

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
ZONING BOARD OF APPEALS  
REGULAR MEETING & PUBLIC HEARING  
OCTOBER 27, 2011**

A Regular Meeting was held by the Zoning Board of Appeals on Thursday, October 27, 2011 at 8:00 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

**PRESENT:** Chairman Brian Murphy, Boardmember Matthew Collins, Boardmember David Forbes-Watkins, Boardmember Mark Pennington, Village Attorney Marianne Stecich, and Building Inspector Deven Sharma

**CITIZENS:** Unknown

**Chairman Murphy:** Good evening, everyone. We're here for the October 27, 2011 Zoning Board of Appeals meeting for the Village of Hastings-on-Hudson.

We have five cases on the docket tonight. First case is Michael O'Halloran and Judith McHale, 255 South Broadway, for an application for the number of openings permitted in the required fence enclosure for a swimming pool. Second case, Brian and Shelly Steinwurtzel, 26 Pinecrest, view preservation approval for enclosing the rear covered porches. Third case, Timothy & Andela Nollen, 88 Mt. Hope, for enclosure of the existing front covered porch. Next case, Cuddy & Feder, 7 Maple Avenue, for the construction modification of antennas, et cetera on the roof.

**Village Attorney Stecich:** Why don't you indicate that it's AT&T.

**Chairman Murphy:** Yes, it's AT&T Cingular.

**Village Attorney Stecich:** That's the law firm for AT&T Cingular.

**Chairman Murphy:** Wireless application for view preservation approval. Our last case, Alan Sanseverino, High Street, for construction of a driveway as part of new construction compliance with the grading minimums and maximums from the street.

All right, Mr. Sharma, are all of our mailings in order?

**Building Inspector Sharma:** Yes, I've been informed by my staff that all the mailings are in order.

**Chairman Murphy:** All right. And for our applicants, I'm sorry to report tonight we're one member short because Mr. Dovell is stuck in traffic coming back from the city. And because

we recently lost a Boardmember we don't yet have an alternate. So the rules require that votes on each application require a minimum of three. It's your option, if you wish, to defer your application until the next meeting, when we can have a full board, or you can go forward.

It's all up to you. But, unfortunately, we're only going to have four Boardmembers tonight. So if that matters to anyone, or if you wish to think about it, you can. When your case is called, just let me know if you think you might want to defer your application. OK?

**Case No. 20-11**  
**Michael O'Halloran & Judith McHale**  
**255 South Broadway**

**The number of openings permitted in the required fence enclosure for a swimming pool**  
**Proposed number of openings - three; Permitted maximum: two {295-52B.2}**

**Chairman Murphy:** Our first case, Michael O'Halloran and Judith McHale. Who's going to speak for the applicants?

**John Walko, architect - Steven Tilly, Architect:** OK, we ended up having a little bit of a strained situation here. We're applying for a zoning variance from Section 295-52(b.2), which requires, or only allows, two openings into a pool enclosure. We're looking for a third opening. This is our pool enclosure in pink. This is our existing pool house/carriage house; originally it was a carriage house. We have one opening from the grass to the lawn, which is just an exterior gate. And we'd like to have two entrances of the house. One would go into the bathroom/bathing area, water closet/shower, just kind of convenience. And the other one would be off the sitting room, kind of kitchenette area.

**Chairman Murphy:** That's the pool house you're referring to.

**Mr. Walko:** Yes, this is the pool house. It originally was a carriage house, and we've called it a carriage house for a number of years now. So this is our pool, in blue, and we have a little spa just right in front of it. It's a matter of convenience. The O'Hallorans have some cousins, there is a lot of children around. So it just would be easier for them, in the long run, if we had that third entrance. People could watch from here. And also easier, conversely, to get into the bathing area to shower off the kids and things like that – use the bathroom.

All the gates would have the required enclosure. They'd be self-closing, self-latching. We also have an automatic pool cover on the pool. We also have a floating alarm on the pool

that's put in during the season. We have a cover on top of the spa. So we've complied with two out of the three New York State building code requirements. We're just a little stymied by the Hastings zoning code, and we ask that we are granted this variance.

**Chairman Murphy:** All right. Just a couple of questions, really. On the outer enclosure, are there any other openings but the one?

**Mr. Walko:** Just this one right here.

**Chairman Murphy:** OK, and where is the house relative to the pool?

**Mr. Walko:** The house sits right here.

**Chairman Murphy:** So it's all in the backyard. And I can't remember, is there a fence around the house, around the yard at all?

**Mr. Walko:** There is ... no, not really. There's a fence. Well, along the back property, on the west – and the south property line comes around this way – we do have a fence. The front, there's a rock wall – 2 foot high, 3 foot high, kind of rambly – and another rock wall along the northern side of the property also.

**Chairman Murphy:** It's quite a big lot, too.

**Mr. Walko:** Yes.

**Chairman Murphy:** So there's lots of protection that way. And there was mention in the application of an alarm system. Can you just describe that for me a little bit more, please?

**Mr. Walko:** Well, we have an alarm for the pool. It's one of those floating alarms that you put in the pool. If there's motion in the pool the alarm will go off and alert people. We also can put alarms on the doors. We weren't going to go that route because it's been opened ... we don't want to open the walls again. We're just trying to work on the doors itself.

**Chairman Murphy:** OK. So really what you're looking for is two convenience access into the pool house, one on either side.

**Mr. Walko:** Yes. One into the bathroom and one into kind of the sitting room.

**Chairman Murphy:** All right. But all of that's within the enclosure itself.

**Mr. Walko:** Yes.

**Chairman Murphy:** And it's alarmed, right? I think I got it.

**Mr. Walko:** Our wall, the building wall, is acting as one of our sides of the enclosure.

**Chairman Murphy:** No, my only real concern was whether there was another opening in the perimeter fence around the pool because you're not supposed to have one directly into the deep end.

**Mr. Walko:** Right.

**Chairman Murphy:** So we were concerned about that.

**Mr. Walko:** Yes, this is the deep end down here. This is the only other opening in. And it's more for serviceability. We don't want the guys tromping through the house just to maintain the pool on a weekly basis.

**Chairman Murphy:** OK.

**Boardmember Forbes-Watkins:** Can I ask a question or two concerning how the pool house/pool combination is secured? Is there routinely locking of the pool house?

**Mr. Walko:** Not necessarily the pool house itself, but the pool house doors, these doors, are routinely secured.

**Boardmember Forbes-Watkins:** How are they secured? From inside?

**Mr. Walko:** From inside now, latches.

**Boardmember Forbes-Watkins:** With a key?

**Mr. Walko:** No, not with a key.

**Boardmember Forbes-Watkins:** So if I were in the building I could turn the lock and open the door.

**Mr. Walko:** You could. The latch would be at 54 inches tall, so it will be taller than for a child to open, obviously. A child who wants to will get in there. It might be easier to climb the fence at that point.

**Boardmember Forbes-Watkins:** OK. Well, climbing the fence is one thing, but I am concerned about access through the pool house if the pool house is not normally locked when the owners aren't out using the pool or observing children. I assume children are only out in the pool with adult supervision.

**Mr. Walko:** Correct, correct.

**Boardmember Forbes-Watkins:** And so I'm concerned if, at 6 o'clock in the morning, somebody could wander onto the property, go into the pool house, and get in to the pool.

**Mr. Walko:** The automatic pool cover, which is closed at the end of every day just so there's not maintenance there, would take care of that. Or if it's not, and it's left open – let's say there's a party – there would be the alarm in the pool.

**Boardmember Forbes-Watkins:** OK.

**Chairman Murphy:** Well, but on the outside of the pool house doesn't it have a door that locks?

**Mr. Walko:** Yes, there is. There's a door right here. That's probably the most-used door because it kind of comes back to the house. And that could be locked on a regular basis. That's the primary access.

**Boardmember Forbes-Watkins:** If it should be.

**Chairman Murphy:** Yes, probably.

**Mr. Walko:** We can tell the client to lock that door.

**Chairman Murphy:** We don't need to tell them that, I'm sure. I mean, the bottom line is they're entitled to one door anyway. This is a convenience within the enclosed area. My only real question was whether there was another access point around the perimeter fence, and there isn't. So I just don't see what the problem is.

Matt, you got anything?

**Boardmember Collins:** No. I think in balancing what the code says, clearly it's providing a reasonable safety provision for use of the pool. And I think given the circumstances around the property, the fact that the owners have complied with the other state codes, as Mr. Walko

indicates – and also given the unique nature of this property – I have no concerns about this. Say the real issue to me is safety. I think it's as secure a pool as you could expect.

**Chairman Murphy:** Yes, I agree.

**Boardmember Pennington:** I agree.

**Chairman Murphy:** OK. Is there anyone in the audience who wishes to be heard on this application? Seeing none, I think we're ready. Can I have a motion for approval of the required number of openings in the pool enclosure?

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Collins with a voice vote of all in favor, the Board resolved approval of Case No. 20-11 regarding the number of openings permitted for the swimming pool, permitting three over the normal permission of two.

**Chairman Murphy:** The vote's unanimous.

**Mr. Walko:** Thank you very much.

**Chairman Murphy:** Mr. Walko, thank you very much.

**Case No. 21-11  
Brian & Shelly Steinwurtzel  
26 Pinecrest Drive**

**View Preservation Approval  
For enclosing and altering two existing covered porches to  
convert them into living space**

**Chairman Murphy:** OK. Our next case is the application of Brian and Shelly Steinwurtzel, 26 Pinecrest. Who's going to speak for the applicant?

**Village Attorney Stecich:** Mr. Chairman, on this one there was a recommendation from the Planning Board for view preservation approval. I gave you a memo.

**Chairman Murphy:** Right. And my understanding, Marianne, is it's only view preservation that we're voting on tonight?

**Village Attorney Stecich:** Yes, that's all it's here for.

**Chairman Murphy:** OK.

**William Witt, architect for applicant:** I'll briefly explain to you what we're trying to do to his house. He purchased the house back in March with the understanding that there needed to be some renovations and some additions to the house. Having read the code, and understanding that we were under a view preservation district, we had decided very early on in the process to locate the massing of the addition to the rear of the house in a way that would not obstruct anyone's view. And it's actually going to be filling in existing porches.

The only additions that we're proposing which will be outside of those covered porches are a small, modest side deck so they can easier access the existing pool, and a small covered porch at the side entryway. So the massing is generally entirely in the back of the house inside the existing covered porches that we see in the photographs.

**Chairman Murphy:** Mr. Witt, I see you have photographs. Do you have any you can hand us, because that's usually the best help for us on view preservation.

**Mr. Witt:** These are some photos of the existing house. There's some neighboring properties. And I know it might be hard to see, but there are numbers on the site plan that reflect the houses. You can also see, from the section that I put together of the site, that the change of topography is quite severe, as well. It's a good 18 to 20 feet.

**Chairman Murphy:** Just orient me towards the river. Give me the river.

**Mr. Witt:** Here's Warburton and Pinecrest Drive and the subject property. And then here you can just see the infill.

**Chairman Murphy:** I see. And the house across the street is up on that ...

**Mr. Witt:** Is up here [off-mic].

**Chairman Murphy:** And what's the elevation difference there?

**Mr. Witt:** It's about 20 feet is the difference from first floor to first floor. And you can see it's a fairly severe slope to the property.

**Boardmember Forbes-Watkins:** This is the across-the-street house, there's the road.

**Mr. Witt:** You know, I misspoke. The difference in floors, the first floor to first floor is actually 36 feet.

**Boardmember Forbes-Watkins:** That sounds better.

**Mr. Witt:** So between my first floor and the neighbor's first.

**Chairman Murphy:** And so the real question, is there anybody, I guess, to the north or south whose view might be impacted by enclosing ... you're essentially enclosing two levels of porch on the rear of the house facing the river, right?

**Mr. Witt:** Right, correct.

**Chairman Murphy:** And there's nothing between you and Warburton, right?

**Mr. Witt:** There isn't.

**Chairman Murphy:** Down however far that is down the hill.

**Mr. Witt:** Yes.

**Chairman Murphy:** So the only potential impact is neighbors that might be the north or south.

**Mr. Witt:** Correct.

**Chairman Murphy:** All right. And so is there any perspective from there, or is there anybody close that would have a view across the back of the house?

**Mr. Witt:** This was brought up at the Planning Board meeting, that this neighbor – and I apologize for not having the number – is the one that has the potential to lose the view. Fortunately, we're not enclosing this portion of the porch. We're enclosing this portion in the rear of the porch. And so any view that they may have would not be obstructed by the proposed addition.

**Chairman Murphy:** I see. Yes, on the plans I saw what amounted to sort of a three-section area of that porch.

**Mr. Witt:** Yes, and we're filling in the one directly in the back and to the left.



**Chairman Murphy:** The west and the north sides, but not the south side.

**Mr. Witt:** Correct.

**Chairman Murphy:** All right. So the neighbor to the south is going to still be able to look through the porch.

**Mr. Witt:** Yes.

**Boardmember Pennington:** Is that the case for number 17 on Pinecrest there?

**Mr. Witt:** Number 17 actually has its own view. This is a well-wooded portion of the site, and this won't obstruct their view.

**Boardmember Pennington:** So the existing garage is between 17 and the proposed work?

**Mr. Witt:** Yes, there's an existing two-story cottage and an existing garage on the property that is between number 17 and the construction.

**Chairman Murphy:** This is the photo of 17, Mark.

**Boardmember Forbes-Watkins:** As a routine user of the Old Croton Aqueduct, I have walked by and run by this property I don't know how many hundred times. And I cannot conceive of a view problem for anybody along there, including somebody walking or running along the Aqueduct in passing.

**Mr. Witt:** No, I agree. There is a wonderful view there, and it will be preserved.

**Boardmember Forbes-Watkins:** Yes, there are trees and all sorts of stuff that block the view, but not the house.

**Mr. Witt:** That's correct.

**Chairman Murphy:** All right, Mr. Witt. Do you have anything else that you were going to show us?

**Mr. Witt:** I don't, unless the Board has any questions I'd be more than happy to answer them.

**Chairman Murphy:** Matt?

**Boardmember Collins:** I have no questions.

**Boardmember Pennington:** No further questions.

**Chairman Murphy:** And, Marianne, you said the Planning Board recommended approval. Anybody from the audience wish to be heard on this application at 26 Pinecrest?

OK. Seeing none, can I have a motion for view preservation approval?

On MOTION of Boardmember Collins, SECONDED by Boardmember Pennington with a voice vote of all in favor, the Board resolved approve case 21-11 for 26 Pinecrest Parkway, the view preservation, for enclosing and altering two existing covered porches to convert them into living space.

**Chairman Murphy:** The vote's unanimous. Mr. Witt, thank you.

**Mr. Witt:** Thank you.

**Case No. 22-11  
Timothy & Andela Nollen  
88 Mt. Hope Boulevard**

**For the enclosure of an existing covered porch  
Existing and Proposed - 24.15 feet; Required minimum: 30 feet {295-68F.1a}**

**Chairman Murphy:** OK, our third case is the application of Timothy and Andela Nollen, 88 Mt. Hope Boulevard, to enclose the front porch.

**Mitchell Koch, representing the applicant:** Good evening. I'm here representing this addition. There's an existing nonconforming porch in the front of the house and, unfortunately, it opens directly into the living room. And we'd like to enclose that front porch, respecting the architecture that's in place already, to give them a sort of anteroom airlock in front of the other door, which will remain in place. This projects almost 6 feet into the front yard as it is.

The entire addition, or the work, will be within the envelope of the porch, including the roof that you see up here. And this will just be to complete the pediment.

**Chairman Murphy:** So you're going to use the same framing that's there?

**Mr. Koch:** Absolutely. We'll actually set back from the columns and inset a little bit just to preserve the look of the architecture.

**Chairman Murphy:** OK. Because on your plan you have 4 feet 6 as the distance from the house to the column – into the column or into the porch, I guess.

**Mr. Koch:** Right, that's correct. But there's going to be a step that's actually an allowable projection within the front yard within that 6 feet. And that's it. We're just putting a step ... even though the door will not be centered, in this case we're going to center the step to kind of maintain the symmetry of the porch.

**Chairman Murphy:** Do you happen to know ... the only question we had is, this particular home applied for a variance for approval when they redid the house a few years ago, and the front porch. The only question is, we could remember – I think I might have been the only one here, and I'm not even sure I was on the Board then – whether there were any conditions on not enclosing it. Sometimes we do that. It's not binding on the Board, but if you happen to know whether ...

**Mr. Koch:** I don't know. If I did know I would, of course, tell you. But I don't know of any conditions that were placed on it.

**Chairman Murphy:** I know the area pretty well. I live just up the hill a bit. And, you know, there are other homes on both sides of the street with enclosed porches. My main concern was whether there was going to be any expansion of the existing footprint, which there isn't. And it's well enough off the street. I mean, the sidewalk runs up there, but it's well enough off the curb that it's not going to have, I don't think, any kind of detrimental impact on the neighborhood. And really, it's to capture, essentially, an entry closet, if I understand correctly.

**Mr. Koch:** Absolutely, and an airlock. And also the existing porch is, I think, nicely scaled to the house and we don't want to change that at all.

**Boardmember Collins:** Can you describe your plan for what it will look like as you fill in this space? When it is enclosed, what's your vision for how it will look?

**Mr. Koch:** Well, I'm not certain yet because it's in discussion. So this zoning variance was to know if we can work with the envelope. I know that the spirit of what we're trying to do is preserve the architectural character. And so the likelihood is that there'll be a door with a side light, which will make up most of the framed enclosure there. And that will be trimmed in a natural cedar just like everything else, probably with some white highlights. And then there will be, almost certainly, cedar shake siding inset within. And then on the sides, of course, there won't be any fenestration. It'll just be siding.

So it should look entirely of a piece with this house. You know, one of the effects of putting a roof on is that now we're left with a rectangular rather than a visually-arched opening, which we thought was going to be appropriate. Also, the attempt here is to prevent water from going on the owners as they're looking for their keys.

**Boardmember Collins:** OK, thank you.

**Mr. Koch:** So that's the best I can give you. I mean, we're still working on the specifics of the design.

**Boardmember Pennington:** So would there be an overhang from that arched line there?

**Mr. Koch:** Yes, but you can see the roof currently overhangs about a foot. So it's all within that envelope.

**Chairman Murphy:** Are you going to use the same roof, do you think?

**Mr. Koch:** This is going to stay. We don't know. I mean, frankly, it always looks great when you use a little standing seam copper roof in a condition like this because it adds an element. But it's really a budgetary question, to a large extent. So it's not going to project any more than the existing roof.

**Chairman Murphy:** OK.

**Boardmember Pennington:** So it looks to be visually consistent with what's there now, the conceptual design anyway, with what you've got sketched out here.

**Mr. Koch:** Yes, absolutely. The house is a very straightforward sort of Colonial look, and it's been rendered in the natural cedar shakes. Even the casings around the windows and the doors are done in a clear finished cedar. So we're going to have to tow that line.

**Chairman Murphy:** The bottom line is, you're asking for a front yard variance that matches what's already there. They're not extending that variance.

**Mr. Koch:** From what I understand we're not extending the envelope, but we're building within it.

**Chairman Murphy:** OK, anything else from the Board? Anybody in the audience wish to be heard on this application?

Seeing nothing, can I have a motion for this application? Just to clarify, Dave, it's a front yard setback 24.15.

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Collins with a voice vote of all in favor, the Board resolved approval of Case No. 22-11, 88 Mt. Hope Boulevard for approval of an enclosure to an existing covered porch, existing and proposed 24.15 feet with the required minimum of 30 feet.

**Chairman Murphy:** The vote's unanimous. Mr. Koch, thank you.

**Case No. 23-11  
Cuddy & Feder LLP  
7 Maple Avenue**

**For the construction/addition of or modifications to existing antennas and associated equipment on the roof of the Municipal Building at 7 Maple Avenue in the designated View Preservation District**

**Chairman Murphy:** Our next case, the application for AT&T Cingular Wireless. Do we have a representative from Cuddy & Feder, please?

**Village Attorney Stecich:** Chairman, on this one, just to put it into context, it was before the Planning Board. It's got to come before the Planning Board for a special permit, and same thing for view preservation. The Planning Board sent it to its consultant. It's actually with the consultant, so the Planning Board didn't make a decision on this yet.

**Chairman Murphy:** They have not yet.

**Village Attorney Stecich:** They have not. But Mr. Leary called me this week to see if it made any sense to come tonight. Although the Board can't make a decision until you hear from the Planning Board, just in case the Board had any questions, anything you wanted to look at before they came, anything you wanted to do on the view preservation, it made some sense. So they can't get a decision tonight.

**Chairman Murphy:** Understood. But our only issue, again, is view preservation.

**Village Attorney Stecich:** Yes, right. This is not like some of the other VWSF applications you've had, when they've been out of the overlay district. This is in the overlay district. It's on the roof. There are some lease issues, but that's between the Board of Trustees ... not really issues. And it's before the Planning Board because any change to what's up there needs an amendment to the special permit. But it's before you only for view preservation, that's right.

**Chairman Murphy:** OK, thank you, counsel. Mr. Leary?

**Daniel Leary, attorney – Cutty & Feder, LLC :** Thank you. Good evening, Chairman Murphy, members of the Zoning Board of Appeals.

**Boardmember Collins:** Sorry. Just a minute. Mr. Chairman, for reasons we've discussed before I'm going to have to recuse myself.

**Chairman Murphy:** Oh, yes, Matt. Sorry. So now we're unfortunately down to three. Mr. Collins is engaged in the business so he recuses himself from each of the applications in the overlay district that come before us. So he can listen, but he's not going to partake in the vote.

**Mr. Leary:** That's fine. Thank you.

**Boardmember Pennington:** Which won't happen tonight.

**Chairman Murphy:** Which won't happen tonight anyway, yes.

**Mr. Leary:** With me tonight is Anthony Botta from Tectonic Engineering. They prepared the drawings and the photo simulations that should be in your package. And as Marianne said, this is an application for view preservation approval for a proposed upgrade to our existing personal wireless service facility here at Village hall. And we are in the view preservation district, as Marianne mentioned.

We did appear before the Planning Board, and they continued our hearing to the 17th of November. They're retaining consultants to look at the RF issues and the structural issue, and we have been referred to the ARB. We will be on the agenda for November 7.

The proposal is to install three new LTE – long term evolution – antennae on each of the existing sectors of the existing facility. None will be at any greater height than the existing antennae, and they're of the same dimension and scale as the existing antennae. We're proposing to install six new RRH – or remote radio head units – that will be mounted to the interior of the existing parapet wall and will not be visible externally at all.

**Chairman Murphy:** What are those things?

**Mr. Leary:** The way I understand it is, they're basically the units that house the electronics that allow the antenna to receive and transmit signals. So they're associated with the antennae, they have to be near it. Mr. Botta could explain to you the dimensions, but they're more or less the size of like a legal briefcase in scale. And that's what they do.

**Chairman Murphy:** And they're going to all be placed up against the parapet?

**Mr. Leary:** They're going to be inside, mounted to the parapet wall. So there'll be no visibility at all for them. In addition, we'll have a GPS unit and a new equipment cabinet, but it will be stacked on the existing equipment cabinetry – so again, visibility is really not an issue – and related cabling. So that's our proposal.

Again, we've submitted drawings, we have photo simulations from various perspectives, and we're here to answer any questions you have toward the goal – understood, not tonight – of obtaining view preservation approval from the ZBA.

**Chairman Murphy:** All right, Mr. Leary. Thank you. I guess there are a few questions, really, but all the structural issues, all that other stuff, is with the Planning Board. It's not for us. So for me, one question. May 2009, at the time, had received a prior approval for three antennas. Now were those ever placed?

**Mr. Leary:** Yes, I think they were.

**Chairman Murphy:** All right, so you have six up there now?

**Mr. Leary:** We have six up there now.

**Chairman Murphy:** And you're looking for nine. And why is it again? Is it an upgrade to 4G, or is it to just expand the capacity?

**Mr. Leary:** Yes, it's a long-term evolution to 4G. Correct.

**Chairman Murphy:** All right. So why do you need three more antennas instead of six? Why do you need nine instead of six?

**Mr. Leary:** That's an RF question, and we don't have RF engineers here this evening. But essentially, in order to effectuate the long-term evolution technology, the existing antennae do not function to serve for that. And we could get you an answer by the next meeting in terms of the technical reason.

**Chairman Murphy:** Well, the real reason is so the kids can download video faster, right?

**Mr. Leary:** Oh, in terms of the overall purpose? Well, you know, there's other reasons, too. I mean, it will improve capacity and coverage to some degree. And people use it for emergency purposes. And it's not just video games.

**Chairman Murphy:** Yes, look, we've been through this before. I'm interested to hear what the Board thinks about the view preservation issue. And I appreciate the photo mockups because they help, and we've looked at them before. And it is what it is. I mean, you're ring-fencing the roof with antennas. It doesn't look like much now, so I guess it's not going to look much better.

But what's the balance? I mean, people want 4G, people want greater capacity for their wireless service, and AT&T is a major provider. What I'd really like to hear from the engineers is what the physical alternatives are for clustering the antennas on the roof. Because we've asked before, and we've never gotten an answer. And I don't know if that's because AT&T doesn't want to talk to Verizon who doesn't want to talk to whoever else is up there.

But it would be nice if all the antennas were pushed off the high perimeter of what really is a lovely building with a nice façade. And it's completely marred with these antennas, and gets pushed back to a middle on a clustering tower in the middle of the roof that's less visible. I think it can be done. You wish to comment on that?

**Anthony Botta, project engineer – Tectonic Engineering:** The further back you go, the higher up you do have to be in order to get coverage over the roof. So it may not be as less



visible as you might think. And different carriers usually require around 10 feet separation from each other.

**Chairman Murphy:** Oh, I see. They get interference from the signals?

**Mr. Botta:** Right, from the separate carriers. So it's not like you can have them all at the same level. So you would probably wind up having something pretty high if you had to move them all back together in the center. So it might not be as less visible as you would hope.

**Chairman Murphy:** Well, what would you guess how high? Like 30 feet high or 40 feet high?

**Mr. Botta:** Usually they're 10 feet center line. Maybe 30 feet. Again, each RF engineer would have to confirm that.

**Chairman Murphy:** I don't know, 30 feet in the center of the roof may or may not be worse than what's there now.

**Boardmember Forbes-Watkins:** I'd like to know whether, to your knowledge, gentlemen, has MetroPC done anything on the roof? It looks to me as if all we have up there is the AT&T antennas.

**Building Inspector Sharma:** No, MetroPCS is up there.

**Mr. Leary:** There's other carriers up there, yes.

**Village Attorney Stecich:** There's three carriers.

**Boardmember Forbes-Watkins:** They don't have the same-looking type of paddle.

**Building Inspector Sharma:** Similar-looking, very similar-looking.

**Boardmember Forbes-Watkins:** Really?

**Building Inspector Sharma:** Yes.

**Chairman Murphy:** I know MetroPCS is up there.

**Village Attorney Stecich:** I think there's three carriers.

**Chairman Murphy:** Well the Village didn't agree. They actually never reached an agreement with Verizon, right? I think Verizon's not up there because the Village didn't execute a contract with them, but I could be wrong.

**Village Attorney Stecich:** No, I think Verizon's up there. I wouldn't swear to it, though. I haven't been up there.

**Building Inspector Sharma:** Certainly AT&T's up there. They were the first ones to go there. And then in the other corner is MetroPCS. I don't know about the third one.

**Village Attorney Stecich:** Maybe the third isn't up there.

**Boardmember Pennington:** I have just another question to help understand the application. You mentioned the cabinetry, and you said that the new cabinet will be stacked on the existing cabinet so there shouldn't be a visibility issue. Can you show us that?

**Mr. Leary:** Sure.

**Boardmember Pennington:** Because if it were stacked, and it were actually creating a visual obstruction, that would be a different story.

**Mr. Leary:** Right.

**Mr. Botta:** It will be stacked, but it will be stacked on one of the lower cabinets. So these three cabinets are actually higher, and then there's an existing small cabinet at the end of the platform. We're going on top of that, so we're not going to be higher than the tallest cabinets that are there now.

**Chairman Murphy:** But are you going to be above the parapet edge? I think the parapet's what, about 3-1/2 feet.

**Mr. Botta:** Right, it will be sticking up a little above the parapet. I mean, obviously, that view will be very much diminished as you're looking from the ground, but it will stick up a little. It's about 2-1/2 feet high, the cabinet that's there. And we're putting another 2-1/2 foot cabinet on top of it.

**Chairman Murphy:** So it'll be a foot, foot-and-a-half above, give or take.

**Boardmember Forbes-Watkins:** I don't see it on these.

**Chairman Murphy:** Which corner is that? That's the northwest corner, or southwest corner?

**Mr. Botta:** No, northwest.

**Chairman Murphy:** Yes, so it's over here. Well, nobody's going to see that. My concern is the visibility of the antennas on the front, eastern sides, of the building. It looks awful. Let me ask you this. In the future, is there any end to the addition? I mean, if you have to add capacity like this, for 5G or 6G or whatever it is, do you have to add more antennas to do that, do you think?

**Mr. Botta:** That's not something I can really answer. Again, that would be RF. But I know there are different technologies in the antennas themselves, so a lot of times they can just upgrade the model of antenna and get something better without having to actually add more antenna. But I can't really answer that question. That would really have to be one of the RF engineers.

**Boardmember Pennington:** I share that concern.

**Chairman Murphy:** Well, that's the question here is why can't you do it with the same antenna, the same number of antennas.

**Mr. Botta:** Right. I know they can't, technically. I don't really have the answer.

**Chairman Murphy:** Right. You know, it's going to look like Tom Sawyer's white picket fence on the roof of our building. Anyway, OK. I get it. But this has to go back to the Planning Board? I'm sorry, Mr. Leary, you said November?

**Mr. Leary:** November 17, I believe.

**Village Attorney Stecich:** Yes. It's in the process of being reviewed by the Village's consultant. There are RF issues, and also the issues of whether it's necessary for what they want. And then there are structural issues that have to be looked at. We've been a little bit nervous about how much more can go on the roof, and this equipment's very heavy. But the Planning Board's taking care of that. And that's certainly an issue for the Board of Trustees – the change of lease. That's not really an issue, again, for you. It's view preservation.

**Chairman Murphy:** OK, fair enough. I guess the only relevant question is whether you can obtain what you need to get the upgrade with less of a view intrusion. Because it's an

intrusion and it's always been an intrusion. But we approve it because people want it and need it. But the more antennas you put up there you get to a point where it's like how many more antennas are you going to put.

So the question is, either for you or the RF engineers, can you do this in a way – and, Mr. Leary, I guess next time you come back we'd like an answer – can this be done without adding three more antennas. I mean, it might just be a cost question. The answer might be yes, we'd have to install six very much more expensive antennas, and we don't want to do that. But I'd like to know if that's the answer.

**Mr. Leary:** We'll get you the answer.

**Village Attorney Stecich:** You know, on a related question, just to remind the Board – maybe it was Ray, maybe it was somebody else who had asked – can what's there be replaced by smaller stuff. And I think that's come up, so that there don't have to be the big panels. Because apparently there is new equipment; there's new, smaller equipment. So they should probably look at that: is there any way to do it, even with the existing stuff up there, with smaller equipment.

**Mr. Leary:** I understood that was raised at the Planning Board meeting. You're right. So I understood that that issue would be reviewed in collaboration with your RF consultant so that we could do the same thing with your question.

**Chairman Murphy:** Yes. You know, Deven, it might be helpful for us if we could have that segment of the Planning Board minutes before our next meeting, which will be December 8 because we're not going to meet on Thanksgiving. So if the Planning Board meets on November 17 it would be helpful – if Mr. Leary comes back on December 8, which will be our next meeting – to see the minutes from this discussion so we know what the Planning Board had to say. I would find that helpful.

**Building Inspector Sharma:** I certainly will do that.

**Chairman Murphy:** OK. Anything else, David?

**Boardmember Forbes-Watkins:** Yes, one thing. Harking back two-and-a-half years ago, when the last upgrade from AT&T came before us, we were shocked to find that the original antennas that were installed were not in accordance with the approved parameters. They were 14 inches wide, and the parameters that were approved were something like 9 inches. Have we gotten that rectified?

**Building Inspector Sharma:** I do not remember. I'll have to check.

**Boardmember Forbes-Watkins:** I'll guarantee that was it because I was the only Boardmember here at that meeting where that issue came up. And frankly, I was incensed at AT&T for having installed something that was not approved and never brought to the engineer. And I'd just like to know whether we ever got that all fixed.

**Building Inspector Sharma:** I'll report to the Board. I'll find out, and before the next meeting I'll bring that information to the Board.

**Chairman Murphy:** Thank you, Mr. Sharma.

**Boardmember Pennington:** Will these antennas be any wider than the existing ones?

**Mr. Botta:** No, they're 12 inches wide.

**Boardmember Pennington:** They're 12 inches wide. And what was approved in this case, or will be approved?

**Mr. Botta:** I'm not sure about that.

**Mr. Leary:** You're talking about what Mr. Forbes-Watkins just raised?

**Boardmember Pennington:** I believe he was talking about the existing facility.

**Boardmember Forbes-Watkins:** I was speaking of what was originally approved, and then what came back to us in 2009 when some additions were to be made.

**Chairman Murphy:** Yes, I'm sorry, David. I just don't remember.

**Boardmember Forbes-Watkins:** And we need to clarify that. You weren't at that meeting.

**Chairman Murphy:** Oh, well, that's why. OK.

**Mr. Leary:** But you're asking about what's out there now.

**Boardmember Forbes-Watkins:** Yes, and I want to know what it conforms to.

**Mr. Leary:** OK.

**Chairman Murphy:** And just so I'm clear, in your proposed drawings what you're proposing is exactly the same size as what's up there.

**Mr. Leary:** I don't know if I could say it's exact, but it's essentially the same.

**Chairman Murphy:** Well, that's what it looks like. So we're just talking about can you do it with fewer than nine.

**Mr. Leary:** Right.

**Chairman Murphy:** And if you can it with smaller than what's there, great. But the question is, is it a cost question, is it a technical question, is it some other problem. I don't know. That's really the only thing that concerns us with the view preservation. Because adding 30 percent more, 50 percent more of what's already up there, it's that much worse from a view perspective.

**Mr. Leary:** Is the view preservation issue the standard relative to the views to the Hudson on the Palisades?

**Chairman Murphy:** Pretty much, yes. I mean, we've done this. If you go up to Warburton and downtown Hastings you can see parts of it. Depends on where you are. It's not a huge issue. But if you're in the new building that they're renovating right there on the corner of Spring and Warburton, they're going to put a wellness center up there on the roof. We approved that two years ago, three years ago? Well, they're going to have their wellness center and they're going to look right on our roof.

**Boardmember Pennington:** Well, the other impacted views might be on Whitman Street up above, and maybe also from Hastings Terrace apartments.

**Chairman Murphy:** The apartments are pretty high up, but maybe.

**Mr. Leary:** I guess one thought would be – to the extent the building, the rooflines, are on perpendicular to those roads – we're putting in the additional antennae in those sectors in a way that I don't know how much that's really going to affect that view shed. You know, the issue might be more the side that fronts Maple Avenue?

**Chairman Murphy:** Well, it's also just walking in. I mean, it's the Municipal Building. Everybody's walking in and out, and the library's next door. So everybody walks down Spring Street and Warburton every day to get here. You can see it. It's as much that as anything else, but that's part of a view preservation consideration.

**Mr. Leary:** OK. Well, we understand your questions and we will get you answers to them.

**Chairman Murphy:** All right, I appreciate it.

**Mr. Leary:** All right, thank you very much. Have a good evening. So the hearing has to be continued.

**Chairman Murphy:** Sure. We're going to continue this until our next meeting.

**Mr. Leary:** Thank you.

**Chairman Murphy:** Mr. Leary, thank you.

**Case No. 24-11  
Alan Sanseverino  
High Street**

**For the construction of a driveway as part of a new two-story single-family dwelling on the vacant lot next to 78 High Street Driveway Entrance Grades:  
Proposed - 12%; Required Maximum - 3% within 20 feet of the front property line. {Section 295-40.A.(2)}**

**Chairman Murphy:** I guess our last case is the application for Mr. Sanseverino. Well, the vacant lot next to 78 High Street.

**Village Attorney Stecich:** Let me give you the report on this one, too. This was before the Planning Board because it has steep slopes. So it was before the Planning Board for steep slope approval. But it has to come back to you. Oddly enough, it comes to you for a variance from the grade of the driveway. Had there been site plan approval, the Planning Board would give that waiver. It's not a provision in the code that we're going to amend because this seems like it's something that's really kind of in the Planning Board's jurisdiction. But at the moment, the code is written so it comes before you.

Now, when they were before the Planning Board they're asking for a fairly large waiver from the Planning Board. I think the percentage limit was 25 percent of the steep slope, this slope they have, could be disturbed.

**Alan Sanseverino, applicant:** Thirty-five percent.

**Village Attorney Stecich:** And their proposal would disturb 59 percent of the steep slope. Because the Planning Board asked them to take a look at it again and see if they couldn't figure out a way to disturb less of the steep slope.

**Chairman Murphy:** The way you disturb less is, you increase the slope.

**Mr. Sanseverino:** I can go over that real quickly.

**Chairman Murphy:** Yes, because I didn't really understand the application, I'm sorry. Just identify yourself. Just state your name for the record.

**Mr. Sanseverino:** I'm here at the entranceway.

**Chairman Murphy:** Yes, because our minutes are being recorded. They have to transcribe what you say.

**Mr. Sanseverino:** I'm not here for any pitch change. I'm here for a distance. I'm trying to alleviate any disruption to the steep slope. As you can see, I'm looking to make it 12 feet as opposed to 20. Because what happens, it alleviates 8 feet. In that case, I would have to probably move back the house 8 feet because I would have to extend the driveway to keep a decent pitch. That's basically what I'm looking for.

Basically, this is an oversized lot. It's over 13,000 square feet, and it only needs 7,500. The bad thing is steep slopes. It's very tough, and we've been working on it. And I can show you. We've been talking about the 59 percent, which really the house only takes up 15 percent; with the driveway is 4 percent more, which is 19.

What happens, it becomes 59 because we wanted to put ... there is an original retaining wall here. We wanted to replace that, repair it. And I think that the average is like ... the peak is 5, but it veers down to zero. It's all because of the grade change.

I'm not gaining nothing, but I was trying to make it so it'd be livable, playable. It's 21 percent pitch, and it was just a very tough yard to work with.

**Chairman Murphy:** I see. So I guess the point is, you're proposing to locate the house at a point where you need a variance so it can only be 12 feet worth of noncompliance.

**Mr. Sanseverino:** No, it would be 8 feet noncompliance.



**Chairman Murphy:** Excuse me, 8 feet of noncompliance.

**Mr. Sanseverino:** It's supposed to be 20, and I'm just looking to alleviate 8 feet so I don't have to move the house back to keep a good pitch for the driveway. The driveway, right now, would be 12 to 15 percent, I think you said.

**Chairman Murphy:** Twelve percent is what the application says.

**Mr. Sanseverino:** I think it's 12.

**Chairman Murphy:** That's pretty steep.

**Mr. Sanseverino:** It alleviates 8 feet of disruption on the steep slope. So what happens is, we drew up new plans, and we're taking the wall at this point and we're not going to touch back here. So right now, that's 41 percent of untouched soil.

**Chairman Murphy:** Yes, but I guess the point is ... there's two different things here.

**Village Attorney Stecich:** Yes, that's not an issue for you. The Planning Board grants that waiver. The only thing before you is the driveway grade.

**Mr. Sanseverino:** So I'm asking for the 8 feet to alleviate any disruption.

**Chairman Murphy:** But I'm just trying to get a handle on the difference. The difference is 8 feet, what you're looking for, for a steep slope driveway.

**Mr. Sanseverino:** Well, we're not changing any pitch. All it is, is where you come in at this point right here – before you hit the property line, and you have the setbacks and everything – there's plenty of room. It has nothing to do with setbacks. It's just basically to alleviate going back further. Because when you go back further – when you look at this amazing piece of property, as you go back you go down – and then when you go down – it'll be a little bit of an eyesore as you go further down. I'm trying to alleviate all that. It's like a double-edged sword here.

**Chairman Murphy:** No, I understand.

**Mr. Sanseverino:** You know what I mean.

**Chairman Murphy:** We're just trying to understand. Because there's nothing there, it's hard for us to visualize what it might look like.

**Village Attorney Stecich:** It might be helpful if Deven explained the variance that they're seeking because it's a little confusing.

**Building Inspector Sharma:** The variance, they are currently asking about for the driveway grade.

**Village Attorney Stecich:** Yes, I know.

**Building Inspector Sharma:** I'm not quite sure what you need.

**Village Attorney Stecich:** Explain what the requirement is, and why they can't meet the requirement.

**Building Inspector Sharma:** I forgot what the requirement was, sorry.

**Boardmember Collins:** The requirement in the code says no ...

**Building Inspector Sharma:** It's 3 percent grade within the first 20 feet from the property line.

**Chairman Murphy:** And you want to go 12 percent.

**Mr. Sanseverino:** No, no. I have nothing to do with percentage. It's distance. All I'm looking for ... it's 1 percent on the plan. All I'm looking is to shorten the distance from 20 feet to 8 feet. I mean, geez ...

**Village Attorney Stecich:** From 20 to 12.

**Mr. Sanseverino:** ... to 12 feet. So that this way I don't have to push the house further back to keep the driveway into pitch. Because when you go back, all's I'll be disturbing ... the steep slopes.

**Chairman Murphy:** Right. What you gain is that by not having to push the house back further you disturb less soil in the back there. Right?

**Mr. Sanseverino:** Yes.

**Chairman Murphy:** Is that it?

**Mr. Sanseverino:** Less percentage, and it's all ...

**Chairman Murphy:** So what you're looking for is a short driveway.

**Mr. Sanseverino:** No, it has nothing to do with short driveway. The driveway's still there. It's the landing.

**Chairman Murphy:** I guess I don't get it then.

**Mr. Sanseverino:** There's a certain point ... let me go back to this for a second. It's simple. You still have 25 feet, so no matter what you still got the setback – the 25 feet – plus you have 12 feet to the road; as opposed to 20, and then 25. So it'd be 45, you know what I mean? And it's all to alleviate any disruption to the ...

**Boardmember Forbes-Watkins:** I don't understand, though. I'm confused.

**Village Attorney Stecich:** I guess I was ... let me read it from the code. That's why I was asking Deven. This is the way the code reads: *"No driveway serving a single-family dwelling shall have an entrance grade in excess of 3 percent within 20 feet of the front property line."* So he's saying it'll be under 3 percent only for the first 12 feet. Right? And after 12 feet, what will the grade be?

**Mr. Sanseverino:** After 12 feet it'd be 12.

**Village Attorney Stecich:** After 12 feet it'll be 12 percent grade.

**Mr. Sanseverino:** It'll be what you recommend.

**Village Attorney Stecich:** Twelve percent is an acceptable grade, but not within the first 20 feet. So what he's saying is let me have 12 percent after 12 feet. So that's what the variance is.

**Building Inspector Sharma:** So the first 12 feet will be 3 percent.

**Village Attorney Stecich:** Will be 1 percent.

**Mr. Sanseverino:** No maximum of 3 percent.

**Building Inspector Sharma:** Instead of 3, it'll be 12 percent.

**Chairman Murphy:** Right, right. And I understand that. And all I'm trying to understand is if we didn't ... what we have to ask is, if we didn't grant the variance what would that make you ... what would that force you to do? What would the problem be? That's what I need to articulate for the record.

**Mr. Sanseverino:** In order for me to make grade of the driveway I'd have to set back more. And then I go into disrupting more land. And then you go into ... even though I pull walls forward and everything, it's a ... and the weirdest thing is, it's almost double the size, and you're fighting a losing battle. It's kind of like amazing.

**Chairman Murphy:** Right. So if we didn't grant the variance, you have to have an even longer driveway. And you'd have to build up the grade so that it was ...

**Mr. Sanseverino:** Yeah, and it's just like ...

**Chairman Murphy:** No, I hear you. And you're within the front yard. The front yard setback is?

**Building Inspector Sharma:** Twenty-five feet.

**Mr. Sanseverino:** I've seen some houses, they have some sort of problem like this maybe in the upstream and, you know, the same thing as downstream. But it's just that it's to alleviate all sorts of issues. And it's not to hurt anybody or disrupt anything.

**Chairman Murphy:** No, no.

**Boardmember Forbes-Watkins:** I have some questions, though. For instance ...

**Chairman Murphy:** No, me too. Go ahead.

**Boardmember Forbes-Watkins:** I'm driving, and I'm going to park. I come in off the street and I have 12 feet of almost flat. Then there's a pitch. Am I going to bottom out?

**Mr. Sanseverino:** If that number is giving 12 percent, I'm sure it's an issue that they figured out when they made that number.

**Boardmember Forbes-Watkins:** Well, I want to know whether an average standard car would bottom out.

**Mr. Sanseverino:** Then we'd have to say ...

[cross-talk]

**Boardmember Forbes-Watkins:** Because I think it might, very well. So that, then, is going to suggest to the driver, "I'm not going down there, and so I'm going to want to stay up at the top level." But you've only got 12 feet so you can only have a smart car in that place parked up there. There's a real impracticality here, I think. Now it may be a standard automobile can handle that grade, but I can't see approving this until I know for a fact that it can.

**Building Inspector Sharma:** Can I make a comment? Normally, even as a architect, when you design this driveway with a slope – with a changing slope – there's a little merging of the flatter to that. It's not like that. If I were planning or designing it, it will be gradually going to 12 and not suddenly 12 percent slope. You know, there is a certain distance which will be lesser than 12 percent. So there is a different kind of slope between 1 percent or 3 percent, and not directly 12 percent. That's how it usually gets designed.

As for a slightly longer driveway adding to the area that is being disturbed, that can be mitigated by leaving much of the other area that you're proposing to disturb, not disturbing that. Because the house itself requires about 25 percent or 30 percent of the total land that you can cover. So the remaining 30-plus percent – if he has 59 percent being disturbed – that means, beside the house, maybe add another 5 percent for the driveway. So you're disturbing an additional 25 percent of the land to make it perhaps more usable, make it flatter to have a flatter backyard or something.

So that's the area where there's some play: how much of that land really needs to be disturbed and made flatter, more or less. So I think the Planning Board asked you to look at that aspect. He asked for the driveway being 25 feet deep or 30 feet deep, or even 35 feet deep, it may not make that much difference to the external slope that you're disturbing.

**Mr. Sanseverino:** No. The question I would have is, if you say I'm supposed to have 3, and I have 1 percent, and I'm only allowed to have 12, now every driveway would be bottoming out then. Because those are the numbers you're giving us. So, I mean, I don't understand how that ... you know, now we're talking about cars hitting. I don't understand. If those are the numbers we're supposed to work with, how does all of a sudden this car bottom out? I mean, why is that ... do you know what I mean?

The number of 12 percent to get to the driveway and the 1 percent grade, if it's 20 feet long or 12 feet long, that's not making it bottom out.

**Boardmember Collins:** No, it's not. And, quite frankly, I don't know that we know enough. And as Chairman Murphy said, without having a property there this is more challenging to visualize. I don't know that we can say one way or the other whether a car is going to bottom out or not.

**Chairman Murphy:** Well, look. I mean, this is Hastings. You got driveways like this all over Hastings. They go right down into the basement of the house with a trench drain across the front.

**Village Attorney Stecich:** Brian, it's also worth noting that the code provision for single-family house ... this is a single-family house, right?

**Mr. Sanseverino:** Yes.

**Village Attorney Stecich:** Actually it's 15 percent, not 12 percent. It's 15 percent, and then with discretion it could go to 20. So 12 percent is probably ... I mention that only in the context that 12 percent may not be that drastic.

**Boardmember Forbes-Watkins:** But if you look at that property ...

[cross-talk]

**Village Attorney Stecich:** I don't know about this particular property. I'm just talking about ...

[cross-talk]

**Boardmember Forbes-Watkins:** If you look at that particular property, the front few feet are fairly even and then it starts sloping rapidly. And again, I don't know for sure whether a car will bottom out. But I certainly know that that slope is going to have to ... either you're going to have to start cutting a driveway with a lot of edge ... you're going to have to start cutting it almost at the street in order to get a smooth flow in. And then you've got trippers and all sorts of things there. I don't know. I see too many questions about how that will work.

**Mr. Sanseverino:** I mean, the pitches and grade are standard and they've been used. I've done the same house, but the opposite way; uphill 3 percent, and then up ... it's the same house.

**Boardmember Forbes-Watkins:** Well, you're talking 1 percent to 12 percent.

**Mr. Sanseverino:** Yeah, but I can go 3 percent then, if that's what you want. And that would make the 12 percent ...

[cross-talk]

**Boardmember Forbes-Watkins:** I don't care. What do *you* want?

**Mr. Sanseverino:** You got to stay within the means; maximum is 3 percent.

**Boardmember Collins:** For 20 feet.

**Mr. Sanseverino:** I mean, you could take that little bit of edge off. Really, that's the standard number that we're using for driveways.

**Chairman Murphy:** Can I ask you a question?

**Mr. Sanseverino:** I'm sorry. It's kind of confusing.

**Chairman Murphy:** We love it. We love our job here. Based on the slope that exists now, OK, and what you're proposing. So let's say we have a flat driveway for 12 feet as you come off the road through the curbcut, and it's going to go down. Are you going to have to fill to make it to 12 percent? Is it steeper than 12 percent now?

**Mr. Sanseverino:** Let's see. Right now, here's zero. So if we go in, we're dropping down ... let's see, that's 20 feet there. It'll be 5 feet, so that's almost at basement level right there. That's the level of the floor where it is now, the dirt level. That'd be with a basement and with a driveway; it's right here. So that number is 93? Yes, that'd be almost a basement, the dirt level now.

**Chairman Murphy:** Right. So what you're saying is, the slope that exists now is more or less what you want to keep.

**Mr. Sanseverino:** Right.

**Chairman Murphy:** And what you're proposing is, you come in off the driveway 12 feet and you go down into the basement to a basement garage.

**Mr. Sanseverino:** Yes.

**Chairman Murphy:** And so what's the drainage plan for the basement?

**Mr. Sanseverino:** The drainage plan?

**Building Inspector Sharma:** While he's looking for the drainage plan, the slope there is about 20 percent. It drops about 5 feet and about 25 feet horizontal. So that's a 20 percent slope. Your question is having to fill it.

**Chairman Murphy:** Yes, you're going to have to compact it.

**Mr. Sanseverino:** So once you get in there you start coming up.

**Chairman Murphy:** I understand.

**Mr. Sanseverino:** Right here, you have three interceptors. And the rest of the drywells are over here.

**Chairman Murphy:** Where are the drywells?

**Mr. Sanseverino:** There's three under here – one, two, three – heavy-duty interceptors, and there's eight out here. There's a total of 11. But these back, the wall's going to be rearranged a little. But that's in the next meeting, with the steep slopes.

**Boardmember Pennington:** Mr. Chairman, we have a letter in front of us, which we shouldn't neglect to call to attention, from the neighbor addressing the drainage issue and expressing concern about management of the water.

**Chairman Murphy:** Well, yes, the drainage is always an issue you've got to provide for. So, Mr. Sharma, have you looked at the drainage plan for this particular ... I'm just talking about the driveway area now.

**Building Inspector Sharma:** No, we haven't gotten to that level yet. We haven't looked at any calculations. For example, he's talking about three drywells and you want to pump the water up to the higher level.

**Mr. Sanseverino:** Pretty much, the engineer had calculated it to the storm that you suggested.

**Building Inspector Sharma:** To answer your question, Mr. Chairman, no. We have not.



**Chairman Murphy:** All right, so that will have to be a condition of any motion.

**Building Inspector Sharma:** As a matter of fact, when they do a steep slope review those issues will be looked at at that time by the Planning Board, as well as myself when I issue the permit.

**Chairman Murphy:** Right. I guess the point is, when you come off the street it's basically flat for 12 feet. And then you're going to hit a fairly steep slope, but it's within the code. Twelve percent is less than the maximum permitted. And I guess, Marianne, what you're saying is that within our discretion we could even approve something more severe if we wanted to.

**Village Attorney Stecich:** Well, the Planning Board could because they're coming in for a variance.

**Chairman Murphy:** And so what you're really saying is you want that because you don't want to keep it flat for 20 feet because then you'd have to move the house back because you couldn't get down to the garage in the basement.

**Mr. Sanseverino:** Then you change level the percentages again, and it's a disruption.

**Chairman Murphy:** I understand. So you either get rid of the garage or you get a variance. That's the choice.

**Boardmember Forbes-Watkins:** Or move the garage, bring it up.

**Chairman Murphy:** Well, it'd be up on the first floor though.

**Building Inspector Sharma:** Definitely give us a profile of the driveway itself with the grades and everything.

**Chairman Murphy:** What I'm going to propose is that we defer this application because I want to see the drainage plan. And I want Mr. Sharma to give us his view that the drainage plan is adequate to accomplish what you want to accomplish. I understand what you're trying to do. I don't have a problem with it. Half of Hastings has garages in the basement just like it. It doesn't make it any easier to get out of them. But the key is, you got to have drainage to accommodate it, otherwise it's a disaster. And I guess that's what I'd like to see.

**Mr. Sanseverino:** OK.

**Chairman Murphy:** OK, so can we do that? Can you work with Mr. Sharma?

**Mr. Sanseverino:** Oh, that's no problem. The drainage, I'm sure there won't be an issue with that.

**Chairman Murphy:** And as Mark pointed out, that's the letter. I won't read it all, but it's from Heather Harpham and Brian Morton, who live at 78 High Street. So they're next door, and their concerns are they want to ensure proper drainage is provided, which I agree with. And they also would like the house to be built in keeping within the spirit of the neighborhood in terms of size and shape.

**Mr. Sanseverino:** Well, the one next to me is a lot larger. It's got a 12/12 pitch.

**Chairman Murphy:** Yes, sir. So if we have some comments from the audience please just identify yourself and I'll be happy to hear from you.

**John Gonder, 153 James Street:** I am on the east side of that property. And just to show you, I have a couple of prints, if I may. If you notice, page one just shows the vacant lot next to 75 High Street looking east toward my property. You can see the slope going down, you see a wall. Now the next photograph on page one, you see my property. There's red lines. You can see the slope – the vacant lot I'll call it – his property. And the stone wall is my property, the slope. Just to give you an idea.

On page two, the arrows again show the definition. You can see there's a lot of rock ledge up there and also on my property. And the bottom photograph shows, again, both properties. And it's a little more south, showing my property and the big slopes. Now, I just want to give you an analogy. That property was owned by one woman for quite some time. She had a big elm tree and a great big maple; I'll say they're maybe 140, 180 years old. Thirty, 35 years ago they both came down in a short period, maybe within five years, diseased.

Since that time, me and my neighbor get water in my basement and he gets it in his basement. I also get water runoff in my garage. Now, this is not with 1 inch, but maybe 3 to 5 inches of rain in a period of 24 to 48 hours like we've had. This year alone, at least 12 times I've had water in my basement and garage from that property north of 75, his property.

Just to give you information, you all know about Ridge Hill. They almost took every tree down. And what happened, in a couple of storms they flooded \$10 million worth of damage to some other property that they call Brook-something. I can't remember it, I have it here somewhere. Brooklands: "Ridge Hill Drowns Brooklands. Why? Because trees were taken down.

This driveway is a slope. And this driveway, 5 inches of rain would be 1,560 gallons if it's a 25-foot driveway. That's a lot of water. And where is it going to go? Washing leaves and debris into my yard and, eventually, water into my place.

I read the prints a couple of weeks ago and I did not get a letter from the Village in regard to the Planning Board. I did get a letter for this meeting.

**Village Attorney Stecich:** There's no notice requirement. Are you an adjoining property?

**Mr. Gonder:** Yes, I'm right next to him. I'm on the border.

**Village Attorney Stecich:** Oh, then you should have been noticed.

**Building Inspector Sharma:** You should have been notified.

**Mr. Gonder:** I went down, and Deven said it was an error. But I read *The Enterprise* with a magnifying glass and I got it that way. So I'm not complaining about that. But the print: "All leaders and drains to drain the drywells are drained if available." And then someplace else it mentioned ... I'm sorry.

**Chairman Murphy:** No, take your time. Thanks, fine.

**Mr. Gonder:** *"All gutters and all leaders to storm drain or drain wells, sheet one of six."* And then, *"All leaders and drains to drain into drywells and drainage, if available."* It doesn't make sense. One I think was in '03, and the other is someplace on it. All I'm concerned with is, it's a beautiful piece of property. I just hoped I was buried before they built on it because I know I'm going to get flooded out whatever is done up there.

**Building Inspector Sharma:** No, not necessarily.

**Mr. Gonder:** I disagree with you.

**Chairman Murphy:** Well, it sounds like you're having ...

[cross-talk]

**Mr. Gonder:** I run a humidifier. For three years I have problems, and so does my neighbor. Pull out 2-1/2 gallons of water every day in my basement, and it's a small basement.

**Chairman Murphy:** Did you get flooded in the hurricane rains?

**Mr. Gonder:** Yes. And the one after was worse, the rains after.

**Chairman Murphy:** Do you have sump pumps down there, or how do you deal with the water?

**Mr. Gonder:** No, no. It just runs in and I sweep it out. The garage gets the worst; sweep it out and air it out. It takes, in the garage, a couple of weeks and several days with the dehumidifier running. That's why we have variances and codes, to help people.

Now, I think you made the suggestion – and I have a similar one – the Board of Trustees and the Mayor, they want to go green. And I sort of agree with them. Why not just look at the home, make it green, and go straight in to the second level, not the basement, and put the garage. You need a few more beams and stuff, and you make a green home. You put that other room down in the basement and you have it straight in.

I thank you for listening to me, but I hope you do not approve this variance. Thank you.

**Chairman Murphy:** All right. Thank you, Mr. Gonder.

**Building Inspector Sharma:** By the way, the runoff from the driveway will go first into his house before it'll go anyplace else the way the driveway is.

**Chairman Murphy:** No, I understand. But still, the drainage issues surrounding the excavation of the property, the Planning Board's going to want to know that.

**Building Inspector Sharma:** Yes, of course.

**Chairman Murphy:** So it has to be done anyway. All I'm saying is, before we make the decision on the little piece of this that we have to decide I wanted to understand what you were doing, why you were doing it. I think I understand that now. The question is, how do you minimize the problem with the drainage if we're going to do that. And I think David's problem is, what does that really mean for the residents who are going to have to park there, or not.

But I will say this, David. There are a lot of ... you know, it's not optimal. And some are worse because they were grandfathered in with worse slopes.

**Boardmember Forbes-Watkins:** I'm well aware of that.

**Chairman Murphy:** But the key is, if you're going to do that ...

**Boardmember Forbes-Watkins:** The flat in, that is really what bothers me.

**Chairman Murphy:** No, that's what I mean. But you can minimize the impact of that if you do it the right way, and I need advice from Mr. Sharma and I need a detailed drainage plan so I understand how you're going to take care of the water.

**Building Inspector Sharma:** There's actually a requirement that any new impermeable surface that creates any new runoff because of construction has to be contained within the property in the context of drywells or something. So we look at those calculations very carefully.

**Chairman Murphy:** And what Mr. Gonder is saying and what the neighbor on the other side is saying is, they don't want it any worse. It's already bad enough.

**Mr. Sanseverino:** Yes, there is retainer walls along the edge that do keep anything going from here, to the one on the right. I mean, I got the trailway coming to me so I'm getting the trailway water. So I'm just saying, I'm alleviating and taking and putting it in the proper location, doing the proper thing. This here, right now he's got a 21 percent grade going down to his house. I live on Prince Street. My land is flat. If I dig in the summertime 18 inches I get water in my backyard. I mean, it's Hastings; it's water, rocks, everything.

But this is all calculated by an engineer. If it's not enough, they'll deny, I guess, that. But right now I was just asking for the length of the driveway. And it seems like we're going into, really, Ridge Hill. You know what the problem was there? They took all that water and they put it into too small of a pipe. Had nothing to do with the drainage. It had to do where they hooked up and flooded them out. Because they did everything they had to do, but where it went to is what happened. It just couldn't handle it. You know, we're going into a big balloon here.

**Chairman Murphy:** No, I know. Don't worry about that. I'm only concerned about your plan for this driveway. And what I want is Mr. Sharma's opinion about that drainage plan. And I don't have that. You know, we don't have it. So that's what I need.

**Mr. Sanseverino:** And can the drainage plan be upon the building permit?

**Building Inspector Sharma:** You're going to have to prepare that for the Planning Board, as well, when you come back to the Planning Board revised or modified. They could move

beyond the fact that you were disturbing 59 percent of the slope. Once they are happy with that, then of course they will begin to look at that drainage plan, as well. So whether my review will be enough, or we may need to hire an outside consultant to review your calculations, your plans, and advise the Planning Board whether it's adequate or not.

And whatever happens there, of course I'll bring all the information – my own personal opinion and the other opinions that we might get – to this board, as well.

**Mr. Sanseverino:** OK. So what I understand is, we're not going further until the drywell issue is taken care of. Is that what we're saying?

**Chairman Murphy:** For us. The only issue we're looking at is the driveway. And the only issue I have with that is, I need for my Building Inspector to tell me the drainage is sufficient and compliant and will not make the drainage issues any worse than they already are.

**Building Inspector Sharma:** And, Mr. Chairman, you would also look at a profile, a section to the driveway, starting from the street up to the garage door. So what exactly is the profile, in the proper scale. So that'll also give you an idea. Normally, at the bottom of the driveway there's a trench drain. And I'm sure they mean to do that.

**Chairman Murphy:** Well, he shows it on his plan. But that doesn't tell me what the holding capacity is.

**Mr. Sanseverino:** Well, the capacities are written on here right on the bottom.

**Chairman Murphy:** I understand. But the point is, I need Mr. Sharma to do his calculation and tell me that that's fine.

**Mr. Sanseverino:** I'm just confused for a second because it's like I didn't know I had an issue with this. I mean, I didn't even know I was getting here and then having a problem with this.

**Chairman Murphy:** It's OK. Don't worry. It's a process. It just means more meetings for you, but you'll get through it. But, Mr. Sharma, can you do that for us?

**Building Inspector Sharma:** Most certainly.

**Chairman Murphy:** And Mr. Sanseverino, what Mr. Sharma is asking for is another drawing, a sectional drawing, for his part of the driveway from the house to the street so we can see exactly how the elevation's going to drop. I know you had the other elevation.

**Mr. Sanseverino:** Yes, I had an elevation here. What happens is, 25 feet is here and then 31 back. So you're going to be right in this area here. So the back is 88 right now, but with the retaining walls it brings it up so it comes to a moderate grade. And we bring the retaining walls to level off somewhat, to alleviate any runoff and catch the water instead of having 21 percent.

You know, this was all calculated. I mean, it's beyond me right now. I just don't understand, sorry.

**Building Inspector Sharma:** Mr. Chairman, I did not, at this time, verify your calculations because certain other things have to happen before I do that. Another board has asked me to do it. I will definitely look at those calculations, check with you if I have any issues with it or your engineer. And why don't we work out at the next meeting, I'll bring those opinions, my thoughts, to the Board for the Board to use whichever way they want to use it.

**Village Attorney Stecich:** See, Mr. Sanseverino, the other issue is you're asking the Board to approve a different driveway grade than the code permits. So they need to see exactly what the grade of your proposed driveway is. Right now, all they see is the grade of the property as it is now. But if you want this variance for the driveway, you have to show them what your driveway's going to look like, the profile of your driveway, before they can approve it.

**Mr. Sanseverino:** All right.

**Chairman Murphy:** Because what we do is, we'll approve it, and we'll say "according to that drawing." And then it's Mr. Sharma's job to make sure that's how you do it. We're fine with that, but we need to see that drawing. That's all.

**Mr. Sanseverino:** I didn't know you needed to see a drawing of a driveway. It's standard.

**Chairman Murphy:** I know, but that's the way it is.

**Mr. Sanseverino:** No, no, I see.

**Chairman Murphy:** Did you want to speak, too? Go ahead. Just please identify yourself, thank you.

**Kelly Barry, 79 High Street:** I live at the property right across the street from this empty lot. We knew the lady that sold the house was getting older and eventually the property

would be sold. So yesterday we went out. We got the letter, and we measured. I have no idea what I'm measuring, but it so happened he came along and he explained it to us.

Regarding the water, we had our house ... 22 years ago we built a garage, and it was great until October when we had this water in the garage. My husband built a drain. It's a natural stream. Because the lady that owned the house – Jean Hornbostel ,78 High St., 88 years old – said this is a natural stream.

So we do get water in the garage. It's a stream. And it's not because we don't have trees. We have plenty of trees. It's just a natural underground stream that runs from the top of the hill. OK.

But regarding the driveway, his driveway, the house needs a driveway – the bigger the better – and a garage, the bigger the better. Because it's on High Street. There's a lot of cars going up and down. The driveway should be able to hold like a couple of cars, and the garage a car, because there's limited parking there on High Street. So he needs his driveway and the garage.

**Chairman Murphy:** Understood.

**Boardmember Pennington:** But he also needs a driveway that someone will park in.

**Ms Barry:** Yes, exactly. We have a driveway. Has anybody been to the High Street property to see it? There's a lot of cars. I mean, we use our driveway. And the garage we do use. So we need a garage, steep or not. Look at the driveway on Brandt Street at that green house that sticks out like a sore thumb. That driveway is so steep I can't believe it was approved. So we need a big driveway.

And you know what? If he has to move the house back, hey, that would be great for me because then that means there'd be a bigger driveway. But I don't think it would be good for the people behind him. So he's trying to say, "I don't want to go all the way up to the end of the property. Let there be some grass." Because if he goes all the way to the end of the property that's not good.

**Mr. Sanseverino:** You have 80 feet almost to here. I mean, you don't get that in most properties.

**Chairman Murphy:** No.



**Mr. Sanseverino:** And I'm sorry, I don't know what the pitches look like. It's probably desert back there right now. But I was planning on going to the next board with the steep slope and show them what I've done on other properties. It's just going to be another downside here, but we'll take it as it comes. I'm not here to harm anybody, like I said last time. But to make the story go a little too large, it's a little bit beyond me.

**Chairman Murphy:** No. I just want to make sure when you leave that you understand the information we want.

**Mr. Sanseverino:** I understand what you're saying. It's a basic driveway. All I'm asking for is reductions. No disrespect. As you can see, it's bad enough and we're only at 80 feet. So then if I go back it'll be 70. Then I'll be going into a 59 percent area again, and then it all becomes the same issue again. Tell me, "Put the garage upstairs, do this, do that" – I don't really want a garage by my kitchen and my living room.

**Chairman Murphy:** No, I understand.

**Mr. Sanseverino:** I'm sorry. It gets a little blown out of proportion.

**Chairman Murphy:** All we need is a sectional drawing to show what you're actually going to build. That's what we approve.

**Mr. Sanseverino:** You got it.

**Chairman Murphy:** And the drainage, and then we're good.

**Mr. Sanseverino:** Thank you for everything.

**Village Attorney Stecich:** Mr. Chairman, following the meeting I'd just like a brief session with the Board for advice of counsel.

**Chairman Murphy:** Sure. I guess we should approve the minutes.

**Village Attorney Stecich:** No, after the meeting's adjourned.

**Chairman Murphy:** All right, so we're deferring Mr. Sanseverino's application until the next meeting. And Mr. Sharma, if you could work with him I'd appreciate it.

**Building Inspector Sharma:** Will do.

### **Approval of Minutes, Regular Meeting September 8, 2011**

**Chairman Murphy:** Unfortunately, I did not have a chance to read through these this month. Anybody have anything.

**Boardmember Collins:** I did not get the minutes. And it occurred to me, as I was coming and saw the agenda, that I should have mentioned it beforehand. But I did not get the minutes this time.

**Building Inspector Sharma:** We've been sending them digitally by e-mail. You didn't get them?

**Boardmember Collins:** No, it didn't come my way. And then I checked my spam folder.

**Boardmember Pennington:** I did receive them, I did read them. I found two small inconsequential changes.

**Chairman Murphy:** Can we approve them with three of us?

**Village Attorney Stecich:** If there's three people who were at the meeting you can approve them, yes.

**Chairman Murphy:** All right. Go ahead, Mark.

**Boardmember Pennington:** Page seven, comments attributed to me, Mark Pennington. I think there's a reference to a "*front line requirement*." That ought to be the "front yard requirement."

And then on the bottom of that same page, in Mr. Wechsler's opening comments he says "*where we to into it*." I think he means "where we go into it."

**Chairman Murphy:** OK. And that second comment, just for the record, is on page eight, looks like about line six. Ok? David, did you have anything?

**Boardmember Forbes-Watkins:** I didn't find anything that disturbed me.

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On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Pennington with a voice vote of all in favor, the Minutes of the Regular Meeting and Public Hearing of September 8, 2011 were approved as amended.

**Chairman Murphy:** Our next meeting will be Thursday, December 8, 8 p.m.