

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
ZONING BOARD OF APPEALS
REGULAR MEETING
MARCH 22, 2012**

A Regular Meeting was held by the Zoning Board of Appeals on Thursday, March 22, 2012 at 8:00 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: PRESENT: Acting Chairman David Forbes-Watkins, Boardmember Ray Dovell, Boardmember Matthew Collins, Boardmember Mark Pennington, Village Attorney Marianne Stecich, Building Inspector Deven Sharma, and Deputy Building Inspector Charles Minozzi, Jr.

CITIZENS: Unknown

Acting Chairman Forbes-Watkins: Good evening. This is the Zoning Board meeting for March 22. We have four items on the agenda, and a missing chairman at this point.

Because, in my opinion, the first and fourth items on the agenda are somewhat more difficult than the second and third, I'm going to rearrange the order of the meeting. We'll deal with items two and three, and then come back to number one and then four. I am hoping that by the time we get to number one there will be a full Board in place and that I can give up chairing the meeting.

With that said and done, first I need to know whether we have had any indication that all of the mailings are in order.

Deputy Building Inspector Minozzi: I believe all the mailings are in order.

Acting Chairman Forbes-Watkins: OK, then let us proceed.

**Case No. 7-12
Tom Beaudoin & Martina Verba
43 Hamilton Avenue
For alterations and additions of a front porch and a second story
Variances sought: Front Yard: Existing and Proposed - 9.87 feet;
Required Minimum – 30 feet {295-69F(1)(c)}**

Acting Chairman Forbes-Watkins: Do we have a recusal on this?

I need to immediately then bring to your attention the fact that anything must pass the Zoning Board with a minimum of three votes favorable. Because there are fewer than a standard number of five Boardmembers here, it is the right of any one presenting to defer their presentation to another meeting where there is a full Board available.

That being said, are we ready to go ahead?

Christina Griffin, architect – 43 Hamilton Avenue: I am here to present this addition to a single-family home on Hamilton Avenue. What we're planning to do is to extend the house so it is now a two-story rather than a one-story house. We're seeking a variance for the front yard setback. I don't know if you can see these photographs, but this is a very small house that has an existing front yard setback of 9.87 feet for the existing porch, and 13.87 feet to the front facade.

We are planning to extend the house so that the new porch, which is replacing the old porch, and the new second-floor extension will align with the existing structure. So we're maintaining the same front yard setback – setbacks for an R-10 zone – 3 feet in front. We are meeting all the setback requirements, lot coverage, and all the other zoning regulations on this property in all respects.

These are the photographs of the house. You see the house currently is 1,112 square feet. It's a small ranch, and it has a picket fence in front of it. It's so tiny that they would like to have a modest addition. And even though we're adding – this is the floor plan – 715 square feet, that's going to give us two bedrooms and an alcove that's only about 6 by 12 that's going to function as a study. This floor is going to fit on top of the existing first floor.

We're also expanding the porch, which is only 4 X 4 feet. We're widening it. And that's really done to give the house charm for aesthetic reasons, as you see from our 3-D sketch. We want to have a significant porch with nice columns for the house. We have brought the roofline down low so we're keeping the look of a small cottage, with a dormer in the front and the full two stories on the back.

This addition is actually giving them two bedrooms up here. And they're going to convert the bedroom on the first floor into a living room. Currently, the living/dining room is in a space that's about 16 feet by 11 feet. And the other bedroom's going to become a playroom.

Acting Chairman Forbes-Watkins: Clearly, this is a very tight space.

Ms. Griffin: It's tiny. I [off-mic] square footage of the house will be 28 square feet, but when we add in the basement – which they're renovating – the total square footage, including

the addition, will be between 2,000 and 2,100 square feet. It's quite small.

Here are the elevations to show you. This is the porch that we're enlarging by about 30 inches on each side so we have something that's more in proportion to the rest of the house. This is the new front dormer. And on the back of the house, we're adding a full second story, full heights.

Acting Chairman Forbes-Watkins: Let me clarify on the porch. This is ... you're saying it is not coming out any closer to the front than the present one that you're expanding. You're expanding sideways.

Ms. Griffin: Sideways, yes.

Acting Chairman Forbes-Watkins: OK.

Ms. Griffin: I'd like to let you know that, also, the house feels like the property is more like 14 feet to the porch and 18 feet because there's a fence that actually is beyond the property line. So it's funny, they have a nice piece of property.

Acting Chairman Forbes-Watkins: Whose fence is it?

Ms. Griffin: But the house is built so that it's nonconforming; very close to the front yard, to the front property line.

Acting Chairman Forbes-Watkins: OK. Well, it's fairly obvious that we're dealing with a relatively small property and the owners are trying to find a bit of elbow room. Do we have any questions, either from this side or the other?

Boardmember Collins: No. I would agree with your comments. It looks like it's in keeping with the neighborhood.

Acting Chairman Forbes-Watkins: Right.

Boardmember Collins: I can appreciate why staying to one floor, and trying somehow to expand another direction, is less desirable.

I know in the past we've conditioned approval on not enclosing the porch in the future, at some point. And that may be something to consider for this. But I visited the property, and it's a very handsome drawing and looks like a sensible addition.

Boardmember Pennington: I agree it's an attractive design, and you've kept the roofline small with the dormer and everything like that. I think it's a nice concept.

Acting Chairman Forbes-Watkins: I think Matt's suggestion of a restriction on the porch so that it not be enclosed is a good idea here. Because you are coming very close to the street, and I'd hate to see an enclosed house at that front level. And then, of course, the next we'd know somebody would be back saying, "Gee, we need a porch," or a front entranceway.

Are there any comments from the audience? There being none, can I have a motion?

On MOTION of Boardmember Collins, SECONDED by Boardmember Pennington with a voice vote of all in favor, the Board resolved [approval Case 7-12 for 43 Hamilton Avenue for alterations and additions of a front porch and second story, and the variances sought for front yard, existing and proposed, 9.87 feet against a requirement of 30 feet on the condition that the porch not be enclosed now or in the future Dovell recused himself.

Case No. 8-12

**Molly Roberts and Eric Zamore
3 Edmarth Place**

For View Preservation Approval, and alteration and enlargement of the top half-story of the existing 2-1/2 story single-family dwelling into a third story

- 1. Front Yard: Existing - 8 feet
Proposed for the addition on third floor - 17 feet
Required - 25 feet {295-70E.1.a}**
- 2. Side Yard Minimum on one side/total of two sides:
Existing - 3.4 feet/9.2 feet
Proposed for the third floor - 8.2 feet/16.7 feet
Required - 8 feet/20 feet {295-70E.1.b}**
- 3. Building Height - stories/height in feet:
Existing - 2-1/2 stories/33± feet;
Proposed - 2-1/2 stories/38± feet
Permitted - 2-1/2 stories/35 feet {295-70E.1.d}**

Acting Chairman Forbes-Watkins: The second case is number 8-12, Molly Roberts and Eric Zamore, 3 Edmarth Place.

Padriac Steinschneider, Gotham Design Ltd.: Good evening. Molly is sitting here. [handheld not switched on].

This is also a relatively small house. The existing house has less than 1,600 square feet in it, not including the attic. The attic, right now, is already finished. But it's very low and difficult to [handheld not switched on] space. So what we propose to do is add two dormers to the house, one [handheld not switched on] side of the ridge facing towards Edmarth and one across the back of the house.

We tried to tuck all of the dormers basically into the roofline, with the exception that we've kind of gotten mesmerized by one of the forms in that neighborhood, which seems to be [handheld not switched on], but it doesn't really work on the front of the house, which is where you have this kind of almost witch's cap piece coming in.

And what we've got in this, when you go up to the third floor, is kind of a tight confine as you're coming up through the stairs. So we're proposing to change the stairs. When you come up, you're actually coming up into a nice vaulted space that you're able to look out and see the river. That set the tone for the fact that everything else up in the attic is actually still very low. In fact, the eave height we've got is ...

[Male Voice]: [off-mic].

Padriac Steinschneider: So you're walking over to something that ... now is it on?

[Male Voice]: Now it's on.

Padriac Steinschneider: OK. So should I start from the beginning? No. I'm not that mean.

But basically what I'm going to do ... Bradley's the person really working on it in my office and he's more familiar with specificity of the variances that we require in here, which are, my understanding, a front yard variance, two side yards variances. We know that it was noticed for a story variance, but I think we're under the requirement that triggers this going from a 2-1/2 story to a three-story house. Though we do need to fit that witch's cap, and we do need a height variance on the house.

But the volume of that, that's breaking that 35-foot plane, is actually incredibly small. Which I believe is in the letter that I sent to you. But I'll let Bradley take it over, and he can mesmerize you.

Bradley Olsen architect – Gotham Design Ltd.: We are seeking ...

Boardmember Collins: Before you begin, can you just introduce yourself, first/last name?

Mr. Olsen: We are seeking three specific variances. If you're familiar with the area, with the neighborhood, the lot widths are very narrow so the house itself does not comply. So we have a minimum side yard setback of 8 feet. The dormers that we're proposing respects that side yard, but the existing house has a side yard of only 3.4 feet. So we have managed to respect the 8-foot side yard on each side, but the total side yard required is 20 feet and we've got 16.7 feet. So we are deficient in total side yard, but the additions themselves do comply with the single side yard.

We're also deficient in front yard. Again – you see over here – the existing front yard setback is only 8 feet, where 25 feet is required. So again, we've set our dormers back so that they're 17 feet from the property line. But given the location of the existing house, in order to expand the attic the way they're looking to do there's really not much else that we can do to avoid ... there's nothing we can do to avoid a front yard setback variance.

And the third variance, of course, is the one for height, which Deven can clarify is only for height in feet, not for height in stories. But again, taking from the character of the turrets that are already in the neighborhood, we like the idea of that steeper-pitched roof which does project above the 35-foot line by approximately 3 feet – which is better shown on this. But it is just for that turret roof.

We did appear before the Planning Board for view preservation. We've gone around the area We've taken photographs from as many ... any spot that we could identify where we thought this could be potentially seen. It's actually very difficult to see it from any area in the neighborhood or in the surrounding area. So I think from a view preservation standpoint there's no issue. It's really just a matter of the height exceeding the 35 feet.

Village Attorney Stecich: And they should tell the Board that the Planning Board did recommend view preservation approval on this.

Acting Chairman Forbes-Watkins: OK. We're dealing here with a lot of building within the parameters of the house itself on the upper floors. You have a lot of space. For instance, your front yard, the existing is 8 feet at the front door level. But at the upper level, where you're doing your proposed work, you're talking about being set back, what, 17 feet? So you're not really, in any place, exceeding the current building. Is that correct?

Mr. Olsen: That's correct. We're not ...

Acting Chairman Forbes-Watkins: Except in going to the height.

Mr. Olsen: Correct.

Acting Chairman Forbes-Watkins: And that's the one area where, possibly, members of the Board may have concerns. Because it's the only area that I could see when I visited the site where somebody's view, in some way, might be impacted by this higher-than-normal roofline.

Mr. Olsen: No, we were concerned about that potential, as well. And actually, Molly and Eric went around to most of their neighbors – anyone that they thought could be impacted, as opposed to just sending the mailing – to review the plans with them. So they all had the opportunity to see this. The response she got was very favorable.

Acting Chairman Forbes-Watkins: So we have received one letter of recommendation from the neighbors.

Boardmember Pennington: Two letters.

Acting Chairman Forbes-Watkins: Are there issues that anyone would like to ask?

Boardmember Pennington: It seemed to me that the only place where the view might be affected would be on the house immediately to the east, but we have a letter from that resident in full support. There's a window on the facing wall. But as I looked at it, it seemed that that resident's oblique views to the river would still be very much available.

So I guess the only other issue is the height, and it seems that it's really quite a small area. You say 36 square feet just at the very peak of that.

Mr. Olsen: Yes, 36 square feet. And 36 cubic feet, as well. Because it's obviously tapering down, so it is a very small piece that's actually exceeding the line.

Boardmember Collins: Is it possible that the desired benefit could be achieved without violating the height restriction as it's written in the code?

Mr. Steinschneider: The answer to that is always that you could do something. It's a matter of whether that would really be in the interest of the neighborhood. The way we've done this is to try and make it something that fades out because it fits in so well. I think if we did something that truncated that roof – or brought it down and had it be something that looked a

little bit more alien to the character of the existing house – it would actually exacerbate this idea of trying to fit in with the context of the existing neighborhood.

There's another house in the neighborhood where it looks like they tried to do something like that, and they made it dark so that you didn't notice it as much. But to me, it made it much more noticeable in a negative way. This, I think, fits in well. We've respected the lines of the house in doing it and, I think, the interest of the community, which ... I'm amazed that that's not a historic district, actually, with some of the neat houses in there. Hopefully, at some point, that'll get ... after this house gets done, maybe.

But I think that's something that's as important for the community as anything. If it was blocking a view I think there would be an issue, but I think this is what's in the interest of the community.

Boardmember Collins: Right, and I'm sympathetic to that. And it's great that you've got support of neighbors who would be the ones most directly impacted. But when you talk about requiring a variance on the lot that's admittedly constrained, it's important that we enter into the record your consideration of other solutions that don't create the need for yet another variance.

Mr. Steinschneider: Exactly.

Boardmember Collins: So can you talk a little bit more about in what way – if you made staying 35 feet or under a requirement – you described it as perhaps having an alien effect.

Mr. Steinschneider: Exactly.

Boardmember Collins: Can you describe more about what you mean by that?

Mr. Steinschneider: Certainly. What we've done is, we've picked up the roofline of the existing gable and projected it directly. Which is actually something that other houses in the neighborhood have that exact same form. So a view – something that's characteristic to the neighborhood – so that it makes it integral to the character of the original house. In that, I think your eye, our eyes, tend to notice that which does not fit.

And the idea here, I think, is by respecting that angle, and integrating it with the massing of the original house, it'll be that kind of thing that'll just look natural and fit in so you won't notice it. Whereas if we did something that say, OK, we're going to flatten the top so that we'll be at 35 feet, I think that's the kind of thing that would actually be jarring to people. And they'd say, "Why did they let them build something that was that tall that they had to get

up there and make us notice this?"

So I think it actually ... again, I think it's the interest of fitting with the character of the existing house. You know, we have a lot of different things that inform us on what's appropriate, and I think trying to fit with the existing house should dictate in this fact.

Mr. Olsen: Actually, this first sheet of photographs, those are four houses on Edmarth and on Ridgedell, all of which have this third-story turret with the roof that projects above the existing ridge. And if you look at this series of photographs, you can see this form here – which is consistent with what you'll see on the front of the house – also in the neighborhood.

And you'll see this is a third-story addition that, while it might meet the height requirement, is not in keeping with the character of the rest of the house. It's a gorgeous house, and this does feel like it's an afterthought. So just to accomplish a functional need without any consideration of the aesthetics.

Boardmember Collins: OK. No, I appreciate your explanation. That's really helpful, thank you.

Boardmember Dovell: I think it's a minimal change to the house, actually. And I think these kind of understated cupolas, or bell towers, or whatever you want to call them are entirely appropriate to the district. And the little increase in height, I think, adds to the composition, actually.

Mr. Steinschneider: Thank you.

Boardmember Dovell: I think it's too bad it didn't have more shape to it.

Mr. Steinschneider: We actually tried to do that kind of curved thing, but it actually exacerbates the problem. So we figured we'd quit while we're ahead.

Boardmember Collins: I also do respect the lengths to which, in the application, you go to illustrate that the project is really mindful of the existing nonconformities, and that you're doing everything possible to avoid exacerbating the condition.

I've got nothing further on this one.

Acting Chairman Forbes-Watkins: Any other comments?

Boardmember Dovell: As I said before, I think it's very minimal and quite appropriate to

the area that it's in, and I have no problem.

Acting Chairman Forbes-Watkins: Do we have comments from the audience? Yes? If you would, please come up to the microphone and identify yourself.

Lyn Hock, 102 Maple Avenue: I live in the northernmost house on Maple which Edmarth Place perpendicularly cuts into. Besides being a neighbor and a community member, I also have an architecture degree – a Masters degree in architecture – and I'm just here in support of this design. I think it's a very smart solution to their issue, and I also think it's actually going to be an improvement to the house and to the neighborhood.

So I'm here in full support. Thank you.

Acting Chairman Forbes-Watkins: Thank you very much. Other speakers?

Brad Dunn, 5 Riverview Place: I'm on the next street over to the north of Molly and Eric's house. I'm neither an architect nor a designer, but I look right at the north side of their house and I think it's a lovely addition. We'll be looking right at the turret, or bell tower, and I think it's going to look dynamite. I commend the architects for their work. So I'm also in full support.

Acting Chairman Forbes-Watkins: Thank you so much. Further comments? If not, can I have a motion?

On MOTION of Boardmember Collins, SECONDED by Boardmember Pennington with a voice vote of all in favor, the Board resolved approve Case 8-12 for 3 Edmarth Place for view preservation and alteration and enlargement of the top half story of their existing 2-1/2 story single-family into a third story: front yard - existing 8 feet; proposed for the addition on 3rd floor - 17 feet. So there's no change in the front yard setback. Side yard: minimum on one side/total of two sides – existing, 3.4 feet/9.2 feet; proposed for the 3rd floor – 8.2 feet/16.7 feet against a requirement of 8 feet and 20 feet. So again, no change in the side yard condition. And three, building height, stories/height, in feet: existing – 2-1/2 Stories/33 feet; proposed – 2-1/2 Stories/38 feet – against a permitted 2-1/2 stories/35 feet.

Mr. Steinschneider: Thank you very much.

Mr. Olsen: Thank you.

**Case No. 26-11
Louis Zazzarino
400 Warburton Avenue
(Adjourned from 2/23/12 Meeting)**

For View Preservation approval, a special use permit per code for the addition of two stories and other needed alterations to convert an existing single-story building at 400 Warburton Avenue into four (4) townhouses.

- 1. Lot Area for four dwelling units: Proposed - 5,619 square feet;
Minimum Required – 6,000 square feet {295-72.1.D.(2)}**
- 2. Rear Yard: Existing & Proposed - 1.06 feet
Required - 30 feet {295-72.1.E.(1)b.}**
- 3. Side Yard: Existing & Proposed - 0.7/2.26 feet
Required - 12 feet {295-72.1.E.(1)c.}**

Acting Chairman Forbes-Watkins: OK. We now proceed to Case 26-11, Louis Zazzarino, 400 Warburton Avenue. Do we have new and exciting things to look at?

Village Attorney Stecich: Mr. Forbes-Watkins. Just maybe for the Board, to make it a little easier, I copied the sections from the code on the special permit – special permit in general, special permit for this, and view preservation – just so you'd have the language in front of you. So I'll pass that.

Boardmember Pennington: May I ask a procedural question before we begin?

Village Attorney Stecich: Yes.

Boardmember Pennington: On the view preservation, I believe where we last were was that there was no recommendation from the Planning Board.

Village Attorney Stecich: Yes, they have.

Boardmember Pennington: They have.

Village Attorney Stecich: Yeah, thanks for raising it. They were before the Planning Board last Thursday, -- because the plan has been changed, which he'll explain – and the Planning Board voted to recommend view preservation approval. So he has all the approvals he needs from the Planning Board, subject to this Board's granting the special permit and whatever variances he needs.

Acting Chairman Forbes-Watkins: OK, let's see what we have here.

Boardmember Collins: Before we begin, would it be helpful to get a summary or a synopsis of this, the language that you've copied for us, to keep in mind as we're listening to this?

Village Attorney Stecich: All right. It'll just take me a second. If you go to the third page of what I gave you, that's the one that says that in this district, in the MR-O district, dwellings for four or more families are permitted by special permit. And there, the special permit requirements are really just minimal, about the open space.

But the zoning code has general requirements for any special permit you grant. And those are what I have bracketed on the first two pages: "*That the use shall be of such a nature, intensity, size and location that, in general, it will be in harmony with the character of the district and with the orderly development of the district, and will not be detrimental to the orderly development.*"

" That the location, nature and height of buildings, walls and fences, and the nature and extent of existing and proposed plantings on the side shall be such that they will not be detrimental to the character or orderly development of the district. And that the use shall not pose a danger to health, safety and welfare, create undue pedestrian or vehicular traffic hazards. And include any display of signs, noise, fumes, vibrations."

So this is just the general special permit standards. And then the last page, I just added the view preservation standard. Because obviously, something's going to be built where there was an entire view before. But so you saw that the language that the Board is to apply is "*whether the proposal has the best siting, dimensions and configuration so as to cause the least possible obstruction of the view of the Hudson River and Palisades for neighboring properties.*"

I just thought it might be helpful to have the language in front of you.

Boardmember Collins: Yeah, that is helpful. Thanks, Marianne.

Acting Chairman Forbes-Watkins: Thank you.

OK, let's proceed.

Lanny Lerner, Lerner Architects: Good evening again. The last time we met ...

Boardmember Collins: Oh, I'm sorry. Can you say your name?

Mr. Lerner: The last time we met, one of your major concerns was the overall bulk of this building.

Boardmember Collins: Right.

Mr. Lerner: And I went back to the drawing board and said, "Well, what can we do to make this any significantly different than what I had proposed the last time?" I realized that there's an existing structure in that building which is now a mezzanine, and I was intending to use some of that structure. But that mezzanine establishes a ceiling height of 11 feet. If we take out the whole mezzanine – which, in this submission, I've done – we can drop the entire building by 1-1/2 feet. Which removes about 4,500 cubic feet of building, which is an immense difference.

The other thing we did was to set the entire addition back an additional 2 feet. So we have more deck in the front, and less bulk visible from the front. So this is now 13-1/2 feet to the main wall, and 11-1/2 feet to the projecting wall on the third floor. Everybody understand what's changed here from the last time?

Boardmember Dovell: So this is ... you're talking about the front of the property, that faces Warburton?

Mr. Lerner: Yes.

Acting Chairman Forbes-Watkins: Right.

Boardmember Dovell: You slid it back 2-1/2 feet?

Mr. Lerner: Two feet.

Boardmember Dovell: Two feet. The requirement, the front yard requirement, is what in that?

Mr. Lerner: It's 10 feet, and we're at 11-1/2 feet, I believe. Twelve feet – let's make that 12 feet.

Boardmember Dovell: Doesn't that make the view preservation issue ... doesn't that exacerbate the view preservation plan?

Mr. Lerner: No, because what happens is, if you look at the sight lines – and you should have that drawing – the sight lines actually improve by 2-1/2 feet. Because it's the combination of dropping the building, and pushing it back. The obstruction is the front of the building. That's the edge you see from above. And that's what gets greatly improved by lowering and pushing back.

Acting Chairman Forbes-Watkins: Well, I can understand the lowering. I guess the pushing back makes some sense, too.

Mr. Lerner: If you look at the sight line drawing ...

Boardmember Dovell: But could you just trace the sight line coming down?

Mr. Lerner: Yeah. Well, this is the old one, and it's very hard to see the difference. And this is the new one just below it. It's a 2-1/2 foot difference by the time you get out to the edge that's the obstructing corner.

Boardmember Pennington: A question for you. Could you explain the high-point roof, and the difference between that and the main roof? What is the high-point roof. What's its function?

Mr. Lerner: Sure. For architectural reasons, I've raised the projections a foot. And we've always been talking about the height of that projection, that extra foot, above the main roof. The main roof is a foot below the projections, but all of these numbers I'm giving you are to the highest point. That's all I've been talking about this whole time.

Acting Chairman Forbes-Watkins: What's the function of the high-point roof?

Mr. Lerner: It's purely aesthetic, purely architectural; to pull the bays away from the main wall of the building, and to raise it up, and to give some individual identity to each of these townhouses.

Boardmember Pennington: So it's the projecting box that comes out the front of the structure ...

Mr. Lerner: Yes.

Boardmember Pennington: ... is elevated above the main roof behind.

Mr. Lerner: That's correct.

Boardmember Pennington: And it's not a continuous line.

Mr. Lerner: Right. You can see it here. It pops up and comes back down.

Boardmember Pennington: In three different places.

Mr. Lerner: In three, yes.

Boardmember Dovell: Could you take us through the floor-to-floor heights?

Mr. Lerner: Yeah, floor-to-floor are 9 feet.

Boardmember Dovell: From the garage up?

Mr. Lerner: From the garage up, it's 10-1/2 feet, I believe. Yeah, here it is. The second floor is 10-1/2 feet above the first floor; the third floor is 19-1/2 feet. So it's another 9 feet above that. That's about as minimum as you can do.

OK, there was one other thing that I'd like to point out. For the purposes of increasing the oblique views from up the hill and across the corner, these corners have been further cut from where they were. Not just on the third floor, where I showed you last time, but on the second floor as well. So what happens is, on the second it's cut back about 17-1/2 feet, and on the third floor it's 20-1/2 feet, just on the corner that affects the view from diagonally up the hill. And that was intended to increase that view.

Another major change – the building is actually completely redesigned since last time – the first floor, now I have a much more efficient plan. And we've added a parking space. As we pushed the building back, we pushed the stairs back. Everything fell better into place and we were able to get that further setback on the front, as well. So what you see now, by moving the driveway over one bay we have double-loaded the parking. And therefore we were able to pull out another space, which was a dead space in the previous drawing.

The last thing you had asked me to do was to do a comparison of costs so we could justify why I think only a four-unit scheme can work in this case. I produced spread sheets that show the whole analysis of a four-unit scheme versus a three-unit scheme. It appears to verify what I thought in my gut when we first talked about it. That a three-unit scheme cannot work because most of the costs of the four-unit scheme are very similar in the three-unit scheme. So the bottom line produces not enough to make this work on a three-unit

scheme – not enough to take the risk that would be necessary.

Boardmember Collins: Mr. Lerner, I just glanced at the spread sheets. And the cost assumptions are really meticulously detailed. Can you talk a little bit about the revenue assumptions that you made to drive the projected overall gross sales?

Mr. Lerner: Only from the limited comparables that I was given and done the research. As you know, a market is a very risky thing to go into. We have no idea that those numbers are going to be something dependable. In any case, they're the best guess at this point. Going into what is probably going to come online in a year from now, it's very difficult to predict.

Boardmember Collins: No, I agree. It is hard. And this market does not make it easier, that's for sure.

Acting Chairman Forbes-Watkins: The fortunate thing is *maybe*.

Mr. Lerner: *Maybe*, yes. I mean, there are a lot of assumptions; some of them very conservative, some of them a little less so. We're trying to make sense of it so that this can work financially.

Boardmember Collins: No, I'm sympathetic. I mean, these projections, at three units – an investment of \$2 million to pull out just under \$34,000 – it's almost as bad as it is these days in savings account territory.

Mr. Lerner: That's right.

Boardmember Dovell: What about hazardous wastes on the site? You know for certain there's asbestos and there's oil?

Mr. Lerner: I do not, but we do have to do inspections to make sure it's not there. And we have some numbers in there on that assumption; that we're going to have to do some testing.

Boardmember Dovell: You have \$5,000 for ...

Mr. Lerner: Testing only, not ...

Boardmember Dovell: ... testing only. So you have nothing – you're carrying nothing – for remediation on the site?

Mr. Lerner: That's right – so far – because we don't know for sure that we need to. But that

changes the bottom line also, and can stop the project.

Boardmember Dovell: Do you have any historical data on the site to indicate what might have been here? A phase one environmental or anything?

Mr. Lerner: No, I don't.

Acting Chairman Forbes-Watkins: That makes for an interesting ...

Boardmember Dovell: So if you hit some oil tanks, all bets are off.

Mr. Lerner: Right. Not that it hasn't happened before, because we've all been involved in those kinds of projects. Talk about an expensive monkey wrench.

Boardmember Dovell: I think this is really responsive to what we asked for.

Mr. Lerner: Tried to be.

Boardmember Dovell: It's well-detailed.

Mr. Lerner: There's a lot of time invested in it.

Boardmember Pennington: I appreciate you've made a lot of thoughtful changes to this. And the renderings are helpful. It's difficult, though, with the sight lines, to appreciate the difference of the 1 foot in elevation. And I wondered, with the balloon that you had elevated – or whatever you called it ...

Mr. Lerner: The ribbon.

Boardmember Pennington: ... the ribbon, whether there were any additional photographs or models done of the impact of the view.

Mr. Lerner: No. There was so much effort involved in putting that out the first time.

Boardmember Pennington: Because it shows a sight line that gives you a certain number of feet of the river. And the old one did, as well.

Mr. Lerner: It's another couple of hundred feet, by my calculations at least, that you can see of the river toward the shore.

Boardmember Pennington: That's the difficulty. Because the old ones, it was difficult to understand whether you could see any of the river at all. So I guess it would be interesting to hear you describe, if you can, more precisely the impact on the view.

Mr. Lerner: I cannot.

Boardmember Pennington: OK.

Mr. Lerner: It's so subjective. I think you have to go up there and look at where the ribbon is now. Think of it set back another couple of feet and lower a foot-and-a-half. It can only improve it – that we agree, I think.

Acting Chairman Forbes-Watkins: At this point, though, the ribbon is probably sagging that full foot if not more.

Boardmember Pennington: Do we have any comments from the audience? Any photographs?

Acting Chairman Forbes-Watkins: Yes, I'm sure we do. Do we have more comments from the Board first?

Boardmember Dovell: I'll come back to it.

Acting Chairman Forbes-Watkins: We may afterwards. I think it's a good idea to ask for comments from the floor. First person up.

Jim Stranges, 2 Marble Terrace: I'm sorry. I'd looked at the sight lines, and it doesn't agree or conform with what I see from my window – living in that house at 2 Marble Terrace, at the end of Marble Terrace just behind the warehouse – that's proposed to be converted into four units. If I might just drop these off?

Acting Chairman Forbes-Watkins: Yeah, please. These are photos you did before, or are these new?

Mr. Stranges: These are taken when it was put up the second time.

Acting Chairman Forbes-Watkins: OK.

Mr. Stranges: It's been there for some three months now, just waving in the breeze. And it's quite annoying, especially when we have windy days and there's things going up and

down. Because now it is sagging quite a bit.

I asked the architect when it was coming down. He said when this is over. So I'm trying to end this as soon as possible.

Mr. Lerner: No, I said when they tell me to take it down.

Mr. Stranges: I was just enlightened that he's going to lower this by a foot-and-a-half. That's terrific, except it's 4,500 square feet he's giving up. That's got to be a massive amount of blockage that he's going to be putting in front of my window. If it's 4,500 feet for just a foot-and-a-half, and he wants to go up another 9 feet, I think this is massive and far outweighs what's in the neighborhood and in the block.

I know there are three-family houses on the other side of Warburton across from where the warehouse is. There are two or three of them, but they were built years ago. I used to belong to the Hastings Historical Society, and I remember before Marble Terrace was even built up those houses were there. So it's been there an awful long time.

The house that I'm in is part of, I guess, a historical landmark now. There used to be a castle on Marble Terrace. And a house on Division Street was, I understand, the servants' quarters. My house was originally a carriage house, but then additions were put on it in the '20s and '30s. So it's been around for a few years. My wife and I have been there for over 35 years, enjoying it.

I think when we start giving up our views – and that's why we have a view preservation law, I thought – we start losing an awful lot. We're known as River Towns, and if you don't get to see a river we might just as well be downtown Burbank or something. Because this just doesn't work in my opinion. I'm sorry, I don't know if the one justifies the other as far as the structure and construction.

I also see that the back of his building, he's going to have windows in and he's going to be facing my land, which is just empty land facing down. It's a sloping hill. All of my windows do face the Hudson because the entrance to my house is on the north side and all with windows facing the west side. I'm actually built into the Aqueduct, or that area, because I have no windows on the first floor, where I live, on the south side of the house – I'm sorry, on the east side of the house – only on the west side. So we don't get cross-ventilation from that.

The only view that we have is really on the west side, and now this is going to be taken away. Thank you.

Acting Chairman Forbes-Watkins: Thank you. Do we have other comments? Yes, sir?

Larry Houghteling, 9 Marble Terrace: I live right across the street from Mr. Stranges. My house is lower down, and from our bedroom window we will be able to see something but it will not change the view out of the bedroom window a lot. What bothers me is that we constantly use a space in the backyard, and this building will actually come up over our heads.

As things stand now, because of the buildings that Mr. Stranges mentioned – the large buildings on the other side of Warburton, which are usually called the Irish Flats – if I'm looking straight out toward the Palisades and directly ahead of me, say, is 12 o'clock, the Irish Flats would be over here at 12:30. I've got a view from 12:30 all the way over here to, I don't know, 10 o'clock, something like that. If this building comes up, it's going to narrow my view from 12:30 to 11:40 or something like that. I'm just going to have this little narrow window.

So all that time that we spend during the summer and the fall out there in the yard, when we spend a lot ... you know, is going to be changed. Because instead of having sort of a feeling of expansiveness, we're going to have this little, much narrower view. I can understand that Mr. Lerner has tried to make the building a little smaller in some ways, and I think that's appreciated. But I also think it has to be pointed out that the reason the building now has to be an apartment building is because the previous condition of a commercial building has been taken away by the fact that it's been vacant for a year.

This is a decision that the Village has made. The Village can undo this decision. The Village can return to the previous condition, and can make that property viable as not just what it is now. OK? Thank you.

Mr. Lerner: Could I respond to that?

Acting Chairman Forbes-Watkins: Go ahead.

Mr. Lerner: I have some pictures, and I have some identification of the pictures, that I'd like to distribute.

Acting Chairman Forbes-Watkins: These are all the same?

Mr. Lerner: Yeah, all the same.

Mr. Houghteling: Can I look at one, too, Mr. Lerner?

Acting Chairman Forbes-Watkins: Yeah. I'll look at this, you can look at that.

Mr. Houghteling: [off-mic] this building here. This building here is at 12:15, actually. I'm talking about this area back here. This is 12 o'clock. Right now, you can look ...

Acting Chairman Forbes-Watkins: We need you to speak into the microphone.

Mr. Houghteling: Oh, I'm sorry. This diagram, I think, shows quite well what I was talking about. The point that is designated as A is actually uphill from where we have our picnic table. We're actually down below the end of the building. So looking straight out, we have, over at B, those so-called Irish Flats on the other side of Warburton. And they're quite big. They actually do block the Palisades.

And then going to the left we have quite a large view, but we would have a great deal less if this building were built.

Mr. Lerner: OK, could I respond, please?

Mr. Houghteling, this is a picture of your backyard.

Mr. Houghteling: That is correct.

Mr. Lerner: This is a picture of the table you say you sit out ... this is a picture of a shed?

Mr. Houghteling: That is our shed. That is correct.

Mr. Lerner: That's your shed. All right, can you see anything of the building beyond past that shed? That shed, I would contend, blocks all of the view toward the building that I am presenting tonight. And I would say that your entire view is toward the ... you have a nice view to the river, but you have no view to the left, to the south, because of what you already have there.

Mr. Houghteling: What I'm saying is that you've taken ... excuse me, I'm going to talk into the microphone, since I've been asked to. What I'm saying is that you've taken the view from, the picture from, a place that is not ... doesn't represent ...

Mr. Lerner: I took it from your backyard. I was in the backyard, and I took a picture – a series of pictures – around your backyard to show how your view is blocked. And I believe

– and anybody can go and look at it – the view is blocked to the left, to the south, by that shed.

Mr. Houghteling: Once again, I'll say that the place that you took the picture from is not the place that anybody ever hangs out in in the backyard.

Mr. Lerner: Then you'd have to go past the shed into Brown's yard to get a clear view.

Mr. Houghteling: Ladies and gentlemen, I welcome you in my backyard. You come down, take a look at where we sit, and you will see what I'm talking about. If this building were built there would be a huge blockage of ... I don't know, in terms of 360 degrees, probably pretty close to 90 degrees blocked out.

Boardmember Collins: Was the picture of the green shed taken from the spot where the table is?

Mr. Lerner: No, no. They were all taken from exactly the same spot. I just rotated them.

Boardmember Collins: This is point A.

Mr. Lerner: Yeah, point A.

Mr. Houghteling: And what I'm saying is, that's got to be relevant because this is where we hang out.

Boardmember Collins: You're saying that if you're looking ... if you're over at the table, and you're looking straight ahead from where that blue chair is at an angle towards the Palisades, you're looking over the roof of the current structure. When raised, you'd be looking at the structure. Do you follow?

If you're here, and staring out that way ...

Mr. Houghteling: We have a much better view than from where this picture's taken.

Boardmember Collins: All right.

Mr. Houghteling: OK? You can see this thing here.

Boardmember Collins: Right.

Mr. Houghteling: If you could imagine, if you're downhill another 25 feet this thing is totally visible, both ends of it. And it's going to come back. It's going to be on top of the green structure. But the shed blocks part of my view. That's clear. But when we're down below, we have this ...

Acting Chairman Forbes-Watkins: So you're talking about taking a view at the property line, basically. That's where you're sitting?

Mr. Houghteling: Yeah.

Boardmember Collins: Where that table is, yeah.

Mr. Houghteling: I don't know whether that's ever been done before. But it just seems to me that when we spend a considerable amount of time in that area of our property – and we do because it's a wonderful place to sit and have friends and so forth – that that seems to me a pretty big consideration.

This tree here grows up and blocks Mr. Young's property pretty well. But this Irish Flats stain over here blocks off, as I say – it covers up. But when you're a little lower, it cuts up even more. And then what we're going to end up with is we're going to end up with ... right now, we've got this, and we're going to end up with this.

Boardmember Collins: Right. OK, all right. I see it.

Boardmember Pennington: This is the remaining available view?

Acting Chairman Forbes-Watkins: This is point B.

Boardmember Collins: Yeah, this narrows.

Acting Chairman Forbes-Watkins: Or point A.

Mr. Lerner: Point A, yes.

Mr. Houghteling: Yeah, you can see it.

Mr. Lerner: I don't deny the view will improve if you go to the property line, but that's not what we're talking about.

Acting Chairman Forbes-Watkins: All right. Do we have other comments? Yes?

Michelle Noe, 20 Marble Terrace: Have you guys been to the block? I'm sorry, I was a little late so I didn't hear if you mentioned that you've been there to see it.

Boardmember Collins: Yes.

Ms. Noe: So you see that there are four houses on the east side of the block. Well, my husband and I own two. We own the one on the corner and the one next to this family's house. It's a rental property, a three-family rental property.

And I just wanted to say that one of the great things about the neighborhood is that it's one of the few places in Hastings that's a little bit more affordable where you can have a river view. So it's really important to the people who live in that neighborhood, that view. You know, there are a lot of places in Hastings where if you pay a ton of money you can have a view. But that's one of the ones where for a little bit less you can have that. I just wanted to mention that those rooftops – that sort of urban rooftop-scape – is something that's really important to us.

The other thing that I'm really concerned about is mechanical equipment. That not only would it block our view, but if there's any equipment on the roof – chimneys, chillers, whatever – that would really be a detriment to our property values, to our quality of life. And I think that's an important consideration in approving a design scheme.

Mr. Lerner: Michelle, you know we already discussed this and there's not going to be any equipment on the roof.

Ms. Noe: Well, I haven't seen anything recently so I didn't know. At the time when we talked about it, it was very diagrammatic. Where is the equipment going to be?

Mr. Lerner: It's going to be on the deck, and it's going to be inside the building.

Boardmember Pennington: Could you help us understand? You were talking about the rental property that you have there. Would the view from that property be affected by this building?

Ms. Noe: Yeah, because it's got three apartments and it's got a side yard.

Mr. Lerner: Is that number 12?

Ms. Noe: Yeah.

Mr. Lerner: OK, it's on this sheet.

Ms. Noe: So the side yard is directly kind of angled across from Larry Houghteling's yard. And so it looks from the first-floor apartment ... well actually from all apartments you see the river. But the first-floor apartment, which is kind of the biggest and most rental income ... has the highest rental income, you look kind of through Larry's yard at the view of the river.

As you get higher you have more view, but I haven't actually studied how the upper floors would be affected by this. You know, it's not a clear view; clearly it's a roofscape view. But you see the river. I mean, you see the river, you see the Palisades. And you see it in snippets, you know, and sometimes you see it in very open ways. But it's got a wonderful character, and we just don't want to lose the view. I mean, roofscapes are fine, but something that really blocks the view changes the neighborhood and changes the property values.

Thanks.

Acting Chairman Forbes-Watkins: Thank you. Further comments from the audience? If not, Ray, you said you wanted to defer some comments.

Boardmember Dovell: The positioning of the block of units, could it be slid farther back? Is that a possibility?

Mr. Lerner: Yes. Farther back is at the expense of the rear yard.

Boardmember Dovell: For example, if you took a fairly radical point of view and you slid them all the way to the back – forgetting the backyard for a minute – what does that do to the view?

Mr. Lerner: It makes it impossible to get into the upper floors because it pushes the stairs toward the back of the building where the parking has to be. And parking is a major issue here. I think we've done a lot to address that. We have more than is required by the ordinance, all indoors.

Acting Chairman Forbes-Watkins: OK, so you could presumably then, based on your answer to this question, move back some distance.

Mr. Lerner: A little. But you move back 2 feet, everything above changes. It's very difficult balancing.

Boardmember Dovell: And you said the floor-to-ceiling in the garage is level.

Mr. Lerner: Nine-and-a-half feet now.

Boardmember Dovell: Nine-and-a-half feet.

Mr. Lerner: Yes.

Boardmember Dovell: And that's existing.

Mr. Lerner: No. There won't be anything existing left within ... the only thing we're saving are the perimeter walls, and everything else is coming out. We're going to install a new structure, a new steel structure, to support the upper two levels.

Boardmember Dovell: And that dimension is ... why did you select that dimension?

Mr. Lerner: We need to get ductwork in, part of Michelle's question. We have to get all the equipment underneath that floor so we can take the air conditioning and heating up through the floor. So those things are going to be probably 18 inches high, and there's a headroom issue. So I wanted to leave enough room that this would all work.

You have to remember, this hasn't been designed yet. We're just talking about the bulk of it. So there's a lot of detail that has to go in here, and I gotta leave myself a little bit of space so I can work in later to make all of this equipment work.

Boardmember Dovell: But mechanical equipment is fungible. You can push it around.

Mr. Lerner: Yes, but ...

Boardmember Dovell: And what is the air for, in particular? Is that air conditioning?

Mr. Lerner: Air conditioning and heating, yes.

Boardmember Dovell: Well, if you went to a piped system you wouldn't have any of that.

Mr. Lerner: I'm sorry?

Boardmember Dovell: If you went piped system in lieu of an air system you wouldn't have to ... like most residences are not all air.

Mr. Lerner: I'm not sure what you're referring to.

Boardmember Dovell: Why do you have air – you know, major trunk lines – running on the ceiling of the garage?

Mr. Lerner: When you say "pipe system," what do you ...

Boardmember Dovell: No. I'm saying why do you have a ducted system running under the ...

Mr. Lerner: Because we don't have room within the apartments or on the roof. It's the only place these can run. Would dropping it another 6 inches make much of a difference anyway?

Boardmember Dovell: I'm not talking 6 inches. I'm saying if you brought that down to 8 foot 6 inches, or 9 feet.

Mr. Lerner: And we also have steel beams that have to go below the floor. You can't make it that tight and make it work.

Boardmember Pennington: So the drift of the questions really go to the language of our rules, which talks about the least possible obstruction of the views.

Mr. Lerner: Right, and it always has been about that.

Boardmember Pennington: And it doesn't say no obstruction.

Mr. Lerner: That's right.

Boardmember Pennington: It says least possible. And what we're trying to get you to work with us to understand is, what the alternatives may be. And I guess these ceiling heights ...

Boardmember Collins: Well, I beg to differ about the mechanical systems and these heights because I do this for a living, as well, with much tighter constraints. And I do know that there's ways to shuffle the deck and to make all these things ...

Mr. Lerner: I'd be happy to talk to you about it.

Boardmember Collins: ... to make these things work. So I would challenge you to compress the deck of cards in a way that might soften the effect on the river.

Mr. Lerner: OK.

Boardmember Collins: Either by slipping, or dropping, or ...

Mr. Lerner: We have 9 feet floor-to-floor on each of the two levels. And we have 9-1/2 feet clear in the garage, which conceivably could drop to 8 feet. Yes, I suppose it could. But then you got heavy steel beams. They're probably going to be 18-inch beams coming down. There's only so much you can compress it, realistically.

Boardmember Collins: Well, you can do it with plank, you can do it with different methodologies. I would think that you would be able to compress that. I would challenge you to take a foot out of it. You're saying your floor-to-floor on the uppers is 9 feet floor-to-floor.

Mr. Lerner: Floor-to-floor, yes.

Boardmember Collins: Floor-to-floor, that's about a minimum. I think the first floor could be looked at as a way to perhaps compress it a little bit more.

Mr. Lerner: Then we get into problems with the existing openings in the front elevation as the floor drops below those. There are architectural problems that we get into. Because I looked at dropping it a little bit more, and it gets into difficulties with the existing structure.

Acting Chairman Forbes-Watkins: But I thought you said that only the outer shell was going to stay.

Mr. Lerner: That's what I'm talking about – the existing structure, yeah.

Boardmember Pennington: Was there a consideration given to an apartment rather than a condo model for the building, which might then possibly also affect the number of stairways and the width of the building on the street? Would there be some way to change the dimension of the building if it were marketed differently?

Mr. Lerner: Conceivably. But then we'd have to get rid of the last seven months' of work here.

Boardmember Pennington: I appreciate you've been very responsive, but this is a very difficult case for us. Because it would be a great improvement to the neighborhood to see a derelict building replaced with a viable structure, but there are view issues that we're

struggling to get our arms around. And we're trying to answer the question about the least possible obstruction to the view. It seems if there are other alternatives that could be considered, they ought to be.

Mr. Lerner: Well, I don't know that that would change the bulk of it if we went to a different layout. How would that affect anything?

Boardmember Pennington: Might there be fewer required stairwells in the building, and might that reduce the width of the building and therefore the impact of the view?

Mr. Lerner: All right. One of the major reasons that it is this wide is that it's a modular system that we're intending to use on this. We're intending to do that because it's a very quick way to do construction without inconveniencing the neighborhood a whole lot with the noise and the constant in and out. All of this would be built in a factory. We'd have eight boxes that would come to the site and be dropped in place. The maximum on those boxes is 16 feet, which is why we have a 16-foot width.

And that's how it all comes together. This is all being built in wood; this is all being supported with steel in the garage. And there's been a lot of thought put into this.

Boardmember Collins: You've got a comment from the audience.

Ms. Noe: I have a question. You mentioned that you're providing more parking than required. How many more spaces?

Mr. Lerner: One more. There's seven required.

Ms. Noe: One more. Sorry, I missed that. And would eliminating that increase the ability to do something ... I mean, make it more efficient somehow?

Mr. Lerner: If you want to suggest how, I can't see how.

Ms. Noe: I just think it would ... I was ... OK.

Mr. Lerner: You know, everybody's talking about parking being a big issue, and we're trying to address that.

Acting Chairman Forbes-Watkins: We are in a quandary.

Mr. Lerner: We are.

Acting Chairman Forbes-Watkins: We're in a quandary because there's no question that this is a desirable use of an undesirable space. It doesn't put a demand on parking. Yes, there always are guests anywhere, and there always will be more than eight places used. But it helps with parking.

You've done a very good job of trying to reduce the bulk. I will defer to my colleague as far as a question of whether further reductions in bulk could be accomplished in the garage floor. If this were the case, I would certainly urge going back to the drawing boards one more time.

On the other hand, we have spent many hours suffering with this and feeling very concerned about the issue of view. I do not have a great desire to cut the view of anybody, and yet this is a very attractive proposal. That's where we're at.

Is there a value in going back and trying to rework that ...

Mr. Lerner: Let me ask you, if I were to lower it 10 or 12 inches – and I'm not sure I can do that because I have to study ...

Acting Chairman Forbes-Watkins: It would again reduce the height of the entire building, which would then reduce the obstruction to view, which would then make for a much more attractive ... the more obstruction that could be removed, the greater the opportunity.

Mr. Lerner: I understand. Believe me, I understand. Because every time we come back we try a little harder to get something in here. If I could say I could take 10 inches out of this, would it be something that you could approve tonight?

Acting Chairman Forbes-Watkins: We're very close, I believe, at this point to approving. But I think there's still a reluctance.

And I do have a comment from the floor again.

Mr. Stranges: If he is going to make this adjustment, being he made an adjustment of a foot-and-a-half and another 10 inches, would he change that banner so it would reflect what we're talking about so we can take a better view of what our obstruction is going to be when this is finalized?

Mr. Lerner: You have a reference point. I mean, you can get a pretty good idea of what this would be if it dropped down and was pushed. We can change it.

Acting Chairman Forbes-Watkins: Let us encourage you to change.

Mr. Lerner: OK. If we change it, and we show it where I'm now proposing, or even 10 inches lower, is that something that can be approved?

Acting Chairman Forbes-Watkins: You're asking me what my vote is? At this point, an additional change will twist my arm.

Mr. Lerner: OK.

Acting Chairman Forbes-Watkins: I can't speak for anybody else on this Board, and I don't think they should have to.

Mr. Lerner: No, they shouldn't. But I've already taken a foot-and-a-half out of the building.

Acting Chairman Forbes-Watkins: Yes, thank you.

Mr. Lerner: That's 4,500 cubic feet, one more time, and we're really trying here. We'd really like ... I think we all agree this is a project worth doing. And changing it by 10 inches is really not going to make much difference.

Boardmember Dovell: But we're not doing our job if we don't challenge you on each of these things.

Mr. Lerner: You have certainly, and you have pushed me.

Boardmember Dovell: And what I would also think you could look at again is pushing ... I'm not totally understanding why the mass of this couldn't be slid back a little more, and disconnect ... you have habitable space on the first floor, and then you have three stories, or two stories, of habitable space above. They can be disconnected, to some degree, provided they're connected by your elevator and your stair.

Mr. Lerner: Well, that's the problem.

Boardmember Dovell: OK. Well, that's what you need to take a look at. Because I don't think you've stretched it to the maximum.

Mr. Lerner: I have, and that's how we came up with a scheme that changed the whole parking area.

Boardmember Dovell: Describe how that works.

Mr. Lerner: All of the stairs and the elevators were pushed back. And the way I was able to do that was by changing where the driveway is so that I could get a much more efficient parking system. What you can't see in these drawings is how the stairs align over the parking area. But you see the stairs are right up against the back wall. That's the total limit of where I can put them. If I push them any further back ...

Boardmember Dovell: You'll lose parking space.

Mr. Lerner: ... I'm going to lose parking. Believe me, I went through this many, many times.

Boardmember Dovell: OK.

Mr. Lerner: And as it is right now, the second tier of stairs is already in the garage, but up high enough so it's going to clear headroom.

Village Attorney Stecich: If you pushed them back, would you have to lose more than one parking space?

Mr. Lerner: We'd lose two.

Village Attorney Stecich: Because weighing the extra parking space against the view, it seems like the view might be more important.

Acting Chairman Forbes-Watkins: I think that's a valid question and point.

Boardmember Dovell: Also, what is the clear inside dimension across the back?

Mr. Lerner: In the front ...

Boardmember Dovell: No, where the garage is. You've got a 60-foot ...

Mr. Lerner: You mean back in here?

Boardmember Dovell: Yes. What is that clear dimension there?

Mr. Lerner: Interior, it's probably 58 or something like that.

Boardmember Dovell: Fifty-eight?

Mr. Lerner: Fifty-seven, 58. Yeah.

Boardmember Dovell: Did you look at an arrangement where you were parking, say, five cars across the back in a straight line?

Mr. Lerner: Yes. In fact, that was the previous version.

Boardmember Dovell: That was the previous version?

Mr. Lerner: Yeah. And what happens is, you park across the back ... it's an L-shape, and the corner becomes unusable.

Boardmember Dovell: You lose the corner, right.

Mr. Lerner: And that's how we picked up the extra space.

Boardmember Dovell: The parking bays that you've shown here are how deep, how wide?

Mr. Lerner: Nine feet wide – four, at 9 feet.

Boardmember Dovell: Exclusive of curbs and ...

Mr. Lerner: Yeah, just the parking themselves. Yeah.

Acting Chairman Forbes-Watkins: Excuse me. There was a person who wished to speak. Mitch, please.

Mitchell Koch, 20 Marble Terrace: I haven't studied the plan, but can you explain why the stairs are all the way at the back of the units instead of, say, in the middle?

Mr. Lerner: They're in the back of the first floor, but they are in the middle of the second and third floors. Please come and take a look.

Mr. Koch: I see. So there's barely ... can you flip?

Mr. Lerner: There's stairs in the middle, front and back living space. And the same thing on the third floor.

Boardmember Pennington: While we're thinking of stairs, is it the case now that each of these condominium units has its own stairway?

Mr. Lerner: Yes.

Boardmember Pennington: So that part of the space is being taken up by four separate stairways?

Mr. Lerner: As opposed to what would be two, yes, in an apartment building.

Boardmember Pennington: Right.

Mr. Lerner: But they would have to be wider, and you would have to be able to get outside directly.

Boardmember Dovell: And each has its own elevator?

Mr. Lerner: A provision for it, space for it. Yes.

Boardmember Dovell: But that would not go in initially.

Mr. Lerner: It depends on the advice I get from whoever's selling these things.

Boardmember Dovell: If that goes in, isn't there a bulkhead needed in connection with it?

Mr. Lerner: No, they're all internally lifted. They have a track that's fastened to the wall, and it runs along that track. Then there's no equipment on the roof.

Boardmember Dovell: So that's all within the hoist.

Mr. Lerner: All within, yes.

(To Mr. Koch) See, the stairs come up and turn this way.

Acting Chairman Forbes-Watkins: Other comments?

Mr. Lerner: (To Mr. Koch) There's a lot to it.

We were just talking about eliminating two parking spaces and moving the whole thing back.

But I don't think that's a great tradeoff, frankly. I'd rather have the parking spaces.

Boardmember Pennington: Well, is it fair to say that it's a consensus of the group that there's some discomfort with whether we've reached that least-possible obstruction threshold? And whether it be cutting height, moving it back, changing stairways, if there could be some additional effort to get us to the least possible target that would help.

Mr. Lerner: I would be happy to do that, period. I will come back next month, and we'll do it again.

Acting Chairman Forbes-Watkins: Let's do it again next month.

Mr. Lerner: OK. Thank you for your time.

Boardmember Pennington: And thank you very much for yours.

Acting Chairman Forbes-Watkins: Did you have a comment?

Mr. Koch: Yes, one more question. Can you trade one variance for another one, and go to a circular, spiral staircase down to the parking level, and pick up ...

Mr. Lerner: It's not legal as an exit.

Mr. Koch: As egress, but can you ... I mean, you could arrange egress, for example, out the back, in the front. You've got decks front and back, right?

Mr. Lerner: No, you must have an egress stair all the way up and all the way down. And there are certain particular dimensions that you must observe for an egress stair, and a spiral will not conform.

Mr. Koch: Well, that's what I'm saying. That's another variance.

Mr. Lerner: No, that's a whole different thing. This is not zoning. That's building code.

Mr. Koch: Precisely. It's a different variance.

Acting Chairman Forbes-Watkins: Thank you.

Village Attorney Stecich: Does somebody have another picture? Mr. Stranges is looking for his pictures.

Acting Chairman Forbes-Watkins: There's a picture here, yes.

**Case No. 9-12
Eric and Mayu Frank
27 William Street
AND
Edward Baldwin and Gillian Anderson
181 Washington Avenue
(Adjourned from 2/23/12 Meeting)**

Acting Chairman Forbes-Watkins: Now if I can find my paperwork. OK, the final case before us this evening is Case No. 9-12, Eric and Mayu Frank, and Edward Baldwin and Gillian Anderson. We'll welcome back another return visitor.

Ray, are you up to speed on this one?

Boardmember Dovell: Yeah.

Acting Chairman Forbes-Watkins: OK, because you weren't here last time.

We had a number of things that had to be remeasured, reidentified and re-thunk. Why don't you begin by telling us where you've gotten and what you're doing.

Eric Frank, 27 William Street: Sure. I'm currently a resident at 493 Warburton and now, as of Friday, no longer contract vendee but actual owner of 27 William.

Acting Chairman Forbes-Watkins: Oh, congratulations.

Mr. Frank: Thank you. And here with Ned Baldwin and Gillian Anderson, who will be owning 181 and who are also architects on the whole site plan and project, and my wife, Mayu.

Just as a reminder, what we're trying to do was get adjoining properties. We've been looking for adjoining properties, or a three-family property, where we could bring together our family of four, my mother-in-law who's moved in with us a year-and-a-half ago, and my wife's sister and her family of four who are moving from Oakland, California so that the family can be together and grandchildren can be with grandparents and cousins can grow up together.

Our goal for the past few years was to be looking around in that neighborhood for that sort of opportunity. We hope we've found it here. And the overall goal of the project is for Ned and Gill to own 181, do some minor modifications on it that I'll describe, but then to hopefully subdivide that property to create a lot behind it for the creation of a new single-family house, which is where my in-laws would then build a small, 1,670, I believe, square foot home on that lot. And then we would do, in essence, a gut and renovation of 27 William, leaving it as a two-family home but creating, in essence, a small apartment for my mother-in-law and then a single-family home, or a home, for our family in that property, as well. And then successfully have gotten adjoining yards for the families to enjoy together.

So that's the overall goal. I think the brief history on this, as a remainder, was two visits before the Planning Board; mostly, I think, to work out issues around parking. I think that's the complex part of the site plan. In trying to meet the requirement of two spots per dwelling off-street that meet requirements, we had to do some significant redrawing of property boundaries and several revisions of the parking scheme to come to agreement with the Planning Board on what made sense.

Ultimately, I think we came before you last month with Planning Board recommendations on view preservation and a recommendation to subdivide, subject to the proper variances being provided by this board and with the recommendation for approval of those variances. However, if you recall, we didn't have proper public notice. So we had a conversation last week without any intent of action.

The other problem I think we had was we didn't have really adequate drawings on the deck, so hard for you to really consider view preservation on the deck. We've rectified that, I believe, with more complete drawings of the deck included, which we can walk through. We had also talked some about the overall planting scheme and other ways we hope to sort of minimize the visual impact of a parking structure on the property. There was a request from the chairman to get a little bit more detailed about that so if there was action you might consider basically locking us into some commitments around that planting plan. I think we've included that as well.

With that, I could walk through the new submitted drawings, if you'd like. And then we ..

Acting Chairman Forbes-Watkins: Let me clarify ... get one thing clear for sure.

Mr. Frank: Sure.

Acting Chairman Forbes-Watkins: There was an issue regarding the side yard and a wall,

the height of the wall having some impact on whether the deck was permissible or had to have a variance. Was that clear?

Village Attorney Stecich: They moved the deck. Am I right?

Edward Baldwin, 181 Washington Avenue: The deck complies with that.

Village Attorney Stecich: So now it complies.

Acting Chairman Forbes-Watkins: You've now brought it into compliance.

Mr. Baldwin: [off-mic] required for a setback.

Village Attorney Stecich: So these variances are all the variances.

Acting Chairman Forbes-Watkins: All right. Well, I just wanted to make sure that we didn't have one hanging out there.

Village Attorney Stecich: No, I double-checked that.

Mr. Frank: No, I think we're clean now on this page that the variances required are accurate and thorough.

Village Attorney Stecich: Well, I'd just ask one question. The best thing is what's in the redrawn submission. Could I just ask one question on his introduction? Now I'm confused again.

Originally, I thought all three houses were going to be used by the family. And then the last time I thought just two of them. But now, tonight, you sounded like all three houses.

Mr. Frank: No. There may be some misunderstanding, but we've been clear. We haven't changed. We maybe not have been clear, but we haven't changed our plans.

Village Attorney Stecich: OK.

Mr. Frank: It's always been for Ned and Gill to retain ownership of 181, and for us to occupy the other two.

Village Attorney Stecich: One'll be the new house, and the one you're in now.

Mr. Frank: And 27, that's correct.

Village Attorney Stecich: OK, thank you.

Acting Chairman Forbes-Watkins: All right. Having clarified that particular issue, please go ahead.

Mr. Frank: Sure. I guess maybe the easiest thing to do is sort of go property by property and talk about what we're doing, and then look at the variances required for each of those projects to move forward.

So 181 Washington, the plan there is really simply to make some, I think, fairly minor modifications – ultimately reduce the footprint of that house a little bit – but, in essence, remove a mud room from the front of that property to set it back a little bit further from Aqueduct Lane; primarily, I think, for visual purposes. And then to add a small, one-story addition off the back. On that building, the kitchen is actually downstairs, the dining room and the living room are on the first floor, and the bedrooms are on the second floor. So the notion is to add a little eat-in area off the kitchen to make that a more practical space.

Fundamentally, that's really it. Other than, in order to meet the parking requirement, the proposal is to add a second parking space. There's an existing, I believe, nonconforming parking space already for 181, and the proposal would be to add the second space on the property. But as part of this overall parking ...

Acting Chairman Forbes-Watkins: Part of the major parking solution.

Mr. Frank: Correct. I can talk about that parking scheme in a little bit more detail when I talk about all that together.

That's kind of 181. Should I stop, and any questions on that?

Village Attorney Stecich: The one other thing with 181 is, you'll need a variance for coverage.

Mr. Frank: Correct. I was going to summarize variances at the end, but you're right. If you include the area of the parking structure, then the total coverage for 181 does come to 20 percent. And the requirement in that district is 15 percent. As we've indicated prior, and included in the submission, Ned and Gill did a survey of all the properties in that district. The average coverage, I think, is 26 percent, and the mean coverage – median, I should say – is ... the average is 26.9, and the median percentage is 23. So we're sort of within the

neighborhood, but need a variance for coverage over the 15.

That's 181. If we move over to ... why don't we go over the subdivision. The proposal is to subdivide what's currently 181's property. The property line runs sort of over here, and then incorporates the space for 181. The idea is to subdivide here – and there's a subdivision drawing in the submission that shows exactly where those property lines would be drawn – to create a lot for the proposed 2-1/2 story, 1,670 square foot home, which we're calling 62 Washington.

That house would require some variances. One would be parking. And again, I'll talk about that collectively as part of an overall discussion of the parking scheme. The second one would also be lot coverage. When you take the home itself, and then the parking structure area, then you come to – let me see if I get this right here – 20.9 percent total coverage for that property; again, on a requirement of 15. So requirement of a variance there.

Then I think the ...

Acting Chairman Forbes-Watkins: OK. Let's clarify on the legal notice: lot B which, I believe, is 62. It indicates permitted 15, proposed 20.9. Got it.

Mr. Frank: Right.

Acting Chairman Forbes-Watkins: I was reading 20. Continue.

Mr. Frank: OK, thank you. The only other non-parking variance possibly – well, we're seeking it, we may not use it – is that the back corner of the property ... I'm trying to see which drawing maybe shows this most effectively. Now, do you have this first survey drawing?

Acting Chairman Forbes-Watkins: Yes.

Mr. Frank: That's probably the easiest one. If you look at the back, the southwest corner of the house ...

Village Attorney Stecich: I can't see which one.

Mr. Frank: I'm sorry. This, there's a 30-foot setback requirement for the rear yard. And the house, as currently situated on this plan, has a small corner of it which would be measured to 27 feet. So it would require a variance. The reason I say we're seeking it but may not utilize it is, we're talking with the neighbors there about ideal placement of that

home. They are concerned about blockage of sunlight into her kitchen. Moving the house forward a little bit would ... or actually, I think, 6 feet is what we would need to do in order to completely avoid that. That would obviously meet the 30-foot setback requirement, but it would push the house forward well in front of all the other houses which are sort of aligned on Washington.

So there's sort of an aesthetic issue there of the placement of the home on Washington and how it fits into the neighborhood.

Village Attorney Stecich: Would that require a front yard variance?

Mr. Frank: It wouldn't. It would actually still be 1 foot shy of needing a variance.

Village Attorney Stecich: OK.

Mr. Frank: So that's a conversation with the neighbor, but we're seeking the variance in the event that we all conclude that we should place it where it is on the plan. That's the variances required on proposed number 62, or lot B.

Then on number 27, the plan there is to leave the outside envelope of the building, with the exception of removing two bays from the back that are currently there and replacing them with the deck. Other than that, all of the renovations are internal. We'll be gutting and renovating that house from the ground up.

The only issue related to that deck would be view preservation, which the Planning Board did approve, or vote to recommend approval of. And then the other variances required are, again, related to parking. I could stop for a minute there, and then we could take on parking.

Acting Chairman Forbes-Watkins: Let's stop for a minute on the ...

Mr. Frank: Oh, and coverage. Sorry.

Acting Chairman Forbes-Watkins: Yes, you have a coverage thing. Let's stop, though, for a minute on number 62. You're saying you're wanting a variance on this backyard line possibly. I don't see it on the legal notice.

Village Attorney Stecich: Yes, it is, on the bottom two: *"Rear setback for the new dwelling on the new lot: required 30; proposed 27."*

Acting Chairman Forbes-Watkins: Do we have drawings on that? Drawings of a building?

Boardmember Dovell: Just a site plan, I think.

Acting Chairman Forbes-Watkins: It's just a site plan. Yeah, I know we have a site plan. Do we normally give variances without some sort of drawing of a building? I don't recall any.

Village Attorney Stecich: You know what? At the moment, they don't have a building in mind. It's really a hypothetical building.

Acting Chairman Forbes-Watkins: I can't see why we would be voting on it.

Village Attorney Stecich: I just want to explain something. It's because the variance is to permit the subdivision. So the subdivision, you have to show could a house be built on there that meets the area requirement. So the tricky thing is how you word the approval. Let's say you were going to go forward with it. You would have to approve the subdivision subject to the house.

Acting Chairman Forbes-Watkins: Fitting in the parameters.

Village Attorney Stecich: Whatever parameters you approved. So if they were just subdividing this, and there was enough space and there were no setback considerations, they would just subdivide and you wouldn't even have the house on there. It's because it's a slightly undersized lot that would require variances even for a minimal house. I suppose maybe you could build a house without any variances, but it would be so ... it's already pretty small.

Acting Chairman Forbes-Watkins: Could you move it towards the stone retaining wall sufficient to avoid the cut on the back?

Mr. Frank: Well, it's a 12-foot side yard variance, as I understand it. And that's currently where it's situated. So I think the only thing we could do is to move it forward a little bit, 3 feet, and then we would not need any variances for that property other than parking variances.

Village Attorney Stecich: And coverage.

Mr. Frank: And coverage, correct. Sorry. So coverage and parking. We could do that. I

mean, we're OK doing that. It's a conversation with the neighbor and a question of balancing sunlight to the house with the aesthetics of fronts of properties lined up on Washington. I think we're OK foregoing the required variance in the rear yard. It just takes away that flexibility. But it's not a must-have issue for us. And then there's no variances required other than coverage and parking.

Building Inspector Sharma: I also feel a little uncomfortable. In advance of the building that might get built in the future, you're giving a variance for it.

Village Attorney Stecich: You're not giving the variance for the building. You're giving the variance to permit the subdivision. And that's why I said, obviously ... because otherwise ...

Building Inspector Sharma: No, but if this variance is granted, when they come back for a building permit they would use that variance at that time, would they not?

Mr. Baldwin: I think what we're seeking is relief from the full 30-foot rear yard setback on this particular lot. We may not use it, but we may have to use it. You know, it's a very tight lot.

Village Attorney Stecich: See, actually the more significant one than the rear yard is the coverage one. So if you were going to, you, say, could ... but they need it because otherwise to get a subdivision they have to show that they could build a house there. So the only house they could build would require a variance.

What you would do is say you have a variance to allow this subdivision on the condition that whatever you build not exceed coverage of whatever amount is decided on. The variance is a little bit different.

Mr. Frank: And so you know how we thought about the house, too, and the coverage. The house itself is 15 percent. So when we designed sort of the footprint of the house, we designed it to require no variances with regard to setbacks and to be at the 15 percent coverage requirement, independent of the parking. The parking is what brings it up to the 20.9.

In subsequent conversations, we've ended up moving it back a little bit to the place where we have it, and now therefore have this need for the variance in the rear yard. Again, if it's complicating things we should ... we're happy to remove that request for that variance.

Village Attorney Stecich: The thing that's a little unusual about this district ... because you

can think 15 percent coverage is pretty small, right? That's because it's calculated for a multi-family district, and it's 1,500 square feet per unit. That's it. So it's as if you had a 6,000 square foot lot you could have four units. That's why 15 percent. It doesn't have .. often, a zoning district will have separate bulk requirements for single-family houses in that district. But when this one was written, they weren't put in. This was done ... actually, this zone was written as part of a separate project, and it wasn't involved.

Building Inspector Sharma: The way these variances are, we'd be granting the subdivision with a variances already in place for the house they've got to build on it. It's unusual, I don't know.

Village Attorney Stecich: Yeah, it is.

Boardmember Dovell: I think, perhaps with the lot coverage issue – which is a little more percentage and a little more abstract in concept rather than something like a rear yard – approving this would be very hard right now. Because you don't know what the house looks like and what the effect of it's going to be. And, in fact, why you would even want it.

Building Inspector Sharma: Well, why does it have to look like it.

Boardmember Dovell: Yeah, why does it have to look like that? But the lot coverage, you can see the necessity of linking that to the subdivision.

Building Inspector Sharma: That I can understand.

Boardmember Dovell: With the parking.

Village Attorney Stecich: The setback one is more ... yeah. I mean, what you could do is just do it with the coverage. And then when they go to build the house, if any variance, you need the variance.

Building Inspector Sharma: And also I suggest we give the lot coverage variance, if you want to call it that, that includes the garage – that additional space – and not just for the building itself.

Acting Chairman Forbes-Watkins: Right.

Village Attorney Stecich: Yeah, on the condition that there be no more coverage of all buildings of whatever percent you agree on.

Boardmember Dovell: The maximum coverage, right.

Gillian Anderson, 181 Washington Avenue: We're going to have to come back for view preservation in any case on the new house. So we can deal with that particular issue then, when we will have plans for the house. At this stage, there are no plans.

I did want to say something about the parking for 62 for those people who weren't here before. Washington Avenue's very steep at that point, and to get parking from Washington Avenue is very difficult and dangerous. That's all I wanted to say.

Mr. Frank: I don't know technically. You have to make a move to strike that ...

Acting Chairman Forbes-Watkins: It seems to me we're going to deal with lot coverage and we're not going to deal with the 27-foot line at this point.

Building Inspector Sharma: Yes, for the new imaginary lot at this time.

Mr. Frank: Right.

Acting Chairman Forbes-Watkins: We're just going to forget that one.

Mr. Frank: OK. Makes sense. So with that, I think we get to parking. Shall I dive in there?

The issue with parking is, to meet the requirement we need seven off-street parking spaces. We looked at multiple ways to achieve that, and ultimately arrived at this particular scheme and then negotiated some of the details of it with the Planning Board to get to where we are. I think the goal was to create parking which does preserve some of the yard itself. And there are, of course, always alternatives. One of them would be to put parking down in the yard.

But part of the reason we're moving there is to get a yard for our kids where we don't have it now on Warburton, and to have yard adjoining with my wife's family and their children. That is a non-optimal solution for us. So ultimately, we were looking for a way to get the parking in a place that didn't occupy significant amounts of the yards, didn't require a curbcut on Washington where parking is already very difficult. And backing out onto Washington, I think, would be treacherous where that hill plateaus and then starts down right at that point.

So we came up with this particular parking scheme: 60-degree-in parking spots on the property, boundaries of each property; some greenspace in between them to try to break up the effect of what that might look like visually from Aqueduct Lane, and some plantings of

some native species at the top; again to sort of add green and to also use some kind of green – with the exact product we're looking at – but, in essence, a grass instead of paving on those parking spots at the top.

Each of those units would have some storage, subterranean space underneath, accessible from a door on the side to provide for some storage for each of the units. From down below, as you look up at those units, the idea would be to have trellises snapped into the front of those units, with vines to obstruct the view of the front of those, and to mound the earth in such a way along the front as to create some contour and contrast and minimize the height of that structure.

That's probably best seen in this particular drawing, where you get kind of a frontal view of what that parking structure looks like with the pieces broken up into three units, the trees and some of the mounding of the earth. You also get a sense of what the subterranean storage space looks like underneath it.

I think that's really, fundamentally, the plan. I mean, in doing that there's a whole bunch of variances required, specified for each unit. I think, fundamentally, they are that you require generally, on a single property, the requirement be 24 feet.

Mr. Baldwin: You're only allowed one curbcut.

Mr. Frank: One curbcut.

Mr. Baldwin: So we have two curbcuts on 27 William.

Mr. Frank: Yeah, I think there's two curbcuts. And if you do have two curbcuts, I believe the requirement is that there be ... well, I guess that is simply it. Yeah, there's two curbcuts.

Anyway, that's the parking plan as proposed.

Mr. Baldwin: You're not supposed to have a parking space within 5 feet of [off-mic].

Mr. Frank: Right. And so that variance would be required for each property.

Acting Chairman Forbes-Watkins: I have to say, to begin with, that the parking plan that you've laid out here, if executed as drawn – particularly the colored drawing – is really very, very impressive. There may be some real questions here as to people backing out onto Washington Avenue and – or not onto Washington Avenue, but onto Aqueduct Lane, rather.

And I must say, I jokingly told my wife I'd be awfully concerned about the drunk driver coming along and zooming into one of your parking places. But I don't know that you could control that. But I really do think you've done a very nice job of designing this particular space.

Mr. Frank: Thank you. Yeah, it's been a challenge.

Village Attorney Stecich: Could I just ... you guys are going to flip. I don't think it would hold anything up, but it also struck me – that's what I just went out to talk to Deven about – in listening to the explanation of these ... they're not just parking spaces, they're like little structures, right?

Acting Chairman Forbes-Watkins: Right.

Mr. Frank: Well, yeah, there's a slope.

Mr. Baldwin: It's a retaining wall ...

Mr. Frank: And a retaining wall.

Mr. Baldwin: [off-mic].

Village Attorney Stecich: So if there's a door in them, they must be like ...

Boardmember Dovell: It's a structure.

Building Inspector Sharma: It is a structure, like a shed.

Village Attorney Stecich: And I'm not concerned. I think whatever notice went out is adequate because we talked about the parking in those spaces.

But if the Board were disposed to approve this plan, I think there should also be a variance ... there should be side yard variances to permit these structures within the side yard. Because it's more than just parking in the side yard; there would be side yard variances for this structure. But that's just technical. We just need to make sure – like I said, if you're disposed to approve it – that we include that.

Acting Chairman Forbes-Watkins: OK. Ray?

Boardmember Dovell: That strip along Aqueduct Lane is really a mess right now. And I

can see, in fact, that you're very exposed there because everybody just looks right down. I think the landscaping and these retaining walls that you're proposing are going to help a lot to contain it and really improve the appearance of the street there. It's just terrible what's across the street, with all the parking and the garbage and everything else, that it helps really define it.

One issue I have is the corner towards Washington and Aqueduct Lane.

Mr. Frank: OK.

Boardmember Dovell: Which is also really exposed. You've given such intensive treatment to these parking spaces that somehow, if you could ... you've created a little campus here, and everybody's together and you've got your parking and it's connected with these walkways. It's lovely, but somehow it bleeds out at the corner there.

Mr. Frank: You're looking at the existing parking, the single space here.

Boardmember Dovell: Exactly, yeah.

Ms. Anderson: Can I say something about that? We are proposing to put retaining walls ... rebuild the retaining walls, and also put a garden around that house. By taking out part of the porch, we have more room to the main house. My garden, which is on the other side of the street where we live, is actually on the garden tour in the summer. And I will be redoing that completely. I didn't go ahead and draw everything on that because I'm not quite sure what I will be doing, but it will certainly be part of the whole landscape scheme.

Boardmember Dovell: You might find that there ... hopefully, there's not another waiver required in connection with that. But you might break a record here if there is.

But it might be nice to see the treatment. You've created one presence to the street. It would be nice to see it curve around.

Ms. Anderson: Right, absolutely. No, we would like to do that, definitely.

Acting Chairman Forbes-Watkins: Mark, did you have anything?

Boardmember Pennington: I would assume there would be some sort of structural elements in those storage spaces to guard against subsidence of the street. I would imagine you'd have to sort of cut up against the street and deal with the ...

Mr. Frank: I will let our structural expert speak to that.

Mr. Baldwin: That's why we decided to make use of that space. By creating box-like structures, we can actually ... we don't have to use a cantilevered retaining wall along the street. We can build a structure which is inherently resistant to the soil forces from underneath the street.

Acting Chairman Forbes-Watkins: Is there a potential for erosion in between units then?

Mr. Baldwin: No. The spaces between the actual boxes are 4 feet and 7 feet – quite narrow – and we propose just grading ... letting the grade go down, and actually be quite high at the bottom of those spaces. So that when you look uphill, those are where the high points are. And then the grade drops down lower where we have doors to go into the boxed spaces. But I don't think there's any risk of erosion. It's going to be a walkway in one case, and very heavy planting in the other case.

Acting Chairman Forbes-Watkins: OK, lot coverage. We need lot coverage on all ...

Mr. Frank: All three.

Acting Chairman Forbes-Watkins: ... three of the proposed space areas. The most significant variance would be on the William Street – actually, greater than your average – if I'm not mistaken ...

Mr. Frank: Less than the average, which is 26.9. The request here is for 25.7, but greater than a median.

Acting Chairman Forbes-Watkins: OK, so it is within your average percentage.

Mr. Frank: Right. But greater than the median, yes.

Just so you know, and it's not technically relevant, the existing home there is at a nonconforming 17.3. The addition of the deck and the removal of the bays would bring it to 19 percent. So the difference between the 19 percent and the requested 25.7 percent is the parking structure.

Acting Chairman Forbes-Watkins: Parking, OK.

Boardmember Dovell: Which, if that were simply a retaining wall with earth in it, would not count as lot coverage?

Acting Chairman Forbes-Watkins: Presumably not, right?

Village Attorney Stecich: Yeah.

Mr. Baldwin: Well, in that case it is a totally subterranean building.

Boardmember Dovell: Right. So it doesn't count at all.

Acting Chairman Forbes-Watkins: It really is kind of neutral.

Boardmember Dovell: And the fact that you're going to use these concrete things with the grass planted in them.

Mr. Frank: Right.

Boardmember Dovell: Do they work well in this environment?

Mr. Frank: We're researching, so that's why we haven't quite committed to a particular product. I think we're committed to the idea. Ned and Gill actually have something similar that works in their yard, but we're looking at maybe a different surface. Theirs is visually just not quite as attractive as we'd like to get this, but it does ... no disrespect intended to your beautiful home.

Boardmember Dovell: Because if that were ... you know, if that were just asphalt it would not be ... you know, it would be a completely different animal up here. It would just be a parking lot with a retaining wall.

Mr. Frank: Right.

Boardmember Dovell: It would not ... it loses its charm entirely.

Mr. Frank: Oh, I agree.

Boardmember Dovell: So whatever we're thinking of doing, it's got to be predicated on some real commitment to making a green surface.

Mr. Frank: Natural surface. Yeah, absolutely.

Village Attorney Stecich: You know what happened on Ridge Street. Remember, you

approved parking at the end of Ridge Street. That was going to be Grasscrete, and then it turned out it couldn't grow because there wasn't enough sun. They put gravel in there, and then it turned out they had to come back. It ended up, I think, gravel.

Building Inspector Sharma: It's gravel, yes.

Village Attorney Stecich: Instead of Grasscrete. I'm not saying that there's something in between there – there's the same issue here – but ...

Boardmember Dovell: Even the cars are green on this scheme.

[laughter]

Mr. Baldwin: They're electric, right? They're electric cars.

Mr. Frank: We do have electric. If you notice, we do have the plugins at each port, as the assumption is, at some point while we're living there, we'll probably all have electric cars.

Ms. Anderson: The views from the houses are quite often straight onto the parking, so it's our interest to get those looking as best ... as good as possible. So that's why we really do want them to look like part of the landscape.

Boardmember Collins: What's the distance from the parking to the rear? Is it the rear-side lot line, or ... is it the rear or the side lot line that you're measuring against? The 5 feet, we know, is in the code. But what are you measuring it to, the rear or the side? And how far is it?

Mr. Baldwin: Well, this is a corner lot so it's a second front yard. Its on the whole Aqueduct Lane property line. You measure from that to 5 feet back.

Acting Chairman Forbes-Watkins: It would have to be back 5 feet from there.

Building Inspector Sharma: You know, 181 and 27, being so-called corner lots, it will actually be 5 feet on the front yard line. So side yard would only be for the new lot that they're creating.

Acting Chairman Forbes-Watkins: Further comments or questions from the Board?

Any comments from the audience? Yes?

Ms. Noe: First, I want to say that I don't really know who got notices about this project because we must be outside the zone. Except if you take the distance from here to the end of the property and double it, and add across the street, that's where our house is. But this is the first I've heard about this project. I heard about it yesterday. So I don't know why we're not part of that district. And nobody else is here. Maybe they were at other meetings.

The other thing is that the parking lot across the street is indicated. But if you look at it, people drive in and out of this lot right across from the entrance to these spaces. And I think that's an important traffic consideration and safety consideration. I mean, this is beautiful and we're delighted to have our new neighbors; very delighted and, you know, love the design. But I'm just wondering, if you're going for all these variances and there's a big parking lot across the street, did you try to get variances to reduce the number of parking spaces required?

Mr. Frank: We did not.

Ms. Noe: Because now what we've got is a parking lot on both sides of the street, as far as I'm concerned, with people pulling in and out. And at night, I think it's going to be pretty unsafe: trees in between you won't really see, like you can't see the lights necessarily when someone's pulling out. So I think it's excessive parking, adding to this area.

Since you've been there, when you come on to Aqueduct Lane it's a tricky kind of steep curve-on. There's no place to pull over if someone's backing out. This spot alone, just one space, is tricky. So that's all. Otherwise it's beautiful.

Acting Chairman Forbes-Watkins: Thank you.

Mr. Baldwin: Can I address a few of those points? The high-speed traffic on there, the people tend to pull into Aqueduct Lane faster than they should at times. But they slow down before they get to 181. And it's our observation that traffic moves quite slowly in the section opposite where we're parking.

Secondly, at night we will have some LED lighting on the ends of the wall. So you will see lighting along that edge of the road, which does not exist now of course. Secondly, the parking will not be confused with the pavement because it will be grass of some sort. We are not going to succumb to gravel or some other thing.

The existing space in front of 181, which is existing nonconforming because it's also within the 5-foot setback, we have not requested a variance because it's existing. However, we do intend to angle it slightly and make it less ... right now, you have to back straight in to the

traffic. I think we can angle it slightly and make that less of a problem.

As for asking for a variance to take all the parking off the properties, I think that would be not something we'd want to do because everybody likes to be able to park on their own land. We do want to have electric vehicle hookups. And it's a lot nicer to build this walk from your car into your rear garden than it is to walk across the Aqueduct parking lot, which is also part of a park and not Village property. It's no end of complications.

Acting Chairman Forbes-Watkins: Are there further questions, comments?

Building Inspector Sharma: I just want, Marianne, to comment – on the fact that you did not receive the notice, Michelle.

Ms. Noe: Or the other project.

Building Inspector Sharma: You had a similar concern. I did send you ..

Ms. Noe: Two different projects.

Building Inspector Sharma: I sent you a copy of the receipt that it was indeed mailed to you.

Ms. Noe: Never ... I don't know what to say.

Building Inspector Sharma: Well, you did not respond to my e-mail either. See, a lot of times ...

Ms. Noe: I didn't get an e-mail from you.

Building Inspector Sharma: I'll produce a copy of that e-mail.

Ms. Noe: Huh?

Building Inspector Sharma: I'll produce a copy of that e-mail.

Ms. Noe: I believe you, but maybe it's a different e-mail.

Building Inspector Sharma: See, something's obviously happening. It's not that we are not sending notices.

Ms. Noe: We didn't get them.

Building Inspector Sharma: We definitely need to get to the bottom of it because we definitely need to resolve it. From our end, we definitely are sending notices, if and when they are required, to the addresses that we know.

Ms. Noe: I know. Generally that's true, so I'm just surprised. And we've gotten notices for projects much farther away than this one.

Building Inspector Sharma: That's all I have to say.

Acting Chairman Forbes-Watkins: All right. There are a whole host of variances and issues to be raised. Do we take them as one package?

Boardmember Pennington: No, I wouldn't.

Village Attorney Stecich: No.

Boardmember Collins: I would break it out. But for 27, Marianne, did I hear you say right that there should be a side yard setback to accommodate these parking structures?

Village Attorney Stecich: Well, all of them actually.

Acting Chairman Forbes-Watkins: Yes, that would be for all of them.

Boardmember Collins: For 27, and for 62 and 181.

Acting Chairman Forbes-Watkins: Yes.

Village Attorney Stecich: Yes. All of them will have a structure, whether it's the side yard, the front yard, or whatever it would be for the parking structure in the required yard. I would just word it like that.

Acting Chairman Forbes-Watkins: This would have to be ... we have to do all three units at once, it seems to me. It doesn't make sense to do 27, for instance, on the parking and then somewhere sequentially, further down the line, get around to 62, and then get around to 181.

Village Attorney Stecich: But the coverage things are very ...

Acting Chairman Forbes-Watkins: The coverage is much more important, I think, and

that we should deal with separately. And then get to the parking.

Boardmember Collins: Sorry, Mitch has a comment.

Acting Chairman Forbes-Watkins: Yes?

Mr. Koch: Can I throw something in? Even though we're not within the zone specifically, as the sole representative of the neighborhood I just want to support the whole project. I know the parking's a problem, but certainly the coverage, the setbacks, we understand how difficult it is to build. We think it's beautiful, and from the other work we know from Ned and Gill it's going to be beautiful. And the spirit of the project is great, and completely in keeping with the character of our neighborhood.

So as far as the lot coverage, I think that's simply not an issue. And I'm sure that the parking issues can be resolved with a little tweaking.

Village Attorney Stecich: David, the reason I would suggest you do them separately is because 27 William does have some unique ones. It's got the two curbcuts so you just end up voting the same thing twice. I would just do 27 William, and then the other two you may be able to do again.

Boardmember Dovell: One question. The statement was made that the existing parking lot is going to be reconfigured at 181.

Mr. Baldwin: Tweaked slightly.

Boardmember Dovell: Is that something that needs to be addressed, as well, while we're talking about ...

Village Attorney Stecich: While you're granting variances.

Boardmember Dovell: While we're granting variances.

Mr. Baldwin: If we change it substantially, we'll come back and ask for approval.

Boardmember Dovell: My only thought was that the treatment of that parking might be the same treatment as the other eight spots.

Mr. Baldwin: You mean treatment by the surfacing?

Boardmember Dovell: The surfacing.

Mr. Baldwin: We might do that, yeah. We might like to do that anyways.

Boardmember Dovell: Because if you view the whole roadway there, it is part of the same issue.

Boardmember Pennington: But to clarify, that's not ... there wouldn't be a variance required for that.

Boardmember Dovell: No.

Boardmember Pennington: We might condition approval on including ...

Boardmember Dovell: Condition it.

Village Attorney Stecich: What I think Ray is getting at, if they move the parking space then they might need a variance. I mean, it's OK if it's a preexisting nonconformity. Once they change it, it's not ... if he's just shifting it a little bit.

Boardmember Pennington: The angle.

Mr. Baldwin: I'm just talking about a slight adjustment of angles so you're not backing straight into the traffic.

Village Attorney Stecich: Yeah, I don't think that's an issue.

Acting Chairman Forbes-Watkins: OK. I would like to deal first with lot coverages. If we approve lot coverages, then we could get to parking. But if we don't approve lot coverage before we get to parking, then logically, parking ...

Village Attorney Stecich: It's probably not going to happen because they won't have the subdivision.

Acting Chairman Forbes-Watkins: So can I have a proposed ...

Boardmember Collins: Can I just ask – I'm sorry, David – for clarification? Are we treating the parking spaces as ...

Acting Chairman Forbes-Watkins: They're part of coverage.

Boardmember Collins: ... as part of coverage?

Village Attorney Stecich: They are included in the coverage calculations.

Boardmember Collins: Even though the impact is net neutral, we still can ...

Village Attorney Stecich: No, it is coverage because actually it's ...

Boardmember Pennington: It's included in your calculations.

Village Attorney Stecich: There is a structure there, but it's included.

Acting Chairman Forbes-Watkins: It's additional structures.

Boardmember Collins: All right. I just wanted to make sure we don't have to take out our calculators and come up with a different ...

Village Attorney Stecich: No, no.

Boardmember Collins: All right.

Village Attorney Stecich: They took them out already.

Building Inspector Sharma: I will take out the calculator to make sure.

Boardmember Collins: I know you would. All right.

Acting Chairman Forbes-Watkins: Are you ...

Boardmember Collins: I'm going to dive into this.

Acting Chairman Forbes-Watkins: Go for it.

Boardmember Collins: But this Board will correct me if I get any of it wrong.

We're going to start with lot coverage approval for ... well, I'll start with 181.

Village Attorney Stecich: Do 27 later.

On MOTION of Boardmember Collins, SECONDED by Boardmember Pennington with a voice vote of all in favor, the Board resolved Lot A, permitted 15 percent, proposed 20 percent; Lot B 15 percent proposed, 20.9 percent – that we approve the variance for lot coverage for Lots A and B, as indicated in the notice.

Village Attorney Stecich: I guess you're OK. You don't have to do SEQRA.

Boardmember Collins: We'll do this as much ...

Village Attorney Stecich: I thought you needed to do SEQRA because it isn't a one-family. But actually, if it's a two-family it's exempt from SEQRA, too. So that's OK.

On MOTION of Boardmember Collins, SECONDED by Boardmember Dovell with a voice vote of all in favor, the Board resolved approve lot coverage variance for 27 William Street: the coverage permitted 15 percent, proposed 25.7 percent.

Acting Chairman Forbes-Watkins: All right, lot coverage is taken care of.

Boardmember Collins: Do you want to go to parking?

Acting Chairman Forbes-Watkins: Yeah, parking. And we need to keep in mind ...

Village Attorney Stecich: Do you want to do view preservation?

Acting Chairman Forbes-Watkins: ... that these are side yard structures. And so we need to include that in speaking of them.

And also, I believe we want to make some specific reference to an effort to maintain green. I don't know quite what to say there, but we certainly do not want to approve parking without landscaping associated therewith.

Boardmember Collins: Now the language, Marianne, again for the side yard issue here. What would be appropriate in a motion?

Village Attorney Stecich: To grant side yard setbacks for parking storage structures. No, I'm sorry. A variance from setbacks for parking in a required yard.

Building Inspector Sharma: In the required yard.

Village Attorney Stecich: In a required yard because some of them are side, some are front. So just in a required yard.

Acting Chairman Forbes-Watkins: Right.

Building Inspector Sharma: So this is parking and structures in the required yards.

Village Attorney Stecich: Well, for a parking storage structure is what it is. That's what the variance would be.

Acting Chairman Forbes-Watkins: Parking and storage structures.

Village Attorney Stecich: In a required yard.

Boardmember Collins: So I'll go back then, in the same sequencing.

Acting Chairman Forbes-Watkins: There's an addition. It just went through my mind and came back out.

Village Attorney Stecich: We might want to say "and landscaping."

Acting Chairman Forbes-Watkins: This is for 181 and 62?

Village Attorney Stecich: Right.

Boardmember Collins: Yes, 181 and 62. Yes, that's correct.

Boardmember Pennington: We have an additional comment from the floor.

Ms. Noe: I just want to point out again the character of this neighborhood, which is that the affordable housing, when it was approved at the bottom of Division Street and Warburton, added substantial traffic to Aqueduct Lane. Because when we moved there, that was an empty lot – I mean an abandoned building – very unsightly. But it added a lot of traffic. So we got that.

Now I'm just questioning whether, again, this neighborhood, which is kind of more urban – it's going to allow something that would never be allowed anywhere else in Hastings in terms

of the side yard interference with parking structures and what kind of precedent this sets. I think it's just something to look at. Those are not subterranean as far as I'm concerned because they're at the grade of the yard. They're not buried. The entrance is ... they're visible from there.

I didn't suggest a variance for eight spots. I was just saying somewhat reduced from the number of spots that you're asking for, given what's across the street – directly across the street. And when you choose to move to that neighborhood you know that you accept the inconvenience of the fact that you're not in a suburban setting with endless amounts of parking on your property. That's just part of the nature of living there.

So again, I would ask that you think about the nature of this neighborhood, the imposition of the affordable housing on the traffic on Aqueduct Lane, which is a tiny little street, and setting a dangerous precedent that in this neighborhood it's fine to violate the side yard, where I know that that is a huge issue in other parts of Hastings.

Thank you.

Boardmember Collins: I'll just respond by saying that I think we're all aware of the parking problems in the Village. And the tradeoffs here are, I think, more unpleasant. Because I think if you don't grant these spaces the way they are you're pushing people onto places that are as unattractive ...

Ms. Noe: There's no place [off-mic].

Boardmember Collins: ... pushing them into Warburton Avenue. I think that you're ...

Ms. Noe: No, there's a parking lot directly across the street.

Boardmember Collins: I recognize that. And I would say, in my opinion – and I won't speak for any other Boardmembers – I think this is an improvement over the parking lot across the street.

Ms. Noe: [off-mic].

Acting Chairman Forbes-Watkins: Hold. Enough. This is enough.

We've had issues brought before us. We are now in the process of dealing with the actual voting on variances. We listened to you twice, and ...

Ms. Noe: [off-mic].

Acting Chairman Forbes-Watkins: Thank you. OK.

Boardmember Collins: Do I need to restate the motion?

Acting Chairman Forbes-Watkins: I don't think you could.

Village Attorney Stecich: It's conditioned on the greening of the parking surfaces and landscaping and their continued maintenance.

Village Attorney Stecich: Yeah, I'll write all this up later.

Acting Chairman Forbes-Watkins: You'll have minutes, too.

Village Attorney Stecich: But I'm taking notes.

On MOTION of Boardmember Collins, SECONDED by Boardmember Pennington with a voice vote of all in favor, the Board resolved for 181 Warburton Avenue approve the setback for parking and storage structure in a required yard, and the parking and paving in a required yard, and parking within 5 feet of the rear side lot line, conditioned on the greening of the parking surfaces and landscaping and the continued maintenance of those surfaces and structures.

Boardmember Collins: OK. So then let's move, shall we, to the parking for 27.

On MOTION of Boardmember Collins, SECONDED by Boardmember Dovell with a voice vote of all in favor, the Board resolved approve parking and paving in a required yard, the parking within 5 feet of rear side lot line, the two curbcuts against the code for one. And again, the setback for parking and storage structure in a required yard, with the condition of greening of the parking surfaces and landscaping, and ongoing maintenance.

Building Inspector Sharma: And now view preservation.

Boardmember Dovell: Wouldn't we have to have the parking structures in these retaining walls, as well, as we've decided that these are now structures?

Acting Chairman Forbes-Watkins: The yard structures.

Village Attorney Stecich: No, he's saying view preservation approval.

Boardmember Dovell: Shouldn't we mention that, as well.

Acting Chairman Forbes-Watkins: Ah, yes. That's a good point. View preservation of ...

Boardmember Collins: Have they come ... has that part come before the Planning Board?

Ms. Anderson: Yes.

Mr. Frank: It did.

Boardmember Collins: No, the structures didn't.

Village Attorney Stecich: No, no. They didn't give view preservation approval of that. It was just view preservation approval of the deck, the structures. Did they give view preservation approval?

Mr. Baldwin: They talked about view preservation of the garages.

Village Attorney Stecich: Oh, OK. Good, good. Right, then good to go.

Acting Chairman Forbes-Watkins: Then the friendly amendment is for the decks and parking structures.

Village Attorney Stecich: For everything.

Boardmember Collins: Everything.

Village Attorney Stecich: OK, for the deck.

On MOTION of Boardmember Collins, SECONDED by Boardmember Pennington with a voice vote of all in favor, the Board resolved for 27 William Street, view preservation approval of the proposed deck and parking structures.

Acting Chairman Forbes-Watkins: OK. You've got a big project. Good luck.

Mr. Frank: Thank you very much. Thanks for working with us.

Village Attorney Stecich: The subdivision was the Planning Board, and it was conditioned on their getting the variances. So once they got the variances, the subdivision is good.

APPROVAL OF MINUTES

Meeting of February 23, 2012

Acting Chairman Forbes-Watkins: We have one more item before the Board.

Village Attorney Stecich: I had a change on the minutes, one correction. On page 51, toward the bottom of the second paragraph, it says "*burn.*" It should say "burden." I was talking about burdening the property, and it says "*burn.*"

Acting Chairman Forbes-Watkins: Page 51?

Village Attorney Stecich: Page 51, toward the bottom of the second paragraph. It should be "burden" rather than "*burn.*"

Acting Chairman Forbes-Watkins: OK. Are there any other notice on the minutes? Ray, I guess you can't vote on this one.

Boardmember Dovell: No, I can't vote on this one.

Boardmember Pennington: I've got nothing to add.

On MOTION of Boardmember Collins, SECONDED by Boardmember Pennington with a voice vote of all in favor, the Minutes of the Regular Meeting of February 23, 2012 were approved as amended.

Acting Chairman Forbes-Watkins: The next meeting is in April.

Building Inspector Sharma: Let me look at the calendar. It should be the 26th.

Acting Chairman Forbes-Watkins: OK, next meeting is April 26.

ADJOURNMENT

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