

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
ZONING BOARD OF APPEALS
REGULAR MEETING
DECEMBER 9, 2010**

A Regular Meeting was held by the Zoning Board of Appeals on Thursday, December 9, 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

CITIZENS: Unknown

I. OLD BUSINESS – (Adjourned from Previous Meeting)

Case No. 17-10

(Continued from 10/28/10 meeting)

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

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

Chairman Murphy: We have one case on the agenda tonight, continued from our October 28, 2010 meeting: the application of Hastings-on-Hudson Affordable Housing Development Fund for the construction of an affordable one-family house with an accessory apartment on Mt. Hope Boulevard.

We had a lot of discussion at our last meeting. There were three variances requested for the application. We've been provided with additional information from the applicant, which we appreciate. Who's going to present the additional information? Mr. Vogel? Just give your name and affiliation and go right ahead.

Ed Vogel, Warshauer Mellusi Warshauer Architects: We provided the supplemental information that was requested as an alternative. Gary Warshauer couldn't be here today, so I'm filling in for him.

The first item that you asked for was to document front yard uniformity, which we were claiming in the original application, for the front yard setback. I have posted them here just for easier reference. The site in question is the project site here in orange, and then we have identified five sites; four of them on the same side of the street and one across the street. It's number 356, and they work in sequence as we work from south to north along our project site, and then across the street.

As you can see in 356, there's a front yard reduction to 20 feet. You can notice here that there's the wall and the steps that are actually part of the right-of-way with the sidewalk. The next lot is 360, which is just south of the project site.

Village Attorney Stecich: I'm sorry. Actually, I was kind of confused by these drawings. Can you just go back to 356?

Mr. Vogel: Sure. What we have here is a ...

Village Attorney Stecich: Now, what's in the right-of-way?

Chairman Murphy: The stone wall.

Mr. Vogel: I was just making reference in the photograph that you can see the stone wall and the steps, which are part of the right-of-way.

Chairman Murphy: I think Marianne's question is that ...

Village Attorney Stecich: I'm looking at the survey.

Mr. Vogel: The survey doesn't indicate it.

Village Attorney Stecich: Oh, I see.

Mr. Vogel: It's not shown on the survey.

Chairman Murphy: Well, is the stone wall in the right-of-way, or is it the edge of the right-of-way?

Mr. Vogel: The stone wall would be in the right-of-way, as far as I know.

Chairman Murphy: OK. but the setback. Your point is, the setback on the northeast corner is 20 feet.

Mr. Vogel: Correct. That's the first parcel.

The second parcel, as we work our way north, is number 360. You can see how the front garage is actually across the property line and actually intersects with the stone wall, and that's demonstrated in the photograph right in the middle. The building setback is 14, almost 15 feet.

Chairman Murphy: Right. Again, it looks like the northeast corner is 14.8 feet on the survey map.

Mr. Vogel: Correct. Our next parcel is directly north of the project site.

Boardmember Dovell: Could you go back to 360 just for a second?

Mr. Vogel: Absolutely.

Boardmember Dovell: The flanking ... this garage is coincident with the retaining wall?

Mr. Vogel: The garage is coincident with the retaining wall, correct.

Boardmember Dovell: And the retaining wall runs more or less the length of that property?

Mr. Vogel: Correct. There are a couple of breaks in the wall for a garage and then a subsequent driveway. Any other questions, or should we continue?

That property directly to the north of the project site is number 342. Here we could not retrieve a survey so we haven't provided one, and you can see from the photographs that the building is set back. And if we use the rock wall as a point of reference, just by eyeball it's about 20 feet, 25 feet back.

Boardmember Leaf: Twenty feet from the wall?

Mr. Vogel: I would say 20 feet from the wall, 25 feet.

Boardmember Leaf: Twenty-five feet from the wall, 20 feet from where you think the right-of-way ends.

Mr. Vogel: Correct.

Then the parcel which is two north of our project site is number 338, and this starts to form the triangular part as Mt. Hope Boulevard does the hairpin bend. Here again, we have a stone garage, and it intersects with the stone retaining wall that's there along Mt. Hope Boulevard and shown in the photograph on the upper right. That is set back approximately 1.8 feet from the property line, which is roughly – I'm going to say, just by scale – it's going to end up being 5 feet from the stone wall back.

Chairman Murphy: Say again? Which is 5 feet? The stone garage?

Mr. Vogel: The stone garage is roughly 1.8 feet from the property line, which would then be approximately 5 feet from the face of the stone wall, 4 to 5 feet.

Chairman Murphy: But how about the front of the dwelling?

Mr. Vogel: The front of the dwelling, it shows ... it's a little bit ... it's 24.8 feet.

Chairman Murphy: Yes, I couldn't read it so I wasn't sure what it was. But call it 25 feet, OK.

Mr. Vogel: And then the last parcel that we took a look at is across the street from the proposed project site, and it's number 357. And here it shows ...

Male Voice: Can I ask a question?

Chairman Murphy: No. You'll have a chance.

Mr. Vogel: And then we have number 357, which is across the street on the downhill side of the hill that Mt. Hope Boulevard travels down. As you can see here, there's a side setback of 3.6 feet. And the corner of the porch is roughly 9 feet from the property line, but there's no firm dimension to that.

And then there were some other inclusions ...

Chairman Murphy: Is that from ... Mr. Vogel, is that from the stairs, or the front of the porch?

Mr. Vogel: The corner of the porch. We did not include the stairs on that.

Boardmember Forbes-Watkins: But that's not from the street. This is from the side lot, is that correct?

Mr. Vogel: Well, the property line curves around. So the side lot is 3.8. So if we were just to go perpendicular from the property line to the corner of the porch, it's roughly 9 feet. I mean, you're crossing. You're not quite off of the property corner. And then we included some additional photographs of views describing a little bit of what that grassy right-of-way part of Mt. Hope Boulevard looks like. So that was the first request from the last meeting.

The second request was to see how we could incorporate on-site parking onto the parcel, and what some of the ramifications would be to the project. And we have looked at that. As you can see here from the Google image, we now have a drive that comes in that will then fan out, with three-car parking. That parking would be tucked in right behind the retaining wall that's there, touching the property line. And I can describe that on our site plan.

What we've done with the building, we've taken it, slid it up the hill a bit, slightly twisting it, and then sliding the two components of our building laterally. This keeps us close to the front of the parcel so we're not climbing up the steep slope.

The issue with cars as we come across, we're down here at the base of the stone retaining wall. And to climb to meet any of the grades is difficult for a car to traverse. We created this pocket in here for parking. This parking then becomes decked and it becomes a terrace garden roof, green roof, for residents. It becomes an amenity.

Chairman Murphy: And Mr. Vogel, what's the width of the proposed driveway parking area there?

Mr. Vogel: Right out in front?

Chairman Murphy: North to south.

Mr. Vogel: Twenty-seven feet, to match a three-bay garage. What this has is a zero front yard setback for the garage, and then we have a roughly 9-1/2 foot setback to the principle structure. The principle structure, as you mentioned, is a single-family home with an accessory apartment.

The facades, in plan, you can see the three-car garage bay with the green roof. And then from the front elevation, it wouldn't be unlike the garage facades that were shown in the photographs before with a small pediment, some edging, so we have fall protection.

Chairman Murphy: Is that going to be built into the slope then, essentially?

Mr. Vogel: Yes. There's going to be extra excavation to build this into the slope so it's actually sitting down.

Chairman Murphy: Twenty-seven feet, to accommodate roughly three vehicles.

Mr. Vogel: As we look at this, there was another item that I had a discussion with Mr. Sharma regarding. And that is, as we took our grade plane around the roof of this, it actually ends up being close to the grades where the building would be as it's resting. We kind of viewed the garage as a separate entity. We took the grade plane across the roof of that garage. That would produce a grade plane approximately here, and we would have a two-story building with a cellar. The other interpretation that you could take is that the grade plane would have to incorporate the front of the garage.

Chairman Murphy: I'm sorry, say that again.

Mr. Vogel: We'd have to incorporate the front of the garage. If that's the case, the grade plane would then drop. And then you'd be looking at a three-story building. It's the definition of a "story" in the Village: we still comply with the height, as you can see in the side elevations. The 35-foot height limitation is here, so we're well underneath that for the garage. So we're viewing this as a terrace.

Chairman Murphy: And the proposed garage, though, is that in the right-of-way?

Mr. Vogel: No.

Chairman Murphy: Or is that off ...

Mr. Vogel: It's off the right-of-way. It's on the property. The corner of the garage will touch the property line.

Chairman Murphy: It will.

Mr. Vogel: Yes.

Chairman Murphy: OK, so what I'm trying to ...

Mr. Vogel: It's a zero setback.

Chairman Murphy: Right. What I'm trying to get at, is it a zero setback for the garage that's being proposed?

Mr. Vogel: Correct.

Boardmember Leaf: And the 9-foot setback for the principle ...

Mr. Vogel: Right. We have 9-1/2 feet for the principle structure.

Chairman Murphy: Is it 9-1/2 now?

Mr. Vogel: It's 9-1/2 now. The previous proposal, it was 7. To get the garage, the three bays of garage, to fit we had to push the building back, slide it back and forth.

The third component that you asked us to look at was how to improve the off-site drainage that occurs in that right-of-way, that grassy strip of Mt. Hope Boulevard. We've looked at that with our site engineer. And the solution, there is drainage across Mt. Hope Boulevard. There is a catchbasin almost directly across from our project site. It picks up the water and outlets it just south of the last building on Mt. Hope Boulevard, and then eventually gets caught in a tributary down to the Saw Mill River.

Our thoughts are to provide a berm just north of our drive, collect the water as it would sheet across the surface, and then take it across the street into the catchbasin. And it'll end up flowing to where it's flowing now. It's just being diverted underground.

Chairman Murphy: But that's over the top of the surface of the street, right? Not underneath.

Mr. Vogel: Currently, the water is flowing past this parcel and then working its way across the street, eventually being collected further south and then taken to the Saw Mill River.

Chairman Murphy: But your proposal simply diverts it further north across ...

Mr. Vogel: Further north, collecting it, and then taking that water to the catchbasin. One of the issues that ...

Village Attorney Stecich: Under the street, or over the street?

Mr. Vogel: Under the street.

Village Attorney Stecich: I think that was his question.

Mr. Vogel: Oh, I'm sorry.

Chairman Murphy: I was trying to ...

Mr. Vogel: No, it would be piped. It would be piped below the drive, the street.

Chairman Murphy: Thanks, Marianne.

Building Inspector Sharma: How about the driveway itself? The paved area, the new paved area?

Mr. Vogel: This paved area, in all our impervious surfaces, is going to be collected. And we have a proposal for a full infiltration system of the water that we're generating, the surface water that we're collecting.

Boardmember Dovell: What is the height of ...

Mr. Vogel: Let me see if I can help that out a little bit. There we go.

Chairman Murphy: I think the thought is, that just filters down into the ...

Mr. Vogel: So right now, here's our infiltrator. And we'll be collecting water from here in our drive.

Boardmember Dovell: What was the height of the proposed berm that you're proposing in the right-of-way?

Mr. Vogel: We have not gotten that far.

Boardmember Dovell: I see.

Mr. Vogel: It's just to collect the water and funnel it to the catchbasin, the yard drain.

Sue Smith, 645 Broadway: Excuse me.

Mr. Vogel: Sure.

Ms. Smith: Just to add something to that, I've been out to the site with the Village Manager and the DPW head. And the catchbasin across there is large enough – it was put in a couple years ago – to take additional water piped to it. Now it catches it just coming across the right, but it has plenty of capacity. And also he felt that the drainage out, the way it connects underneath the parkway, was also quite adequate for this water to ... it just would mean that the water gets off the road so the neighborhood doesn't have the slick of ice or the water running on the road. So it's an adequate receiving ...

Chairman Murphy: Right. This was meant to address the concern expressed by the neighbors, I think, last time about the icy conditions in the winter, in particular with that drainage.

Mr. Vogel: Right.

Boardmember Forbes-Watkins: A couple of questions about this. I find this proposal with the garage to be very attractive, particularly compared to the previous. Is this the proposal that you are now bringing to the Zoning Board?

Mr. Vogel: This is an alternate proposal that we are prepared to construct if the Zoning Board finds this better than the initial. The initial for the overall project is preferred. But we have looked at this, and we're prepared to construct this.

Ms. Smith: That's correct. I think there are some downsides for us about this. It would cost more, there is more excavation of the hill, and there may be some other things that Ed would add to it. But it is a viable alternative, and it is responsive to your concerns, I think. So there are compromises to made around it.

Chairman Murphy: Yes. I mean, the original proposal had zero off-street parking proposed. So I guess the tradeoff here, right, is you're making a bigger incursion through the wall and more excavation, all of that kind of thing?

Mr. Vogel: Correct.

Chairman Murphy: And, of course, there's no ... for me, the issue is the front yard setback. For me, that's the issue to be grappled with, which I'm struggling with. Because on the one hand, this solves the parking problem rather nicely and in a consistent way with the rest of the neighborhood. On the other hand, you know, the setback issue becomes more acute.

Mr. Vogel: It certainly does.

Chairman Murphy: Because now you've got a bigger structure incurring along, what, 27 feet or whatever it is right on the edge of the property?

Mr. Vogel: Right.

Boardmember Dovell: Do you have a drawing ...

Mr. Vogel: Actually, it tapers off a little bit, and at the other corner it actually opens up to about 5 feet, 5-1/2 feet.

Chairman Murphy: Oh, I see.

Mr. Vogel: So it's not ... the wall is still going to be the feature that you'll see, and the garage is set back from that wall as you're looking down the street. Not by much, but it is to the property line.

Boardmember Dovell: Is the front setback line shown now on any of your drawings, any of the new drawings?

Mr. Vogel: We have a dimension of 9'6"4 that shows you to the corner of the building, and then the garage actually touches the corner of the front yard.

Boardmember Dovell: But where are the required setback lines?

Mr. Vogel: No, we did not put that on.

Chairman Murphy: Just so I'm clear, Mr. Sharma, Mr. Vogel. The package I got, does that have the new garage proposal?

Mr. Vogel: It does, a smaller design. Yes, if you open it up you'll find Sheet A-1(a). It's right after A-1. And then we did the same with the plan and elevation sheet. You'll find that as A-2(a), as the two alternates.

Chairman Murphy: I see, there it is. Got it.

Boardmember Dovell: This new scheme still has most of the structure and all of the garage as a front yard encroachment.

Mr. Vogel: Yes, it does.

Ms. Smith: Could I offer one thought? That we knew, when we made the first proposal to you, that we would have to go to the Village for permission to have parking in the right-of-way, and that would only happen after we'd been through the Zoning Board and the Planning Board. That would be a final thing.

And if in some way that still could be ... if they approved it, could be done. I would like ... that would be nice to have that option. And they might turn it down and say, "Go to this alternative." I don't know what they would say. Since the neighbors are all parking in that area anyway, I'm not sure that the Village would care too much. There is a question about the legality of making it permitted for us, where the others are just doing it informally, I realize.

But it is a reality, and it's not something that's going to be developed in the future. We can't even take care of what we've got now, let alone anticipate where something is less traveled.

Boardmember Forbes-Watkins: Mr. Chairman, that's a serious question, it seems to me.

Chairman Murphy: It is, yes.

Boardmember Forbes-Watkins: That the neighbors could come back and say, "You allowed that one. Why should we not have that same right to not just park because we're parking, but the actual legal right to park here"? And I don't think I want to see that right given.

Ms. Smith: Yes, well, that's a point of view.

Chairman Murphy: No, I tend to agree with you.

Ms. Smith: Yes, OK.

Chairman Murphy: Just I think at least my view is with David. That this proposal is better. I certainly was not in favor of the original proposal. The difficulty now for me is it's a tight lot and you're trying to do a lot in a little space. And the problem is the slope. And so you're pushing it all forward to such a degree that, in that sense, this makes the front yard setback worse, while it certainly improves the parking situation with a much better option than you previously had.

And I agree with Mr. Forbes-Watkins. I wouldn't want to bless what amounts to an illegal or improper parking situation which is already not good down there. The neighbors do what they do, but for a board to officially sanction parking in that right-of-way in that particular street, that's a no-go for me. So this is an improvement, and I appreciate the effort and I like the concept.

But I'd like to hear other views of the Board on the front yard setback. Because as I understand it now, essentially what we have is, from the primary dwelling, a front yard setback of 9-1/2 feet, which is a very significant incursion necessitated by the steepness of the slope. And it looks like it's more of an incursion than just about everybody else in that immediate vicinity, except perhaps the porch across the street on number 357.

And, of course, now there's a much bigger garage than .. what's being proposed would be a much bigger garage right up against the property line than perhaps the other garages that exist in the neighborhood. But you know, for me, given the circumstances, that's not ... you know, I can grapple with that. I'm struggling, though, with the front yard setback. To push it that close, when 30 feet is required – 9-1/2 feet is being proposed, plus zero setback, for a 27-foot wide garage essentially through the wall, through the stone wall – that's an awfully big incursion. And it seems to me it's because of the difficulties of the site.

Mr. Vogel: That is correct. The slope on the site is 25 percent and greater.

Chairman Murphy: It's 25 percent?

Mr. Vogel: Yes.

Chairman Murphy: Wow.

Boardmember Forbes-Watkins: What if you flipped the entire plan so that the garage went further downhill? I can't recall ... I don't ... I have a hard time on that location figuring out which is north and which is south. But downhill, if the entire building was mirrored, flipped, what would happen then?

Mr. Vogel: Well, it would exacerbate the difference in elevations. Because right now we're on the higher side trying to keep the garage elevation a little more, let's say, in tune with the other two, with the floor elevations, of the residences. If we flipped this, we're sliding further down. We're dropping another 2 to 3 feet in elevation for the base of the garage, while the buildings are still staying. And matter of fact, it would end up being at a slightly higher elevation up on this end.

Boardmember Forbes-Watkins: Would it take us over 35 feet?

Mr. Vogel: In height?

Boardmember Forbes-Watkins: Yes.

Mr. Vogel: No, I don't think that we would exceed the building height limitation of 35 feet. But it's an internal element from garage level, then to house. We're climbing that much higher.

Boardmember Pycior: And then we would have the total structure closer to the retaining wall even.

Mr. Vogel: Correct.

Chairman Murphy: And just so I'm clear, on the original application with regard to the height you had two stories are permitted, two stories proposed.

Mr. Vogel: Correct.

Chairman Murphy: It remains two stories proposed. And the height was listed as 32 feet? Is that also going to remain the same?

Mr. Vogel: That would remain the same.

Boardmember Pycior: And Mr. Vogel, how close is the corner of the building?

Mr. Vogel: Fourteen feet to the property line.

Boardmember Pycior: Closest?

Mr. Vogel: Here, across to the front?

Boardmember Pycior: Yes.

Mr. Vogel: I don't have that here with me now, but I'm going to say it's about 14 feet, yes.

Village Attorney Stecich: I want to go back to what Brian said: does it remain two stories. I don't think so. With the garage, doesn't it end up being three stories, Deven? I think when

you were going through it in the beginning you said it still stays within the height limitation feet-wise.

Mr. Vogel: Correct.

Village Attorney Stecich: But I believe it becomes three stories, right?

Building Inspector Sharma: No, we talked about whether it does indeed become three stories, or whether there'd be a basement which may or may not count as a story. On one side, it's above ground.

Village Attorney Stecich: You have a little bit more closely at elevation. We may not have it, but just so you know it doesn't mean that it's exceeding the 35 feet. But it could exceed the stories limitation.

Chairman Murphy: Yes, the number of stories.

Village Attorney Stecich: But I frankly never quite understand why there's

Building Inspector Sharma: No, we permit two-and-a-half stories, and since there's nothing ...

Village Attorney Stecich: It could be. So it's conceivable this is the option you'd go through; that it may need three stories. So I would say that if the Board were inclined to approve the second alternative – I mean, the alternative as proposed tonight – that there also be a variance for a story, if necessary.

Chairman Murphy: Another variance required.

Village Attorney Stecich: Yes.

Chairman Murphy: Yes, because in this zone it's two stories permitted.

Mr. Vogel: Correct.

Chairman Murphy: And with the proposal for the new garage, which is ... I don't know, it looks perhaps it'll be about 5 feet or so below grade into the slope, give or take. But it's still another story, I guess is what counsel is saying.

Village Attorney Stecich: It could be. We have to see precise drawings. But I mean it is what it is. To me, that would almost be ... you know, if you're OK with that it's almost a technical variance.

Chairman Murphy: No. For me, the issue is the front yard setback; trying to keep it in character, and consistent with what's there in the neighborhood. And I'm not sure I'm convinced on the front yard setback yet, although I like the improvement in the parking an awful lot. That solves some problems.

Tell me more about the drainage again. How is that going to improve ... particularly the neighbors had expressed concern about, you know, it's bad enough ... how is this going to improve the existing situation, if at all, with the runoff coming down Mt. Hope? Because I guess Mr. Dovell's question about the berm, too, is ...

Mr. Vogel: If you look at the Google map ... well, I don't have an answer on the berm height. I would assume, through engineering, it's not going to be any greater than the berm that exists now that kind of divides the improved part of Mt. Hope Boulevard and the unimproved part of Mt. Hope Boulevard. Currently there's water that's flowing down through the unimproved part, worked its way then across the road – particularly in the winter months it's been icing – and then continues along the eastern part of Mt. Hope Boulevard 'til it reaches the inlet, and out-, to go to the Saw Mill River.

What we're proposing to do is to collect it here and then pipe it under the road to the catchbasin, and then let the catchbasin water flow through the catchbasin to the outlet point. And from what the Village Manager and DPW had stated, this inlet point is large enough.

Chairman Murphy: It already has capacity to handle that. OK.

Building Inspector Sharma: Conceivably, in addition to the berm, the area on the north side of the driveway could be swale – you know, like a small depression – and you could put the catchbasin in so all the water that actually does indeed collect there is collected in the catchbasin, drains out from the catchbasin.

Mr. Vogel: Right. The inlet point could be depressed, but we have to meet the inverts out of the catchbasin out.

Building Inspector Sharma: So we don't necessarily have to depend just on the berm, but you could do something with that grading also. So you can create a low point to collect the water and drain it away.

Chairman Murphy: I'm struggling with the front yard setback. Because if you kind of ignore for the moment the proposed garage ... where the old stone garages – which are really quite nice – on the block are essentially either in the right-of-way or right up against the property line. But the setbacks from the principle residences there are consistently between 15 and 25 feet in a 30-foot zone.

You know, an incursion to 9-1/2 feet is almost double what most of those are already. And it's because of the site. What I'm struggling with is, that site is a very difficult site and that's an awfully big accommodation for the front yard setback in that neighborhood. And I'm just ... I don't know what the other Boardmembers think. I'm bothered by that.

Boardmember Pycior: I'm bothered by it, but as I look at some of the other properties which have garages built in to 6- to 8-foot tall walls, and lengthy walls, I'm not certain that that garage in that building would be that much out of character. Because in the property labeled – 360 is it? – the wall runs for a fair distance along that property.

And so even though the building's set further back there's massing visual, in that you have the wall and then the house. So I'm not sure that visually this structure is any more imposing than 360 is.

Boardmember Forbes-Watkins: The other thing that impresses me, or depresses me I guess, is the unfinished half of the boulevard. In fact, as you drive down the current Mt. Hope Boulevard you're driving past houses that are set back 40 feet from the street, as far as it appears. So the appearance is ... it's not legal, but the appearance is that these buildings are set back an enormous amount.

Chairman Murphy: Well, yes. I think the thing, of course, Stanley, is that if you go up 32-, 33 feet, whatever, it's going to be the garage is not going to add to that. The garage is essentially in-ground, and it looks quite nice. I think that's a very effective solution. I like that part of the plan, and it certainly resolves for me a big question we had at the other meeting.

But what you're still faced with, as you always are with these setbacks, is you come 8-, 9 feet away from the road and you're going up 32-, 33 feet and a very steep slope. Even with the smaller footprint, which is ... it's really not a large footprint because it can't be.

Mr. Vogel: Right, it can't be. And the more of steep slope that we impact, the worse we are in addressing the steep slope ordinance. So there's a bit of a give-and-pull, and as a judgment call this is where the location has landed.

Chairman Murphy: Yes. And given the steepness of the slope, you can see it a little bit in some of the elevations with what Mr. Forbes-Watkins is talking about. That's my primary concern, but it's close enough to the street and it's closer than anything else. This would be closer than anything else in that immediate vicinity, it seems to me, by far; other than perhaps the one with respect to ... the one next door, the one corner's about 15 feet. But even so, I don't know. Ray?

Boardmember Dovell: The character of these little garages that are sprinkled around Hastings is that they're almost a landscaping feature. You know, they're generally built in to the side of the house. My house had one. And they're characteristically one car. You know, they're just a little tiny thing, where you drive in.

This, I think the neighborhood character part of it, to me, is the expanse of three faces of garage door facing out onto the street. I've never seen anything like that in Hastings. It's one-, sometimes a very narrow two-car, garage. But I've never seen a three-car garage. And it is not ... it doesn't appear ... from your elevations, it doesn't appear to be kind of a landscaping element. It appears to be a structure that's built right on the lot line.

So I think from the point of view of neighborhood character, that garage is not ... at least to my thinking, does not fit the bill. And I think I agree with Brian that the overall setback, that garage is entirely within the 30-foot encroachment. The entire thing encroaches on that front setback. I'm not really troubled by the height of it because these things always read as accessory structures one way or another. But I think the encroachment, the front yard setback, is troubling to me as well.

Chairman Murphy: Marc, any questions or comments from your position?

Boardmember Leaf: I don't have a lot to add. I agree with you, Mr. Chairman, about the setback. And really, all of the points that have been made so far this evening I agree with. And I am struggling to try to find a way to accommodate the goal, which I think is an important goal, to preserve affordable housing in Hastings.

I think this is an improvement over the last plan. I didn't like the parking on the right-of-way. I didn't like that at all. I'm glad that the committee has made the effort to accommodate the neighbors' concerns with the drainage. I think that's important. Does it improve matters to just provide for open parking along the footprint of where the current three-bay garage is?

Chairman Murphy: Not to my mind. I tend to agree with David on that one. I think this is a pretty sensitive adjustment. The difficulty is, as we've said before, it exacerbates the front yard setback problem. But it solves the parking problem in a reasonable way, given the

concerns we had. The difficulty is you've now got a bigger structure right on the edge of the property into the right-of-way.

But I don't know. For me, when I look, Mr. Vogel, particularly at the side elevation from the south – that's the one, for me, that if you try to visualize it, it's 8-, 9 feet off the property line, and that high and that steep a slope – that's the problem I have with it. That's really close to the street. It's much closer than anything else in the neighborhood with that kind of elevation.

Boardmember Leaf: It's a modestly-sized house, so it's not quite as imposing as, say, the new construction on Cliff Street.

Chairman Murphy: True.

Village Attorney Stecich: But on that side, it's not only 9 feet back, is it? It's further back.

Mr. Vogel: It's 14 feet on the side yard.

Chairman Murphy: On the south side.

Mr. Vogel: But I think he's referencing from the corner here to the property line would probably be 9 to 10 feet, and that's what I stated earlier.

Boardmember Forbes-Watkins: And the reality is that with the angle ...

Mr. Vogel: Actually it's 14 feet, I'm sorry.

Boardmember Forbes-Watkins: ... location, when you look at the elevation from the south side you're not just seeing square on the building. You're seeing it with extensions because of the angle. So you're seeing more, you're seeing more depth to the building, than is pictured on the elevation.

Mr. Vogel: Yes, there is ... massing-wise, there is the gable in the front, which reads as a two-story element. And then as the piece elongates, and is slid forward a bit for that south elevation, this is the element that you'd be reading. And the massing actually sits a little bit behind. So from the south elevation, it's stepped back a little bit.

Ms. Smith: Another observation. Maybe if, instead of a garage, there are actually three parking spots instead of a structure. Does that change something in some way, or is that an alternative to offer? That's all.

Chairman Murphy: Yes, thanks. No, I think there's a difference of view on some of the Boardmembers on whether that would be better, or not. I don't know that it would be.

Mr. Vogel, let me ask you this, though. In terms of the setback, is there ... I take it that you've looked at it again, and the notion of pushing the setback further back is not going to work because of the site limitations?

Mr. Vogel: That is correct. The further back we go, the faster we climb. And as it is now, from let's say street level up to the first floor, we're roughly 10, 16, 18 feet approximately. And that just gets exacerbated the further back we go. And then we're also then impacting the steep slopes even greater.

Boardmember Forbes-Watkins: Turn it sideways.

Boardmember Leaf: You know, the setback is improved somewhat by the fact that the right-of-way is so large that if you are in the street you don't read the house as being ... you don't know where the line, the property line, is. You're looking at it from the street, there's still a bit of a setback, you're right; not the 30 or 40 feet that you see elsewhere in that neighborhood, and then climbing Mt. Hope.

Chairman Murphy: I don't know. When we've had other applications like this, often times there are two or three houses in the neighborhood that are 5 feet off the street or 10 feet off the street, even though they're supposed to be 25 or 30 feet off the street. And here, I don't know. I don't know, I'm really split on the front yard setback issue.

Stanley, anything else?

Boardmember Pycior: No, I want to consider things more.

Boardmember Forbes-Watkins: Before we move to hearing other people, I have one issue of some import, I think. Section 295-67(d), there is a limitation on the issuance of accessory apartment permits so that "*no more than 50 accessory apartment permits are in existence during any calendar year. The limit on the number of accessory apartment permits may not be varied by the Planning Board or by the Zoning Board.*"

Village Attorney Stecich: We haven't gotten to the limit.

Boardmember Forbes-Watkins: OK, but we have never yet had, for the record, a statement that we would be OK. Are you giving us that statement?

Village Attorney Stecich: Yes. This issue has come up periodically because everybody was all hysterical when this law was passed about there being all kinds of accessory apartments. So they put this cap of 50, thinking, well, maybe some day we'd have to change the cap. But they never did because it didn't get to the cap.

Boardmember Forbes-Watkins: OK.

Village Attorney Stecich: I don't know how many there are, Deven. In the thirties maybe?

Building Inspector Sharma: About 30-some. Far from 50.

Boardmember Forbes-Watkins: But we need, for the record, that we have observed this fact.

Village Attorney Stecich: We're telling you.

Boardmember Forbes-Watkins: Good, OK.

Village Attorney Stecich: Is it 27? Yes.

Boardmember Forbes-Watkins: OK, good.

Planning Board member Bruce Dale, 137 High Street: There was presented to the Planning Board a list of the accessory apartments, and if my memory serves me correctly there were 27 at this point. It was presented because we were comparing how many had garages and how many didn't, and the issue of parking and how many had waivers. But I believe the number was 27.

Chairman Murphy: Thank you. Appreciate the clarification. That's Village-wide, right? OK.

And just to address Marianne's point, if there is another variance needed for, I guess, a third story, that doesn't trouble me, given the way the garage is being located. For me, that's not an issue. It's only about the size of the garage as it dovetails with the front yard setback issue. I'm still struggling with that.

But let's hear from others. Sir, you had wanted to speak.

[Female Voice]: Would it be possible for us to all see the pictures?

Chairman Murphy: Mr. Vogel, do me a favor if you could. If you could just briefly retrace it.

Mr. Vogel: Mr. Chairman, I'll just go through the plans, and the exhibit we'll just bypass for now.

Chairman Murphy: Yes, this is for the benefit of the neighbors who are here.

Mr. Vogel: So this is an aerial image of the area. Here is the subject property. Mt. Hope Boulevard runs north and south. This is the uphill side, and this ends up on the downhill side. This is the unimproved part of Mt. Hope Boulevard, and then this is the improved part of Mt. Hope Boulevard. The parcel is on the west side. We have a curbcut developed into a three bay-wide garage, and the checkered pattern represents that terrace green roof that we were talking about, over the garage.

The structure itself is two pieces of volume that are slid back and forth, and then are nestled into the hill. This is the site plan. Mt. Hope Boulevard here is hatched in gray, the unimproved part just to the west of that. And then we have our drive to the three-car garage, we have the two blocks.

We were talking about storm drainage. The water currently sheets across and down into the parcel just south of us, and then starts to work its way across the street, creating an icing condition. The drainage proposal is to collect the water just north of our driveway, pipe it underground to a catchbasin which is approximately here. That catchbasin pipes stormwater, then, down to the outlet point, which eventually works its way to the Saw Mill River.

There are two openings in the wall, which is in brown, and that's how we're gaining access to the dwelling unit. Here are the plans, and the elevations. The plan will start with the garage nestled in between the two volumes that we have, the two massings. The accessory apartment is in the front in the smaller volume, and the principle structure – the principle single-family – is the massing behind. Living/dining, it's a three-bedroom unit for the single-family, and it is a one-bedroom unit for the affordable housing component, or for the accessory apartment.

The front elevation, you can see the garage and the front of the garage, and the two massings. Then you have the two side elevations. Here's the garage, and then Mt. Hope Boulevard would be off on this side. And then this is the south elevation, and Mt. Hope Boulevard would be over here. This is just the rear of the building.

Mr. Chairman?

Chairman Murphy: Yes, thanks Mr. Vogel. And pardon me if I missed it. Does the garage proposal have a green roof?

Mr. Vogel: It will have a green roof, yes, landscaped.

Chairman Murphy: All right. So with that, if any of the neighbors, anyone, has any questions or wants to be heard, please just step up to the microphone and state your name and your address.

Mary Wirth, 335 Mt. Hope Boulevard: I have a couple of questions. The area that is the living ... what are the dimensions of the primary structure: the house – the living room, dining room, three-bedroom house?

Mr. Vogel: It's 14 feet across, and about 50 feet, 53 feet in length.

Ms. Wirth: Fourteen feet by 50 feet. I have a room ... my house is about 25 feet wide, 27 feet, something like that. And I have two porches that were enclosed before I bought my house. And the room in the back of our house is like 12 feet by 25 feet. That's the size of the ... I mean, the house is ... it looks like a log ... I don't like the design. I think it's a little ridiculous. I think you're shoehorning it in, but that's an opinion.

I do have a question about the drainage, though. You're saying that it's going to be piped into this catchbasin, and then be taken to where exactly? Because as it is now, the Village set up sort of an exit point and it comes out to a rocky berm that they created to keep it from flowing onto the Saw Mill Parkway. It doesn't go into any piping anywhere and get to the river. It gets to the bottom of the hill, basically, and it runs into the grassy area between the parkway and what is actually Stanley Avenue, you know, because Mt. Hope ends.

There is no underground piping system. And the Village came, and their solution to the drainage at the bottom of the hill ... actually, the parkway complained that the Village was not doing their job to prevent water from running down the hill and onto the parkway and flooding that area of the parkway. So the solution basically – at least from what I observed and what I see, observed, as they were putting it together and what I see that happens now – is, they just have this big rocky outcropping, which isn't particularly attractive. It's just like boulder-y, broken-up rock, and the water just doesn't go out so quickly. It kind of works its way down.

So I don't know. I don't understand what the end of this is. It's basically piping in more stuff to a more concentrated area that's just going to end up at the bottom of the hill. So maybe it'll be further down, but it'll be there.

Chairman Murphy: No, I think what the applicant's saying is they're trying to eliminate, currently, the flow of water on top of the street across Mt. Hope.

Ms. Wirth: Right. So if they help that ...

Chairman Murphy: So they're going to put it under the street. And they're going to tie it into what exists there, but it ends up in the same place.

Ms. Wirth: Well, the existing really isn't ... there is no existing taking it anywhere beyond. It'll just go to the bottom of the hill. So it may not be as broad of an area, but it'll be just as much water if not more because it's not being absorbed anywhere, and ending at the bottom of the hill. Which is also a very congested area because people park on both sides of the street there. So I'm a little ... I'm not convinced that that's a solution to the water problem. That's one thing.

The other thing is, you know you've referred to the parking on the right-of-way up and down Mt. Hope Boulevard. It is informal, it's not consistent, it's not every day. And we all have driveways and garages, and so if there were suddenly a move to take our cars off of there, our vehicles off of there, we would be able to do it. This is paving over a section of that, more than ... I mean, it's a new addition.

And I realize it's a new construction. But I guess I have a problem with new construction bending the rules so much for new construction, when neighbors who tried to have some additions put onto their house got their requests for a variance denied for houses that were built in the '20s or '30s – you know, one of my neighbors right here. You know, they did some major ... well, she can talk to it.

But it's just ... so then later on, if somebody wants to put a porch that goes right out to the end, how are you guys going to be able to say no to that, when new construction has something right up to the end or half of what is supposed to be there? None of us really comply because the zoning code came after our houses were built.

Chairman Murphy: That's most of the Village.

Ms. Wirth: Yes, which is true. It's most of the Village, but everybody who needs to put a porch or a deck or an enclosed walk, whatever it is, they come before you. And if other

people in the neighborhood have had it done over the years – maybe in 1930, 1940, 1950 when no one was really watching this kind of stuff – they'll say, "Well, it's in keeping with the neighborhood," and, "OK, fine."

And, you know, most times you make a good decision, it looks right. But I just feel like this is a brand-new thing – new drainage, new plumbing, new electrical, new everything, trees coming down – and you're shoehorning it in.

Chairman Murphy: Anyone else wish to be heard?

Shelly Foxman, 323 Mt. Hope Boulevard: My house never showed up on any of those pictures. You seem to photograph everything around it. Because I'm up at the corner, by Cliff Street.

I have two questions. You talk about adding additional drainage, and you're saying it's going to be, I guess, north of the property. So I'm just wondering where it is. Is it going to be a drain in front of, or right next to, the neighbor's property? That would be your house. I'm sorry, I don't know the number.

I'm just asking where would that drain actually be situated. Because I know that this area currently, from here down, is all very marshy. I walk my dog there all the time, and I have to watch my step because of the holes and everything else, and it gets very marshy. So you're going to put a drain in there somewhere?

And my other concern is that this three-car garage, that's a really wide area on that street taking down part of that wonderful stone wall that nobody else has on that street. They're all single-car entries. Could it have been where a single car and garage could have been under the house, to access it so that you park underneath the house?

Chairman Murphy: Well, we can't answer that.

Ms. Foxman: I know you can't answer that question, but I see a huge portion of that stone wall coming down. And you have a few access points here. It's like there's nothing left.

Chairman Murphy: Right. It's 27 feet wide, so that's the incursion in ... that's how much of the wall would be taken out to accommodate the garage.

Ms. Foxman: Yes, but I just think it's really a lot bigger, and out of character with everything else on that street and in the neighborhood there, which are single-car garages on that side.

Susie Walrath-Mehrotra, 338 Mt. Hope Boulevard: I'm two houses north, on the same side of the road.

I have a very pretty stone garage, one-car. It's built in line with the wall. It's got the old craftsmanship in the stone. And my house is set back 25 feet. We were not allowed to build any closer than that when we renovated. It's the garage, in keeping with the wall, looks pretty. And when I think about three garage doors instead of that old carved-by-stonemason – the old Hastings wall that we're lucky enough to have – to have that all torn out, I just don't think that that's in keeping with the neighborhood. Aesthetically, I have a concern with that.

The other thing about the neighborhood is that I do feel that the old trees and the greenspace are really what make it pretty, and I'm very worried about losing that. That's part of what makes Hastings a nice place to live. I know I've spoken here before, and I mentioned our renovation and how hard the stone is, and it occurred to me that in all the times I've mentioned it I never said that was to dig one post for our porch. One post, and this is an entire foundation.

I just can't reconcile this weird, difficult spot with being able to build something affordable. To have it push so close, I think, is ... to get away from that big, steep rock in the back that, it's like the Palisades back there. It's really rocky and vertical. And this is actually a very large house to be putting on the little tiny bit of property that's right there behind the wall. I think that it's so not in keeping with what the rest of the neighborhood ... the spaciousness between the houses that everything else has.

We've talked some about – several of us have mentioned – that we feel that there's a, well, shoehorning element to the physical difficulties of this space. But I also have to say – and I should preface this – I think affordable housing in Hastings is a very worthy goal. I've lived here for nearly 40 years, and I love this town. Members of my family and me, we've been involved in sustainability projects and environmental projects and all kinds of service for the town. I think that from a sustainable point of view, I have a hard time with building something brand-new in this way, and taking away some of the environmental plus sides of what was already there.

And in another ... this is a little complicated, and this might not be the Zoning Board's purveyance, or form. But this is not actually an affordable location to live in. You have to have three cars for this many people to live there, which means you need this monster garage for this many people to live there. When I moved back here, or moved in as an adult, we had one car. This is a difficult location for a family with one car. If you run out of milk and you

need to push a stroller down to get milk at the Food Emporium or Amjo's or wherever, you're stuck. It's not convenient.

From really what's affordable for people, you want to be near public transportation and your convenient shopping to make it affordable. This is not a convenient location. The inconvenience is what makes it ... we're almost like in a rural part of Hastings or something to be so inconveniently located. We're near Hillside Woods, we're near these very pretty things, and we pretend the parkway is hidden by all the trees.

It's part of what's bad about the suburbs to have more people move in and more cars and just making it difficult. In a way, if I had my dream to really set up for more people to live affordably in Hastings there would be a location that would take care of more people – to create a lot more housing for more people – for the cost of making it, and for the environmental cost for the rest of our town. And to make it easy.

There are some drawbacks with this location, the biggest one being just the physics of the site. Where we broke jackhammers in our construction, I'm imagining you're going to have to haul up huge machinery to dig in there. So all this discussion about drainage. I don't know what's going to come tumbling down from that hill. It's not very stable, the soil, in a lot of ways. You touch stuff and things come rolling down. We had a wall behind our house that tumbled for years.

It's just Mt. Hope Boulevard and gravity are serious, and the water flow are serious forces to contend with. I think it's just a very problematic site. And I think it would be best to just let those trees be and keep it pretty. Thank you.

Chairman Murphy: Thanks. Anyone else wish to be heard on the application? Yes, go ahead.

Emily [Duval], 342 Mt. Hope Boulevard: I don't have much to offer new, because I do resonate with much that has been said here tonight. I just want to recap, and have the opportunity to express my feelings, as well, so you can see what we're feeling on the other side.

If all of you have not actually driven by the place, please, I invite you to do this before you do make this decision. Because pictures capture beautiful things, but sometimes they lack to capture a true existence. And in this occasion, I believe these pictures are not capturing what is exactly there, and how tight the spot is and how much of a loss we would have with our environment and a number of other issues.

I think it's simply unsightly. I'm not criticizing the work because I do appreciate and I understand this is very hard, very serious work. It's been wonderfully presented. I assume it's been going on for a very long time. But it may be good work that just doesn't fit. We have a site that Mother Nature has put its limits on and, as she said, it's a force to be contended with because it's a lot of rock. And it's great, but simply at this time they're not in agreement, they're not coming together in a way that the neighborhood is satisfied.

It doesn't satisfy, or appeal to, the charm of Hastings. This new construction, it looks ... and I like it. If I was going to buy a new house in a new development area where the houses had this look, I would definitely do. But the beauty of Hastings is that each house has this individual old charm and it carries it throughout time. We just recently bought 342, and we're going to try to restore it as much as back to when the Rainwaters had it.

The beautiful stone wall that was mentioned across it, I actually love it because you see it driving through when you come up through Cliff Street, when you drive around through the back, when you come down through the overlook. It feels like there's this harmony within the neighborhood, and it expresses culture, it expresses time and how it has evolved until now. And I feel that this is a deposit of modern times within a spot that's really not receiving. Nature itself has not received it, proposals have been presented, readjusted, and can be readjusted again.

Maybe there's a better idea, maybe there's a better front. Maybe there's a better idea, but at this moment in time it certainly is not coming together, nor for the neighbors. Nor, I believe, for yourself because it poses a lot of things for other neighbors, as well. Like, we want to renovate. Am I going to be allowed to have a front porch, which I would love to walk out in the morning and look at all the beautiful trees I have in autumn. Can I have it so close to the road? Certainly not. I'm going to be forced to make it, and push it to the back, and look at the stones. Which I would love to do, as well.

But it's going to bring up a lot of issues with other people. I think a three-door garage is just insane. It's very huge. And I moved from the Upper East Side. I left the city because I do not ... there's a feeling that when you have the sidewalk and this huge structure right in front of you, with such proximity, it loses that feel that you're from a suburb. You moved up to Westchester, you have your trees, you have your morning drive. I still hear birds faintly through the morning noise. I would hate to lose that.

I know this is not a personal issue, but I would still like to express this. Because I'm sure that in the back of other heads maybe it's there, but they don't have the time to present or are simply unintended. I don't think I can take the freedom to speak for them, but I'm sure that

when you decide to move into a neighborhood like that, that has such charm, it offers lifestyle.

These River Towns offer a lifestyle more than they do just a dwelling. They offer a community, they offer a sense of being that I feel this particular home is not in synch with what is around it. Not because of the people that are going to occupy it, but nevertheless the structure itself feels like an eyesore.

Driving up to that curb, and seeing this huge structure just planted right there so close to the road and so tightly nested between two homes which are absolutely gorgeous – Lenny's house and Susie's house, they are actually beautiful – we have a lot of work set up to be able to make ours as gorgeous. I don't know how it does with the feel.

And I know that most people say there's other issues at hand that's more important, and we're talking about numbers and the money and the politics and all of these other issues. But at the end of the day, we are the people that drive up that street, live on that street. And no one else will ever think about it again until it brings up another problem and we're here discussing it.

So I do please invite you to evaluate our lifestyle and how this would impact our lifestyle, how it would impact the environment, and how it would impact just the general aesthetics of our neighborhood. Because there is a beautiful old charm, cabin charm to Hastings which I absolutely love. And I think anything new that we should put, it should have a modern element and sustainability; like being green, being friendly to our environment, but certainly not making it look modern. It looks way too modern. It's not appealing to what this neighborhood has offered throughout time.

I'm young, I'm only 30. I'm a young physician. I just moved in. We've been saving money forever to be able to get here, and I would hate to see it just go away in our first year of purchasing in Hastings. Thank you for your time, it's been wonderful, and this has been my first experience and I've liked it.

Michael: Was that Abraham Lincoln said that: We the people, for the people.

Chairman Murphy: Sir, just identify yourself please.

Michael, 342 Mt. Hope Boulevard: Is this working? Hello?

If you look at the picture kind of here, the aerial view – can I just turn this? – it doesn't really pick up the actual slope. I mean, it literally ... I mean, almost like this. Now, there's a set of steps also that's somewhere built in to here. It's not really ... I guess you can't really see it

here. I mean, they're completely destroyed. You can't even walk on them anymore. It'd be great so that the people down on this end and Cliff Street could kind of come in and have a way to almost walk to the ... you know, to get to the train this way.

I mean, the steps are ... I mean, I've been on them – don't tell anybody – and it's real nasty over there. It hasn't been cleaned out for who knows how long. I think that our other neighbor, Lenny, had said he tried to actually purchase the property and years ago they said that it was unbuildable. They wouldn't even let him purchase it, they shot that whole thing down. If you look at this, my original point was just that the slope is so steep in the back there's really no place for anybody to really do anything other than this little terrace. That's another point to kind of think about.

Also, I'm in the plumbing business so I visit different sites, a little bit more on a higher scale, I'd say, than one single residential home. But I do come across that, and the drainage problem is an issue. By putting one catchbasin in a yard like this, with the amount of trees and leaves that's coming down, I just don't see that as one solution. How big is the catchbasin? Is it going to be 10 by 10? There's really no ... I have this barrier, and the town or whoever's supposed to take care of this. They throw a blower across it, they do a little weeding out here in the road.

But nobody takes care of this patch in here. So I have to mow this and clean this out. Nobody takes care of this. They always leave it alone. I guess they're a little bit too lazy to do that. So now you have another area over here, I guess it's a smaller scale but it is equal to this. So now you have somebody that may or may not take care of it, and now I guess maybe it'll just grow over the yard drain. This may be a year, two years, three years.

The water is not only coming from here. You have water coming from here, you have water coming off this way. It's not exactly all funneling here. There's a ton of it. It's just very soft back in there. Like we were discussing, just kind of to go and take a walk there. And it's kind of silly. We're looking at this picture with these homes with certain amounts of property, and we're looking at a smaller piece of property that's unbuildable across the whole thing except this front. So we're saying, "Well, let's take this little thing and we'll throw four people in there."

Three cars. What if they have a couple visitors? Now we're talking about now where do they park. I guess the parking issue does become an issue. What if they use part of the garage to store stuff? Like 15 by 50 feet, three people, kids, they're going to have stuff, right? Stuff that maybe they might ... I mean, they're probably not going to need a lawnmower here, but they're probably going to need some stuff. So if they have stuff in the garage, let's now make it a two-car garage because where are we going to store stuff.

Now we have an extra car. We're going to have two cars actually in the right-of-way as it is. And people don't park on this right-of-way, like we were discussing. People have driveways, they are off of the drive there. It really is only more down on this side that there's people that have cars on both sides.

I'm for affordable housing, but this is nearly impossible. This is a very difficult thing to do. Thank you.

Chairman Murphy: Thank you. Anyone else from the audience wish to be heard?

Ms. Walrath-Mehrotra: We were just talking about the dimensions of the house. If it's 50 by 50 for the main house, I guess I can't ... how far back into the hill. Why is it so narrow? Is that because of the size of the lot?

Chairman Murphy: Mr. Vogel, you want to address that?

Ms. Walrath-Mehrotra: I'm just having trouble visualizing. I saw a the picture and I thought, "Oh, I understand it." Now I don't think I do.

Mr. Vogel: Part of what we're trying to address is the steep slopes that are here. And by keeping the building as far forward as we can, it's less of an impact on the slopes. Also, proportionately, the two elements – actually the two massings – together look differently. So you have two 14-foot elements and it actually has a 28-foot depth to the house, the two massings inside. But yes, the primary, or the principle, one-family is 15 feet across by 50 feet.

Ms. Walrath-Mehrotra: Which direction is it going? Oh, OK.

Mr. Vogel: It's working parallel with the grades as you work your way up the hill.

Chairman Murphy: And the setback, Mr. Vogel, for the main single-family home is about 25 feet on the currents?

Mr. Vogel: Correct.

Ms. Walrath-Mehrotra: I thought he was saying 9 feet. There's a corner where it's 9 feet.

Chairman Murphy: That's the accessory apartment in the front.

Ms. Walrath-Mehrotra: Oh, I see. But from the outside, it all looks like one ... it all looks like a building. It's all one structure, with the two ...

Mr. Vogel: It will be together, so the massing would read as one structure.

Ms. Walrath-Mehrotra: OK. Thank you.

Michael: One more thing. Also you were saying that the drainage would go under the street. I'm just not following. So we're going to rip up the road in order to get there? Is that the plan? To rip it up to lay the drainage?

Mr. Vogel: Yes, we'll have to trench the street and get a pipe across the street.

Michael: That's a major, major project. I mean, you're talking about some – like we were talking about before – heavy machines, et cetera, which is obviously normal and so on. You have school buses going down that way, I guess, during the project.

I don't know, for something that's supposed to be affordable it seems like so much money and so much time invested in building this small piece for three people and potentially more, and packing it into a small space with an accessory apartment. Which it just seems like there's a lot of variables that just seem ... if you could see to try to fit it together, I just don't see how it fits.

Chairman Murphy: Sue, did you want to say anything else?

Ms. Smith: Well, if you have any questions about the affordable housing aspect of it I would be happy to address that, but I think maybe you don't need that. But the observation that all the water from the site itself has to be retained in the filtration system that we would like have, a request for the Village to put that underground in the undeveloped right-of-way.

So that is taking away some of the water that is now going out into the street and is going downhill there. That's an obligation we have, that we can't have any of our leaders from the house going ... just washing out. They have to all be conditioned in that, unlike the houses that have built before that don't have those requirements.

Chairman Murphy: Understood. Thank you.

Planning Boardmember Dale: I'm on the Planning Board and deal with issues similar to the issues that you deal with. I know you don't need a reminder of what your obligations are. But the first zoning that was passed in our country really was to exclude people from a

neighborhood in San Francisco. The zoning rules that have grown through history have largely been based on health initially, and that aesthetics played less of a role until more into modern times.

I think there's a tradeoff that's being asked here between a benefit for the Village in terms of affordable housing and what that means as a social benefit to our community, as opposed to a zoning violation of what I think is primarily an aesthetic consideration and, on the scale, doesn't really balance. And I think given the difficulty of finding sites that can be used, the cost of land in the Village in order to build affordable housing, we've been restricted to look in areas that are property owned by the Village. And they do, in a number of cases, require the kind of variance that this project is proposing.

So I think what you're being asked to do is to weigh those two different goals. Zoning should help the Village be built in an orderly manner and maintain it in an orderly manner. And I don't know that the problem here is to that extreme that it would require giving up the benefit of affordable housing. Thank you.

Chairman Murphy: Thank you. Anyone else?

Michael: I just don't think that we're really ... I don't think there's really a tradeoff here with affordable housing. I think there's places where it's ...

Chairman Murphy: Step up to the mic.

Michael: I think there's places that is good that we could fit affordable housing in. I don't think this is like, "Oh, let's weigh it out. Oh, take some trees down," which is a major issue, taking down those trees. But I don't want to go back to that. But the point is that there's places to put affordable housing.

Just to squeeze it in and spend all that money, I mean, there's plenty of places along the waterfront you could, for the same amount of money, put a building there. And you could go 10 stories up if you wanted, and then you could have affordable housing. I mean, I don't know. Once it's fixed up, I know that's an investment. And I'm not sure of the background of the waterfront. But I'm sure there's areas that for the same, if not less, you could provide housing for more people. Thanks.

Chairman Murphy: OK. Anyone else?

Ms. Duval: One last thing. I certainly would not like to leave tonight having anyone feel in the air that we're trying to trade off for the benefits of what affordable housing could do; the

social benefits, the cultural benefits. New York City is an ethnic place. We've got people from everywhere. I wouldn't like anyone to leave with that feeling. We're certainly not trying to say X or Y person should or should not be in this neighborhood. What I do think is that certainly none of us are the pedestal of what ethics are or morals are. Because that's why we have committees. Not one individual can define this.

And in this case, us, as a community, we're not focusing the no simply on just because it's not pretty. The expressing that it's not pretty is more digging into what the charm of the neighborhood is and the lifestyle that Hastings does offer. And the lifestyle is tied to what people see. It's an unfortunate truth that we must acknowledge. You see some coming in mid-December with a beautiful tan, you associate this person with money because you think he just went on a vacation, tanning out in the Bahamas while I'm here working in the winter.

These are things that we put them in the back of our heads because we want to put on this face of ... I don't know, it's just a façade, but the truth is we must accept does it fit in to this neighborhood. Are we going above and beyond? Are there physical challenges that are just so costly that it's not making this efficient and effective. Is it going to disrupt the neighborhood harmony that we have now? Are we willing for this to happen?

I don't know. There's just so many more ... I believe that there are other areas that are being ignored, other than the physical structure and the social/political aspects of this project that should be approached, addressed, and make this project sustainable in every facet that it has to offer. Because we're offering people a lifestyle, a home, a place to raise their family, a place to come work, a place to form part of a community. It is more than just, "A dwelling. Can we put this up? Can we have it happen? Does it fit into our rules and regulations?"

We're talking about life here, and the way people direct their lives and live it. And once you move into Hastings, I rarely see people move. I don't plan on moving for the next 20, 30 years, possibly until I can't get up those steps. So I'm thinking the people that you're going to get in there are going to be there for the next 20, 30 years. So why don't we just make them as comfortable as it can be within the setting that the neighborhood already has to offer. Thank you.

Ms. Foxman: One last thing. I've been living her for 20 years, and in this section of Hastings alone I have seen 10 different houses go up over the course of the 20 years, the last and the worst being the one on Cliff Street which somebody mentioned. When that big monstrosity went up, how huge that house was. I realize this is going to be a fraction of that size, but even today – it's been a couple of years – that the sidewalk in front of the house looks horrible, they've never done anything.

The street just lost all its character. All those trees came down. And they did a ton of blasting. They really had a lot of work to do to get those trees down and to get that bedrock blasted and to get that house built. And that was a prefab, that house. We watched them just roll in the sections and put it all together, and we were just all amazed at that. But we've seen a lot of different houses going in on bigger lots than what we're proposing here.

When you mention a house being only 15 feet deep or whatever, that's smaller than my bedroom. I'm like, you're asking somebody to buy this, and then for somebody else to go into the accessory apartment as affordable housing, and it just seems like that's not very large when you consider a 15-foot wide home. My bedroom is 16 by 20, so how many rooms are going to fit in that particular house.

If I could just leave one last thought. If this doesn't go through, if we could still get the drain and the improvement. Because it's a really dangerous situation on Mt. Hope the way it ices up down there.

Chairman Murphy: All right, any final comments from the Board? Mr. Vogel, I want to thank you for all the work that you, and presumably your staff, put in. We appreciate it. You responded, obviously, to the Board's concerns from our first meeting back in October and so I commend you for that.

I guess for me, I appreciate all the comments from the audience. This is a very fairly narrow issue, from where I sit. It's all about the front yard setback, and that's our jurisdiction. And in trying to weigh the balance of what you're proposing and the character of the neighborhood, I still come back to my first comment. My gut instinct is it's a tradeoff between the parking and the front yard setback. That's just an awfully big ask for us on a front yard setback, and it's driven by the steepness of the slope, the difficulty of the site.

And so I appreciate that you've done everything you can, I think, to make it work. But I just don't see it as consistent with the rest of that neighborhood on the front yard setback. Even the proposed three-car garage, I think Ray has persuaded me ultimately that that's a pretty big incursion right up against the property line, even though it's a good solution for the parking. Or at least a better solution for the parking, let's put it that way. So that's kind of where I come down on it.

I don't have a problem with the lot width or the stories or any of the other stuff. All of that is stuff we handle all the time. But no other home on the block is that close. And to the extent they have parking, it's one-car garages that are either on the right-of-way or on the border of the property line.

Anyone else?

Boardmember Pycior: I came here tonight wanting and hoping to approve this because I recognize the need for affordable housing. But as I've heard from the neighbors and also from my colleagues on the Board, I too became troubled about the massing, the garage, and the house so close – well, not so close to the property line – in the case of the garage, *on* the property line.

Chairman Murphy: OK. All right, if there are no other comments from the Board I need a motion with respect to the application of Hastings-on-Hudson Affordable Housing Development Fund for the construction of a one-family house with an accessory apartment on Mt. Hope Boulevard.

Boardmember Leaf: Can I ask, if I were to make a motion to approve, would it get seconded?

Chairman Murphy: All you could do is make the motion.

Boardmember Leaf: I'm going to move approval. I won't speechify before I make ... well, I guess I'll just say very quickly that while I respect the serious concerns raised by the neighbors and I do have concerns about the character of the neighborhood being adversely affected by the massing of the garage so close to the property line, the fact is there are very few places in Hastings where you can build affordable housing.

I've got to rely on the good faith and goodwill, and skill and experience, of the committee to have tried to find the best places that are possible. And if there's no place other than this, I think this is the best plan that's available for that site. So in the interest of preserving places to live in Hastings for people who cannot afford to buy housing at its current market price, I'm going to move approval. I'll do it one at a time.

On MOTION of Boardmember Leaf, SECONDED by Pycior with a voice vote of all in favor, the Board resolved approve the front yard setback of zero, required 30 feet.

Village Attorney Stecich: So you've got to go around the record.

Boardmember Forbes-Watkins: A seconder does not have to vote for the motion.

Boardmember Leaf: Well, there's no point in seconding it.

Boardmember Forbes-Watkins: Well, we can get it to a vote.

Boardmember Leaf: If it's going to be voted 4-1 against, we might as well vote either way.

Village Attorney Stecich: Yes. The cleaner way to do it is just make a motion to deny the variance.

Boardmember Forbes-Watkins: I do want to say two or three things. There are a number of criteria for zoning boards to look at proposals, and there are five listed. Certainly, three of them ... I have problems with this proposal with three of them. "*Whether an undesirable change will be produced in the character of the neighborhood,*" I think there is definitely a problem here.

"*Whether the benefit sought by the applicant can be achieved by some other method*": not here, but the application is essentially to do affordable housing, and this happens to fall into a place where there's a trial.

I don't think that this is appropriate in this area, and I'm convinced by one thing. The comment about people who need public transportation, who need to get out of that area. You can't do it there. "*Is the variance substantial?*" Yes, it is a very substantial variance that's being asked. And on that basis, I move to deny the variance.

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Pycior with a voice vote of all in favor, the Board resolved to deny front yard approval.

Chairman Murphy: The vote's 4-1 against. No point in voting on the others, so the application's denied.

Mr. Vogel, thank you again. Ms. Smith, thank you very much for all the time you've put in. I appreciate it.

Ms. Smith: A question just before we leave? If there was a way to physically get it back farther on the property, would that be worth coming back to you? I don't know that's even possible. I mean, we've examined every possible thing we can, but that seems to be the major lynchpin for you folks, right?

Chairman Murphy: It is. And so if there's an alternate proposal that changes that dynamic on the front yard setback we'd be willing to listen to it for sure.

Ms. Smith: Thank you.

Ms. Wirth: This is just one quick question. It's really more of a question, but I just wanted to ask in front of you for the Affordable Housing Committee. You know, Hillside Woods, when my son was in kindergarten – he's 27 now, but when he was in kindergarten – there was a battle to save Hillside Woods from development. Fran MacEachron, I think, was the mayor at the time, and there was a proposal to put housing in there. It was shot down, and now the Town of Greenburgh or the county or whatever, it's a combined ownership of that which has come up before.

But I'm wondering, I forget how many acres there are up there. But it's Village-owned property, it's a park. You know, you can un-park property. It doesn't have to be a park forever. It's one thing if it's named after a person; I think it's a little bit more difficult. Like the property that's on the corner of Villard and Broadway, it's dedicated to a Trustee who passed away. But Hillside Woods, a couple of acres on Edgewood Avenue, I don't know if they've considered that or approached the Village for that.

That, to me, is someplace where it's more level. It's right near the school, it's walkable, it's maybe not near public transportation but you could definitely get down the hill to the Village a lot easier. So I think that would be something you might want to look at. I know it's political.

Chairman Murphy: Let me just suggest that you have that discussion off-line.

Ms. Wirth: And this room would not be large enough for the people who want to be part of it.

II. DISCUSSION

Chairman Murphy: I just want to note for the record, Marianne, in our package, thank you for doing your memo of November 8 on the Alex Cheng application, 495 Warburton, explaining the interpretation that the Zoning Board gave at our October 28 meeting. So Mr. Sharma, I take it that's in the record?

Building Inspector Sharma: Yes.

Chairman Murphy: OK, and I thank you for that.

IV. APPROVAL OF MINUTES

October 28, 2010 Meeting

Boardmember Leaf: I have one small change. On page 17, my speech, seven items down, the second paragraph of that that reads: "*But here, this is very different from that. This is not a superficial connection, but more from a middle connection.*" That's "... but more" 'fundamental' *connection.*"

Chairman Murphy: Thank you for that. Duly noted.

Boardmember Forbes-Watkins: One other correction. I was not here.

Chairman Murphy: Oh, right, yes. Let's note that in the approval of the October 28, 2010 Zoning Board of Appeals meeting minutes that Mr. Forbes-Watkins was not in attendance at that meeting.

Boardmember Forbes-Watkins: It was Matthew Collins.

Boardmember Dovell: One other correction, on page 57, my statement: "*What is the landscaping condition that you propose outside of the XXX. I can see that it's set into cottontail ...*" I don't think I said "cottontail."

Village Attorney Stecich: Yes, I looked at it three times.

Boardmember Dovell: I think what was said was, "*I can see 'it set in to minimize the cut-and-fill' on the steep part of the slope.*"

Chairman Murphy: Yes, "the cut-and-fill."

Village Attorney Stecich: Page 57, Deven.

And also on page 50, on the very bottom, there's a long passage attributed to me. I wish I knew that much. It was Michael Stein who said that, not me.

Chairman Murphy: Right. The last paragraph on the bottom of page 50.

On MOTION of Boardmember Leaf, SECONDED by Boardmember Pycior with a voice vote of all in favor, the Minutes of the Regular Meeting October 28, 2010 were approved as amended.

Chairman Murphy: You know, I don't have my calendar with me, Marianne. Our next meeting?

Boardmember Pycior: Next year, right?

Chairman Murphy: Yes.

Village Attorney Stecich: January 27.

Chairman Murphy: January 27, 2011 our next meeting.

Boardmember Pycior: And a Happy New Year.

Chairman Murphy: Wish all the Boardmembers an enjoyable holiday. See you next year.

III. ADJOURNMENT