some kind of drain inlet in on our side and connecting into there.

Chairman Murphy: Under the street?

Mr. Stein: Separate from the system we designed to provide mitigation for the development. Basically an improvement that we could do similar as we're working with on Farragut.

Chairman Murphy: But what does that mean?

Mr. Stein: Like I said, we just received the survey information two days ago so we haven't had a chance to sit down and fully work on the design.

Chairman Murphy: OK.

Mr. Mehrotra: Just two short points. Again, we just feel that it's hard enough to accommodate a one-family house with an accessory apartment in a regular lot. Here you have a nonconforming lot which doesn't have the frontage requirement, doesn't meet the frontage requirements, doesn't meet the setback requirements, and you're trying to put in a one-family house with an accessory apartment. It just seems it's a very small property where we are trying to put too much buildable area in there.

The other two issues about the backyards are again, just restating what Marianne is saying. If we build it and we don't do any backyard improvement, the people who buy the house would want to have some of that recreation value in the backyard. So they're going to come back and do some additional construction there.

And the issue about the backyard drainage, how does this plan ... I mean, I heard the plan for the drainage for the building itself. But as I said, Mt. Hope is right at the top and there's a lot of water that kind of comes down that hill, barreling down once it's raining. I didn't see any provision of how all of that is going to be captured and routed around that building. Because it's going to intercept it now.

Chairman Murphy: OK, thank you.

Mr. Warshauer, one question about the lot width just so I'm clear. Whatever the width of the lot as it currently exists, what you're proposing to build doesn't need any side yard setbacks, right?

Mr. Warshauer: That's correct. The lot actually has appropriate frontage. It just doesn't have the required lot width at the building setback because the lot narrows as it goes back.

Chairman Murphy: OK. But you've taken that into account with what you're proposing to do.

Mr. Warshauer: That's correct. The building itself meets the side yard requirements. Again, we're pushing it forward for the reasons I stated, and asking for a reduction in that.

Chairman Murphy: OK. It's just for me, that's the issue. So I'm just trying to make sure I've got it clear in my own head.

Anyone else?

Leonard Mastrangelo 360 Mt. Hope Boulevard: I live adjacent to this property. I've been a resident here since October, 1975.

I would like to say from the first day that I moved here, that winter, this property has a very bad problem. My property ends at the right-of-way. It ends right there.

Chairman Murphy: Are you on the photograph here? Can you show us?

Mr. Mastrangelo That's my house there. The right-of-way ends right there. At that time, Mr. Maleska was the Building Inspector.

When I went to purchase this property – just a little history about it – I purchased my house, and the people that owned that house built that house in 1927. They had went in, left a deposit on that property from the town of Hastings in the late '60s, early '70s, to purchase this property. I have papers there from the lawyer, given to me, which she constantly complained about the property not being maintained, never cleaned, trees unkempt, the roadway unkempt. And she wanted to take care of it.

So they entered into an agreement with her to purchase the property. I think it was \$850. I have the papers there. Then the town added on some crazy things: that they had to sit before some boards with some other added additions on to it. Now these oldtimers, you know how they are. When you tell somebody this is the price, they don't want to hear it. They were in Germany at the time, and they sent a letter to the people across the street to tell them that they wanted to cancel the property. This is the little history of the property.

When I bought it, I had asked about buying this property first from the lawyers. They said to me the Werners had tried to purchase it. They gave me the papers. I went in to look into buying it, and I really didn't get anywhere until the late '70s when I asked a friend of mine that worked for the county to find out. They didn't have computers to go check everything. So I found the whole history of the property; how it was foreclosed on from the [Rose] Company, and these people were supposed to buy it.

Now I went and asked about purchasing the property, and I was told it was a nonconforming lot at the time.

Chairman Murphy: Who did you ask?

Mr. Mastrangelo I asked people Jeff asked someone in the county, and they had found out. I guess he spoke to maybe Mr. Maleska, or whoever it was, that it was a nonconforming lot and that a house couldn't be built on it unless you have to go for variances. OK, and also that the cost of putting something there, if I was to buy it and try to do it, would be a tremendous amount of money with the rock removal.

But that aside, when this property, I wanted to buy it, they said that they would like to keep open space in Hastings to keep the character of the town; not all the houses built on each other. Now, they had told me at the time there was another piece of property up on Ravensdale Road that was the same type of property like this. And actually it's an empty lot now, if you go up there, just before Farragut Parkway. It's on the left. I don't know what street that is.

[Male Voice]: It's Dan Rile Park.

Mr. Mastrangelo Dan Rile Park it's called. OK, so I asked my uncle, who's a lawyer. He said, "Look, if you're able to buy the property, and you can't build anything on it, buy the property and donate it to the town so nothing can ever happen to be built there." Don't ever say "never" when they tell you that they're not going to build something. Because later on things had ... as you see now. I feel that if I would have purchased the property at the time, and I was to sit before you asking this many variances to build this house, I wouldn't go anywhere.

There's a tremendous amount of things. The reason why they're not putting this house to the front of the property ... and when I had talked to the excavators when I did my ... I built a garage on my property in 1985. I had to remove rock. The reason this is sitting to the front is because they'll have to remove a tremendous amount of rock. And this is not in your budget to build this house.

OK, so let's be fair and say the truth. The house is sitting to the front because you can't afford to put it to the back. Also there's no parking because you would have to lower the grade into that property to make parking for that piece of property. Which can be done, but done at a cost. You're trying to force something into a piece of property, ruin the character of the neighborhood, and the people right here that are sitting there, they'll verify this. You are trying to force something on the people in the neighborhood which shouldn't be there.

My house – you can go to the department of public works and ask them – they have to come and salt that property tremendously from my house down. You can't pull out in front of my house. I fixed the front of that house. The water cut another ravine in there. I fixed it at least four or five times with gravel. Then I had it all taken out and I had a trough put in, in the front, so that the water wouldn't tear the roadway apart. That was for my money.

Chairman Murphy: You mean in the right-of-way area.

Mr. Mastrangelo Not in the right-of-way. On the roadway. There's no right-of-way there. In other words, the right-of-way ended.

Now if you go look at the property, you'll see there's a trough built there. I had to have that thing done. The water comes down with such force it tears the whole ... where the roadway stops and the gravel begins you can't pull out anymore. In the wintertime the ice is like forget how thick it is. The people here have it in front of their own house.

I suffer with it. The house down on the bottom of the hill, it suffers the worst from it. I'd like you to go there before you make any decision. Let the wintertime come, go there and see the situation that's going on and you'll find out yourself. On a heavy rainstorm, the water comes out of the walls of that property that they're talking about next to them, next to me. Because that soil is such good rich soil from the years of the leaves falling on it and everything, it soaks the water up.

But you watch the wall. If you go along the wall, and it rains for a week or so, a half a week, the water comes out of the wall, right out of that stone wall. So put it on the line. Say the right thing to the people. You're putting that house there where you want to set it because of the cost. You're not worried about the people in the neighborhood.

So that's what I have to say. I feel if that goes through – I've been living here long enough, I was denied that property – you people will get what you want for this property that this people on this committee want. So that means nothing to anybody; anybody who's been a long-time resident there, anyone who's done well for the town.

I fixed that whole place up. I fixed the sidewalk. Go in front of that house, 360. There was no sidewalk when I bought that house. I think I have pictures. There was a ravine full of tires, trees. You could fall in there. Now she was talking with someone over there that their kids played in there. I filled that all in when I built the garage. You go look at it now. There's a nice grassy area there. It's beautiful on the other side of my driveway.

I put a whole sidewalk. No sidewalk; you couldn't walk on there. I put the new sidewalk from that piece of property, actually – I went further from my house, you'll see it's new up to a certain point – all the way down the street. I made all the steps and everything. All that was from my pocket. The stone wall was all fixed from my pocket. No town property, nothing.

The trees. All those years, the trees are growing from that property onto my property. Very dangerous. We had that big ice storm last year in the wintertime. What happens? My wife goes out of the house; the trees came down, crushed two of my cars and almost killed her. I just spent I think it was \$4,800 to have those trees pruned so that they don't come over on that side.

It is un-maintained. If it is to stay a lot, I think it should be cleaned up and kept nice, OK? I did what I can. I cleaned all the way up to almost the first thing on that property. If you go over there and take a look at it, go look how nice the sidewalk is. Go look how nice the driveway is. Go look and see the trough I put in, and you'll see the ravine that's cut right next to it because the water goes down there.

I think some consideration should be given to that. That's what I have to say. Thank you for your time.

Chairman Murphy: Could I ask you a question? Show me again on that overhead map. Where does the right-of-way end, just so I can see it on the photograph?

Mr. Mastrangelo OK, the right-of-way ends right there. Do you have a picture there?

Chairman Murphy: Yes, I got it.

Mr. Mastrangelo OK?

Chairman Murphy: Yes, thank you.

Mr. Mastrangelo Anyway, the water runs from up the street down the center here. And you can actually see the ravine that's cut in it where the water goes. The water goes through there. The water goes between the right-of-way and here. You can go see the ravine. You're an engineer, an architect. I'm sure you got to have eyes.

Village Attorney Stecich: On the back side of the wall.

Mr. Mastrangelo No, it runs along. Now here, when it rains heavy, those steps were from the railroad originally, the steps that go up. Try to walk up those steps in a heavy rain. The water comes cascading down like you turned on a fire engine. I mean, this is a bad situation.

You're trying to do something, which I understand. You have a piece of property here. But I don't think it should be done the way you're doing it, and it should be considered by the people that live in there. OK? Thank you.

Chairman Murphy: Another question. The cars in front, then. Are those your cars?

Mr. Mastrangelo Those are my cars, yes.

Chairman Murphy: So why do you park in the front there? Is it just convenient, or is it some other issue?

Mr. Mastrangelo, No. It's convenient, plus there's no other parking over there. I have a driveway with two cars. I have a garage I use, and I have these cars. Anyway, you're saying they need parking for three people in this two-family house. When people have kids, every kid has a car today.

Chairman Murphy: Well, it's a one-family house.

Mr. Mastrangelo Yes. But I'm saying you're talking about a two-family house, what they're doing here now.

Chairman Murphy: Well, it's one family with an accessory apartment.

Mr. Mastrangelo I'm saying when you have kids today; all the kids have a car. They go to school. I have a shop in The Bronx. This is the problem that happens down here. You don't believe what goes on with the parking over there. It's unbelievable. Every kid has a car. They have four kids in the house, and the parents have a car. That's six cars in the house.

This other property, you said on the other avenue there you're giving three and three. When the people move in there and they have children, there's going to be more than three cars there. You're going to understand that. So I'd like you to give it consideration. Just think about it and see what it really is. Go in the wintertime, look at the runoff, the water, and see what's happening there.

Chairman Murphy: OK. Yes, please.

Susie Mehrotra, 338 Mt. Hope Boulevard: I live two houses north of the site that we're talking about. One of the questions I had when we had the preliminary meeting was about the expense of cutting down mature trees. I thought that there was regulations that if you cut down a mature tree you have to get permission from the Hastings Tree Committee. You're looking at me like that's ...

Village Attorney Stecich: No, it's only on properties of an acre or more. This isn't an acre.

Ms. Mehrotra: OK, only on one acre. So that's not an issue.

Village Attorney Stecich: Yes, it doesn't apply in this case.

Ms. Mehrotra: When this site first came up as a discussion for building on it, I remember thinking you can't build there. It'll be so prohibitively expensive. And then when I thought about the affordability of building there, I do remember when we built our house back – was it 3 feet we pushed out in the back? Four feet to dig through the rock was the source of a great deal of cost overruns, and three broken jackhammers.

So maybe that's what you're trying, to keep the cost down. If the proposal is to not touch any – to not dig very far – I just don't see that you can have a house 7 feet set back from the wall. Our house is about 25 feet set back, and that's where ... when I look up and down the street, that's visually where it strikes me. And 7 feet is just so, so, so different than anything else that's there that I can't picture that the site will work either for affordability or for aesthetics.

It's just ... it's a very difficult property. And I am concerned about our loss of greenspace. And I also remember, when we were planning the remodeling of our house, we were very concerned that Mt. Hope, if you're standing out in the street, the hill is so steep that it's very easy to have a building start to look like it's just looming out or looming down on everybody. Everything looks much taller than it is because the pedestrians are way below the grade of the basement. That would be one of my concerns with the proposal for this really steep, rocky area.

Mr. Warshauer: It meets the zoning requirements. It's 35 feet...

Mr. Mehrotra: So 7 feet, 35 feet up.

Mr. Warshauer: No, actually it steps.

Chairman Murphy: Is it from grade you're talking about, Mr. Warshauer?

Mr. Warshauer: Yes, from average grade. Well, actually the way the house is designed is that it's stepped so that it's the accessory apartment ... this corner, which is actually the closest. So this is a two-story element that's there.

Chairman Murphy: Do you know what the height is to the peak?

Mr. Warshauer: It's probably 30 feet to the peak. This actually shows ... this diagrammatically shows the calculation of the average grade and the height pursuant to the zoning. So we're within the height envelope.

Mr. Mehrotra: So from the top of the wall, it's pretty deep?

Building Inspector Sharma: Can we explain? The way it's supposed to be, you take the grade of the land and you do an imaginary plane 35 feet high. As long as your structure doesn't penetrate that imaginary plan you're OK. So the height runs parallel to the grade.

Mr. Mehrotra: No, I understand. But if you have a building that is just like at the wall, it's 7 feet from the wall, the wall is already 5 feet. So if you're standing on the sidewalk, your eye level is at the foundation of this. And you look within 7 feet, it's 35 feet up. If you go walk our property, we are set back 25 feet and we have a 30-foot or 32-foot high property. And it still looks pretty high.

That was one of the things that I remember when we came in front of the Planning Board. Some of the neighbors objected to the height. So here now you pushed it 20 feet closer, and you're higher.

Chairman Murphy: But let me ask you this. If the house were to be pushed back, would it be higher still?

Mr. Warshauer: Yes, it would be taller.

Chairman Murphy: Because the way you calculate the grade, you get the benefit.

Mr. Warshauer: That's correct. It's the average grade around the foundation.

Chairman Murphy: Yes, the height isn't the issue.

Mr. Warshauer: As you come back it would come higher.

Chairman Murphy: I understand.

Ms. Mehrotra: Thank you.

Chairman Murphy: Please, ma'am.

Eileen Hershenov, 98 Old Broadway: I wanted to come here to speak in support of this project. I assume that by the time you've hit the places that are easy – and if you're going to have what I think is one of the most important public policy goals that the place can have, and one of the reasons I moved to Hastings because it was that kind of town – that you're going to, by definition – unless these folks haven't done their job, and I think they have – you're going to be asking for variances.

And that's the best reason to ask for variances, when you have this public policy goal that's this important and you've already gotten the places where you don't need as many, or as significant, variances. That being said, it seems to me – from what I understand by law, and certainly the job of this zoning board – is to make sure that the water conditions are not made worse and, hopefully, that they're made better.

It seems clear to me, at least listening, that you're going to need more information and you're going to make a decision based on various kinds of expert judgment that's put before you. Because the folks here are absolutely right. You've got to use your best expert judgment, or be informed by experts, to see that the water problem is certainly not bad and, hopefully, better.

I'm going to stop and not say more than that because it's very late and I've got children to get back to. But I will respectfully ask one thing, and there may be a reason for it. This time this was at the end of the agenda. So several of my friends and neighbors who very much wanted to come, as I did, to support this simply couldn't when they looked at the agenda.

So if – inevitably, I think – it's before the Board again, I would, if possible – and there may be reasons why you can't accede to this – if it could be at the beginning of the agenda, many

of us – particularly with young children – very much want to speak. Otherwise, I'll submit a letter. But that would be great if it could be a little earlier than 11 o'clock.

Anyhow, the last thing I want to say is that I speak not just from somebody who, hey, it's not affecting me, so easy for me to say. But I speak as somebody who, when I lived in New Jersey and Connecticut, was part of a group where we had, in one case, low-income housing, not just affordable housing. One case three houses down from me, another case across the street, we went through exactly this process with a zoning board that asked all the tough questions and made us all look at it – and the people who were developing it – to do the best possible job mitigating.

Understanding that, by definition, you've got the cost stuff, you've got the public policy, you've got serious variances and it worked out very well. And I mention it only because I don't want to stand here as someone that those who opposes this project can say, "Easy for her." Because I have lived it. It's worked out well when the zoning board and the developers do the job.

Sometimes it isn't the right area. Maybe there's a better area in the Village. But if there isn't, right now this is the best way to do it. And we can make it work, and work together, and you make us make it work. I think that's terrific, and I wholly support it, and hope that I can speak along with others in favor of that in an earlier hour next time. Thanks.

Chairman Murphy: OK, thank you. And Mr. Sharma, I guess if we're on the agenda again if we could put it first that's fine with me, given the patience of everyone tonight. So thank you for those comments. I appreciate it.

Yes, go ahead.

Susan Lopeman 333 Mt. Hope Boulevard: I'm kind of diagonally across the street from this property. I just think it would behoove the Board to all personally see what an absurd idea it is to use this piece of land to build a house. Like nobody would buy that house, that property. I would be surprised if anybody would buy it with an eye to developing it and putting a house on it.

The only way you would think of it that way would be in a more urban setting, where things are paved over and trees are cut down and as many units as possible are fit into as small a space as possible. But we don't live in a city. Like I consider it almost like living in the country where we live. I grew up on 6th Avenue, and I don't want to see the beautiful grass that's across the street from me paved over, with more cars.

And I also share the concern that Sandeep was saying. That the reason there's a right-of-way there is that Mt. Hope is a boulevard until it gets up to Lefurgy. At some point, I don't know when, somebody decided to close off half of the road and turn it into a right-of-way. But what if the Village wanted to make that back into a boulevard again for some aesthetic reason or traffic reason? It is a snow emergency road, from what I've understood living there.

I just think it's a general like quality of life thing for our neighborhood to have this high-density house built into a very tiny little space, with a lot of grass being paved over and trees being cut down.

Chairman Murphy: OK, thank you.

Yes, please.

Jill Shellow, 21 Floral Avenue: In light of the hour, I'm going to try and be very brief. I, too, support the project. I commend the architect and the developers for their efforts to try and create for the neighbors something that's going to fit in to that neighborhood, to work with the Zoning Board to try and establish what the right setback should be, and to address what are serious drainage problems in both that neighborhood and, obviously, throughout Hastings in other areas created by large hills.

It's a very difficult task. One of the things that make the village of Hastings so wonderful is that the Comprehensive Plan acknowledges a responsibility for things like affordable housing. And that's never easy. It's an obligation that's very difficult to fulfill. And you guys have got one of the hardest jobs there is, which is to make it fit in and to make it meet the needs of the local neighbors as well as the rest of the community.

Anyway, thank you very much, and I hope we go home soon.

Chairman Murphy: Thank you. Anyone else from the audience want to be heard on this application tonight? Yes, please.

Ms. Harrington: My biggest issue is the drainage. I've redone my driveway three times. I've been to Mr. Maleska, a hundred years ago when he was here, and asked him to put a drain in. They said Hastings couldn't afford it. We need one right on the corner. The water comes right off the houses on the top. It comes down. I think I've told some of this before. My driveway, I get big sinkholes. One day I appeared, I had a hole the size of humongous. It was 6 foot down, and I had to redo my driveway.

I just redid it again last week. It's a problem, and all this water comes by past my house, down the road, right in front of Mary's. My neighbor next door, who's not here tonight unfortunately, [Shelly] , she gets the big sinkholes, too, from the water. And it's a big concern, and it's only going to add to the demise of this house by adding more water. And the poor people at that way bottom of the hill, I can't believe you can ice skate. I mean, you come down that hill. If you even think about going more than 5 miles an hour you're going to wind up right on the Saw Mill Parkway.

So that's my biggest concern, is that all this more construction, building, not putting the proper drainage in, it starts from the top. It's not just there; it starts from the top of the hill, all the way down. That's it.

Chairman Murphy: Appreciate it. Thanks.

Yes, ma'am, please.

Lisa Fastenberg, 47 Lincoln Avenue: I just wanted to express my support for this project. I have lived in a home with very serious water problems – not in Hastings, in Dobbs Ferry. We found that we were able to remediate them. And despite all the talk about the drainage, it does sound like the architects have created a plan where it will be, at worst, no worse than it is right now. That they are looking into that, they're not just suggesting let's just put this house here.

And we do like living in Hastings, with very diverse housing and people. Just like I said, I wanted to express my support.

Chairman Murphy: Thank you. Anyone else?

Mr. Mehrotra: I just wanted to add one thing. All of us here in the neighborhood, as Mary very eloquently said, we're not against affordable housing. Again, at the last pre-meeting with the Zoning Board we said that there are a lot of other vacant properties. One of the things we'd requested, what is really the construction cost of this house. Can the Village share that with us, or can the committee share that with us?

Right now, with a market conditions, there are a lot of vacant houses. There's one right at the corner down the street from there that's been advertised. I'm sure there's an existing house there that can just be renovated. From a construction cost point of view, it'll be pretty straightforward rather than trying to shoehorn something here.

So again, we don't want to leave the impression that we are against affordable housing. That's one of the reasons we moved to Hastings, and I think all of us sort of support that. But we just feel that this process, there seems to be this self-created urgency that we have to something on paper or have to have something and, somehow, we're going to shoehorn something into these nonconforming properties.

I'm not directly connected with the other property. But again, to me it's like having a garage, having my garage, be part of someone else's property as part of a subdivision. To me, it just seems very strange that we're going to go to those lengths to try and accommodate something that can really be done otherwise either by adding more funding ... I mean, we have to pay more taxes. If that's what the Village wants to do, we should move towards that rather than creating these things.

Chairman Murphy: Thank you. Yes, Sue, go right ahead.

Ms. Smith: Just to respond to a couple of comments there, the Village does not contribute anything in the way of funding for this project. It's through the state and county instead. So your tax dollars are not at work in that way. The Village, however, has agreed to contribute this property for this purpose. It is a Village-owned piece of property now. And there are very few lots that we can ... well; we can't afford anything at market rate with the funding that's available.

So the fact that the Village is willing to give this lot toward the project is a very significant thing and a very unique thing. And they did this also in the case of the Warburton Avenue houses down by Pinecrest. But this makes a project doable. And as you know, there is no land in Hastings. The only things that remain are these strange situations. Or old gas stations. We've had experience with that, too.

So it's more complicated and more difficult than was expressed, I think.

Chairman Murphy: Thank you, Sue.

Mr. Mehrotra: Can you share the cost-effectiveness of this project?

Ms. Smith: I'm not sure what it is yet. I think there's a lot to determine. It may be, in the end, too many restrictions on it. That could happen.

Chairman Murphy: Mr. Warshauer, what's the proposed square footage of the home, including the accessory unit, total? Is it like a 2,500 square foot home or something?

Mr. Warshauer: Yes, it's roughly 2,100 square feet. Again, the total square footage of the accessory apartment is about 700 square feet on two levels, and the main residence is 1,400 square feet on two levels.

Chairman Murphy: So that'll give you some estimate of what it would cost to construct it on a price per square foot. The real money is in the excavation.

Mr. Mehrotra: Is it fair to say about \$350,000, at [\$150] a square foot living area?

Mr. Warshauer: Again, we're looking at a couple of different ways. There are two costs that we're looking at. One is the cost of the construction of the home. And whether we build it conventionally or we do it through modular construction, there are some economies because we have the two homes that we're doing somewhat together and they're very similar in design.

And then the other cost, as has been pointed out, is the site cost. Certainly what we would like to do in a situation like this is to enhance the neighborhood and solve some of the issues that exist there, predominantly the drainage issues that we hear. So we'd like to be able to put money into solving those issues rather than excavating more of the site or pushing the building back.

But the point is well-taken. We could meet the setback requirements with this house, and we could push the house back. But the costs are increased, no question about that, because the excavation costs are increased. But also the impact to the site is increased. So I think just because something costs less doesn't mean it isn't better. And in this situation, I think we've tried to mitigate the impacts as best we can to minimize the impact on the site and to try to address the drainage issues.

Chairman Murphy: Let me ask you about that for a minute. I'll tell you where I'm coming from. What I'm hearing is, people might feel a little better about it if they heard that there was something in it for them, particularly with regard to the drainage, that's not coming out of their pocket. And that's what we're not hearing, OK?

So that's one thing to consider. I don't know that you or the Affordable Housing Committee has any influence or say about that, but I can understand that point from the neighbors' perspective just from a pure zoning perspective. For me, it's all about this front yard setback and the parking. That's always what we grapple with. So I really, really need hard information on what the other setbacks are, particularly, for me, in the immediate neighborhood on that side of the street. That's point one.

Parking, I'd like to know who's got a garage and if anyone doesn't have a garage. It looks like even people who do have a garage just don't necessarily use the garage. I'd like to hear more detail about how you would minimize the impact of parking off-street in a way that is not inconsistent with the neighborhood, won't negatively impact the neighborhood.

And obviously, the drainage. Anything more that could be done is not purely a zoning issue. But it does impact the character of the neighborhood and whether it's a self-created condition or not. You know, I think it's fair for us to consider it, and it's obviously important. So Sue, if you can communicate that, too, I don't know if anything can be done or how it might be helped.

Because I happen to live on Lefurgy, so I see Mt. Hope in the winter. It's awful. It's awful from Lefurgy all the way down to the bottom of Mt. Hope in terms of the icing and the lack of drainage. So we're going to struggle with this one, and anything you can do to help us struggle less is good for you, good for the Affordable Housing Committee.

Boardmember Dovell: Have you explored a solution that pushes it back slightly and perhaps tries to get a garage in?

Mr. Warshauer: We could look at that. I certainly understand what you've said, and I agree with the comments that have been made by the Board. I'll come back and show you an alternative of what the additional impacts would be if we were to push the building back and put a garage on-site.

I can show that to you, and show what benefits would be to the benefit if the variance were granted, particularly in light of the drainage. I'm aware of that. I think we've been trying to understand better what the exact drainage condition is. I know that Sue and Mike actually went out there in some of the big rainstorms to really see where the water is coming from and how it's coming off of this site, but particularly how it's coming around Mt. Hope Boulevard and how it's impacting the right-of-way area.

So our goal would be to address those issues in a positive way, like we did on the Farragut Parkway site. It helps the neighborhood, addresses an issue in the neighborhood not directly related to the development. So if we can save money on site work, and put in an area that is beneficial, I think that would be a good thing.

But I will come back to you and address the issues at your next meeting.

Chairman Murphy: I appreciate that. Anything else from to Board for Mr. Warshauer, or have we covered ... tried to just summarize the points there at the end. I think he's got a very clear understanding of what needs to be done.

Boardmember Leaf: The only thing I would add is that I think one of the speakers from the public mentioned a request to the Village to put in a storm drain on Mt. Hope, not at this location but up the street. And the response was that the Village couldn't afford it. If there's a way of finding out whether that additional drain would be possible from an engineering perspective and, if so, how much cost it would add.

Perhaps the Village would be willing to add a storm drain. In addition to the already very generous gesture of donating the land, perhaps helping with an additional storm drain might improve the situation, as well.

Chairman Murphy: Maybe the state or county might want to do that.

Boardmember Leaf: Either way.

Chairman Murphy: But OK. I think for Mr. Washauer's purpose he understands the job.

Mr. Mastrangelo: This storm drains issue. Across the street from my house, two years ago, the DPW repaired a pipe underneath the driveway of 357. They came and they took out the cement pipe that was all broken. They put in a smaller plastic pipe. That's only so the water would catch and not wear it away in front of that house. They brought rocks down the street.

And I was talking to the fellow there, when they were doing it, from the DPW. And I said to him, "How come they don't put a drain here, and one up the street?" He says, "We don't have the money to do that." And he says that the highway department, what he told me, forced them to put that piece in so that the water wouldn't run right off there into the highway. They put it down, and they put it down to go into the rocks and into a storm drain down the street.

But that's what I was told when I asked him why don't you put a drain in front of our house. He said, "You need a drain here, and they need a drain up the street to try to catch some of the water that comes down around." Not the one off the property. We're talking about just the street coming off from the top, OK? That's the water that actually affects the lady up there, and affects me down in the bottom.

Mr. Warshauer: Because I think what we noticed is that the water actually comes down and, around the bend, actually crosses the street to the east side.

Mr. Mastrangelo Yes, but they have made a little thing there.

Mr. Warshauer: And then comes down the other side. And there's a drain, I think, right about here almost across from it.

Mr. Mastrangelo Where?

Mr. Warshauer: There's a storm drain somewhere in this location.

Mr. Mastrangelo Where? No, that's just a tunnel. That just goes from there to the end of that house. If you go there, they just put a plastic pipe in it.

Mr. Warshauer: It just takes the water here, and then drops it.

Mr. Mastrangelo Yes. Because actually his driveway was being destroyed also, like mine. You couldn't pull out of his house. But they did fix that one. He was constantly putting tar over it. But they did fix it because the cement pipe, from over the years, the water running through it collapsed there. So that's what they did replace two summers ago.

Mr. Warshauer: I think it's up to us to really understand exactly what's going on here so that we can be part of the solution.

Mr. Mastrangelo I think it would be better if you actually went there after there's a big storm or after it rains for a couple of good days of rain, or come in the wintertime and see where they come and they salt the road on the bottom of the hill there. Because the water builds up there, and the ice is ... and this property, how are you going to pull out of that right-of-way? It's all ice.

Mr. Mehrotra: I'd be willing to help you out identifying solutions.

Mr. Warshauer: Fantastic.

Mr. Mehrotra: As I see the Board has directed the architect to come up with some various alternatives and stuff like that, it would really be our request – at least from a full public disclosure – what the cost-effectiveness of these alternatives would be. I mean, what does the plan cost right now and what would pushing it back 10 feet or 20 feet, what additional costs would be.

Because again, as some of the other speakers in support of this project said, this has to be sort of a community initiative. And if we know what constraints the committee is operating on

maybe we can come up with some alternatives and some alternative properties that would be much better explored rather than spending so much time and money. Because I'm sure he's getting paid for it, and he would be getting paid for it.

So there's a lot of expense that's going into something that, in the end, might just not be viable because it's really not a very viable solution to start with. So if the committee is willing to open this process up, as it should be so it becomes a whole community amenity, we should be able to share those costs with us and those constraints so that the rest of the community, or the neighborhood people, can help it work.

Because at the end, if this is costing \$350,000, there's a property like it on the corner on sale for \$350,000 that has a house on it. Maybe that can be bought with the county money, and renovated and used as affordable housing.

Chairman Murphy: OK, thank you. Yes, go ahead.

Ms. Lopeman: I just have one more question. If this property is allowed to pave over the right-of-way for its parking, then does that set a precedent for anybody on Mt. Hope whose house is adjacent to that right-of-way to be able to pave over the right-of-way and have it not be greenspace anymore? Or is that like an exception that you would be making just for this property?

Chairman Murphy: You mean just put a driveway in?

Ms. Lopeman: Well, it sounds like they want to pave over ... there's a big swath of lawn that fronts ...

Village Attorney Stecich: Brian, this board can't permit it in any event. You can deal with the parking, but it's the Board of Trustees that allows them to do something on the right-of-way or not.

Ms. Lopeman: Yes, I just want to know if they allow the right-of-way to be used as a ...

Village Attorney Stecich: It's not a question for this board.

Ms. Lopeman: OK, I just ...

Chairman Murphy: What counsel's saying is we can't deal with that.

Ms. Lopeman: OK, I have no idea which board does what.

And then the other thing is, is our neighborhood zoned for accessory apartments?

Village Attorney Stecich: Yes.

Ms.Lopeman: I remember a big problem with that a few years ago.

Village Attorney Stecich: Yes, it's zoned. It's allowed in your district.

Ms. Lopeman: Oh, OK. That's it.

Chairman Murphy: OK, anybody else? Anything else? Going once, going twice.

Mr. Warshauer, thank you. Mr. Stein, thank you.

Mr. Warshauer: Thank you very much.

Chairman Murphy: Sue, thank you.

III. DISCUSSION

Village Attorney Stecich: Believe it or not, I have one really quick piece of business.

Chairman Murphy: [*To members of the public*] Do me a favor. Just take it outside because we just have to finish up here. Thanks.

Village Attorney Stecich: I assume this board is OK on the Planning Board being lead agency for T-Mobile.

Boardmember Leaf: Yes.

IV. APPROVAL OF MINUTES

September 23, 2010 Meeting

Chairman Murphy: I guess we have to approve our minutes, or do we? I was not at the September 23rd meeting.

Boardmember Leaf: I thought there were a lot of misses, a lot of mis-attribution. That's what there was a lot of. So do we want to go through one-by-one, or somehow ... I mean, is it possible, Marianne, for us to just...

Village Attorney Stecich: Listen, I don't do minutes. Sorry.

Boardmember Leaf: Could I just mark it up and submit it?

Village Attorney Stecich: Yes, you can.

Boardmember Leaf: And circulate it, and then at the next meeting everyone can say...

Village Attorney Stecich: Oh yes, sure. You could do that, or if the changes you know are wrong ... yes, you could do it. And give the changes ... you don't even have to vote on it. Just give the changes to whoever does the minutes. I don't know who does them. Who does them?

Boardmember Leaf: Is it a violation of the sunlight law if I circulate it to the other people?

Village Attorney Stecich: No.

Boardmember Leaf: it said that Mr. Collins said something, and it was me.

Boardmember Collins: Yes, I knew I didn't say it.

Boardmember Leaf: Yes, I said it.

Boardmember Collins: The content was right. We couldn't tell who said it.

Village Attorney Stecich: Oh, I see. So it should be circulated.

Boardmember Pycior: I think the camera stopped working. The camera doesn't work as well as a person. The camera focuses on one person, doesn't hear who else is speaking.

Village Attorney Stecich: I don't even know who does the minutes.

Chairman Murphy: Well, if Mark is willing to make the changes, then we'll just put it in the record and, Deven, you can just keep it in the record, the edited version. If you're willing to do it.

Boardmember Leaf: Yes, I'm happy ... you know what; could I get a clean copy? Because I marked this up pretty badly.

Chairman Murphy: I got one. Here.

Boardmember Leaf: So I'm going to take a clean copy. I'll mark it up.

Boardmember Collins: Mark, would it be easier if you get an electronic copy? Would you prefer that? I don't even know if that's possible.

Boardmember Leaf: You know, I hesitate to ask. But if you have an electronic copy...

Building Inspector Sharma: Yes, we can send you a Word...

Boardmember Leaf: Just if you e-mail me a copy I will then...

Building Inspector Sharma: Microsoft Word.

Boardmember Leaf: I'll e-mail it around with the changes.

Building Inspector Sharma: You know what would also help, in the Planning Board I keep reminding people please speak in the microphone. Even if you have to appear rude and stop people, I think it may be very critical to let people stop and please speak in the microphone.

Chairman Murphy: No, I try. They get unruly on me.

Next meeting is technically Thanksgiving, so we push it off into December. But I don't remember, is it the second Thursday?

Building Inspector Sharma: I believe it's December 10th.

Chairman Murphy: Ninth.

Building Inspector Sharma: December 9th or 10th.

Chairman Murphy: Yes, the second Thursday in December is the 9th.

Village Attorney Stecich: It's the 9th. That's the next meeting.

Chairman Murphy: OK. Matt, you won't be here?

Can we just adjoin the meeting?

V. ADJOURNMENT

On MOTION of Boardmember Leaf, SECONDED by Boardmember Dovell with a voice vote of all in favor, Chairman Murphy adjourned the Regular Meeting at .