

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
ZONING BOARD OF APPEALS
REGULAR MEETING
JANUARY 27, 2011

A Regular Meeting was held by the Zoning Board of Appeals on Thursday, January 27, 2011 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 Matthew Collins, Boardmember David Forbes-Watkins, Village Attorney Marianne Stecich, and Building Inspector Deven Sharma

CITIZENS: Unknown

Chairman Murphy: Good evening, everyone. We're here for the January 27, 2011 Hastings Zoning Board of Appeals meeting.

We have three cases on the agenda for tonight. First case, No. 1-11 Pacific Transglobal Construction Corp., 61 Southside Avenue, request for view preservation approval; No. 2-11 Mary and James Lumalcuri, 35 Pinecrest Parkway, for view preservation approval; and our third case in 2011, the Hastings-on-Hudson Affordable Housing Development Fund, Mt. Hope Boulevard, for the construction of an affordable one-family house with an accessory apartment.

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

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

Chairman Murphy: And just before we begin, I understand you'd like to introduce our new deputy inspector.

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Building Inspector Sharma: Oh, yes. Charlie Wucherer, as you know, is kind of getting old.

His name is Charles, too, Charles Minozzi. He's going to be assisting me, helping me, with my day-to-day business in the same capacity as Charlie Wucherer did. And he's here just to get a sense of what we do here.

Chairman Murphy: Mr. Minozzi, welcome.

Deputy Building Inspector Minozzi: Thank you.

Chairman Murphy: Good to have you.

Village Attorney Stecich: Brian, just on two of those applications – on the two view preservation applications, Pacific Transglobal and Lumalcuri – the Planning Board recommended approval on both of those.

Chairman Murphy: OK, thanks, Marianne.

I. NEW BUSINESS

**Case No. 1-11
Pacific Transglobal Construction Corp.
61 Southside Avenue
View Preservation Approval
For the construction of a deck at an existing commercial building**

Chairman Murphy: All right, so who's going to present the application for Pacific Transglobal, please? Please just introduce yourself, and use the microphone. Yes, you can use either one.

Building Inspector Sharma: Turn it on if it's not turned on already, please.

Louis Brutto, manager – Pacific Transglobal Construction Corp.: I'm here to represent for building the deck at 61 Southside Avenue.

Chairman Murphy: OK, go right ahead.

Mr. Brutto: So 61 Southside Avenue is a commercial building. It's been in existence. It consists of a first-floor masonry structure, a second-floor frame structure. The first-floor masonry structure has some garages and a storage space. The second-floor frame structure has office space and some storage space. The access to the second-floor office structure is through a front door that is approximately 5 feet above the first-floor's roofline.

My proposal is to construct a deck with a set of stairs approximately 5 feet off the first-floor structure to allow access to both the front main door of the second floor as well as the sliding glass door that's on the Southside office space.

Chairman Murphy: So that's meant to be below the roofline on that second level?

Mr. Brutto: Correct. It is well below the roofline on the second level; probably over 14 feet below. Well maybe not that much, but somewhere in that neighborhood.

Chairman Murphy: All right. And can you just take us through some of the photographs, please? Because our only interest here tonight is on the view preservation question.

Mr. Brutto: OK. This is the plot. So this would be a south view, north view, and across the river to the west. This is a first-floor frontal shot standing with my back to the river, my back to the west, looking at the front of the building.

The proposed deck would go across the front of the second-floor structure. If you notice from the angle of where I'm standing, you probably wouldn't even see the deck level because of the parapet wall on the first floor from this angle. So the level of the deck is far below all the surrounding property.

To the right of the property we have about 60 feet approximately from the building edge – not necessarily from the new proposed deck, but from the edge of the walkway – with a space. To the left, there's wooded space all the way up the road to the first set of buildings down by the bottom of Washington.

Behind the property there's an open lot. The gentleman that owns that lot actually came down and did a walkthrough with me, wanted to know what was going on. And he actually gave his consent in the last meeting, and said that it was a good thing.

Chairman Murphy: How wide is the proposed deck going to be on the second level?

Mr. Brutto: Twenty-three feet.

Chairman Murphy: And where is that going to be in relation to the two ...

Mr. Brutto: If you can tell from this picture – it's a little difficult because it's far away from you – it extends approximately from the left side of that sliding glass door to the right side of the other entrance door. It just basically covers both entrances, with a couple of feet on each end for room to move around when you walk in and out the door.

Chairman Murphy: All right, so it's within the north-to-south width of the existing structure?

Mr. Brutto: It's smaller than the north-to-south width probably by about approximately 5 feet on the north side and about 30 feet on the south side – 25 feet, 30 feet on the south side.

Boardmember Forbes-Watkins: A quick question. The entrance to those second-floor spaces, now how are you accomplishing this?

Mr. Brutto: There was a deteriorated structure there – that had actually eroded and disappeared – by the sliding glass door some time ago. For safety purposes, in front of the main entrance I temporarily put a small structure there and a temporary set of stairs.

Boardmember Forbes-Watkins: And you enter and exit the second floor by the stairs on the left of the building, if you're looking at it? Or do you come up from underneath?

Mr. Brutto: You can come up from underneath or you can enter from the right-side stairs.

Boardmember Forbes-Watkins: Right-side stairs. There's also left-side stairs.

Mr. Brutto: There are left stairs, as well. Those are less-used. There's stairs on both sides of the building, but primarily for my office space, you know. One of the big concerns for me is, I would like people to be able to come up the right-side stairs – which is a nice wide set of stairs – walk up to the top level, I mean the first level, walk across up to the entranceway and into the building safely.

Boardmember Forbes-Watkins: Makes sense.

Mr. Brutto: Without going through the shop area and up the inside stairs.

Chairman Murphy: And approximately how much will be visible above the parapets on the first floor?

Mr. Brutto: The parapet wall is approximately 18 inches to 20 inches high. The proposed deck is going to be approximately 4 feet off the first-floor roofline. From the street, if you were standing on the street level, you wouldn't be able to see any of it because of your point of view. If you were standing on the actual first-floor roof it would be approximately 2 feet higher.

Chairman Murphy: OK. Any other questions from the Board on this application?

Boardmember Dovell: The grade behind it is quite steep, isn't it?

Mr. Brutto: Yes, sir.

Boardmember Dovell: Going away from the river it's quite steep. The deck is nested behind the strip of your second floor so it's virtually impossible to see it from anyplace.

Mr. Brutto: Absolutely, from any point of view. Even if you were standing ... even if you were laying on the property line on that space up above you wouldn't have visibility of the deck. You would have to come on to the property to actually see the deck. I mean, legitimately there is no point where this deck hinders any adjacent property's view. It's just not possible.

Chairman Murphy: Even on the lot that's immediately behind you, if someone were to build a structure there I doubt you could see this.

Mr. Brutto: The only ... you would not see the deck. I think it would be almost impossible for you to actually see the deck. The only way would be if they were to dig down and take our property, too, and remove the whole upper structure before you could see the deck. There's just no vanished point from any of the neighboring properties that you can see this structure.

Chairman Murphy: All right, thank you.

Mr. Brutto: Thank you very much. I appreciate it.

Chairman Murphy: Is there anyone here in the audience who wishes to be heard on this application for view preservation approval, 61 Southside? Seeing no one ...

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Dovell with a voice vote of all in favor, the Board resolved approval of Case No. 1-11, Pacific Transglobal Construction Corp. view preservation approval for construction of a deck on the second floor of the building.

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

Mr. Brutto: Thank you. I appreciate your time.

II. OLD BUSINESS

Case No. 2-11
Mary & James Lumalcuri
35 Pinecrest Parkway
View Preservation Approval
For the construction of additions

Chairman Murphy: Our second case is also view preservation. The address is 35 Pinecrest Parkway, Mary and James Lumalcuri. OK, just identify yourself please for us.

Susan Riordan, architect – 35 Pinecrest Parkway: As you can see, I gave you a new set of drawings. Originally, we were going to add on more of the house. But after talking to the neighbors, they were not as happy. So we scaled it back and they're much happier.

What we're doing, right now there's an existing second floor that's 20 feet by 20 feet. So that's about 400 square feet. We're adding a master bedroom and bath above the existing family room, which is on the first floor. That will add ... it's about 23 feet by 14 feet. What that does, it extends ... because the room below extends about 3-1/2 feet beyond the first floor, this also extends 3-1/2 feet beyond the first floor.

The view has changed, really, from here to there. So there's a small, 3-1/2 feet ... which is only visible, basically, from the sidewalk because the properties across the street are a whole house level up, and the properties beyond are a whole house level down.

Chairman Murphy: So you're essentially adding 3-1/2 feet on the second level. And are you going above the existing roofline? No.

Ms. Riordan: No, and it's just at the back of the house.

Chairman Murphy: And this is above the existing, I guess, porch or whatever's on that.

Ms. Riordan: It's like living room.

Boardmember Dovell: There is no side yard variance requested.

Ms. Riordan: No, this will be exactly above the other, which complies with the 12-foot setback.

Boardmember Leaf: Marianne, is it required that a variance be obtained if you're extending ... by existing nonconformity is it being extended upward? Don't we have to ...

Village Attorney Stecich: You would, but apparently they're not. This plan that you just got is different.

Boardmember Leaf: Is different from this plan we originally saw.

Village Attorney Stecich: Yes, I know it's a little confusing. I had the same question at the Planning Board meeting. They meet the side yard, and they'll continue to meet the side yard. At the moment they don't meet the front yard, but this addition doesn't come all the way to the front of the house. It's set further back so it's not increasing the incursion into the front yard.

Boardmember Dovell: Or the side yard.

Boardmember Leaf: Because the two-story addition does not extend all the way to the north side of the house on the first floor.

Ms. Riordan: Correct.

Boardmember Leaf: OK, got it.

Ms. Riordan: Right. That's a deck that's there. We're not going over that.

Chairman Murphy: So we're only considering view preservation, right?

Ms. Riordan: Yes.

Chairman Murphy: We're all OK with that? OK.

And can you just take us through a couple of photographs, particularly the two on the right of your board.

Ms. Riordan: These?

Chairman Murphy: Yes, all of those. Those four in the corner.

Ms. Riordan: OK. This is the existing front of the house, and this is the front of the house with that addition added on. This is from the rear. This is the existing second floor. We'll be just adding above this room right here. And then this is from the side. This is the existing two stories, that's the existing living room. And we're adding above that right there.

Chairman Murphy: So is there anything directly behind what's being added on that second floor where the view would be ...

Ms. Riordan: There's a deck.

Chairman Murphy: No, no. I mean someone else's property. Is there anybody right behind there, or is that all ...

Ms. Riordan: Well, that's Pinecrest Parkway, which sort of is a road, trees, road, and then across the street higher up.

Chairman Murphy: Higher up. Right.

Boardmember Forbes-Watkins: To the back, you're going down to the Aqueduct.

Chairman Murphy: Yes, right.

Boardmember Leaf: Here is the Aqueduct, or is it in front of the Aqueduct?

Boardmember Forbes-Watkins: It's got to be.

Boardmember Leaf: No, because there's the street.

Ms. Riordan: Mary, do you know?

Boardmember Forbes-Watkins: No, that's Pinecrest Parkway.

Mary Lumalcuri, owner – 35 Pinecrest Parkway: The question?

Ms. Riordan: The Aqueduct location.

Building Inspector Sharma: Speak in the microphone, please.

Ms. Lumalcuri: OK, I'm sorry. We're on the parkway. Below us is the drive. Below that is the Aqueduct.

Chairman Murphy: Thank you. OK, any other questions from the Board about the request for view preservation approval?

Boardmember Dovell: It doesn't seem that it's – you know, from any of the neighboring property – that you would get a view ... that this is obstructing any view of anything.

Ms. Riordan: No.

Chairman Murphy: Yes, it's a pretty minor addition. And – I'm sorry – it's, again, to expand the bedroom and add a bath? Is that it?

Ms. Riordan: Yes, master bedroom. Right now it's 400 square feet, including stairs, for two little bedrooms. So we're just adding a nice master bedroom with views out to the Hudson.

Chairman Murphy: David, anything? It seems pretty straightforward.

Anyone in the audience wish to be heard on this application for view preservation at 35 Pinecrest Parkway? Seeing none, could I have a motion?

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Dovell with a voice vote of all in favor, the Board resolved Case No. 2-11, 35 Pinecrest Parkway, view preservation approval for construction of additions.

Chairman Murphy: The vote's unanimous.

Ms. Riordan: Thank you.

Chairman Murphy: Ms. Riordan, thank you.

**Case No. 3-11
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 for the Principle Structure: Proposed - 15 ft. Required Minimum - 30 ft. {295-68F(1)(a)}**
- 3. Front Yard for the Accessory Garage Structure: Proposed-0.0 ft. Required Minimum-30 ft. (295-68F(1)(a))**
- 4. Off-Street Parking-Proposed:
In Alternate One: 2 in the accessory structure in Front Yard
In Alternate Two: None**

Required - 3 (2 for the one-family dwelling plus 1 for the One-Bedroom Accessory Apartment {295-36 and 295-68D9b)(1)(k)}

Chairman Murphy: Our third case is a case we've heard before, the Hastings Affordable Housing Development Fund for the proposed and accessory apartment on Mt. Hope Boulevard from the Warshauer group.

Ed Vogel, Warshauer Mellusi Warshauer Architects: Good evening, chairman, members of the Board.

Sue Smith, Affordable Housing Committee: I don't need to introduce him, or myself, at this point. We've come back with a revision of the plan, with two possible alternates for your consideration. Thank you.

Chairman Murphy: Thank you. Mr. Vogel, go right ahead.

Mr. Vogel: Our first image, here up, is a neighborhood. What we've done to the plan from what you've seen in the past is that we've put in a biased line through the accessory apartment in the front to maintain a 15-foot setback across the front of the property.

Chairman Murphy: So you're proposing to move it back? I think originally it was 7 feet was the original proposal.

Mr. Vogel: The original was 7 feet, then we were at 9-1/2 feet, and now we're at full 15 feet.

There are two alternates in the plan. What we show up on this neighborhood plan is that the parking requirement would then be on-street in the unimproved right of way of Mt. Hope Boulevard. So as a site plan we can see the parking field, the existing sidewalk and retaining wall. We have a 15-foot setback. The accessory apartment, which sits in front and down as the grade works, the topography of the site has the bias in here, maintaining the 15-foot setback.

Here you can see the plans. We still have a one-bedroom accessory apartment with the principle structure behind. The variances that would be requested of the Board for this application would include a nonconforming front yard width. We also have the front yard setback requirement, and then the parking requirement.

Chairman Murphy: Right. So the structure is the same.

Mr. Vogel: Yes.

Chairman Murphy: In terms of the housing structure. It's just pushed back further to meet the 15-foot setback.

Mr. Vogel: The primary, principle structure is pushed back slightly, not very far. But then the major impact is with the accessory apartment.

Chairman Murphy: Oh, I see.

Mr. Vogel: It's become slightly smaller.

Chairman Murphy: Smaller. OK, got it.

Mr. Vogel: This is the scheme that we're presenting, and then there's an alternate if you want me to walk you through the alternate, as well.

Chairman Murphy: Sure. We'll call this the first scheme, or first proposal?

Village Attorney Stecich: Could I ask one question about this? Are you creating a parking area there, or is there parking already there? The paved area.

Mr. Vogel: There is not any parking. We will be creating an impervious-surface parking area, yes.

Village Attorney Stecich: Oh, so the parking area you're showing there would be new paving.

Mr. Vogel: That is new paving.

Village Attorney Stecich: OK.

Mr. Vogel: Any other questions on this scheme?

Chairman Murphy: Sorry. On the first scheme, the parking, is that to accommodate three cars in the right of way?

Mr. Vogel: Yes. It accommodates three spaces; two for the principle, and one for the accessory apartment.

Chairman Murphy: And what are the approximate dimensions for the impervious surface in the right of way?

Mr. Vogel: Well, parking spaces are the standard 9 feet by 18 feet. We have a turnaround, which would then be another 24 feet back. And then we have a curbcut entry to roughly 14 feet to 15 feet across approximate area. Its 650 square feet to 700 square feet.

Chairman Murphy: OK. Thank you, Mr. Vogel. Go to the next one.

Mr. Vogel: In this scheme, the major difference is that we've included on-site parking in an accessory garage, which then would front the boulevard. But you still have to cross the unimproved portion of the boulevard to reach the parking garage.

Chairman Murphy: So what's the difference in square feet of the impervious surface in the right of way in this scheme? Because it's obviously smaller than the first one.

Mr. Vogel: It is smaller. It's roughly 350 square feet. A little bit more than half; you still have the drive to come in, and you do have one space in the right of way.

Chairman Murphy: Oh, I see.

Mr. Vogel: The parking provided here is only for two cars housed.

Chairman Murphy: Got it. And what's the width of the proposed garage? You showed a version of this.

Mr. Vogel: Twenty feet. We showed a version which was a tight, three-car garage.

Chairman Murphy: Right.

Mr. Vogel: We heard the Board, and this is a tight, two-car garage. So it's 20 feet across and its 20 feet in depth.

In the plans and elevations you can see the two-car garage, accessory garage, located toward the front, which would then be a green roof. And then you have the two bays in the front elevation.

Chairman Murphy: And when you say "green roof," can you just explain that so everyone understands what you're talking about, please.

Mr. Vogel: Because of the terrain of the site, the garage actually provides an opportunity for an area for passive recreation. And this roof would them be vegetated.

Chairman Murphy: And it'd be a flat roof, to try and blend in more with the site.

Mr. Vogel: Right, correct. The front will still have a form a parapet edge protection because we are inviting people up onto the roof.

The variances for this application increase in number, and then the Board will have to weigh them. We still have the nonconforming front yard lot width. We still have the front yard setback to mention. The principle structure being 15 feet, and the accessory structure, being the garage, is at zero feet. The corner does hit the property line.

We also have a parking requirement. We have two on-site; one on the street, being in the unimproved right of way. And then the third variance relates to height. Because of the garage, our average grade plane is dropped. And height relates to stories only, so we'd be three stories in height. The overall height in feet is not impacted.

Chairman Murphy: I'm sorry. Say that last one again. Go through the height.

Mr. Vogel: Regarding height, there are two requirements. One is number of stories, the other one is feet. Feet relates to a dimension parallel, and offset vertically from, the existing grade. We comply with that.

The second one is number of stories – two-and-a-half stories maximum – and it's taken to the average grade plane around the building. One's calculated with the inclusion of the garage being part of the overall structure. Our grade plane then drops slightly lower, and therefore what was considered a basement before is now considered a story. So we end up with three stories.

Building Inspector Sharma: By the way, I just want to make one note, too. The parking area, according to my very rough and quick calculation – with all three parking out there – comes to about 1,200 square feet, including the driveway. And with one parking spot, it would be like 800-some square feet.

Mr. Vogel: OK, thank you for doing that.

Chairman Murphy: And Mr. Vogel, just to recap, another issue that had been discussed at the other meeting, or meetings, was with regard to the drainage.

Mr. Vogel: Yes.

Chairman Murphy: And I know that there's been ... at least I got a subsequent letter on that. Can you just detail that so we all understand the drainage improvements? Because among the neighbors, there were questions about the existing drainage and what would happen with this structure with the new drainage that was proposed; particularly connecting it to the catchbasin on the east side of the street, and the runoff from there.

Mr. Vogel: We're addressing two types of drainage on this proposal. The first is that we're creating some stormwater because we have a facility that's impervious. So the water that we're collecting off of our roof system will be then on-site retained. And then we're going to recharge the system – the water system – underground.

There's a second part of drainage that we have contemplated that was raised through meetings with the neighbors and with the Village. And that is, there is water that sheets along the unimproved right of way. There are couple of causes, but what we're proposing to do is to build a small berme, or a swale, depending on what the invert is across the street.

The water that flows or sheets across here will then be collected in a drop inlet. The inlet will then be piped underneath the street to a catchbasin on the east side of the boulevard, and then from there be carried away to its discharge point. That is still part of the project.

Chairman Murphy: Right. And the discharge point, one of the neighbors raised the question last time what is the discharge point. And in the supplemental information that we were provided, somebody from your office anyway indicated that it actually runs down, ultimately, to the Saw Mill.

Mr. Vogel: That is correct.

Chairman Murphy: OK. And it's rated for a co-called 100-year storm?

Mr. Vogel: That's how we would design the piping system, yes.

Chairman Murphy: Except we seem to have 100-year storms more frequently than once every 100 years, don't we?

Mr. Vogel: And snow.

Boardmember Forbes-Watkins: Twice a week.

Chairman Murphy: So let's talk first, I guess ... the essence of the difference in the two proposals is how you're handling the parking, right?

Mr. Vogel: That is correct.

Chairman Murphy: And the balance that we were concerned about with this project was the front yard setback was way too close. So you pushed that back more in keeping with at least some of the other homes on the block.

But also you had to balance the parking because three cars off-street parking are required. So it's a question of do you want two cars off-street in a garage – with a green roof that tries to blend as best it can, which is at least consistent with some of the other garages in the neighborhood – and keep it off the green, minimize the impervious surface on the green right of way.

Mr. Vogel: Correct.

Chairman Murphy: Or do you increase the impervious surface on the green right of way to allow for three off-street cars in that right of way where, obviously, cars are parked there at various times throughout the day. So is that ...

Mr. Vogel: That is correct. There are also costing implications. It is less money for us to put in a surface field than to build a garage with a roof.

Chairman Murphy: And in terms of the impact on the retaining wall, I guess what we didn't like was that the three-car garage seemed too big, too massive there; not in keeping with the neighborhood. And the wider it gets, the more walls you take out.

Mr. Vogel: That is correct.

Chairman Murphy: And so now instead of whatever it was 27 feet or 28 feet, its 20 feet to accommodate two cars. Ok, I think I got it.

And that's why I was asking you about the square footage. So it's roughly double the square footage of paved asphalt parking area.

Mr. Vogel: Well, it was about 1,200 square feet to 800 square feet. So about two-thirds less.

Chairman Murphy: OK, got it. So it's about three times more without the garage than with the garage.

Boardmember Leaf: No, one-and-a-half times more.

Mr. Vogel: One-and-a-half times more without the garage.

Chairman Murphy: Got it.

And in terms of, I guess, the height: even though you're pushing the front yard setback from 7 feet to 15 feet, you're still within the height requirements based on the way it's measured. Mr. Sharma, is that accurate?

Building Inspector Sharma: Yes. The way we measure height is if we draw a plane which is parallel to the existing plane, and then 35 feet away. As long as we don't penetrate that plane, height-wise, we are OK.

But in terms of the number of stories, I would have to reexamine whether the basement becomes a story.

Chairman Murphy: Well, I think the representation is it would be.

Mr. Vogel: It would be, yes.

Chairman Murphy: And so they would need a variance for that. My concern is the height aspect of it. And I just want to make sure you've confirmed what Mr. Vogel has said, which is that they're within the height that's permissible.

Building Inspector Sharma: Within 35 feet in height as permissible, yes.

Chairman Murphy: All right. Other members of the Board, questions for Mr. Vogel?

Boardmember Dovell: Could you take us through the immediate context of 356, 360, 342, 338 and 257 regarding each of the front setbacks and how parking is handled in each one of those cases? I think you have all the information there.

Mr. Vogel: I do. This board here shows the key plan that you have in front of you, and identifies one, two, three, four, five, six parcels. The orange one here is the proposed project.

The first site we'll talk about is 356 Mt. Hope Boulevard. In here, the existing setback is 20 feet to the principle structure. On the property of 360 Mt. Hope Boulevard, the proposed setback to the principle structure is 15 feet. On the property of number 342 Mt. Hope Boulevard we were unable to obtain a survey, but we estimate it to be roughly maybe 20 feet to 25 feet. It's enough for one garage, one length of car, pretty much from the wall to the house.

And then for number 338 Mt. Hope Boulevard, the front yard setback is roughly 22 feet ... 24 feet. I apologize, 24.8 feet. And then we have a parcel that's directly across the street from ours, and that one is number 357 Mt. Hope Boulevard. The front yard setback, and that is to the porch, is roughly at 8 feet to 9 feet.

Chairman Murphy: That was to the corner of the porch, the south corner?

Mr. Vogel: The corner of the porch, correct.

Boardmember Dovell: Now could you do the same thing for how parking is handled in each case, starting with 356?

Mr. Vogel: Number 356 does have a single-car garage accessory structure that is on the property line. Actually it's over the property line by, I think, 2 feet. And then there is a second accessory parking garage along the side yard that's a distance away from the front yard. I'm sorry, I misquoted. Number 356 Mt. Hope Boulevard has parking underneath the building: a one-car garage, and then a drive in the front.

For number 360 Mt. Hope Boulevard, they have an accessory single-car parking garage at the property line, and then they have a second accessory parking garage in the side yard.

For number 342 Mt. Hope Boulevard, they have a two-car garage underneath the principle structure.

For number 338, parking is in a single-car garage structure, accessory structure, on the property line.

For number 357, parking is in a two-car garage. And that's down the side yard.

Boardmember Dovell: So of all those parcels then, two of them are out of compliance, roughly, with the parking requirements. Is that correct?

Mr. Vogel: As in accessory structure in the front yard on the property line, yes.

Boardmember Dovell: Parking off the right of way.

Mr. Vogel: Off-street?

Boardmember Dovell: Right.

Mr. Vogel: Number 356 apparently has one car. Number 360 would comply. Number 342 has one car, which would not comply. Number 338 has a two-car, which would comply. And number 357 is labeled as a two-car garage, and that would comply.

Chairman Murphy: Mr. Vogel, I just want to see again the proposed two-car garage. Can you show me the elevations for that again, please?

Mr. Vogel: Yes.

Chairman Murphy: That's approximately 20 feet by ...

Mr. Vogel: Twenty feet by 20 feet.

Chairman Murphy: And how much of that would be in the right of way as opposed to within the property line?

Mr. Vogel: The accessory garage structure is entirely on the property. We have one additional space, surface parking, in the right of way.

Chairman Murphy: Got it. That's what I'm just trying to keep clear in *my* head. So when we look at the plan, and where the other garages are located, this is on the other side. This is entirely within the property line. It's only the extra space on the proposed paved surface.

Mr. Vogel: Correct.

Chairman Murphy: OK.

Boardmember Leaf: Mr. Vogel, in your professional opinion, both plans that you have put forward, are both of them feasible? That is, they could be constructed in accordance with the budget that the Affordable Housing Committee has?

Mr. Vogel: We've look at that, and the answer is yes.

Boardmember Leaf: In your opinion, would the construction cause a risk of damage to neighboring homes?

Mr. Vogel: No.

Boardmember Leaf: In your opinion, would the construction adversely affect the existing drainage? In other words, make it worse than it is now on Mt. Hope Boulevard, the southern portion of Mt. Hope Boulevard?

Mr. Vogel: On the contrary, the stormwater management that we've proposed would lessen the severity for two reasons.

Chairman Murphy: Yes. I mean, part of this plan is you're going to improve the drainage, right? I mean, that seems pretty clear.

Mr. Vogel: Yes.

Boardmember Dovell: Is there a third scheme where you don't have the garage, but you park in a front area there?

Mr. Vogel: That was this first scheme that we showed.

Boardmember Dovell: I mean, by just parking where you have the garage shown, but not have the garage.

Mr. Vogel: As unstructured. I do not have that, but that's certainly an option.

Boardmember Dovell: I mean, that gets you away from having this bigger structure right on the street, and you could put the cars on the lot without enclosing them.

Mr. Vogel: Are we talking all three cars, then, on-site? The issue would then be that we'd be opening up more of the wall and we have greater excavation as well.

Chairman Murphy: And in terms of doing the work necessary, the excavation to lay the foundation, will this be done by chipping? There was concern about potential blasting because of the rock and the steepness of the slope. Can you address that?

Building Inspector Sharma: Blasting, I believe, is not permitted in the Village.

Chairman Murphy: I understand.

Mr. Vogel: If you look at the site section, here is the approximate grade line. We're actually trying to use the rock for our foundations to come up. Hence why the building climbs in height, and why we've stepped the building down the hill to try to mitigate height.

With the inclusion of the garage, there might be some rock excavation. There will certainly be some leveling of the rocks so we can pin to it. The amount of rock excavation I cannot speak to at this point because we haven't done any test borings, or test pits, at this time.

Chairman Murphy: But how is the rock going to be removed, typically?

Mr. Vogel: Typically? The first step is to chip it. You have to remove that, the rock. If there is no blasting, that would be the second option. If that's limited, then we may have to reconfigure and rethink that lower level.

Chairman Murphy: And as between these two alternative plans, is there one that you prefer over the other for any particular reason?

Mr. Vogel: Parking in the right of way makes sense, with fewer disturbances on the site. Even though that part of the site will certainly be disturbed.

Chairman Murphy: So the tradeoff is you don't have to knock down the stone wall to accommodate parking.

Mr. Vogel: Correct.

Chairman Murphy: But you put a huge parking lot in the middle of the right of way. That doesn't grab me.

Boardmember Forbes-Watkins: I want to pursue that question considerably further, and I recognize that you're possibly not the person who can answer this question. But it seems to me that if this parking area – be it one car, or three – is placed in the roadway, the unconstructed roadway, that the people on both sides and all the way up and down the boulevard would have a right to exactly the same thing.

Boardmember Leaf: They already park there.

Boardmember Forbes-Watkins: But they don't park there quite legally. I'm talking about property right. There all of a sudden would become a property right, I believe, for this space.

And if that can happen, why shouldn't the people up and down the street have a property right also?

Boardmember Dovell: A couple of the houses do have ... the houses that are out of compliance with the specific parking requirements there, I think there are two that have one car each parked in the right of way, just as a point of reference.

Boardmember Forbes-Watkins: Yes, but there's a difference. They're parked there with sufferance, OK? But if we authorize a parking space in this right of way, that is a property right to this property, I believe.

Village Attorney Stecich: Right.

Boardmember Forbes-Watkins: And if that property can have that property right, why can't the other houses up the street have that property right?

Village Attorney Stecich: Let me try to address that. You couldn't give them the right to park there. If you gave them a variance for the scheme with the parking and the right of way it would have to be conditional on their getting a license agreement or some kind of easement agreement from the Village. And only the Board of Trustees can give that, OK? And it's up to them to decide.

And I guess another neighbor could come ... let's say the Village Board decides to give them a license agreement for whatever reason. Maybe their reason is they think affordable housing is important enough, a good reason, for them to give a license agreement. Then if somebody else wants to come in and get permission to park in the right of way, well, then they would have to convince the Village Board that they've got a good reason for it, too.

So you're not granting them any right. It's only the Board of Trustees that can do it, and it's kind of up to the Board of Trustees.

Boardmember Forbes-Watkins: But then let's carry this a little bit further. If I go to the Village Board, having granted this to this one property – I am next door, and I want that same right – and the Village Board turns me down, I'm going to sue.

Chairman Murphy: Why?

Boardmember Forbes-Watkins: Discrimination.

Village Attorney Stecich: No.

Boardmember Forbes-Watkins: Why?

Building Inspector Sharma: Different circumstances.

Boardmember Leaf: There's no legal justification for what you just said, David.

Boardmember Forbes-Watkins: You don't think so?

Boardmember Leaf: No, there's not.

Boardmember Forbes-Watkins: All right, fine. I'm not a lawyer, so I don't know that.

Chairman Murphy: David, there's also another option. We can grant a variance for two cars off-street parking, when three is required. And then there's no parking in the right of way, or at least there's no impervious surface in the right of way. And if someone needs a third car to live, let's say, in the accessory apartment, for example, and then they're going to have to find a place elsewhere.

Boardmember Forbes-Watkins: It's with sufferance. All right.

Chairman Murphy: It'll be like everyone else on the block who parks in the right of way, but you won't be paving it. I mean, that's an option. Paving the right of way at all bothers me. But I appreciate what Mr. Vogel's trying to grapple with, which is to balance the competing concerns and the requirements of the zoning code.

So I strongly prefer the two-car garage, not a three-car garage, within the property line itself to accommodate the parking. For me the question is, is it better to just leave the right of way the way it is and that third car will have to find a place to park, or do we do what you're so strongly ...

Boardmember Forbes-Watkins: Opposed to.

Chairman Murphy: ... reacting against, which is, you know, what?, are you going to grant them a variance to put a paved parking space in the middle of a green right of way on Mt. Hope Boulevard. So I hear what you're saying.

But it seems to me, Marianne, we could grant that, right?

Village Attorney Stecich: Yes.

Chairman Murphy: We could simply grant a variance for two cars off-street parking with the garage as proposed, and no off-street parking in the right of way, period. And that somewhat addresses your concern.

Boardmember Forbes-Watkins: Yes, it does. I agree.

Building Inspector Sharma: There's also a choice as Ray mentioned: not a garage, but two off-street parking spaces.

Boardmember Dovell: Parking areas. Then you're not asking for height.

Building Inspector Sharma: You just do spaces in the front yard.

Mr. Vogel: Well, actually, we would. Because to get those spaces in we will have to build retaining walls, use the foundation wall across the front, and build another retaining wall out to reach the unimproved right of way. And because of that, now our exposed face along the façade of the building will drop our grade plane below and create a three-story.

Chairman Murphy: For me the concern is, either way, you're still going to have to take out that section of wall to accommodate.

Mr. Vogel: Correct.

Chairman Murphy: So it's a question of what do you prefer?

Mr. Vogel: The question becomes...

Boardmember Dovell: I'm more troubled by that than by building the structure, which is a greater variance, than not building the structure.

Mr. Vogel: Well, we still have parking in the front yard.

Boardmember Dovell: Correct. You have parking within the lot, and you're not parking in the right of way. And if you waive the additional spot, then there isn't really an issue of the unused portion of Mt. Hope.

Chairman Murphy: Yes, I just think that the structure will look better. And because it's below grade of where the house is going to be, behind it, it blends in better. And there are a couple of garages like that on the block, which actually look fine to me. That's how I view it.

Boardmember Leaf: There are two other existing garages within this crop of five houses which are on the property line.

Mr. Vogel: Correct.

Boardmember Collins: Mr. Vogel, how long is the driveway that you have illustrated in the alternate plan, the one that calls for the two-car garage and the one space that's on the right of way? About how long is that driveway from Mt. Hope to the entrance to the garage?

Mr. Vogel: Roughly 35 feet.

Building Inspector Sharma: Thirty-five, 40 feet, yes.

Boardmember Collins: So in your opinion, do you think that with a two-car garage the overall layout and presentation of all the structures would be in keeping with the neighborhood?

Mr. Vogel: Yes.

Boardmember Collins: I think that's a very unique aspect of this property. You've got that right of way, which certainly gives the visual presentation of quite a bit of front space, just not on the property line.

Mr. Vogel: It does. It's not the property line.

Boardmember Collins: Right. But it's not like the garage is right on the roadway.

Boardmember Leaf: And all of the other houses have driveways that cut through.

Mr. Vogel: Every other property on the west side of Mt. Hope Boulevard needs to cross the unimproved portion of the boulevard, and hence they all have long driveways.

Chairman Murphy: So Marianne, if we were to consider a variance for two cars off-street parking within the front yard, that would eliminate the ... would that eliminate the issue of having to go back to the Village Board for any kind of permit?

Village Attorney Stecich: Yes.

Chairman Murphy: All right. David, Matt, anything else?

Boardmember Dovell: Can you push ... what's limiting how far back the house is pushed right now? You're at 15 feet right now.

Mr. Vogel: Topography.

Boardmember Dovell: It's just the rock.

Mr. Vogel: And there is a rock outcrop, right. The rock jumps up steeply right in this zone, so we're pushed back to that.

Boardmember Dovell: And your foundation is, in fact, the rock.

Mr. Vogel: Correct. We're looking to bear on the rock.

Boardmember Dovell: So pushing it back simply pushes the house up.

Mr. Vogel: Right, it will push the house up. As it is now, just to give a little perspective from this from, let's say, the sidewalk to the first floor of the principle, it's a climb of about 16 feet to 18 feet.

Chairman Murphy: And what's the height again, just from top to bottom of the main structure in the rear? You know, not from the average plane measure. Just what's the height that you're going to build?

Mr. Vogel: The height, roughly from grade to the peak, would be 30 feet. We have two stories exposed in the back. So it's a standard home.

Chairman Murphy: Got it.

Boardmember Leaf: I'm not troubled by the 15 feet front yard for a couple of reasons. One, there are two other houses which have 15 feet or less from the house to the front yard. One of those is on the east side of Mt. Hope, and doesn't even have the benefit of the right of way.

But also the very particular site factor: because the project site is on the curve of the road, it appears to be farther – if you're walking down Mt. Hope Boulevard it appears to be farther – away from your vantage point than the other houses, even though it's not because of the curve of the right of way and the curve of where it is. So that 15 feet seems like it would not be imposing on the street.

Boardmember Dovell: I'm still puzzling over the notion of a lesser variance and no garage, but parking on the site. And then what visually that would mean. The height of the retaining walls on either side would be approximately how high?

Mr. Vogel: It would be this elevation, but this would then become foundation wall. And that's what you would be driving up toward. The walls on the other side would climb to a height of about 8 feet to 9 feet.

Boardmember Collins: Would *climb* to 8 feet or 9 feet, but they would start at the roadway at about what?

Mr. Vogel: It would be the height of the existing rock wall that's there, which is roughly 4 feet.

Building Inspector Sharma: It's about 4 feet.

Boardmember Collins: I'm just thinking about the minimal variance, plus the neighborhood character issue here. There are these garages along here that are stone-faced and that you drive into. But they're one ... its one-car garages, I believe. Where if you were to turn that retaining wall in, in stone, and make just a little parking area, I think maybe Brian's concerns would be alleviated a little bit.

Chairman Murphy: Yes, right.

Boardmember Collins: That you're concerned about seeing the slice through the site, with a concrete wall or something on either side. But if that were ... if it starts down low, and it goes to 6 feet, it's not that much of a hindrance, visual hindrance. Then you won't have this 10-foot high face of garage out onto the street.

Chairman Murphy: Well, you're not going to be on the street, don't forget. Because you're on the other side of the right of way.

Boardmember Collins: Yes, I understand. But it's the lot line that's of interest here, really, because the variance starts on the other side of that.

Chairman Murphy: So you'd have retaining walls, say, starting roughly 4 feet ...

Mr. Vogel: Roughly 4 feet, and then climbing to about 9 feet.

Chairman Murphy: But how would those ... but what about the retaining wall at the back that's facing you as you would drive into this parking area?

Mr. Vogel: Well, as an architectural aesthetic we could certainly face all those walls so they could all look like stone.

Chairman Murphy: Do some kind of synthetic stone?

Boardmember Leaf: It opens up money in the plan if you're not building the garage. You could deal with the stone perhaps.

Would the retaining walls connect to the existing stone wall?

Mr. Vogel: In any event, yes, we would.

Boardmember Leaf: OK.

Mr. Vogel: Because once you remove that part of the wall, you also need some stability for the wall. So we would have to buttress the existing stone wall.

Chairman Murphy: But the point is, if we were trying to visualize Mr. Dovell's proposal, when you drive into the parking area the back wall is going to be about 8 feet, 9 feet high, right? You're going 20 feet back, roughly, you said.

Mr. Vogel: Twenty feet back, but the wall that would be exposed we could work with the materials on that part of the wall, certainly, to soften that. The retaining walls to either side would climb to about 9 feet in height. The wall itself would then be taller, but it might create other opportunities for us.

Boardmember Leaf: And for safety you would need some kind of railing or fencing above the 9-foot high ...

Chairman Murphy: Yes, that's pretty high.

Boardmember Leaf: That's a height. I think I prefer the garage.

Boardmember Collins: Yes, I'm there, too. I'm there also.

Boardmember Collins: How high is the garage currently shown?

Mr. Vogel: The garage would be a standard 8-foot height on the interior, then you add a bit for structure. Then you have a soil mass so you have a little parapet in the front.

Boardmember Collins: Would having the driveway create any kind of a grade any more than having the garage, and what kind of grading is that? Is there a climb as you're driving up to cross?

Mr. Vogel: To cross the unimproved portion of Mt. Hope...

Boardmember Collins: Yes, and all the way up.

Mr. Vogel: ... there is very little climb. But once we reach our peer line, we have a 4-foot high wall that we need to then jump. And then the grade works up greater than 25 percent slope. So there is excavation.

Boardmember Collins: So that's another issue. You could create the driveway, but that might actually – on a day like this, or yesterday – encourage people to say, "Forget about it. I'm going to go find another solution," and they're parking on the street. Because trying to get a car up a steeper driveway ...

Mr. Vogel: Right, but that wouldn't be the case. For parking surfaces they have to be 5 percent maximum. So we're excavating. To park on a slope wouldn't really be desirable.

Chairman Murphy: You're going to have to excavate and build structural walls, in any event.

Mr. Vogel: In any event.

Boardmember Dovell: But the railings that you talk about on the side of any retaining wall will have to be put on the edge of this green roof. So it's not going to be 10 feet at the face of the property line. It's going to be 10 feet plus the height of a railing. So it's going to be 14 feet by the time you finish with the railing, and that railing is going to go around.

Mr. Vogel: Well, it might go around for half across the front, and then return on the two sides. But at some point, it does meet up with grade.

Boardmember Dovell: So that's adding to the visual height of this whole thing.

Chairman Murphy: Yes, you'd want that to be an open railing.

Boardmember Dovell: Right.

Mr. Vogel: We can do that, certainly.

Chairman Murphy: And what's the material going to be? Not for the doors, but just the front of the garage. What is that?

Mr. Vogel: We do have stone to bring that look. The other garages do have stone. The structure garage is on the property line so we'd be looking to do the same.

Chairman Murphy: Ray, you want to explore that any more?

Boardmember Dovell: What have you shown in your elevation there? You've got a pediment over the garage?

Mr. Vogel: Yes, we do have a pediment, a gable, over the garage. There is also a bit of that so-called "edge protection" a little bit on either side.

Boardmember Dovell: You've shown a solid parapet wall there. Is that ...

Mr. Vogel: Apparently, in the front would be a pediment right at the front façade. We could certainly step that railing back from that pediment, and that's what that solid parapet is supposed to be looking like. So we're actually stepped back, and that can be an open rail.

Boardmember Dovell: The height of the garage doors is 8 feet, is that right?

Mr. Vogel: Correct. The standard garage door would be 7 feet by 8 feet in width.

Boardmember Dovell: The top of your stone is shown at...

Mr. Vogel: Roughly 9 feet in height.

Boardmember Dovell: ... 9 feet. And that gets you to the top of the structure.

Mr. Vogel: Correct.

Boardmember Dovell: So the pediment is above all that.

Mr. Vogel: Is it above that. We're talking about a green roof, so we had some soils that need to get on top of the structure. And the pediment would then be asphalt edge protection.

Boardmember Dovell: I think the pediment and the additional height there is something that is out of character with these garages. What you see, they're almost like a grotto. They're just stone shoved into the side and they're flat, very low, compressed kinds of things. This is ... with the pediment it's becoming a little more of a formal statement, which I think is really out of character.

Mr. Vogel: Well, we could certainly take the suggestion of an open rail.

Chairman Murphy: What I thought you were saying is that the green roof would be a flat roof to invite people on it as a recreational surface and you'd have to have some kind of railing. But I thought the pediment was just because it was an old drawing.

Boardmember Leaf: You could have the open rail similar to the open rail on the deck that's right above it and behind it, right? And drop it?

Chairman Murphy: But you can't get rid of that structure massed above the roofline. No, I agree.

Mr. Vogel: We can certainly comply with that.

Chairman Murphy: That's why we have an architect on our board.

Chairman Murphy: David, did you have something?

All right, why don't we hear from the audience then? Give folks a chance to ask any further questions, and then we'll have time to discuss it some more at the end. Please just step up to the microphone, introduce yourself, and state your address, too, please.

Mary Wirth, 335 Mt. Hope Boulevard: I have a letter that I want to submit, with signatures, and I'd just like to read it. But before I do, I have a question. What are the dimensions of the house at it widest and its deepest?

Mr. Vogel: At the widest part we have roughly 54 feet in length. And then in depth we've got 28 feet.

Ms. Wirth: Twenty-eight feet. And the main house, the single-family home, is how deep?

Mr. Vogel: The single-family home is 14 feet by 50 feet in length.

Ms. Wirth: Fourteen feet deep. Think about the rooms in your houses, and what that would look like.

So can I just read this, and then I'll submit it to you?

"I'm writing in behalf of my neighbors on Mt. Hope Boulevard. We are opposed to the use of the property in question for purpose of constructing affordable housing for the following reasons:

"The property is not suitable for building, as evidenced by the number of instances that violate the building code." And I listed what was in the information that we got online as to the variances: the lot width, the front yard, et cetera. So I won't read those again.

"We feel that approving the application for a new structure with this many code variances is not appropriate and should not be granted. Given the nature of the site, the future homeowners will undoubtedly apply for additional variances to make the outdoor spaces more accessible."

"In addition, granting the variances for a new structure will set a precedent, and compromise the Board on decisions for future applications. The number of mature trees that would be lost due to construction is a permanent change to the landscape and a detriment to the quality and beauty of our neighborhood."

"The effect of the already-inadequate drainage for the water runoff in our neighborhood would be exacerbated by the removal of trees and foliage on this site." And I would really like proof about the existence of drainage that takes the water away and under the Saw Mill Parkway. I really don't see that. I don't think that exists.

"Creating parking on what is now an open Village parkland in front of a site would alter the quality of the neighborhood. The neighborhood itself is not easy walking distance to shopping, school, or public transportation; the sidewalks and right of way property is not currently maintained in an adequate fashion by the Village." You can see that there is nothing shoveled, and that's Village property. No one can walk on any sidewalks anywhere in that neighborhood unless the residents have shoveled.

"The Affordable Housing Committee should identify space that would give more bang for the buck in terms of the number of residences created. Forever changing the quality and beauty of our neighborhood for two residences is not a reasonable exchange. The majority of homes in the neighborhood date to the early part of the 20th century. The design of the home proposed will not add to the beauty of our neighborhood; in fact, it would seriously detract from it."

"Hastings residents who apply for the affordable housing will not be given priority in the selection process."

"In conclusion, I would like to state that the existence of affordable housing in our neighborhood is not an issue for any of us, and we are not of the NIMBY mindset. Our neighborhood is quite diverse with regard to ages of homeowners, their economic status, their race, and their religion. What does concern us is the use of a steeply-sloped, heavily-wooded lot with huge areas of bedrock for the construction of a home that neither fits the site nor the flavor of the neighborhood."

"The Village has seen its share of eyesores, and we hope that our neighborhood does not become another victim of this poor planning. Please consider these points as you make your decision."

I have a copy for you. I don't have the copy of the signatures, though, sorry.

Chairman Murphy: Ms. Wirth, sure, yes we'll put that in the record. Thank you.

Hi, just please state your name and your address.

Susie Walrath-Mehrotra, 338 Mt. Hope Boulevard: After the last presentation of plans that were discussed – and the numbers have come up again today – I had gone home after the last meeting, and my husband and I went and looked at our garage. Our garage is not set zero from the property line, or the wall. Our garage is set back – our pretty stone garage, the Hastings garage – is set back about 6 feet from the wall.

There's room next to our garage for a very large old tree that, if it was a little more symmetrical, I wonder if the Rockefeller Center people would come and ask us for it. It's big. But there's that much space between the wall and our garage. So when the number "zero" setback for the garage has been used for our property, that's not correct.

I've spoken before in front of this committee. And again today, just like I have every time before a meeting, I've gone out and I've stood in my driveway and I've looked down the road, and I've looked up at how steep this lot of land is. It's much steeper than my property. The angle of the way the front of Mount Hope and the back of Mount Hope sits is much tighter where we live. It spreads out down for this lot that we're talking about.

It's so vertical. There's this enormous boulder. The cost of digging through any of that rock is going to be a very bad surprise. It makes me just think it's an ill-conceived idea to look at this piece of land. It's so nonconforming for the variances that are being sought, and the walls being torn down, and the garage space, the width of the house, the width of the lot, the width of the property. I find it ill-conceived that these houses need to be built new. It doesn't seem to make any sense to me that way.

And this property is up and over Mt. Hope Boulevard. That's what makes it such a difficult place to live. And I know, I've lived it. No matter what you do, you have to go up and over Mount Hope. You're dependent on a car. It's an expensive place to live just because of that. I think it takes about 40 minutes to walk home from the train because that hill is so steep. And going to the train, that's maybe a half an hour just because there's a little more downhill than uphill. We're very far away. It's very isolating that way.

I don't even think of this discussion as, "Oh, it's not in my backyard." It's not in my rocky outcropping; it's not in my unbuildable, unsuitable, the-Village-never-said-anybody-could-build-anything-there lot. That's what I feel that this area is. It's not a question that I'm ... I understand that we need to have affordable housing in Hastings. It's that this parcel is not a parcel of land that is easy to build affordably on. It will be very expensive to build on this property, and it will be expensive for the people who move there to live there.

Thank you.

Chairman Murphy: Thank you. Do we have anyone else, who wants to be heard, from the audience?

Susan Lopeman, 333 Mt. Hope Boulevard: We had a ridiculous amount of snow today, and I decided it would help the Board if I went out and took a couple of pictures. Because that slope, covered with snow, really accentuates what a strange thought it is to use that as a building lot.

It just looks like a wall. It looks like looking at a white wall. So I took these two pictures that show it from two different distances, and I wanted to give them to the Board.

The right of way has got to have snow about 2 feet or 3 feet high right now. If it wasn't paved over – like you were saying you'd like to keep it green, of course I would like to keep it green and have no house there – but if it wasn't paved over, nobody would be able to park there when it snowed like this. They would have to resort to parking in the street, and the street is pretty narrow there. There really isn't room to park on the street at all.

Chairman Murphy: Well, there'd have to be a driveway across the right of way into the parking area.

Ms. Lopeman: Yes, but there wouldn't be room for ... let's say there's no garage.

Chairman Murphy: No, only on the driveway.

Ms Lopeman: Let's say there was no garage. Oh, I thought you were talking about having one car that would just informally use the greenspace to the side of the driveway to park. Didn't somebody say that just now? It's not on his plans.

Chairman Murphy: The garage is within the property. You have to access the garage across the right of way.

Ms. Lopeman: Right, right, I understand. That's the way it is everywhere over there.

I just think for the rest of the parking – and that's assuming that the accessory apartment only has one car – it's really hard to live over there without every single adult having their own car because it's very isolated from the town. The only thing we're near is the Saw Mill Parkway. So I think you might be underestimating that there would only be three cars there. We have a family of like two adults ... well; we have adult children, 20-year-olds. But we have three cars, and we need them all for us all to be able to get wherever we need to go because you can't walk anywhere from there.

And then the other thing is just the whole idea of building there, besides the unsuitability of the slope there. It's just what I said the first time I spoke before the Board. We have the highway behind our houses on the east side of Mount Hope. It's really loud, and it's a negative to living there. But what balances that out and makes it nice to live in that neighborhood are all the trees that we see across the street. I always say, "Well, I have cars in back, but it's just green when I look out the front of my house."

It really is going to take away a lot from the character of our neighborhood to put in sort of like a mini apartment building – it looks like almost – because it's kind of tall. I know he

says it's only 35 feet above grade, but that grade gets very high where the 35 feet starts. So it's going to be kind of a tower, it looks like. Thank you.

Chairman Murphy: OK, thank you. Anyone else wish to be heard?

Sandeep Mehrotra, 338 Mt. Hope Boulevard: Again, I just wanted to reiterate that I was kind of surprised that the architect misrepresented the setbacks on, specifically, the garage for 338 Mt. Hope Boulevard. It is not on the property line. I can provide you with our survey, and it's a total of 8 feet behind the rock wall and about 4-1/2 feet behind the Mount Hope right of way wall.

Whichever way you look at it, to me, for a professional to misrepresent in a public meeting I do take that seriously because I'm a professional, too.

Boardmember Dovell: Just to correct for a second. The survey that we have shows the lot line splitting the retaining wall in the garage. So the garage is not right at the lot line, but the retaining wall is considerably in front of the lot line.

Mr. Mehrotra: Right. That's why I said the garage is set back about 6-1/2 feet to 7 feet from the retaining wall, and about 4 feet from the actual right of way line. The right of way line jogs into the property behind the retaining wall.

Boardmember Dovell: There are no dimensions on the survey.

Mr. Mehrotra: You can take the dimensions off ... because if you look at the front of my property line going ... front of my building line to the property line, it's 24.5 feet. And then if you take that length from that to the retaining wall, you get about 28-point-something feet. And that's the difference. So, again ...

Boardmember Dovell: What's confusing is that the retaining wall is well out from the ...

Mr. Mehrotra: Right. But again, it was represented that it was on the property line. So in either case that is not true.

But again, I'm sort of surprised that this case is back for reconsideration when nothing really changed other than moving another 8 feet into the rock. At the previous meetings we've asked repeatedly ... I mean, it's always that this is all to be – the construction of this entire project is to fall within – a certain budget. But you know none of those costs either have been made available by the Village or the committee itself, the Affordable Housing Committee.

We find there is always a concern about the budget. But just to shoehorn this project into this unfeasible lot, we are spending more and more of the Village dollars on the architect fees to come up with options that aren't really very suitable. I just find that sort of discouraging and depressing, specifically because I just feel like the Affordable Housing Committee is really not coming in with an open mind. They made up their mind that they really want to use this property because there's nothing else that they can explore, and then it kind of becomes a personal issue in the sense that this is not about us not wanting affordable housing in our neighborhood or in our town.

Again, at this point I would like to volunteer to participate in the Affordable Housing Committee. Maybe they just need a fresh look at ideas, and stuff like that. And again, just referring to what we were talking about, at other instances also the same misrepresentations have been made about these affordable housing proposals. I'd like to submit a news article that was in a letter that was in this week's *Enterprise*.

Chairman Murphy: OK, we'll take that. Thank you very much.

Mr. Mehrotra: Again, the gist of that article is the same issue: that the affordable housing needs new blood, and we really need to look afresh rather than trying to come back and shoehorn these properties.

Again, I've served on the Village Board for the Conservation Commission, and I see the Mayor is here in the audience. I've volunteered for 10 years to 12 years. And it really pains my heart to see that now again something that we are trying to conserve – the tree cover and stuff – we're destroying in the name of affordable housing.

The second thing that really concerns me, again, is the cost. I'm a civil engineer and a construction professional. And as the architect had already admitted, they haven't even estimated the quantity of rock removal that will be needed. Those are the hidden costs. They have no handle on those because when the Board asked the architect which was something he could not answer because this is just a schematic design. Once you go into the foundation design, the structural design, that's when these costs start escalating.

Again, once I know the cost number we can have a discussion about that. The second thing is about the drainage. Again, I am a drainage professional. I've advised the Village on a number of drainage issues. Most of the drainage techniques that are being proposed as part of these projects are absolutely inadequate and are not going to address the problem. Building a berm on the Mt. Hope right of way to create a marsh is not going to help, even if you put in catchbasins or whatever you do to collect it. So there should be other options.

Chairman Murphy: Why? I don't understand.

Mr. Mehrotra: Why? Well, because you have uncontrolled runoff coming, and suddenly you create a barrier. What you're going to do is, wherever you create a barrier it will probably be in front of 342. That entire land will become soggy. That's the nature of water; water always finds the lowest spot. It's not going to go where you want it to go unless you absolutely channel it that way.

So to me, the only way for effective drainage would be to run a pipe right from the top of the slope and catch the water at key intersections or key places so you can then manage it and convey it. But again, that's a very high-ticket item. I don't think the Village or the Affordable Housing Committee is going to do it. Because that's what's needed on Mt. Hope Boulevard not only in the front, but as you go around the U-turn and you go out.

If you go during one of these big rainstorms, you see sheet flow coming in almost from Lincoln Avenue that is all coming down to that low spot that we see. And then from that, once it goes across the street – as Mary had indicated – we don't know where the water goes. We know where the water goes, but the Village says there's an outfall. But there is no outfall.

So that's one of my concerns. The drainage is a significant concern which was brought up at the previous meetings. Again, what this is to me is just mostly lip service; that the architect goes and says OK, we can do these little things and that's going to sort of address the overall neighborhood drainage issues.

Second, in either option – whether you put the parking lot on the right of way or you put it on the property – you are basically increasing impervious area that's increasing runoff. If you have to have three-car garage parking, whether you create a garage or you just create retaining walls, that is all impervious area that is going to add to the stormwater load, or the runoff load.

So again, those are just ill-conceived designs for that particular property with those steep slopes. The additional issues with those slopes are that once you build a house, you know, we still don't know how the drainage from the property itself is going to be kept away from the housing structure. If you have an 85-foot frontage, and your structure goes laterally across the property perpendicular to the hillside, all the water is coming right into the structure that you're building. That is not good architecture. I'm sorry, that's not how you would handle stormwater runoff or anything like that.

So these are some of the significant issues. Yes, we are all for affordable housing, but there's a place ... or suitable property should be selected for it, and not have these unconforming (sic) lots with steep slopes and all of these zoning variations that would be required for the property.

So with that, again I implore the Affordable Housing Committee that there are lots of vacant lands. Currently, the valuation of my house is almost \$150,000 less than what it was 40 years ago. So again, the market is down. This is where you can go find some other suitable properties that could fit within the budget if we just take another fresh look. Thank you.

Chairman Murphy: Thank you. Anyone else from the neighborhood wish to be heard on this application? Sir, go right ahead.

Michael Wagner, 342 Mt. Hope Boulevard: I had jotted down some notes, and I'm sure a lot of it's going to be repetitive. I think that last time that we had spoke and we brought all these issues up, I don't really see how a lot of them are really solved.

I think that a lot of these issues of being affordable, and being across town and having to walk, and now kind of being stranded and needing milk for your child, or whatnot, or Tylenol, in the middle of the night, or Benadryl for a sick kid is really tough to now go to the store without proper transportation. I guess you could use a bike, but I don't think we really assessed all of the other issues that you guys had mentioned that you weren't happy with and didn't see how it can kind of be put together.

Like I said, we discussed the setback. But that wasn't really the only issue. Like Sandeep said, the drainage issue. It would seem like you'd have to put like 6-inch perforated pipe down underground, and then backfill with gravel and whatnot would probably be the best way to kind of divert the water to a certain way. I don't know if that sewer there is connected to something, or anything, but the entire ... I guess my property is at the bottom of that hill there where all that water runs off.

Now, the trees are dying because they're getting full, and saturated with water. Some of the smaller brush there is just like completely ruined. If you go down after it rained, you can like push your foot down and almost go down ... your whole sneaker will basically sink down into the ground. It's like a major issue. Nothing grows there. The Village doesn't really take care of it very well at all.

I was out there mowing it myself, and trying to clean it and keep it nice. But it's nearly impossible without some real drainage help there. It's really a disaster, so I guess I'll have to address that eventually. Maybe I'll ask Affordable Housing. So the drainage issue.

Regardless of the houses, with parking ... I guess regardless of the other houses parking one car here, one car there, I just don't see how having cars in the right of way is going to work. It's tough enough to have that hill plowed already. Having that house on the hill, as others had mentioned, just looking at the structure and just kind of gazing at it, it does seem kind of ridiculous.

Also, that property, from what I've heard, was already deemed unbuildable. I think that somebody wanted to buy it years ago, somebody was told that they couldn't. I'm sure Lenny has a little bit more on that story that I think he'd looked into getting that. I think it was deemed unbuildable for these reasons. There's 500 different ways we're trying to look at this and fit a square hole into a round peg.

I just don't understand, I don't see how it's possible. I think that's why we're having a struggle here, because this is something that just not necessarily could be done. I think, like Sandeep had mentioned, there's just way too many unknowns. There's blasting, the drainage, the parking, the variances – which now others are going to want the same things. Why for one and not the other?

There are so many different things that have to be changed that it's just not right. Then almost anything has to be authorized and be allowed to happen. So I guess that was really all I had to say. Thank you.

Chairman Murphy: OK, thank you.

Emily Devow, 342 Mt. Hope Boulevard: I'm actually very excited to be here. I'm glad that you actually came back, and I see that you've made some changes that were actually things that we complained about the last time. You've included stone in your work, which is great because it's in character with the neighborhood. The monstrosity of the three-door garage is now reduced to two, which is also favorable.

You went from 7 up to 15 back ... 15 feet, which I find also are the three main points that we discussed and that we did not like within the neighborhood and we did not see very feasible. And you said you're still within your budget. I would like to see what else you could do with that money and what other changes you could do to soothe all of these – what is the word? – all of our complaints. Because I can't find any word for it, for the complaints, to see how much you can stretch your dollar so that it actually does fit into the neighborhood and is a feasible project, and it is a construction site that will not impact the neighbors' life in such a way that we are uncomfortable.

And it's very hard in this situation to qualify and quantify the amount of problems that this is creating. I believe that us, as a community, we deserve the opportunity to see this in numbers and see how many issues we have that are pro and how many issues that we have that are con, and then from there possibly start a new negotiating point. But at this point I feel that we've presented over 12 to 15 issues that were con, and we've only gotten three that have been changed. Significant ones, but not changed in a significant manner. So the impact is quite still the same.

I would like to see some ... I would like to see the numbers grow. I would like to see a list of the pros and the cons: this has been fixed, remedied, or it's within the variances; it's not going to create this ripple effect with the other neighbors because of wanting to have things that other people are granted. Because our time and day are requiring this. That we have a space, we need affordable housing and we possibly can do it. Mother Nature is challenging this spot.

We, as a community, we're also challenging this spot. Personally I am challenging this spot. So we need some convincing power. We need some convincing power because we're here again and again. For three new points, this is a lot of time of everyone's personal life and of the Board's time. And we need a big presentation with everything in. It's going to be ... it's all or none. We keep reaching thresholds and we're almost going to get these done and reaching thresholds, and there's always things that are bringing us back.

I'm actually very tired of plateauing on this situation, and I would love to see like a real plan with all of the costs and all of the issues that have been approached. Tangible, in a way that we can actually say, "OK, this is going to happen or it's not going to happen." And if it's not going to happen, it may be for the right reasons because this is not something we can achieve.

If it's going to happen, may we do our best job? May it be the best thing that's going to be there because, as I repeat from the last time, you are offering a lifestyle? You are offering a life, period, in Hastings for people who possibly couldn't afford. Now they have this opportunity, and its great education, great neighbors, great neighborhood. So they should enjoy it to the maximum the same way that everyone else who has been able to afford it can. And be able to provide these things so that the actual concept of affordable housing does what it's proposed to do.

And I have one more concern. I don't know how this can be resolved. I'm from 342. We're the cutoff for the school pickup. We qualified by 0.1 of a mile. So does this house next to us qualify, as well? Will they be able to go to our schools, which are blue ribbon? Which if

there is going to be children there, I think they should be able to go to these schools. Does that qualify?

I had to make a bus route; I had to explain it to them. We qualified by this way. They were like, "No, this is the established route, this is how it goes." And then I Googled a number of different resources until finally one gave me "you live 0.6 miles." Proved it, child gets picked up. But we were almost cut off by 0.1 of a mile, and it's quite a hike for a parent to walk every morning up that hill to take them.

Another small issue that could be of concern. If the houses are proposed with garages, we're assuming that people are going to have a way to transport themselves. Be it that they don't, I currently have someone living with me, my mother, who is transporting herself. And it's \$6 to the train station with our cabs, plus \$2 gratuity, to and from and back. So that's \$18 a day, plus her Metro unlimited. It's a lot of money to transport around here. So the car is feasible.

I do think that two-car is good. But the accessory apartment, then that person will also need a vehicle and how to move around. I'm sorry for our neighbors, but I don't even like all the cars parked on the street where we are right now. The plow can barely get through. He has to blink his horn and people have to come out and try to do what they can.

It's a very narrow, forgotten street that if this project is going to make it livelier and if it's going to attract more attention from Hastings, then everyone who has the money to put into our town, well, then guess what? Maybe it's something worth pushing forward.

But if it's just going to inconvenience us and impact our life in a negative way, I would really hate to see that type of atmosphere and feeling within our neighbors and our neighborhood. I would not like to see, because of all of the challenges this had had, it could have a ripple effect in the future with the possibly people that would live there or just with people and the neighbors when we come back to the Board for other things. Because there are a number of variances, and I've counted maybe six to seven that aren't being complied with.

I'm a firm believer that if there is a rule that needs to be changed because times have changed, and people demand or need certain things, and what's old's not working, fine. But we also have to protect ourselves that it's a gateway. It's a gateway for possibilities that we don't know if we're ready to deal with or prepared to deal with.

I don't know, this is ... I guess this is more just a catharsis because I expressed all of my points in the past meeting. I just like the opportunity to get this off my chest, since I'm here all this time. Thank you very much, have a great time, and wonderful work.

Chairman Murphy: Thank you. Anyone else? Any of the other neighbors? Yes, sir, go ahead.

Don Chen, 24 Villard Avenue: I'm here to express my strong support for the project. I believe us in the Village need to take seriously our commitment to affordable housing. I think the team, the committee, and the housing action council has done a lot. And I believe the architect has time and again tried to really accommodate the concerns that have been expressed.

At the same time, I want to acknowledge the concerns raised by my fellow residents. I do feel a great amount of sympathy to them. I think that during the course of this hearing we've heard a lot of matters of opinion, a lot of matters of fact. I think many of the matters of fact have been addressed through the process, I believe, adequately.

But some perhaps have not. I hope that in your judgment as public servants you're able to make a sound judgment, give everyone a fair hearing, and sort through all of the noise as well as the evidence and come up with a good resolution.

I know this is a very divisive issue, but I hope that in the wake of whatever decision comes we can all work together to make sure that we meet our affordable housing aspirations and the goals that we've set out for ourselves. Thank you.

Chairman Murphy: Thank you. Appreciate it. Anyone else?

Ms. Smith, let me ask Mr. Vogel one question that I have. And then, believe me; I'll give you your chance. Mr. Vogel, one thing that Ms. Wirth raised that at least I didn't focus on enough: what's the size, again, of the one-bedroom accessory apartment? I mean, it's 14 feet wide at the widest end, right? But what are the dimensions of that unit?

Mr. Vogel: The dimensions of the unit, it's going to be 14 feet at the wide end. And in depth, I don't have a dimension string on it. Bear with me one moment.

Chairman Murphy: Maybe on A-1A, Mr. Vogel.

Mr. Vogel: On the narrow side it's roughly 8 feet, and overall length is roughly 32 feet.

Chairman Murphy: And so on the other drawing it has about 700 square feet total? Does that make sense?

Mr. Vogel: It was a little bit larger. This is a little bit smaller.

Chairman Murphy: OK. All right, so is that practical? Is that what was changed in order to help accommodate the front yard setback?

Mr. Vogel: That is correct.

Chairman Murphy: And how much was that shrunk in square footage, roughly?

Mr. Vogel: Thirty-eight square feet.

Chairman Murphy: OK, so it lost 38 square feet. And that's two stories, right?

Mr. Vogel: Two stories.

Chairman Murphy: OK, so it's a total of 1,400 square feet living space? Or is that a total of 700?

Mr. Vogel: The principle structure is roughly 1,400 square feet.

Chairman Murphy: Got it.

Mr. Vogel: The accessory was slightly less than 700 square feet.

Chairman Murphy: OK, got it. Thank you.

Building Inspector Sharma: That's about how much it'll add up to, about 700 square feet.

Chairman Murphy: All right. Any other questions for Mr. Vogel?

Ms. Smith? Please.

Ms. Smith: I wanted just to correct a couple of things that were said earlier. The survey that is used comes from the Village file. It was the most recent one that was in the file for the 338 property. So whatever was on it is what's on the file. I don't know when the survey was done, I don't recall the year, but that's the source of it at any rate.

Also, there was a comment made about Village money. There is no Village money used in these affordable housing projects. There is money through the county, which is passed through from federal dollars. And also state money similarly is used. And, in fact, the letter that was given to you from the *Enterprise* from last week, responding to an article and

comments of mine the week before, was at the time when there was discussion – and some long, protracted discussion – about the project which was subsequently built at the foot of Pinecrest on Warburton Avenue.

Those two houses that I mentioned, 331 and 333 – which are ownership houses with an accessory apartment – a different configuration because of the size of the property and the dimensions, but a very successful project. People have been in there since 2003 quite happily. But it wasn't easy getting there.

A question about ... there have been a number of comments about driving. People who are likely, who are going to be able to have the income levels to live in this house, these houses, have cars just like most people these days have cars. Our young people have cars when they don't have much money. But that's where they spend. Old people drive as long as they can. And that's why the law requires three parking spaces in this particular situation are people have cars. So getting to the grocery store or driving somebody to school or the train is like the rest of Hastings.

Chairman Murphy: All right, thank you.

Joyce Harrington, 327 Mt. Hope Boulevard: May I say something?

Chairman Murphy: If you must.

Ms. Harrington: I'm being redundant, but I'm going to say it again anyway. I'm just being redundant about the water problem, and no one has ever addressed it. No one ever came to my house like I asked them to, to come down to see how the water problem is a big issue. It's really a big issue; coming down my driveway, fixing it three times. It's the same thing I told you the last three times.

And everybody else on my block ... again, what she said, I feel bad for Mr. Mastrangelo because he wanted to buy this property years ago. No one ever told us why all of a sudden the Village can build on it because they decided to do it, when they told him he couldn't do it. You know, it's a little sketchy. It troubles me that we're not getting answers about those things.

But the water issue is big. I asked someone many years ago to come to see it. I had one man come, and I had said we got to put a drain in. We now have an issue because, unfortunately, one of the people up on top of Overlook has built onto their property, and has also ... I don't know who did the arrangements or the construction of it, but their water is coming down

fiercer now from they property that they rebuilt and built around on it. It's coming down a lot, and on a rainy day it's like knee-deep. Well, not knee-deep, but it's ankle-deep.

It comes down fiercely, and we all run out with sandbags – am I correct? – we run out with sandbags to try to prevent it from going down our driveways, which can be ... and this is just another issue that we really should be concerned about. Because the people up top are getting all this water, and it's going to go down to the bottom. Whoever's going to live down there – with their construction and building again – it's going to be disaster. That's it.

Chairman Murphy: OK, thank you.

Mr. Vogel, do you want to address the drainage one more time?

Mr. Vogel: Drainage is more for the Planning Board, so I will kind of walk through the concepts that are here. Water that we're creating is going to be retained and then reintroduced, or infiltrated, back into the soils. Water that we have out in the drive area; we're also looking to have an infiltrator in the unimproved part of Mt. Hope Boulevard.

That covers the surface water that we are creating for our project site, and it's covered with the 100-year flood, or storm event. And then it's also then regulated with the stormwater management report. These concepts were created by Hudson Engineering Consulting, which is the site engineer. So this will be engineered to today's standards.

Regarding collecting the water as it sheets down the unimproved part of Mt. Hope Boulevard, we are looking to collect it. There will be a drop inlet. The inlet will then ... the soils need to be contoured so the water gets to the inlet. And then through an under-street, underground pipe to an existing catchbasin on the east side of Mt. Hope Boulevard, and then carried away through that system.

Chairman Murphy: OK, thank you.

Boardmember Collins: Could I ask a question? Ms. Smith, you know a lot of the concerns that we're hearing from the residents, just as I'm categorizing them, fall in the category of the concern that the Zoning Board considers under the question about whether there's an undesirable change produced in the neighborhood as a result of the project.

And I think a lot of what we're hearing about drainage concerns, about loss of trees – about the cost perhaps being too high and resulting in more disruption than can be planned, or that is planned now, or can be foreseen – a lot of these things presumably have a natural form or venue for discussing them.

I'm just wondering have you shared the drainage plan in a way that they can see and evaluate. Have you been able to address with them their concerns – and I understand it about why these units aren't available to Hastings residents – things that I think probably you're all very familiar with, having lived and breathed this.

But it sounds like there's just a lot of uncertainty and not necessarily agreeing on fact. And I'm just curious if you can tell me what kind of conversation you have had with the residents.

Ms. Smith: We had a conversation back in May and invited the neighbors to the Community Center to tell them of the proposal both at Farragut and at this property so that they would have a chance to bring up their concerns for their neighborhoods. And many of the people who are here tonight were there. And then also we've been to the Planning Board, and many of those considerations are taken up by the Planning Board.

The question about cost is something for us to work with. It's really like any construction site in any new house that is going in a neighborhood, I think, and a lot of the impacts are similar to that. It is a change in the neighborhood, and that's difficult for people.

I'm trying to think. There was one other thing that you said – I should have been writing it down – that I wanted to respond to. Oh, the preferences. Actually, our policy ... the Affordable Housing Committee's existence since 1989 ... and in '97 we created – the Village accepted as law – a Village policy which did have preferences which would give first chance to live in these houses to people who are volunteers in Hastings, and the fire department, Ambulance Corps, municipal workers, police force. We value that very much.

However, because of the county's lawsuit, discrimination lawsuit, which it now ... there is a settlement that's been signed on and there's an implementation plan coming out – for the seven years, the duration of that implementation plan – we are unable to offer preferences if we're going to use any of their money.

Boardmember Collins: Right.

Ms. Smith: If we did it independently, and had some other sugar daddy somewhere, that wouldn't be a problem. So our hands are tied by the sources of funding.

Also, as part of a stick to go with that, any of the community block grant money – that does part of sidewalks and the senior bus and many other things in our community – would not be available to us unless we meet their guidelines.

Boardmember Collins: Right.

Ms. Smith: However, I should say they will be advertising any affordable units that are available that they have funded. But also we will be doing our advertising, and we'll do the best we can to generate people in Hastings and those groups of people making application. They still have to go through a lottery process, but we will certainly try to make it very well-known that there is opportunity in Hastings.

Boardmember Collins: Have you had a chance to meet again with the residents since their first meeting last May?

Ms. Smith: Not separately, no. Separate from the Planning Board and these meetings, no.

Boardmember Collins: For what it's worth, it seems to me that, again, a lot of the concerns that people are describing are not really related ... or a few people made, I think, very cogent arguments for the caution we should take about awarding significant variances because of the lasting impact that that can have. And I can very much sympathize with that.

But a lot of the concerns people had are sort of outside of the very literal request for variances that have been requested, and speak more to this character of the neighborhood issue. And I'm just wondering if there's something to be gained here by having a separate meeting outside of the Zoning Board hearing to talk about some of these things and maybe find a way to bridge what seems to be a gap in knowledge or a gap in perspective.

Ms. Smith: Yes, thank you.

Chairman Murphy: Would you like to speak?

Male Voice: In May, we kind of got these letters that said, "Well, affordable housing: we had this meeting, and you can come, and this is what's proposed. There's a house and an adjacent apartment." So we just sat there and we just listened, and were told, "We're affordable housing, we're going to the town for our variances, and we're going to go try to put a house here," and, "Any questions?"

Basically that was it. It wasn't like, "What are your concerns, what is this, what is that; well we understand that, we can relate to that; this is what we're under; well, we only have a 2 foot by 2 foot spot in Hastings to put in affordable housing so we're going to just give everything we got and try to put it there." It was just kind of like, "This is what we're doing and you can watch us try to do it." That's basically what's happening here.

Chairman Murphy: Before we call on Mr. Mehrotra, is there anyone who has not spoken yet today who would like to speak at this public forum? Would you identify yourself, and give your name and your address, please?

Leonard Mastrangelo, 360 Mt. Hope Boulevard: We have to look back and sort of think of what's going to go on here. Every time the town is called to do a project – now, this is the town – they have no money. In 1975 I moved here, and there was a wall damaged on Mt. Hope Boulevard coming down that hill. It had wood there until two years ago. How many times we've asked for it to be repaired. "We're thinking about it. We have no money."

The drainage situation. You keep talking about a catchbasin on the other side of the street. That's not a catchbasin. That collects water that takes it past the Dominelli's house and brings it down the street. The reason this had to be repaired ... because there was a lawsuit from the Saw Mill River Parkway, from the state, that the water is running down on the highway. That water runs down underneath the Dominelli's comes right out past their house, goes down the street. There's one little basin, and the rest of it runs off in the Saw Mill.

He's talking about putting a pipe underneath that. That's not a catchbasin. That's only a water diverter. It is not a catchbasin. The property there has never been maintained; the town has no money. "Can you cut the trees and clean it up?" "We have no money." "Can you cut the grass down in front of my house that I had fixed?" "We have no money. We only cut up to the certain part." I asked the guys that are mowing the street. "That's not part of the contract."

I think this here has impacted so many people. And everyone should step back, take a breath, and think about what you're doing. We're talking about many things, many variances, that are to be given to this project. She wants to achieve her goal, which she has a certain thing in her mind which she wants. And they're going to keep going until they're going to do it. They're going to put this, move this, and move that.

Go there, look at the property and see how much it's going to impact the neighborhood. And try to give a fair decision on what's going to happen. That's all I ask you. Please take a look. There are taxpayers here that paid money all these years to live there, and everyone is going to be disrupted.

This is a fine thing what they want to do. If that was a nice piece of property, that piece of property would have been mine or it would have been built up during the big building boom of the '90s. Why weren't they at the town to build a house in this, when the houses were going to for such tremendous prices? Because of the cost. Once they start this project, then

they run into a problem. You know how this story goes? "Well, we already put so much money we have to finish the project."

Take a look, see what has to be done, give the people the right to have a cost estimate and to know exactly what they're doing. That's all I ask. I think that's all the people want here, a fair shake. Thank you.

Chairman Murphy: OK. I may have to leave soon so I think we need to wrap this up. Any further discussion among the Boardmembers?

Boardmember Dovell: I think I'm still thinking about the garage portion of this. And I think that it's a fairly substantial piece of construction in the front setback and it does seem out of proportion with the scale of the house. The house is a very modest. It's a very small house. With the apartment and with the primary residence, it's less than 2,000 feet, or just a little over 2,000 feet.

Boardmember Leaf: It's 2,126.

Boardmember Dovell: It just seems out of proportion, and it seems to me a fairly significant issue, significant variance, that could be addressed without doing it to minimize the variance and still be in neighborhood character. I think a nice-looking garage could be built there, but I think it's still a fairly substantial ask.

Chairman Murphy: Even if it were conditioned with the stone façade and flat green roof, that kind of thing?

Boardmember Dovell: I think it's still going to add up to a fairly tall, 14-foot street wall situation that's going to turn the corner and go back.

Chairman Murphy: The alternative being just putting in...

Boardmember Dovell: Parking with the retaining wall.

Chairman Murphy: ... retaining walls?

Boardmember Dovell: That is a Hastings characteristic. There are lots of those throughout the town. It's a hilly town.

Chairman Murphy: There are lots of flat-roof stone garages, too.

Boardmember Dovell: Yes, there are.

Chairman Murphy: David, you want to weigh in on that one?

Boardmember Forbes-Watkins: I'm being persuaded by Ray.

Boardmember Collins: I go back, David, to your comments from the last meeting, and I think you summed it up perfectly. And I find that at least two out of these three conditions that you cited as reasons for your concern remain, for me at least, with the plans that we have before us. A variance is still significant.

And I think hearing very reasonable concerns from the neighbors suggests that there is some issue about whether the character of the neighborhood is preserved, or in some way eroded, as a result of the project. And I think a lot of that, by the way, can be clarified with some discussion that happens outside of this venue to talk about a lot of these issues which are sort of outside of the request for variance.

Chairman Murphy: But in terms of the variance, what are you saying?

Boardmember Collins: Well, I'm saying ...

Chairman Murphy: I mean with regard to parking.

Boardmember Collins: Yes, in terms of the parking, only would we need then to see another plan that has no garage and, instead, a driveway essentially where the garage is? Because like David I'm persuaded, Ray, that your concerns have concerned me.

Boardmember Dovell: I think you'd want to see it drawn. I think we'd be approving something that we don't have an understanding of if that were the case. And to see a sight line section taken through the house that goes through the garage.

Chairman Murphy: All right. What about, then, the ... for the Board, is that kind of the key issue in terms of the variances? Or are there ... because that's really ... it seems to me that's the off-street parking variance which could be conditioned on whatever it is we decide. If it's an open, two-car parking car with retaining walls, we could ask that the applicant submit revised drawings so we could have that.

But before we take that step, it seems to me there are three or four other variances we need to ... I want to make sure that the issues get aired, and if there's a real problem ... I mean, let's talk about for me it was the front yard setback. And in my mind, the applicant has made a

significant adjustment much more in keeping with the neighborhood compared to what was first proposed, which was just unacceptable.

But 15 feet, to me, is acceptable, particularly given the added space from the right of way. But I don't want to see that right of way paved for any reason other than necessary access to off-street parking.

Boardmember Collins: I agree.

Chairman Murphy: Does anyone disagree with that?

Boardmember Leaf: I am not troubled by the two-car garage with a green roof, but I think that if the rest of the Board were more in favor of the parking alternatives that did not require the garage I could live with that. I don't like paving over the right of way for three spaces. I'm not troubled by paving over for one space.

And I think given the need to shovel in snow situations that, in fact, paving over for one space is better than not having any spaces in the right of way and simply adding to the variance that there would only be two spaces for parking on-site. I'd rather ask the Village to permit the additional car to be parked in a paved area in the right of way.

But again, if that were the only difference between my position and the rest of the Board, I would support what the Board was proposing in order to get this proposal approved.

I agree with you, Brian, that by moving the whole structure back so that no portion is closer than 15 feet from the right of way it addresses, to a large part, my concern about the front yard variance. So I feel that that front yard variance, while it's substantial, is not so substantial as to be a concern.

Regarding the 85-foot lot width, while that is a substantial variance I believe that it is offset by the very modest size of the house. I know that there were some concerns raised by the members of the public here today, and I do appreciate the input from the neighborhood.

There were some concerns that the building was too large. There were also some concerns that the building was too small. I think that the smaller building on the lot actually goes to offset the size of the variance, in my mind.

This is clearly not a self-created variance, in that the lot is ... we take the lot as we find it. And I am convinced that the committee has exhausted every other alternative it can find in

Hastings to acquire land to build affordable housing. So I don't think it's a self-created problem.

Maybe the most compelling argument that David raises is his concern that a variance that's requested would cause an undesirable change in the neighborhood. I spent some time in the neighborhood looking at the other houses and how they are situated on their lots, and I don't see that this construction when it's built will result in an undesirable change in the neighborhood.

So those are the considerations that I have. I don't know if this is the right time to make a motion, or if we want to get plans for the alternative parking, or if the Board needs more time to consider this. But, Mr. Chairman, where do you stand?

Chairman Murphy: No, I'm basically in agreement with you except I wouldn't pave that extra lot in the right of way. I think that's a real mistake.

The setback is much-improved and much more in keeping with the neighborhood. I actually think with the appropriate conditions the proposed two-car garage is more in keeping and would look better than an open two-car parking area off-street. But like you, I can be persuaded if the other members strongly disagree with that.

And in terms of the fact ... if you put the garage in at the lower level it makes it a third story, but given the ...

Boardmember Leaf: Well, the curbcut, the parking cut, does that anyway.

Chairman Murphy: Oh, it does that also?

Boardmember Leaf: But that's really technical. It's still under the 35 feet.

Chairman Murphy: It is, and that doesn't bother me. And given the ... despite the concerns raised, it seems to me it's pretty clear that the drainage is being handled very responsibly and, in fact, will be somewhat of an improvement. And to the extent it's not what you'd like it to be, that's the take-up with the Village. But this application is actually improving what's there, and so I think you have to consider that, as well, for the application.

So for me, I think what we need to do is, if we're not prepared to vote on all of these, and if we want the revised drawing on an alternate parking scheme – and Ray, I respect your view on that – we should get it.

Boardmember Dovell: Perhaps what we should ask for is to look at an alternate for no garage, and to look at the treatment of that – the heights, the height of the railing that may be required – and then to get a real sense of the section through a garage to really see what the front wall situation would be and what an obstruction it might be.

Chairman Murphy: Particularly the roof without the pediment.

Boardmember Leaf: And showing the open railing, please, Mr. Vogel, and any other railings or fencing that is required. I do see that you showed the side fencing in this drawing, but if you could make clear the total height from the grade at the property line to the top of the garage as if you were walking down Mt. Hope Boulevard, what would you see? That's something that's very important for us and, I think, for the character of the neighborhood in question.

Chairman Murphy: And in that way, it makes it simpler for everyone to see it so there's no confusion in the future about what's supposed to be done. OK?

Ms. Smith: Could I just raise a thought? That since what you're talking about is architectural detail, which is important ... but I'm wondering if you could make an approval for the garage, the parking solution there, subject to perhaps just review of that. Well, then, we'll come back and open the whole thing?

Chairman Murphy: Well, no, that's not what we want to do.

Ms. Smith: OK.

Chairman Murphy: We want to see it, and then everyone needs to be convinced which way they'd like to go. I'd certainly prefer to do that.

Boardmember Dovell: You have to look at it altogether.

Chairman Murphy: Right. Because they all have to stand or fall together. You can't take them seriatim. OK?

Yes, Susan, go ahead.

Ms. Lopeman: This is quite ... but do I understand that the Board has already decided that if all the variances have been met that that's all that's required for this project to go forward?

Chairman Murphy: It's all that's required for this board.

Ms. Lopeman: Oh, OK. Because it seems like all of our other issues with the character of the neighborhood and other intangibles like that are not addressed by variances. They're addressed only by whether to build or not to build at all.

Chairman Murphy: Well, they're addressed in our consideration whether to grant the variances. But just because we grant the variances

Ms. Lopeman: There are things that aren't like spelled out in variances that have to do with quality of life, or density of the neighborhood, or lack of trees.

Chairman Murphy: I understand. That's the Planning Board or the Architectural Review Board, if they have anything to say about it.

Ms. Lopeman: OK.

Village Attorney Stecich: Brian, character of the neighborhood is addressed by the Board either granting or denying the variance because it's one of the standards the Board looks at.

Chairman Murphy: Sure, sure.

Village Attorney Stecich: So just so the people understand that. So then you can't go back – once you've got the variance, they can't go back – to the Planning Board and say this is going to change the character of the neighborhood. I mean, they can say it, but that doesn't affect the Planning Board's decision. It does affect whether a variance ...

Ms. Lopeman: Well, I'm getting the impression that what you're saying is did we meet the parking, did we meet the setback, did we meet the drainage. And that doesn't include all of the other issues that we're concerned about.

Village Attorney Stecich: It's considered. But the other thing is it does have to go back to the Planning Board for steep slopes approval and how they're going to deal with construction on the steep slope.

Ms. Lopeman: So where ... because you didn't really address any of our concerns when you just went like, "Well, we have this variance, this variance, this variance so maybe we're OK," but didn't really address any of the other concerns that might not be written into the building code or Zoning Board rules.

Chairman Murphy: Everything is considered. We just make a decision.

Ms.Lopeman: Oh, OK. All right.

Chairman Murphy: But we're not going to make the final decision tonight. Because what the Board would like to do, Mr. Vogel, is to have you come back with revised drawings showing us the two different parking options that we've discussed in as much detail as you can. And then we'll vote on everything together.

Ms. Wirth: I really have to have you look at this plan and think about it. I have my tape measure with me. Looking at that house from the side, 15 feet deep, that's literally twice the size of this. This is like 6 feet. So that's 12 feet and a little bit more. That's the entire depth of this house. Tell me how that's in character with the neighborhood?

My family room, which ... my house is over 100 years old. My family room was enclosed by previous owners. It is 15 feet deep; by the width of the house that's 25 feet. This house is 50 wide by 15 feet deep. I don't see how my family room side-by-side, two of them, is going to be in character with the neighborhood. And then another little 15-foot – actually it's now 14 because it was 15 last time, they shaved a foot off the depth of the primary house – it's going to be like a movie set.

Look at it from the side, even on that drawing right there. I mean, the fact that we're talking about the parking and all of those things, that disturbs me just in terms of the right of way and the greenspace and all of that.

And I realize you're struggling with this and trying to figure out what's the best solution. And I realize that the Affordable Housing Committee is really trying to do a very good thing. But it's going to affect the quality of our neighborhood when people drive through and they go, "What the heck is that?"

I mean, really. We have a few of those around town already, and there were a few bigger houses put in our neighborhoods at the bottom of the hill and out on Cliff Street that people go, "What were they thinking?" It's not immediately impacting us, but this will.

And so it may not affect the value of our home taxes-wise and all of that. I totally understand that. But the way the neighborhood's going to look – and they're going to be taking down mature trees that are at the front – it's going to be this movie set, basically, staring at you like this.

So when you're talking about a revised plan, you're only talking about dealing with the parking. I'm not happy with the look of this plan, just the whole plan and look of this house.

And even if you put nice siding on it, it's going to be a railroad car plopped two stories high, which is really going to look like four stories high in your neighborhood.

So I object to the design of this because of the constraints of the lot. That's the main issue here. Thank you.

Chairman Murphy: All right, thank you.

So we'll adjourn until next month this case?

Mr. Mehrotra: I just had one more question.

Chairman Murphy: Sure, go ahead.

Mr. Mehrotra: My question was, again, I totally endorse what Mary said. But back to the parking. I mean, isn't one of the requirements of the affordable housing to have three parking spaces? So if the Board is not going to give a decision on the third parking space, does that still make it a viable project?

Chairman Murphy: If we grant the variance, yes.

Mr. Mehrotra: So the third parking spot would be on the right of way?

Chairman Murphy: No. There will be no third parking spot if we go that way.

Mr. Mehrotra: But I thought that one of the requirements of the ...

Village Attorney Stecich: It's their requirement, the Village. It's a variance.

Chairman Murphy: No, it's a variance from what's required.

Ms. Devow: Oh, so sorry. I'm seeing the tension is building in this room and it's very late at night. I recommend, or I request, that something be sat on, or slept on, and end this night with all the information we have of what you're requesting of him for either a future occasion – us, with our concerns – and they be readdressed. Because I find it actually disrespectful for us to try to get all of our feelings out on such a permanent, everlasting decision in this short amount of time.

I strongly suggest, I strongly request – I don't know which is the proper way to say so – that we give the Board time to really feel out what they'd like, to feel out what they have not

liked, to feel out what we've said, what we haven't said, and to just everything soothe. Because I do feel that tensions are building quite quickly, late at night. Hunger's up, hypoglycemia's setting in. Let's just get out of here and have a cup of coffee, go home, and everyone sit on it and re-approach.

I really think we may make a bad decision right now, actually, everyone.

Chairman Murphy: All right, so we're going to ...

Linda Innocenzi, Cliff Street: I have one question. I've grown up in Hastings 40 years. And I just had a question. The owner – what is your name, Mastrangelo? – he said he tried to build that parcel that you guys are going ... or purchase it ... that you guys ... and the town wouldn't let him. They told him it was unbuildable. So why now is it buildable? I just want that clarified.

Chairman Murphy: I know nothing about it.

Ms. Innocenzi: That's never been addressed? Can someone find that answer?

Village Attorney Stecich: Why is that relevant?

Ms. Innocenzi: Why is that relevant? Because he tried to buy that piece of property to purchase it and build his own, and he couldn't.

Village Attorney Stecich: Brian, did you want me ... it's irrelevant to this request. It's totally irrelevant to the request for a variance.

[Female Voice]: Who do we go to, then, to find that answer?

Village Attorney Stecich: You could ask the Village Manager.

Ms. Innocenzi: OK. I guess that my concern is that if he wasn't allowed to purchase it and build on it, why is this being allowed to be built.

Village Attorney Stecich: And also it was a very long time ago. So that's why I'm saying this board really ... it's totally irrelevant to this board's concern.

Ms. Innocenzi: So even though he was told it was unbuildable, now it's OK that it is buildable. So something is ... that was my concern. This is the first meeting I've come to. I've been informed by them what's going on, and I just wanted that kind of explained to me

why, back then when he wanted to purchase it, he went to the Village; they told him that it is non-buildable and now you guys want to build on it.

So I think that's like step number one: why was it not buildable for him, but it is buildable for this project. I think that's something that should be ... that's a big concern of everybody on this block. It seems it's OK for one thing, but not for another.

Chairman Murphy: Mr. Sharma, we're going to adjourn this case until next month if revised drawings can be submitted.

Building Inspector Sharma: I made the notes.

Chairman Murphy: And we'll put it back on the agenda.

Building Inspector Sharma: Certainly.

Village Attorney Stecich: Approve minutes.

III. APPROVAL OF MINUTES

Meeting of December 9, 2010

Boardmember Leaf: There are errors in the minutes. There is a reference to a motion being seconded that was not seconded. And then a motion being approved unanimously, which was approved four-to-one. I don't know what's the right way to get that resolved.

[**Male Voice:** We can't hear you. Are you saying anything ...

Chairman Murphy: No, we're just reviewing the minutes from the last meeting.

Boardmember Leaf: Nothing about this proposal.

Building Inspector Sharma: By the way, Mark, in connection with making motions and seconds, a lot of times we miss it. If, in future, you identify, OK, Mark made the motion and Mr. Forbes-Watkins seconded it so it can get recorded properly. Sometimes when we miss it we stick in some names.

Boardmember Leaf: So on page 35, where it says at the bottom "*On MOTION of Boardmember Leaf, SECONDED by Boardmember Pycior ...* "

Building Inspector Sharma: Hold on. Page 35?

Boardmember Leaf: Yes, on page 35. Is that ... that didn't happen.

And then the last speech, on page 35, where Boardmember Leaf says, "*Well, there's no point in seconding it ...*", the rest of that was, "*... if you're not going to vote for it*" and that got just dropped off.

And then on page 36, my speech: "*If it's going to be voted four-one against, we might as well vote the other way*" not "'either' way." And then the motion on the bottom of page 36, where it says "*On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Pycior, with a voice of "four-to-one" in favor,*" not "all in favor," "*the Board resolved to deny front yard approval.*"

Building Inspector Sharma: OK, got it.

Chairman Murphy: So with those changes, can we have a motion to approve the minutes from the December 9, 2010 Board meeting?

On MOTION of Boardmember Collins, SECONDED by Boardmember Dovell with a voice vote of all in favor, the Minutes of the Regular Meeting of December 9, 2010 were approved as amended.

Village Attorney Stecich: Did they get the car going?

Chairman Murphy: Yes.

Village Attorney Stecich: Oh, OK. I felt sorry for you. That's just horrible.

Boardmember Collins: Are we adjourned?

Chairman Murphy: What about those other ... those me letters?

Village Attorney Stecich: The two e-mails I sent you? One was just about the view preservation, which I said. And then the other one was about an application that I thought was on, but it'll be on next month. So we'll just send it for next month's.

IV. ADJOURNMENT

On MOTION of Boardmember Forbes-Watkins, SECONDED by Board Member Collins with a voice vote of all in favor, Chairman Murphy adjourned the Regular Meeting at time unknown.