

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
ZONING BOARD OF APPEALS
REGULAR MEETING
FEBRUARY 23, 2012

A Regular Meeting was held by the Zoning Board of Appeals on Thursday, February 23, 2012 at 8:00 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

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

CITIZENS: Unknown

Chairman Murphy: All right. Good evening, everyone. We're here for the February 23, 2012 Hastings Board of Appeals meeting.

We have five cases tonight on the agenda. We're actually going to switch the order to try to make this more efficient for everybody. So were going to start with the application of Grace Church, 78 Main Street, Case No. 4-12: application for a new use variance to permit Grace Church to lease out a portion of the premises for a mental health clinic which was originally granted, I think back in '83.

The second case we're going to hear is 5-12: 385 Warburton for view preservation approval for the changes to the previously-reviewed additions and alterations that that existing structure.

Case number three tonight will be a application of Robin James and Joann Castaldo, 20 Cluny Avenue: for alterations and additions on the second floor with a series of setback requests.

Then fourth, we'll hear the application of Louis Zazzarino, 400 Warburton – this was originally adjourned from the December meeting: for view preservation approval, special use permit and other alterations to the building at 400 Warburton.

And finally, we'll hear our last case – our fifth case tonight – the application of Ed Baldwin and Gillian Anderson, 27 William Street, adjourned from the January 16 meeting: for view preservation approval and variances requested at 27 William.

Mr. Sharma, are the mailings in order?

Building Inspector Sharma: Yes, sir. I've been informed that all the mailings are in order.

**Case No. 4-12
Grace Church
78 Main Street**

A new use variance to permit Grace Church to lease out a portion of its premises for a mental health clinic

Chairman Murphy: So then let's go to our first case. Mister ... I believe you're going to speak for Grace Church.

David Dietz, representing Grace Church: I'm here for Grace Church, and this is an application to continue a variance that was first granted in 1983 to permit a portion of the parish hall to be used by a mental health clinic, which was Echo Hills. It has been there ever since, with a bunch of extensions of the lease.

The reason we're here tonight is that the variance specifically provided that the variance would be coterminous with the lease with Echo Hills. Echo Hills is finally telling us that they are not going to be extending or renewing, but they have another nonprofit from Westchester – an established one – that will take over the exact same program. They'll apply to the New York State Department of Mental Health for a transfer of the license to operate the program. They're even thinking of hiring some of the same employees and serving the same clientele.

I understand that to establish the need for a use variance the criteria are set forth in the code, and the first one is a showing of hardship. Now, in the papers that I submitted, I submitted a budget, which is the current budget for the church with Echo Hills in place. There is some rent paid by Echo Hills, but equally important is the fact that Echo Hills pays a fraction of the utilities and maintenance and other expenses, including snow removal, to maintain the place. I personally remember, before Echo Hills moved in, the snow wasn't getting removed. I take a shortcut over the premises every day, and I remember the footing being a little dicey. But since Echo Hills moved in, it's been great. They shovel very early in the day.

Chairman Murphy: And, Mr. Dietz, if I could follow up on that first, on the hardship, I take it from the submission that the church is operating at a deficit and if the lease is not renewed that will more than double the deficit?

Mr. Dietz: That's correct.

Chairman Murphy: So what's the alternative? For purposes of making the record and making a showing under a use variance, what would the alternative be, and why doesn't that solve the problem for this case?

Mr. Dietz: Well, the alternative permitted by the zoning code is multi-family housing. Among the things I submitted was a letter from an architect, Thomas Nugent who, unfortunately, can't be here tonight, who discussed the possibility of taking that portion of the parish hall presently used by Echo Hills and converting it to multi-family use; and finding that it was very impracticable to do so because the facilities and plumbing and so on are not in place and the cost of putting them in place would be burdensome. It would take years and years – I think he said 17, 18 years – just to recoup the cost. And that was before you get anything else out. That's assuming that you can rent the place which, in this market, isn't so certain.

The church really doesn't want to do it, and it's not equipped to do it. And it would, I believe, change the character of the neighborhood. The neighborhood has the three churches at Five Corners, surrounded by residential-zoned property. It fits in pretty well, and it's really part of what you think of when you think of Five Corners.

So let me tell you, there is the letter from Thomas Nugent and, if you want, I could read it into the record or you could just submit it to the record.

Chairman Murphy: No, we have it and that's a submission, thank you.

Mr. Dietz: Now, I do have two witnesses, our treasurer and assistant treasurer, I guess, or co-treasurer, who can talk more knowledgeably than I can about the hardship and what the effect would be and where the money would come from. And how, if the variance is not granted that it would be an unsustainable situation.

After that, I have two other witnesses. I have Director Anna Pearson, who will talk about the time she's been here – which is three or four years – with Echo Hills in place, and what a good tenant they are and how their program is compatible with the church and doesn't create any disturbance, and it's a symbiotic relationship. Then I have someone from Family Services Westchester who, if the variance is approved, will become a director of the program for family services, who can talk about what the actual use will be and how similar it is to Echo Hills.

Chairman Murphy: Very good. And you anticipate me on that last one. But I did have a question for you. In your presentation, your submission, you indicated that the original variance, the condition that the variance terminate upon Echo Hills terminating their lease,

may be improper. And Marianne, I don't know if you need to comment on that. Does that change what we're deciding here in any way?

Village Attorney Stecich: It doesn't change, whether you grant the use variance or not. It might factor into whether you want to have the same condition again: that the variance would expire. Mr. Dietz is right. The law settled that use variances run with the land and not a particular tenant.

On the other hand, when the variance was granted it was granted to a particular kind of mental health facility. Had it been a different sort, maybe it wouldn't have gotten the use variance. So I know that's what the law is, but I can think of situations that it just does not make sense. We don't want to go challenging the law because of court of appeals decisions, but what you might want to do – the way to stay within the law and uncertain ... you know, work for the applicant, is to, if you can – and you'll probably understand that when there's a better description of the facility – limit it for a certain kind of mental health facility. Because there are different kinds; some that might be more problematic, depending on the clients.

Mr. Dietz: I think that would be totally appropriate.

Chairman Murphy: No, what I was thinking about for the Board to also consider, while we hear this, is that what we might do is eliminate ... the suggestion was to eliminate the condition that the variance run with the tenant, which I agree with. And instead, what I thought we should consider is imposing the condition that the program remain the same.

Boardmember Forbes-Watkins: Or very similar.

Chairman Murphy: Or very similar, as it is now. And that if that should change in the future – there'd be a substantial change – that they come back to the Board to explain what the substantial change in the use would be. And that's how I think I'd like to handle it.

Mr. Dietz: That would be entirely appropriate. And I'm sure the last witness will be able to talk to that. I mean, every field is evolving, and I think the use of the word "substantial" change is a good choice because the program may vary somewhat, but yet not affect the overall use.

Chairman Murphy: Yeah, we're not here to micromanage it.

Mr. Dietz: Exactly.

Chairman Murphy: We just want to make sure that things move along the way they have. And that if there's a big change, the community's entitled to have the notice and hearing, that's all.

Mr. Dietz: I agree.

OK, so let me introduce, then, the treasurer and co-treasurer.

Sarah Hill, co-treasurer - Grace Church: Good evening.

Alex Grasso, co-treasurer - Grace Church: And I'm Alex Grasso.

Chairman Murphy: Welcome. Thank you for coming.

Ms. Hill: Thank you.

Chairman Murphy: We did read the budget. We understand the issues. The hardship's pretty apparent, and at least I have no reason to question the data. So unless there's anything you'd like to add in particular on a finances, for me the issue's pretty straightforward.

Mr. Grasso: It is, yes.

Ms. Hill: I have nothing further to add.

Chairman Murphy: Right. And I take it you'd like to continue under the same program, under the same lease terms. Is that what's being contemplated?

Ms. Hill: Yes.

Chairman Murphy: OK, very good. Thank you.

Ms. Hill: Thank you.

Mr. Grasso: Thank you.

Anna Pearson, rector – Grace Church: I've been here since the end of August in 2008, so three-and-a-half years and change.

The relationship that Echo Hills has had with Grace Church and with the neighborhood – and also we have another tenant, which is a daycare center, the River Town Preschool Center –

and the relationship that Echo Hills has maintained with everybody involved, has been very, very good. As far as I know, there have been no complaints; certainly, no complaints have come across my desk or to my office in my time here. The communication is very, very good. It's very cooperative, very symbiotic.

Again, to the issue of hardship, certainly without the income that is generated by allowing a tenant in the space – especially a tenant that fits so well with the overarching mission of Grace Church – it would significantly change the character of what we do as a worshipping community, our presence within the community, and our ability to fling our doors open in as many ways as we possibly can to the community, which we feel is very, very important.

Chairman Murphy: All right, Ms. Pearson. Just tell me a little bit about the substance of the program that Echo Hills is running now or that they're ending.

Ms. Pearson: They have had clients come in for individual counseling and therapy, and also they've done some group work. So they have families come in, individual clients. They have one psychiatrist on staff, I believe, and then a number of psychiatric social workers. There is office space, and so that is how it's most appropriately used. And there's one room that is not really a conference room, but is large enough so that a group can sit and have group therapy.

Chairman Murphy: And when you talk about group therapy, can you give me an idea of the number of people who typically come in for a group session?

Ms. Pearson: Well, because I'm not in there every day I can only tell you what I've observed. And what I've observed is, no groups over seven people, six or seven. Now, don't hold me to that because it could be larger groups than that, but not that I've seen. And the flow has been very natural. I think they try very hard to make sure that that's the case just for their own needs but, certainly, people coming in it's not like there's a huge glut. There's not a lot of people vying for parking, and then a lot of traffic and then no traffic. It's really they've done a great job of spacing it out throughout the day so it's very natural and doesn't burden the space or the people at Grace in any way.

Chairman Murphy: Any other questions?

Boardmember Collins: Yeah, I have a question. What sort of care is administered there? It's like the psychiatric field has lots of different subspecialties. What's the scope for this particular mission?

Ms. Pearson: Right. There are clients that are there of different ages, and they do a range of therapeutic interventions. It is outpatient care, so the crisis level – unless there's a crisis ... which again, three-and-a-half years, one time they called the ambulance. My entire time there, they had to call the ambulance one time. But it's not crisis care. It is outpatient, it's people who are coming regularly and receiving the support of ongoing psychiatric care and support.

Boardmember Collins: Is there something about the care that's given there that's in keeping with the church's mission?

Ms. Pearson: Well, I would say that the church really feels strongly that people ... the church is a place of celebration, but the church is also a place where people who are suffering can come and find a place that's safe. So because we try to do that in our worshipping community, it fits very well to have a mental health clinic there that is specifically targeting people who suffer in that particular way.

Boardmember Collins: Does it specifically cater to the parish community ...

Ms. Pearson: No, huh-uh.

Boardmember Collins: ...or it's to anyone?

Ms. Pearson: Although there have been people that have asked for referrals, for instance, from ... there have been a couple of people who have headed the program since I've been there, but they've always been very available if people in the congregation have needed advice or counsel, or just a referral – somewhere to go.

Boardmember Collins: But to be a patient, it is not required that you be of a particular denomination.

Ms. Pearson: Oh, absolutely not. No, no, no. Because it's not our mental health clinic. I mean, we support and we have a great relationship with them, but it's really Phelps' clinic.

Boardmember Collins: I guess the last question that I have then is, would you characterize the patients who come through as at all being a danger either to themselves or to the community?

Ms. Pearson: Absolutely not. And I think the best proof of that is that we have a licensed preschool program right there – I mean, literally right next door – and that licensure has never been in jeopardy because of the close proximity of the two programs.

Boardmember Collins: Yeah, thank you.

Ms. Pearson: Any other questions?

Chairman Murphy: No. Thank you very much.

Ms. Pearson: Thank you.

Monica Rickenberg, social worker – Family Services of Westchester: If the variance is granted I will be moving here to Echo Hills and will be the director here. Family Services of Westchester has been operating in the county since 1954, I believe, and we currently operate mental health clinics at six locations throughout the county and in several schools throughout the county.

The plan, if the variance is granted, is to continue the work that has been going on in Echo Hills for 30 years. We would continue to be an outpatient mental health clinic serving not only the same type of clients, but we hope to be able to transition the existing clients so that they don't suffer a disruption of services.

So we would be providing therapy, psychotherapy, to children, adolescents, adults, couples, families. We would continue to provide groups. We have met with current therapists and the psychiatrist, and we're having discussions with them about whether they would like to stay, whether that will be possible.

I don't know if you have specific questions beyond that.

Chairman Murphy: Is the plan to maintain outpatient care for individuals and small groups?

Ms. Rickenberg: That's correct.

Chairman Murphy: And will it be psychiatrist remaining on staff, whoever that is?

Ms. Rickenberg: Yes. One part-time, as there is now a part-time psychiatrist there.

Chairman Murphy: And do you foresee any substantial changes to the existing program, as you understand it?

Ms. Rickenberg: No, I don't. I think it will be ... I mean, like Echo Hills, we operate under the auspices of the state Office of Mental Health to provide outpatient mental health care.

Chairman Murphy: OK, anything else?

Boardmember Pennington: No, I think that the hardship showing is compelling and the use is very consistent with what's been there before and seems to fit with the mission of the church and be an appropriate use for the site. I think it's a good idea.

Chairman Murphy: Thank you very much, appreciate it. And I just wanted to comment, particularly the notion of the applicant having to show that they can't achieve a reasonable return. I mean, given that this is a multi-family zone, and that kind of conversion would be, I think, not only bad for the community it would be catastrophic for that area. So to me, that's what makes it unique and particularly compelling under the circumstances. Because use variances aren't that easy to get, as Mr. Dietz well knows.

So I appreciate the showing, I appreciate the information. And I think we have enough of a description of the program that Echo Hills has been carrying on and what's intended to be carrying on that if we put a condition on the variance, does the Board ... I just want some comment or indication that the Board agrees with my original suggestion about a condition being that there be substantially the same program being carried on as a condition for the granting of a use variance.

Boardmember Forbes-Watkins: I think that's reasonable, although in another context I might argue that a church should be providing this kind of service anyhow so it should be just the nature of part of the church. But forget that, let's just move ahead and do it.

Building Inspector Sharma: If I may make just one observation, if they hadn't volunteered the information that there was going to be a change of the people operating the service we would not even have known about it. The same thing about this new condition. If you were to put in this new condition, you will again depend on the church to let us know if, and when, that happens. Which is, again, very nice of them that they want to give the information they came to this continuation of the use variance.

So if we do put in that condition, I would depend on the church, obviously, to let us know if, and when, that happens so we can go through this process again.

Chairman Murphy: All right, fair enough. Thank you, Mr. Sharma.

If there are no other comments, does anyone in the audience wish to be heard on this application? OK, seeing no one, can I have a motion, then, with ...

Village Attorney Stecich: Wait. Before you make the motion you have to make a motion under SEQRA because this is subject. So you make a finding that there wouldn't be any negative environmental impacts, and therefore you issue a negative declaration under SEQRA. Do that before you ...

[cross-talk]

Chairman Murphy: OK, so we need a motion to issue a negative declaration under SEQRA that there'll be no negative environmental impact of this application.

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Collins with a voice vote of all in favor, the Board resolved a negative declaration.

Chairman Murphy: Thank you, Marianne. And then can we have a motion to approve the variance on the condition stated?

Boardmember Collins: Mr. Chairman, do we want to give some thought to the language around the removal of the condition or rewording of the condition? We've talked about big change versus a substantially consistent operation, but do we need to add any more detail to it than that? So, for example, that it would sustain substantially the same type of clientele seeking substantially the same type of care in the same location? I just don't know how detailed we need to get in restating this.

Chairman Murphy: I don't think we need to get too detailed. We made a record of the type of care that is currently being offered. But what you just said is fine.

Boardmember Collins: Well, then ... Marianne, were you going to say something?

Village Attorney Stecich: No, I was just looking at the previous variance decision, and there were five conditions. Four of them were physical conditions, that I'm sure were all met, about removing three parking spaces, placing a stop sign. So that's all been done. So you could just get rid of all the ... just issue the variance, and then subject to continuation of this similar program with similar clientele.

Chairman Murphy: Yeah, I think if we just ...

[cross-talk]

Village Attorney Stecich: And then those other conditions, including the condition about the leasehold, go away.

Chairman Murphy: They go away, right.

Village Attorney Stecich: Does that answer your question?

Boardmember Collins: Yeah, it does. And if I need to restate this, you just let me know. But I will then move that we approve the new use variance to permit the Grace Church to lease out a portion of its premises for a mental health clinic, subject to the condition that it serve substantially the same clientele, seeking the same care, in the same location.

On MOTION of Boardmember Collins, SECONDED by Boardmember Forbes-Watkins with a voice vote of all in favor, the Board resolved.

Chairman Murphy: The vote's unanimous. Thank you very much. We appreciate you coming down tonight. Thank you.

Village Attorney Stecich: And you know what? I'll write a decision up on that, even though we don't usually, just so there's something in the file.

Chairman Murphy: OK, thank you, Marianne.

Village Attorney Stecich: So if somebody comes ... OK, when I get the minutes. Because it was well-worded, so I'll just follow the minutes. OK.

**Case No. 5-12
385 Warburton Avenue**

View Preservation Approval for the changes to the previously reviewed additions and alterations to an existing mixed-use building.

Chairman Murphy: OK, our next case, which is 385 Warburton, application of Ben and Mairead Daily-Diep – is it Diep? – for view preservation approval.

Jim Metzger, architect - 385 Warburton Avenue: I didn't realize I was next. Me? I thought I was later in the program.

Chairman Murphy: No problem. Take your time, Mr. Metzger.

Mr. Metzger: [off-mic].

Boardmember Collins: Nice work. I can't do this.

Mr. Metzger: Good evening, everybody. Sorry for the delay. I'm the architect for Mr. Diep, who unfortunately is out of town because schools are out and he's out on vacation with his children.

This project has been before you before and has been approved. Due to economic concerns, we had to make some changes to the design and we're here for review of site plan approval and for view preservation changes. The short version of this is, we're actually reducing the amount of construction that we're doing, so we're actually reducing the amount of view preservation consideration that you gave us in the past.

Essentially what's happening is, we have a 40-foot-square existing building. In the original proposal, there was a two-story addition that was wrapping around the building. The sidewalk on Warburton Avenue is on level three. The building goes two stories below grade, and the 2-1/2 stories above grade. Due to economics, we want to eliminate the addition on the west face of the building that faces the Hudson River – those two lower floors – and replace that addition with decks.

So we would have a patio on what's essentially the ground floor, two floors below grade. One story above that we have an angle deck. The story above that is a rectangular deck that occupies the same footprint that the addition would have occupied, and this step is at the level where there would have been a roof deck on the addition. And then a floor above that there was a deck that was previously approved, and we're actually making that smaller.

So we were fortunate enough to go before the Architectural Review Board. They gave us an informal hearing, and we responded to their concerns. The concerns they had had to do with the elevation of this building, the existing building. Because it sits high up on the hill, and is two stories below Warburton Avenue, they liked that the addition created a plinth that the building sat on. So they were asking us to come back and figure out a way to recreate that plinth with this deck.

We have a living wall on the side of the building – it was previously approved – and we want to carry that living wall across the facade of this second floor deck and then down as a pier so it creates a platform, a visual platform, that the building sits on; the deck one floor above grade, which comes back at an angle; sits inside of that opening. And then this deck, again, pulls back to that.

I don't know how much more you need me to explain for your needs because I don't want to keep anybody waiting longer than we need to. So I guess if there are questions about what we're doing I'm happy to answer them, and if you'd like me to do a little further explanation about what we've done I'm happy to do that, as well.

Chairman Murphy: No, I think I understood most of it from the submissions, Mr. Metzger. Basically, you're staying within the footprint we approved with solid structure.

Mr. Metzger: That's correct.

Chairman Murphy: And you're making this segment of it open structure ...

Mr. Metzger: That's right.

Chairman Murphy: ...with these decks. The only question I really had ... and our charge here is to look at view preservation primarily. The only question I had on the submission was the last sentence of your letter: "*Oblique views from the Warburton Avenue sidewalk would be increased, and there is no change to the views by the neighbors.*" You need to show me that, and explain it.

Mr. Metzger: Yes, I'm happy to explain that.

Chairman Murphy: Because you can't see it from the photos.

Mr. Metzger: Yeah, I know. Because this addition is entirely below Warburton Avenue, the panoramic view of the river from Warburton Avenue is actually not affected. However, as you walk down Warburton Avenue, going to the south, as you get over in this area – and the DPW is down here by the train station – as you look back to the building, we were originally ... this was going to be a solid wall when it was an addition. But now it's a series of decks, so you'll actually be able to see through the decks and give you even more of an angle up the river as you walk south on Warburton Avenue. In fact, that's what I was implying.

Chairman Murphy: All right. So if you're walking down on level three, and you're looking out west up a little bit through level four, you're going to have a little bit more open space.

Mr. Metzger: That's right.

Chairman Murphy: OK, I got it. All right, any other follow-up or questions from the Board? Were you guys here for this one?

Boardmember Pennington: I remember this one.

Boardmember Collins: I was not, no.

Boardmember Forbes-Watkins: Yeah, I was here.

Chairman Murphy: Yeah, that's a big construction deal.

Mr. Metzger: It is. It's coming along nicely. It's, you know, like most construction taking longer than we would like. But it's not for a lack of trying.

Chairman Murphy: OK, what else? Matt, anything?

Boardmember Collins: I think the drawings are clear on this, but there's no part of that porch that would then wrap around to the south-facing part of the building, right? It stays purely on the west facing.

Mr. Metzger: The decks are purely on the west face of the building. What had been previously approved was, this staircase which was existing in the original building and this landing, and where the addition was approved to come out and meet that landing because that was going to be a secondary means of egress. Now this becomes the primary access down to the patio level, the lowest floor, which is where Mr. Diep is going to be setting up his photo processing business.

Boardmember Collins: Is the angle of at least two of those decks ...

Mr. Metzger: Yes, two to that triangle.

Boardmember Collins: ... is that in deference to those who might be looking in that direction, and to open a ...

[cross-talk]

Mr. Metzger: There were two reasons for that. One is that the Architectural Review Board, when we originally proposed doing all the decks instead of the floor plate of the approved addition, they said, "You know what? We don't want to see 14-foot deep decks on three levels. We want you to reduce the square footage of that."

So we wanted to figure out how to do that, but still give ... because there is really no backyard to speak of on this property because there's a steep slope we wanted to keep the decks a compromise between a smaller size for the Architectural Review Board and large enough to be usable by the people in these spaces.

So for example, this deck will be the deck that Mr. Diep's family will be using as part of the residence. This rectangular deck is going to be on a space which is the Warburton Avenue sidewalk. Mr. Diep's hoping to turn that into a gallery space, and he would like to have as much deck as possible for indoor-outdoor events during the year. This deck was made smaller, again, for two reasons. One, to reduce the overhang, and to give us the ability to drop the stair down, make a slightly decorative statement.

Now, interestingly, Mr. Diep runs a business. He's like as little natural sunlight in his photography studio as possible because when you're reviewing prints you want to keep the light as consistent as possible. So he said, "I don't have a problem with these deep decks." The Architectural Review Board said, "Well, what if you sell the building? We'd like to know that there's some sun getting in there." So we came up with that compromise.

This particular angle – the architect in me – we have an angled side yard property line so that actually takes the 90 degrees off of that side property line. It was a way to reference what's going on on the site.

Boardmember Collins: I have nothing else.

Chairman Murphy: David, no?

Boardmember Forbes-Watkins: No. Good luck.

Boardmember Pennington: I don't know whether it's necessary to disclose that I'm, in fact, the actual next door neighbor to this building.

Mr. Metzger: Yes.

Boardmember Pennington: I don't believe I'm in the notice area because the distance between my apartment and this house is more than 300 feet. But I received no notice, so I assume I do not need to recuse myself.

Building Inspector Sharma: Well, if you're more than 300 feet then, obviously, you wouldn't get the notice. And as for the -----, no.

Village Attorney Stecich: No.

Mr. Metzger: First of all, I don't know whether you're within the notification district or not. I do know that I picked up the notifications and I know that Mr. Diep's wife mailed out all of the mailings and distributed all of the receipts back to the Building Department.

Boardmember Pennington: And having said that, I have no concerns with what's proposed here.

Mr. Metzger: OK, great. Thank you.

Chairman Murphy: All right. Anyone in the audience wish to be heard on this application, 385 Warburton? No? Seeing none, I think we should just cite the plans dated January 5, 2012 submitted with the application.

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Collins with a voice vote of all in favor, the Board resolved view preservation approval for Case No. 5-12, 385 Warburton, for changes to previously reviewed [off-mic].

Mr. Metzger: Thank you for your consideration.

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

Village Attorney Stecich: You know, it just occurred to me you should probably let the rest of the applicants know that they need a vote of ... you've only got four people, so they need a vote of three.

Chairman Murphy: Before we get to our next case, I've been reminded by counsel that because we only have four members tonight you need to have a vote of at least three to get an application approved. And so you're entitled to a full board of five and, unfortunately, we don't have any alternates. We only have five, and Mr. Dovell couldn't be here tonight.

So if anyone would like to wait to have the full Board, they're entitled to do that and you don't have to pursue a vote tonight if you don't want to. OK? But we do need to have three, three out of four.

Case No. 6-12
Robin James & Joann Castaldo
20 Clunie Avenue

For alterations and additions on second floor

- 1. Side Yards – minimum one side yard/total of two side yards:**
Existing and Proposed - 4.83/13.83 feet
Required Min. 8/20 ft. {295-69F(1)(c)}
- 2. Lot Coverage: Existing and Proposed - 36%**
Permitted - 30 % (295-69F(2)(a)(1))
- 3. Development Coverage: Existing and Proposed - 48%**
Permitted - 40%{295-69F(2)(a)(2)}

Chairman Murphy: Our next case, application of robin James and Joann Castaldo, 20 Cluny Avenue.

Robin Castaldo, applicant – 20 Cluny Avenue: Good evening, I'm Rob Castaldo, 20 Cluny Avenue.

Basically, what we want to do is take one of our upstairs bedrooms and make it into a master bedroom. Right now, it's not a very large bedroom, but it has two crawl spaces on either side of it. What we want to do is raise the sides to make it a larger bedroom with a bathroom and a walk-in closet. We'll still stay within the footprint of the building, so that's basically it. Any technical stuff, I can talk to Julius, my architect. He'll fill you in on whatever you need to know. All right?

Chairman Murphy: Mr. Twine, just tell us a little more about the dimensions and the use – what's being changed with regard to the use of the proposed space.

Julius Twine, architect: I'm the architect for the Castaldos on the addition to their second level.

What we have is a 1-1/2 story [background noise] with gabled roofs that tend to indent heavily upon the second level. Where pictures makes it ... the first floor is a rather generous

size. By the time you do the second level, it begins to be severely restricted. So the purpose of the whole project is to increase the living space for the Castaldos on the second level. They wanted to increase their current smaller master bedroom to a ... which is about 144 square feet to something like 244, and create a master bath. There is a smaller bedroom, also, of about 92 square feet now, which they wanted to increase to – I'm sorry, it's 74 square feet now. They want to increase it to 92, and create some closet space.

So that's basically it. What we end up doing is trying to create within the parameters of their existing first floor a raised second-level roof, or shared dormer, if you will. In doing so, we are also enclosing an architecturally-developed, unused space on the left rear of the building, which we are enclosing at this second level. It does not, in any way, go down to the grade or anything. It's cantilevered out, and does not touch the property at all.

I'm trying to see what's the best way to approach this. If we look at photographs 7 and 8, which I will pass around to you, that's the rear of the building, and that's where the renovation basically occurs. So we're going to flatten that out.

Chairman Murphy: Right. You're basically capturing the second-level space from the peak, out within the existing footprint.

Mr. Twine: Right.

Chairman Murphy: And that's all on the rear of the house?

Mr. Twine: Yes.

Boardmember Pennington: Did you say that there's a part of this that will cantilever out, beyond the existing footprint elevation, but not at the ground? Did I misunderstand?

Mr. Twine: No. The existing second-level floor plan which I'm showing has an area that's not developed. It works out architecturally with the way this kind of building works. But we wanted to capture that; we needed all the space we could get. So we cantilevered it without touching any of the other areas so that it's only at the second level, and the first and the lower levels are not impacted.

Boardmember Pennington: So you're closing that rectangle on the second level.

Mr. Twine: On the second level only, but it does not in any way touch the grade of the first level. So basically, if I look at this plan, this is what is there currently. We are going to take all of the walls down. This second drawing just shows the dotted area taking all of the walls

and the existing roof down. And we will rebuild them into the new master bedroom, with a master bath and a walk-in closet area. Now these areas were not usable before because of the shape of the roof.

Chairman Murphy: Yeah, they're all crawl space, right?, under the steep roof.

Mr. Twine: Right.

Chairman Murphy: No, I get it. And Mr. Twine, on your photos – at least four and five and six – these are neighboring houses along the street?

Mr. Twine: Yes, they are. I've tried to indicate here which direction these are going in. This is the front of the Castaldo house.

Village Attorney Stecich: Which number are you pointing to?

Chairman Murphy: Number two.

Mr. Twine: I just want to point out that, as I said, we've used all of the space of that level. We now have a walk-in closet for the wife, and we've increased the size of the existing bedroom and increased the size of the master bedroom and added this bath. So we've used part of that space that we enclose at the second level for the master bath.

Chairman Murphy: Yes, so the master bath that is a portion of what you're creating in this attic space, that's going to be 9 feet 2 inches by 7 feet 6 inches, if I read this correctly?

Mr. Twine: Yes, right.

Boardmember Forbes-Watkins: Also the closet.

Chairman Murphy: And then the closet, right. And what's the ... I'm having trouble reading the dimensions on the closet, that's all.

Boardmember Forbes-Watkins: It's 4 foot 3 inches.

Mr. Twine: I'm sorry. Which one?

Chairman Murphy: The walk-in closet that you're creating next to the master bath.

Mr. Twine: Oh, yes. It's 8 foot 7 inches wide by 8 foot 6 inches deep.

Chairman Murphy: OK.

Mr. Twine: So this space is currently unusable because it's under that slope, and it doesn't use it all.

Chairman Murphy: No, I understand.

Mr. Twine: The height of the roof remains constant throughout this added area.

Chairman Murphy: Yes, and I think that's important. And that's why I appreciated you showing me the photos because I wanted to see that it's in keeping with some of the other homes and the bigger second levels in the neighborhood, which it is.

Mr. Twine: Yes, there are other homes in the area that have added shed dormers, et cetera. So it's not an unusual kind of addition.

Chairman Murphy: Well, this is more than just a shed dormer. I mean, it's a bigger addition than that. I understand the concept is the same, but it's more than that.

Mr. Twine: From the front, there should be very little noticeable about this. We would slightly raise the roof and change the slope, which will only add a couple of feet to the height of the building. So from the front, we don't think you will notice that.

Chairman Murphy: And in the back, are there plantings that provide any visual buffer or anything? I couldn't tell what the back was.

Mr. Twine: I don't think it really creates much of a buffer because the height, as I say, was just 2 feet. It is all the way across, but it's about 2 feet higher and it doesn't restrict anyone else's view. The view in this area, if you have one, is towards Saw Mill which is toward the rear. Looking west, one doesn't really look at anything. It's more to the east that you have any view.

Building Inspector Sharma: View preservation is not an issue here, by the way.

Mr. Twine: I'm sorry?

Building Inspector Sharma: I said view preservation ...

Village Attorney Stecich: No, but it's relevant to ...

Chairman Murphy: No. But it's part of the consideration.

Village Attorney Stecich: It's relevant to the variance.

Mr. Twine: Now, the two side views are here. We've tried to retain a little of the character of the previous slope. But in the rear, we think we've been able to modify that somewhat and keep the character of the old building by having a slightly steeper slope here. We hope that works, but it does create an 8-foot ceiling which they do not now have throughout.

Chairman Murphy: No, I understand. And I think that's important because the reason for the variance, really, is because you're staying within the existing footprint, but you've got existing nonconformities.

Mr. Twine: Yes.

Chairman Murphy: You know, the side yards in particular.

Mr. Twine: Right.

Chairman Murphy: Lot coverage, et cetera. So as long as that's ... I understand you're extending an existing nonconformity, but you're also not going outside the footprint which, for that lot, is probably as big as it can get. Because it's already over the requirement. I understand, and I think that's fine. I don't think that's a problem, in my view, for what you're trying to capture there.

Boardmember Pennington: And there doesn't appear to be any reasonable alternative for siting these particular uses within the footprint.

Mr. Twine: No. Apparently, in the day that was quite the way many houses were built there. It's not unusual for the area that those setbacks are as exists. But nowadays, we want to get more room from either side.

Chairman Murphy: For example, in the side yard you need 8 and 20. And what's existing is 4.8 and 13.8.

Mr. Twine: Yes.

Chairman Murphy: So you're already over the ...

Mr. Twine: The interesting thing about that side is, of course, it's next to an empty lot – which you can really find in Hastings – but there is one right next to theirs. So between their northern boundary and Farragut Avenue is just an empty lot. So it looks quite open there. As we look and photograph one ... my photography is not too good, but there's a space here that's quite open.

I think that's basically the project. And, of course, now they are going to have excellent electrical coverage for more lighting, heating, and so forth. So it's quite an improvement to their living space.

Chairman Murphy: Anything else from the Board? No?

Anyone in the audience wish to be heard on this application for the alterations, the addition, on 20 Cluny Avenue? All right seeing none, Mr. Twine, thank you.

Can I have a motion on this application?

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Pennington with a voice vote of all in favor, the Board resolved [approval of Case 6-12, 20 Cluny Avenue, for alterations and additions on the second floor, with issues regarding side yards – minimum one side and two side existing and proposed 4.83 and 13.85 – where the required are 8 feet and 20 feet. Lot coverage, the existing and proposed 36 percent, permitted 30. And development coverage, existing and proposed, 48 percent – permitted 40 feet.

Chairman Murphy: The vote's 4-0.

Mr. Castaldo, thank you.

Village Attorney Stecich: Julius, you want the drawings? I know you're a great recycler. I always see your recycled drawings.

Mr. Twine: Thank you very much.

**Case No. 26-11
Louis Zazzarino
400 Warburton Avenue
(Adjourned from 12/8/11 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 - 5,619.00 square feet;
Min. Required – 6,000.00 square feet {295-72.1.D.(2)}**
- 2. Rear Yard: Existing & Proposed - 1.06f;
Required - 30 feet {295-72.1.E.(1)b.}**
- 3. Side Yard: Existing & Proposed - 0.7/2.26 feet.
Required-12 ft.{295-72.1.E.(1)c.}**

Chairman Murphy: Our next application, 400 Warburton, the application of Louis Zazzarino: view preservation, plus a series of variances. This was adjourned from the December meeting. I was not able to attend the December meeting, gentlemen, so if you could give me a little bit of the background, too, that would help.

Village Attorney Stecich: And I'll let you know what happened at the Planning Board meeting?

Chairman Murphy: Yes, yes.

Village Attorney Stecich: This was before the Planning Board last Thursday. It requires site plan approval, which the Planning Board granted subject to the project getting the variances it needs. It also needs a special permit. So this board, besides site plan approval, would also have to grant a special permit for it, and view preservation approval. On the view preservation approval, the Planning Board was split 3-to-3 so it was denied.

So the applicant is going to have to come back with a different plan for view preservation approval because it can't even come to you until it's been approved by the Planning Board, the way our code reads.

Chairman Murphy: OK. So we're not doing view preservation tonight. We're just looking at the variances.

Village Attorney Stecich: You're not doing view preservation. He's going to have to rework something, I guess, to get view preservation approval. So it's possible that the variances would change, and so I had suggested maybe that he not come before the Board tonight until the project was revised. But both the applicant and the Planning Board thought it would be useful to hear what the Zoning Board had to say about the variances because that

could make a difference. If it's clear that you're not going to grant the variances, well, the project may come in a different way.

I expect you won't come to a decision tonight. It probably makes more sense to make all the decisions at once.

Chairman Murphy: Well, sure. Especially if the plan might change. But you're here, we appreciate that. I need to get up to speed on this one, so have at it. Just identify yourself.

Lanny Lerner, Lerner Architects – Scarsdale: We've been before this board once before, and in front of the Planning Board three times now. And each time we make a series of revisions. The last time I was here there were a number of comments, and I went back and looked at the video and my notes. And I've come back with a much-changed project from the first one that I presented. It is also the same thing that was presented to the Planning Board last week, so you should be aware of that.

I think the principle issue that you gentlemen had with the project was basically the size of it, the first time I submitted this. At this point, we are dealing with a significantly smaller project. I've taken more than 900 square feet out of the overall project, which represents about 13 percent of what I was adding to the two stories. If you don't know, there's an existing building here. I guess I should ask have you seen it.

Chairman Murphy: Well, yes, the garage space. It's actually sort of across the street from Mr. Diep's building.

Mr. Lerner: Exactly, right.

Chairman Murphy: I mean, you've got the parking kind of area there on one side. And then the other side, I guess on the south side, it's ...

Boardmember Forbes-Watkins: The trail.

Mr. Lerner: It's open. It's a trail there.

All right. So it's been reduced in size in the following way. This is the second and third floors. The second floor was reduced. The rear setback was changed from 16-1/2 feet to 20 feet. And the front setback was changed ... I added a foot-and-a-half to the front setback, as well.

In addition to that, the first unit of the four units that are proposed was significantly reduced and pulled back, from the north side, to 22 feet from the front setback. That was intended to improve the view from the oblique angles up the hill, and that was the reason for that setback on that side.

Now we also did a mockup that shows ... this is the front elevation. You can see the setback of the north unit in this view. But you had also suggested that we do a mockup showing the height of the proposed building, which is still in place. Have you seen that? OK, that was exactly 31 feet above the first floor, and that is the height of the building. I just wanted to show you this.

Chairman Murphy: And that 31 feet is as-of-right, yeah?

Mr. Lerner: Forty feet is as-of-right.

Chairman Murphy: Is it 40?

Mr. Lerner: Yeah.

Chairman Murphy: I thought it was 35. But OK, it doesn't matter.

Mr. Lerner: This yellow line represents that ribbon that's out there now. And that, as you can see, is the leading edge and the top of the roof. We took that height and we created this virtual model. And we inserted it into this photograph that you have, and I have lots and lots of photographs.

If you can see, this is the building and this is the top of the ribbon here. You've seen that in the field. And also, there's a photograph from up on Croton Trail which shows the identical ribbon, and the fact that there's no obstruction of any view. Now I understand that we're not supposed to be talking about view tonight, but we're going to come back and do it again so I think you should be familiar with the what we're proposing here.

Chairman Murphy: OK.

Mr. Lerner: Another suggestion you had was to show the as-of-right plans; what we could possibly build using the strict application of the zoning. What we get is two units – very deep, very impractical. What we would have to do to make those units work is develop the whole first floor the same as we would do for a four-unit scheme. Therefore, the financial aspect of it becomes very difficult to make it work. Because all of the costs that have to go into the parking and all the soft costs, everything that we would have to do for that project

for a four-unit scheme we would still have to do almost all of it for a two-unit scheme because of the existing building.

Chairman Murphy: So walk me through the two-unit. Because don't forget, I wasn't here at the December meeting so I'm at a disadvantage. And Mr. Dovell, who's our architect, isn't here tonight. He usually helps me see things, so I need you to help me see.

Mr. Lerner: All right. Well, it's just the bottom level ... I should show you what we have, what we're proposing to do. It's very similar. The whole bottom level is ... the front of it on the Warburton side is habitable space, and the rear is the required seven indoor spaces. We're doing all of the parking inside of this building. That parking lot you were referring to is not ours. That's Brown Roofing.

Chairman Murphy: That's on the next lot. OK.

Mr. Lerner: I thought that was a major plus to this proposal was that we're getting all the cars off the street.

Chairman Murphy: It is, especially that street.

Mr. Lerner: Especially.

Chairman Murphy: So how many did you say seven?

Mr. Lerner: Seven, yeah. That's what's required. We've got a proposed eight bedrooms, and it based on the bedrooms.

Now the as-of-right scheme, going back to that, the bottom level would be very similar. It would be developed as habitable space, facing Warburton, with the parking behind it. But in this case, we've got double the amount of parking that we would need and we still have to build it and we still have to pay for it. We'd have to do all of the infrastructure to support the second floor, almost all of it that we'd have to do for a four-unit scheme.

Chairman Murphy: So the depth looks like it's not much of an issue for the habitable space. What's the width of the four spaces versus the two spaces?

Mr. Lerner: The fours are 16 feet wide. And there's a particular reason for that, which is I was considering prefabricating these units, having them built in a factory, for a number of reasons. One is the site construction time is cut dramatically. The other is that it can be done in much more controlled conditions, much better energy efficiency controls. And it can be

shipped to the site and literally dropped in place. We've done it before, and it works quite well. So that 16 feet is the maximum that you can transport in width legally, on a road, as far as I understand.

Chairman Murphy: And what are the finishes proposed to be?

Mr. Lerner: Exterior stucco, for the most part. The railings would all be open-cable railings, as you see them drawn there.

Chairman Murphy: And in the two units that were as-of-right, would the widths just be double?

Mr. Lerner: No, they couldn't be. Because given the setbacks it's very difficult. I have to take into account the angles of the building and the lot, and it makes two units that don't really work very well. And I haven't even thought about how to support them. I just know it's going to be a much more difficult procedure because in the proposal that you have the four-scheme all the columns come down nicely in one place in the garage to support the second floor. And this is half-in and half-out, and it just would be very difficult to work.

Chairman Murphy: OK, so on the new proposal, then – because I'm not sure the notice was clear, at least to me – what are the actual setbacks being proposed with the four-unit scheme? You know, front and back, and side.

Mr. Lerner: On the front, 11-1/2 feet. On the rear was 20 feet. On the south side, 14-1/2 from the corner, but you have to appreciate that the lot is widest on the Warburton side. It angles off quite a bit, so it's widest at the front corner here, and then easier to see in this sheet.

Chairman Murphy: So it's on the north corner, the northwest corner, that you're pushing it back, right?

Mr. Lerner: That's right.

Chairman Murphy: And what's that going to be there, the front setback again?

Mr. Lerner: Twenty-two there.

Chairman Murphy: Twenty-two?

Mr. Lerner: Mm-mmh.

Chairman Murphy: You know, something similar was done – the affordable housing units on the south corner of that lot – to break down some of the massing.

Mr. Lerner: Yeah.

Village Attorney Stecich: Mr. Murphy, you'll see there's a couple of errors in the notice.

Chairman Murphy: Yeah, I see that.

Village Attorney Stecich: It doesn't have the front yard. But I think there's probably ... I would say that the notice would probably be adequate in terms of giving the neighbors notice. But then the other thing is, it says, "*a required minimum is 6,000 square feet.*" Actually it would be 8,000 square feet for this proposal. I think we mentioned that at the last meeting, but just so you know.

Chairman Murphy: Because our notice is not consistent with what you just said, right? So I just want to make sure we're all straight, and then I make a note and we know what we're talking about, right?

Mr. Lerner: Yeah.

Chairman Murphy: So on the notice, it had the rear yard existing and proposed 1.06 feet in a 30-foot zone.

Mr. Lerner: Existing, yes. Proposed, no.

Chairman Murphy: Right, existing yes. But proposed will be 20, right?

Mr. Lerner: Twenty, yes.

Chairman Murphy: OK.

Building Inspector Sharma: Sorry about that.

Mr. Lerner: That's OK.

Chairman Murphy: So that's one – that's the rears. Side yards, we have 0.7.

Mr. Lerner: On the north side, yes.

Chairman Murphy: On the one side, and 2.26 feet.

Mr. Lerner: On the south.

Chairman Murphy: On the south, and what's required is 12. And now we're going to have south, 14-1/2 feet, at least from the ...

Mr. Lerner: Only at the corner.

Chairman Murphy: At the corner. All right, fair enough.

Mr. Lerner: The north side is right on the lot line. Well, I shouldn't say that. It's whatever that existing setback is, yeah.

Village Attorney Stecich: It's 0.7.

Chairman Murphy: Right.

Village Attorney Stecich: So that seems to be right.

Chairman Murphy: So that one's correct, I think, on the side yards. And then the front, we've got 22 feet on the north, right? The front yard setback is 22?

Mr. Lerner: Mm-mmh.

Chairman Murphy: Height's at 31 in a 40-foot as-of-right zone.

Mr. Lerner: Yes.

Chairman Murphy: Four units, 16 feet wide; possibly prefabricated, stucco finishes.

Mr. Lerner: Yes, sir.

Chairman Murphy: Essentially a flat roof, right?

Mr. Lerner: Yes.

Chairman Murphy: And two units are as-of-right.

Mr. Lerner: Yes.

Chairman Murphy: OK.

Building Inspector Sharma: Technically, the setbacks, existing or proposed, are the same because the existing building's remaining. These setbacks that we're talking about are on the second floor and above and, technically, the setbacks of the building – or the portion of the building, whatever the floor is – comes out the most towards the property line. So theoretically, the existing and proposed setbacks are the same as for the building on the first floor.

Marianne, am I correct?

Village Attorney Stecich: I'm not sure. I mean, that's one way to read it. It doesn't matter because we know exactly what we're doing.

Building Inspector Sharma: Technically, I'm saying that, but in principle it could be different. So the building being set back on the second floor ...

Village Attorney Stecich: Yes, this is an unusual situation. But it doesn't matter because they would be granting these particular variances for this particular project. So that's really sort of theoretical.

Chairman Murphy: Right. And Mr. Lerner, can you add anything in terms of the recent past use of that existing structure?

Mr. Lerner: Well, part of the problem is that it hasn't been used and has lost its grandfathered use as whatever it was before – a warehouse, or I think they used it for a garage for awhile.

Chairman Murphy: Yeah, it looked like a garage or a storage facility. But I really don't know.

Mr. Lerner: Yeah, it's been unused for a long time, and I was hoping to ...

Building Inspector Sharma: It hasn't been used as a garage or a warehouse for a long time.

Mr. Lerner: Yeah.

One issue I'd like to touch on is the issue of density, as a conceptual issue in this case. Let me just show you some drawings, some photographs.

Chairman Murphy: I'm sorry. And seven parking spots, all off-street, in the rear, enclosed?

Mr. Lerner: Inside, yes.

Chairman Murphy: That's a big plus for me.

Mr. Lerner: I wanted to show you the existing immediate neighborhood, what it looks like, and why I think this project fits right in bulk-wise. And also I understand that the Village is interested in increasing the density in this particular district. We talked about that at the Planning Board, and I'm not sure if that's correct.

Chairman Murphy: It depends who you talk to.

Mr. Lerner: I guess. I can show you ...

Chairman Murphy: Where's Mr. Metzger? He left.

Mr. Lerner: I can show you what it looks like now, and this sheds a lot of light, in my opinion, on what's going on here. This is the building just to the south – that's the brown roofing – then a four-story building, no setback. Across the street – immediately across the street – four-story buildings, a whole row of them, no setbacks. These buildings, four stories, four stories, no setback, again, again, again. And it's within a block, one block. Everything is the same kind of density.

Chairman Murphy: No, I know. You haven't shown the couple of single-family houses that are in the immediate neighborhood, either.

Mr. Lerner: That's correct. Why would I do that?

Chairman Murphy: That's why we look. So they may not be happy about the increased density. Tell me again how many bedrooms in each unit?

Mr. Lerner: Two. Total of eight.

Village Attorney Stecich: You know, there's one other issue. For a special permit, there has to be a certain amount of outdoor recreation space.

Chairman Murphy: Right, open space.

Village Attorney Stecich: Right.

Boardmember Pennington: Well, before we leave that issue ...

Village Attorney Stecich: Oh, OK.

Boardmember Pennington: In terms of just the massing of the building, I know that one of the concerns that Ray had raised the last time related to the setback requirements and the percentage of variance that you're requesting from the massing of the building. I understand it's a very challenging site to build on, but even with the reductions that you've made – and we appreciate your careful thought to the whole matter – there's still a relatively significant variance that's being requested on the percentage basis.

One of the things that we struggle with as a board is the precedence and the scale of what's being requested here. It's difficult, I guess, for us – until we see the way that you respond to the view preservation concerns, as well – you're operating in a relatively tight box, trying to accommodate all of these different concerns.

Mr. Lerner: Yes.

Boardmember Pennington: And it looks that you have addressed some of the concerns about the oblique view. I guess my concern would be that if there is not an ability to build up that the revised plans will, in some way, go out. I don't know that we can really resolve these issues here, but I just wanted to reiterate that concern for the record.

Chairman Murphy: Well, just so we're clear, we're not voting tonight on this. Right?

Boardmember Pennington: Correct.

Chairman Murphy: He's looking for do we think this is a loser, or do we think there's something here, right? And what you're telling me is that you can't make it work with two.

Mr. Lerner: That's correct.

Chairman Murphy: And, I guess, on the plus side the benefits are you're replacing an abandoned garage – I guess it's painted, but that's about it – on a block that has had some nice additions to the residences over the last few years. But has also, on the negative side,

seen a fair increase in density. I mean, I don't know who wants the density increased in that area. I never heard that. But the reality is ... you know, the fact that there's not going to be, in theory, any additional burden to the on-street parking is a plus for going for four units as opposed to two.

So tell me a little bit more about how that's going to ... you're going to capture the rear space on the ground level, on the Warburton Avenue level?

Mr. Lerner: Yes. It's existing open space in there now, with a high ceiling. That will all remain as is, plus we have to make it work. But the front of the building, which is now derelict offices, will be converted to a habitable space. And access to the upper two levels.

Chairman Murphy: Right. But the parking's all going to be on street level.

Mr. Lerner: That's right.

Chairman Murphy: It's just going to be behind the building. So it won't be visible.

Mr. Lerner: Right.

Chairman Murphy: You'll satisfy your entire parking requirement in the rear.

And you reduce the mass, I guess, on the northwest corner. I see how it's stepped up.

Mr. Lerner: Yeah.

Chairman Murphy: And it goes back a little bit. What's the width of that? Is it the full width of one unit?

Mr. Lerner: Yes, 16 feet.

Chairman Murphy: So that's 26 feet at the top, anyway, or across each level.

Mr. Lerner: Right.

Chairman Murphy: And it's about 9 feet below as-of-right.

Mr. Lerner: Yes.

Chairman Murphy: All right. I'm just trying to ... anybody else want to ... I see those are the pros and the cons, as I see it. It's a positive development; somebody's trying to do something good with the space, which is otherwise derelict.

Boardmember Pennington: Absolutely.

Chairman Murphy: But, you know, we want to be careful about over-massing in that neighborhood. Just because it's been done before doesn't mean to allow more is helpful.

Boardmember Collins: I think Mr. Dovell also was the one who raised the question about the financial viability of a two-unit alternative. You've cited in some of the paperwork that that was explored and that it was determined to be financially non-viable.

I would like to add a little bit more substance to the record about what that means. Because you cited, I think reasonably, that the cost structure of a two versus a four has some things in common; where you're living with the cost of a four built into the two. But it would seem – and again, I just want to make sure we capture this for the record – that the revenue opportunity of two bigger units, you might be able to sell, or get in the open market, or rent, whatever the idea is – for more than you would for smaller ...

Mr. Lerner: I think that's counterintuitive. I think there is only a certain size that you can sell in a multi-family district. These would be over 3,000 square feet each, and I think it's far too big to be viable in this situation on this lot.

Boardmember Collins: So is the viability analysis that you did more just based on a market condition, or on sort of strict P&L that you built, factoring in your cost and assuming that you could get the revenue by selling 3,000 square foot units? Do you understand the distinction?

Mr. Lerner: I'm not sure I do, but ...

Boardmember Collins: Well, I'm trying to think ... when you approached the analysis, did you say, "Look, we cannot sell 3,000 square foot units in this particular neighborhood. So no matter how the numbers work out on the cost side, we're not going to find buyers."

Mr. Lerner: That's assuming – all of this assumes – that we have a market a year from now, when we might be bringing this onto market.

Boardmember Collins: Well, that's a risk that's there no matter what.

Mr. Lerner: Of course.

Boardmember Collins: That's outside of your control. But the alternative analysis, the way to approach this, is assume that you can get buyers for 3,000. Forget for a moment the neighborhood and what may be prevailing conditions, which may or may not be the right approach. If you were to get buyers for units of that size, can the P&L be made to work?

Mr. Lerner: It's a good question. Off the top of my head I would say absolutely not. But I haven't done the numbers.

Boardmember Collins: OK. I think that, I believe, is one of the things ... Mark, correct me, or David correct me if you hear it otherwise. But I think that was one of the things that Mr. Dovell was probing in his line of questioning.

Because as I go through some of the considerations the Board has to consider, there are five that we sort of keep as a rule of thumb about whether there's an undesirable change that's produced in the character of the neighborhood, and I think there are pros and cons. Whether the benefits sought by the applicant can be achieved by some other method. That, I think, is at the heart of Mr. Dovell's question, which I'm bringing up now.

Whether the requested variance is substantial. It is. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions of the neighborhood. I don't think that's an issue myself. Or whether the alleged difficulty was self-created.

Anyway, my point being that one of these things is certainly an issue that Mr. Dovell seized on. And I think we should have some sort of point of view.

Chairman Murphy: Well, for me, the issue's always the massing, right? I mean, that's why the ribbon, the mockup is actually quite helpful. Because it gives you at least some visual sense of ... you know, like if they had done that at 45 Main Street, when that thing was approved, maybe they wouldn't have approved it.

Village Attorney Stecich: They actually did. There were balloons up.

Chairman Murphy: Well, I didn't see them. I wasn't here then.

Boardmember Pennington: What about three units instead of four?

Mr. Lerner: Also a good question. It's the same issues. I think at that point is probably where it's going to break even, at three units. The fourth unit is required to make any possibility that this risk is worth taking.

Boardmember Collins: I think that we need to see it. Because of the bulk that's proposed here, I think that is something that needs to be entered into the record; something that's a bit more substantial. I believe that it's the case, but I think that if we're going to be considering a variance as substantial as this that that needs to be added. Something more definite needs to be added to the record. That's my feeling.

Mr. Lerner: You're saying a financial analysis.

Boardmember Collins: Yeah. You've said it in your reply, that it results in a financially non-viable scheme of only two units. Given the bulk of what is requested here, I think that we need to see the specifics behind the analysis that resulted in this conclusion.

Chairman Murphy: Of the proposed four units, what's the total square footage, the living space, if you will?

Mr. Lerner: Just under 8,000 square feet.

Chairman Murphy: In each one?

Mr. Lerner: No, no. Total.

Chairman Murphy: No, just in each one.

Mr. Lerner: About 2,000 each.

Chairman Murphy: About 2,000?

Mr. Lerner: Give or take, depending which one.

Chairman Murphy: That's how many levels again?

Mr. Lerner: Three.

Chairman Murphy: Just three, and that doesn't include any of the parking.

Mr. Lerner: Right.

Chairman Murphy: So you've got four 2,000 square foot three-level units, two-bedroom.

Mr. Lerner: Right. With a possibility of elevator.

Chairman Murphy: Let me ask you this.

Building Inspector Sharma: Total of three levels.

Mr. Lerner: Three levels, yes.

Chairman Murphy: I mean, you could have gone up to 40 feet, so why not do that?

Mr. Lerner: Because I'm limited to three stories, and because I wanted to observe what's going on behind us.

Boardmember Collins: Yeah, Marble Terrace.

Boardmember Forbes-Watkins: Yeah, there'd be no way this would get through view preservation.

Chairman Murphy: Yeah, that's the only thing. It's hard for me to ... I'm not sure how much of the views ... do you guys have a sense of ... let's talk about that for a minute, even though it's not on the ...

Village Attorney Stecich: Several of the neighbors came whose views would be affected. They're not here tonight. I expect they'll be at the next meeting. But I think they had some photos, too.

Mr. Lerner: Well, they had some photos with some had drawings over them.

Village Attorney Stecich: Right.

Mr. Lerner: Very scientific.

Boardmember Forbes-Watkins: I have to say that at the last meeting I raised the view preservation issue first. And with the mass of building, it's clear that there is some loss of view.

Chairman Murphy: This is a pretty good view right here, isn't it? Of what's likely to be lost?

Boardmember Forbes-Watkins: The question we have to face in this issue is what is ... is view preservation absolute? If so, sorry. But if it is based upon some calculation of benefit versus loss, then there's a chance here in this case. And I must say that our code is hopeless on this.

Village Attorney Stecich: No, actually it's been fairly ... you could say that, but I'll tell you, over the 25 years that I've seen that provision interpreted it's been very effective. And never challenged, it's always worked out. So what you look at ... and true, it's not black and white. It doesn't tell you 6 feet or 8 feet or 35 feet. But you look. Are the dimensions, the siting and the configuration such a way so that it least obstructs the view.

This board has done it, and we've seen it say, well, listen, couldn't you turn it this way or this way, or block this off a little bit here, or whatever. But that's the standard; there's no black and white.

Chairman Murphy: But I wanted to follow up. Mark, you think this is not such a telling view?

Boardmember Pennington: I think it'll be very helpful. There was a gentleman here who had a picture from his bay window of the view. And this view here, from the rear yard of 12 Marble Terrace, is at a higher elevation than that.

Mr. Lerner: It's actually not.

Boardmember Pennington: Well, I walked the site, and I'll tell you where I went. Down to the end of the road there, there's a stone wall. And I stood up on top of that, and I could compare my eye level to the level of the window and I'm still somewhat below it. and it appeared to me, looking at the balloon, that you were losing the river completely. You had the Palisades, but none of the river. That was just my eyeball from walking the site.

Mr. Lerner: All right, but you have to get up there. Because I, of course, have been up there many times. Yes, it does affect the view to some degree, but what you see in this view – which, I believe, is at the same height – it's not just one house we're talking about. It's a whole range of houses back there. The view of the river is very clearly unaffected.

And this is a winter view. When the summer happens, there is no view.

Boardmember Pennington: Understood.

Chairman Murphy: Well, come on. There's a view.

Boardmember Pennington: There are trees there that cover a large amount of the river space. But this is taken at an angle, and if you're directly behind the building it's a lower elevation and a different view situation.

Mr. Lerner: It's definitely a different view, but I don't think it's lower. I think you need to see it from Mr. Stranges' house.

Boardmember Pennington: That's why I think that for us to really render a decision on this we need to have those more detailed renderings. Because as detailed as yours are with the line of sight to the river, it doesn't really capture the actual view impact.

Mr. Lerner: That's why the ribbon is there so you didn't have to rely on me telling you. You have to get up there and see what's obstructed and what's not obstructed.

Boardmember Pennington: Again, I think the view the gentleman had from the bay window of the house immediately behind the structure is really the telling view.

Boardmember Collins: Can we take a look at that?

Chairman Murphy: No, of course. Just identify yourself for us, please.

James Stranges, 2 Marble Terrace: I live at the end of Marble Terrace, adjacent to the property in question.

Chairman Murphy: And so these are taken from your bay window?

Mr. Stranges: They are ... I have information written there, but it is taken from my rooms.

Chairman Murphy: First floor, right. Second floor.

Mr. Stranges: The larger picture is taken from my bedroom window, and it shows my garage roof, which is on the street.

Chairman Murphy: Well, now that you're here, and up, why don't you tell us what you think about what you've heard so far.

Mr. Stranges: I don't really understand 'cause I really haven't gotten to see the plans up close. I know there are setbacks, but these setbacks are on what? The second floor?

Mr. Lerner: Yeah, second and third.

Chairman Murphy: Second and third floors.

Mr. Stranges: So the 20 feet that he's going to be taking off the rear, or on the south side, is not going to disappear from property. It's going to be on the second floor?

Mr. Lerner: I can only control this property.

Mr. Stranges: I don't understand the 20 foot setback you were talking about.

Mr. Lerner: From the property line to where I'm building.

Mr. Stranges: On the south side of your building?

Mr. Lerner: On the west side, your side, of the building.

Mr. Stranges: Yeah, the west side of your building.

Mr. Lerner: It's set back off of the back of the existing building by 20 feet. So everything that's being added is ...

Mr. Stranges: The back of your building, 20 feet is going to be set back.

Mr. Lerner: That's right.

Mr. Stranges: On the second floor.

Mr. Lerner: That's where the construction starts: 20 feet back from where you see the building now.

Mr. Stranges: So then the footprint of the building is going to be 20 feet away from my property?

Mr. Lerner: The addition, yes.

Mr. Stranges: Oh, OK. Because that's what I didn't understand.

Boardmember Forbes-Watkins: Here, take a look at this. That will help you understand what that setback is.

Mr. Lerner: You can see, this is all back here, 20 feet. And that would be the existing wall.

Mr. Stranges: I know we're not supposed to talk about the view law, but I've been there for 35 years and one of the most important things, I think, is that as we degrade our ability to have an attractive area to see ... I know we've been attracting a lot of people in the River Towns coming up from the city, et cetera. And it's only because of the open space, the expanse, and the beautification that we have.

Once we start taking this away ... I know there are a lot of three-family buildings on Warburton, but they were built way back when. I have pictures back from the '20s, when those structures were there. And apparently, there was no view law at the time. I have property that is adjacent to this warehouse that has been vacant ever since I bought it 36 years ago because it's not a buildable-size lot. I've been offered to have it purchased from me, but to protect myself – to be able to see the Hudson and the Palisades and enjoy them – I haven't been selling it.

I haven't been offered the opportunity to want to get rid of it. I enjoy the area much too much, and I would like to preserve it. So that's why I have been making these meetings.

Chairman Murphy: And what do you think about the notion that the applicant's suggesting – and there's something to it – that developing this abandoned garage building into something habitable and new is an improvement. What do you ...

Mr. Stranges: I have no qualms with him developing it. It's just that I've been to several of these meetings and I've gotten from these meetings, as they have, that maybe it shouldn't be so aggressive. I understand that profit is a motivation, and if you can't make a dollar out of it what you doing. But by the same token, two single-family homes could be sold for a lot of money.

And also, I don't think the viability of having somebody run in and buy four of these units right off, when they're next to Donald Brown's assembly of aluminum, shall we say, is going to be attractive. Also, I appreciate the fact that there's off-the-street parking. But then again, these people have no neighbors, have no friends, have no relatives that are going to come over? That also is going to add to the parking. We're talking about four families.

Chairman Murphy: Yeah, but the code only requires the seven. I mean, that's our code, right?

Mr. Stranges: I'm on a dead end street, and when I have company come over would they park in front of my garage because I'm at the end?

Chairman Murphy: No, no. I could go to Antoinette's because I can't park there. I have to walk, which is good for me.

OK, do you have anything else to say?

Mr. Stranges: No.

Chairman Murphy: Please feel free because we're struggling a little bit with this one because I can see both sides of it.

Mr. Stranges: I know. It's gone back and forth. Even the preservation wants to send them over here, and then you want to send them back to preservation. And it's been going back and forth. I feel sorry for him, but by the same token I am going to follow this through because I want to protect my area, my view, and my home.

Thank you.

Chairman Murphy: OK, thank you.

So I guess the bottom line is, from the street level the setbacks really aren't going to change. You've reduced the massing, particularly on the north side, and it really comes down to ...

Boardmember Forbes-Watkins: Economic viability.

Chairman Murphy: It would help, obviously, for us to hear an answer to Mr. Collins' inquiry about that, right? Because the alternative is you can do two ... is this a single ... this is not ... you can't do single-family homes in here, though, right?

Mr. Lerner: No.

Chairman Murphy: This is multi-family.

Mr. Lerner: This is an MR-O district.

Village Attorney Stecich: No, in this district? I'm not sure you can't. It's one of these ones where you have to go through. It says anything allowed in a 2.0 or a 3.5 you have to keep going. No, one-families are allowed.

Chairman Murphy: Are allowed, OK. So that's really the possible alternative, right?

Village Attorney Stecich: Well, three-family. And also one-families are allowed, two-families, three-family houses, detached houses. Those are all as-of-right.

Boardmember Forbes-Watkins: It would be a tear-down.

Chairman Murphy: Right. Part of what you're pitching here is to use as much of the existing structure.

Mr. Lerner: I think it's a major issue in terms of carbon footprint. You know, you can't do any better than reusing what's there.

Chairman Murphy: And expense, too, right?

Mr. Lerner: And expense, of course. That's what could make it a viable project because we don't have to build the whole first floor.

Chairman Murphy: Please?

Mr. Stranges: I'm sorry, it escaped me. But this did come up, and it even came up again tonight. The possibility of having an elevator, which means that the addition rise that he has on the building is going to be even higher.

Mr. Lerner: Excuse me. No, this is all self-contained elevators. It's within the building. It doesn't rise above the roof.

Mr. Stranges: Within the building? Oh, so it wouldn't be another 10 feet.

Mr. Lerner: Absolutely not.

Mr. Stranges: OK.

Boardmember Collins: I had a question about this flat surface that's seen in the back.

Mr. Lerner: That's all deck, yes.

Boardmember Collins: Is that deck meant to be used recreationally?

Mr. Lerner: Yes.

Boardmember Collins: Would there be a railing around it?

Mr. Lerner: Yes. Hard to see in that view. It's here.

Boardmember Collins: OK, yeah. You know what? I saw that as like a striation, but I got it. All right. No, that's my bad eye.

Mr. Lerner: Yeah, it's hard to see. And I did the same thing when I first looked at it.

Chairman Murphy: I'm sorry. Mr. Stranges? Can you just help me? So from the way you took this photograph, this is the view you're going to lose.

Mr. Stranges: Correct. But it's going to go edge-to-edge on the building, not just that thin band.

Chairman Murphy: Right. So you're going to lose ...

Mr. Stranges: I'm going to lose the entire, yeah, view of the Hudson.

Chairman Murphy: And that's a height issue, right?

Mr. Stranges: Correct.

Chairman Murphy: So to help you, let's throw out another alternative just so I can explore this. So if you chop the top level off, what does that do? That's a no-go for you, right? Right.

Village Attorney Stecich: I'm sorry, I didn't hear what you said.

Mr. Lerner: I would walk away from it tonight.

Village Attorney Stecich: You mean if you had to take away one level.

Mr. Lerner: If I had only one level left, yes.

Village Attorney Stecich: No, I thought it would be two levels.

Chairman Murphy: No, you'd have two levels instead of three.

Village Attorney Stecich: You'd have two levels above the basement.

Mr. Lerner: I understand what you're asking, yeah. Just to take the third level off and have two levels. The problem is, the first level is really just access to the second and third. There's very little space in at least two of those units on the first floor, the ground floor.

Village Attorney Stecich: Wait, then I misunderstood. I thought you had this first floor, which is the existing building that was going to be parking. And then on top of that, two levels?

Mr. Lerner: Two levels on top of that, right.

Village Attorney Stecich: OK, now I see.

Mr. Lerner: It couldn't possibly work without the third level because the bedrooms are all up there.

Chairman Murphy: Thank you, I appreciate that. Hang on to that for future needs.

The difficulty is, on the other hand they're 9 feet lower than what they could do with, I guess, let's call it two single-family homes, or whatever you thought.

Mr. Lerner: Any single-family home's going to be taller than 30 feet.

Chairman Murphy: Right. So you're going to have a split view.

Mr. Lerner: Right. So this is a constant view at 30 feet.

Chairman Murphy: Right, understood. I don't know.

OK, anybody else from the audience wish to be heard on this one before we ...

Boardmember Forbes-Watkins: Close it.

Chairman Murphy: Anyone want to say anything further to ...

Mr. Lerner: Encourage me?

Chairman Murphy: Encourage the applicant, or discourage the applicant?

Boardmember Collins: I'll go back to, I think, what I'm feeling. And that is that there are really good positives to take away from this project. So I think it's important to take into ... obviously, important to take in all the feedback that you're getting. But I wouldn't want the applicant to feel like this is predetermined by any means.

I think that the idea of improving this is really a good idea, this property. Because there are not a lot of ... there are no other alternatives on the table, and I can't imagine a lot of them that wouldn't be facing the same problem. So my view, you're looking at a status quo for a long time, or a substantial improvement to a part of town that is improving nicely.

Chairman Murphy: Yeah, I think I tend to agree with that, on balance. Although it's close for me because of the view preservation. As you say, the setbacks are not inconsistent with at least some of the buildings that have been put up there. And the impact is minimized with the changes you have proposed, which I like. You know, everyone can have a different view. There's no right answer.

The view thing is troublesome, I guess, because when you see it now – and that picture, who's going to be most affected, right? The person right behind the building. On the other hand, it's a buildable lot, people can build there, they can develop it. You don't have an absolute right to the view, but, man, I hear you. That's easy for me to say, right? I don't know. I'll have to think about the view preservation.

Mr. Lerner: I think it's also a question of balance. It's a question of, in my opinion at least, the extreme balance to the positive side with what we're proposing here. And yes, some of the view's going to be, I think, minimally affected, on balance.

Chairman Murphy: Well, his view's going to be maximally affected. I understand that, and that's what makes it difficult. Because on balance, I agree with Mr. Collins. There are a lot of positives to take away from this, and I like what you're doing. And I appreciate the effort to balance this. This is not an egregious, overreaching huge mass of structure, but it's big enough.

So the question is, what do we want to do. You take the top floor off, you're telling us that doesn't work for you at all. Maybe, maybe not. What's the only other alternative? Perhaps two single-family units, which will go up higher and completely eviscerate the view, and

have a gap in between them; whatever the setbacks might be, perhaps 20 feet. And that view would be opened up, but it would be completely blocked on either side by two homes.

Mr. Lerner: I'm not sure that the lot is big enough for two homes. It's only 80 feet.

Chairman Murphy: I would suggest this. I think you get a sense of where we're coming from. I don't want to discourage you. Mr. Dovell is not here. He could speak for himself, but I do think he had a bigger problem with the massing. And I'm not sure how he would react to what you've proposed. He'd have to see that and speak for himself.

Mr. Lerner: I have to tell you, I had a meeting with Peter Riolo about this project. And we talked about financial viability because that's his business. And I came away from that thinking exactly what I said to you. That it can't work without four units.

Chairman Murphy: I know. Developers always tell us that.

Mr. Lerner: Yeah, and real estate brokers, too, I guess.

Chairman Murphy: And real estate brokers, yeah. But look, four units 16 feet wide isn't quite as crazy as some other stuff. That is, you're going up instead of ... it's very narrow, you need the height.

Mr. Lerner: Yes.

Boardmember Pennington: At the risk of extending an already late evening, in fairness to you, if you're thinking about coming back with revised plans we do have this special use permit issue. And, I believe, still an open question about whether that open space can be captured on a balcony or whether it needs to be situated on the ground at the site. And that's an issue that's new for us in interpreting our own code, and may factor into any kind of redesign.

So I wonder whether some brief discussion of that might be beneficial so that as you go back you have a clearer idea of some of the thinking.

Mr. Lerner: Of course, in this particular case it's not possible to put anything on the ground except parking.

Boardmember Pennington: Because of the way the building is configured.

Mr. Lerner: Yeah.

Chairman Murphy: What you effectively have is, you've created a huge porch all the way across the back on top of the parking garage.

Mr. Lerner: Yeah.

Chairman Murphy: Right? And you can configure that ...

Mr. Lerner: And the front, as well.

Chairman Murphy: I mean, you can play with that and do some things with it, but it looks like to me that's about all you can do.

Mr. Lerner: The question is, is the intention of the ordinance for the people who use the building, or for the public. And that's not resolved.

Village Attorney Stecich: No, that's something I looked into. I looked at the minutes from when they passed the zoning, which was actually fairly recent, like maybe 10 years ago. It wasn't at all clear whether the open space requirement needed to be outside. Although there was something in there that indicated that it might.

So I called Meg Walker, who's been out of the country. I think maybe she's back, so I think I'll see her Tuesday. But she didn't get back to me before she left. Because she was the planner for the Village at the time they did this. The other person who was very active, unfortunately, is dead – Bob Lee – so he can't help there.

But I did also raise the issue at the Planning Board meeting to see whether they had any thoughts on it. The chairperson of the Planning Board – but this is something I think I need to follow up on – said that in another situation the Planning Board did allow decks or porches to be considered as this recreation space. Now, I think she was referring to 45 Main Street. But 45 Main is in the CC district, and that doesn't have an open space requirement.

I don't know if maybe she was referring to 422 Warburton, which is in this same district. So I'll have to check that. Because I know 422 Warburton does have some outdoor space because it has a little sitting area. But I don't know that that's big enough. So I'll double-check because that would be helpful. So I will come back to the next meeting with that, although as the applicant said he may not be able to meet that requirement. And if you're disposed to approve it, you'd have to give him a variance for it.

So before the next meeting hopefully I will have had a conversation the Meg Walker, who I'm sure will remember. And then also I'll find out about the precedent that the Planning Board chairperson referred to. But that was just last week. She said it, and then just now when I was thinking about it – when I was going to recount it – I thought she mentioned 45 Main. But maybe she meant 422. I'm going to have to check.

Do you remember that conversation, Deven? You were there. Do you remember which building she was referring to?

Building Inspector Sharma: At 422, the open space is actually a public space right off the street.

Village Attorney Stecich: Do they have decks there, as well? So then she probably was referring to 45 Main. And as I said, 45 Main is in the CC district so it doesn't have an open space requirement. So there may well not be precedent, but I'll confirm that. And I'll also talk to Meg Walker.

Boardmember Pennington: So I guess there really are two aspects to the issue. One is whether the space can be on an elevated deck. And the other, as you voiced it, is whether it's for the benefit of the general public or for the residents of the unit.

Village Attorney Stecich: Well, that's the same question.

Boardmember Pennington: I think they're slightly different. If you read our own code, it talks about a certain number of square feet for each studio or for each bedroom, which is only marginally helpful because it suggests that it's for the benefit of the occupants themselves and not the general public. But it's something that we'll need to decide.

Mr. Lerner: Yet another complication.

Building Inspector Sharma: But even if it's on the roof of the first floor, if it's made accessible to the public somehow that'll probably meet the requirement. If it needs to be open.

Village Attorney Stecich: I don't think that's too practical. We don't want people hanging outside the bedroom.

Chairman Murphy: Let me just say this. One thing that might, from my perspective, make this a whole lot easier to approve is if it were three units instead of four. Because if you take the last unit off you get the open space, you cut down on the view preservation problem, and

you cut down on the massing and at least the setbacks on whichever end you removed it from.

So take that for what it's worth. If you want to do a financial analysis and help us with that, fine. If not, fine. But for me, that makes a big difference, mainly because of view preservation but probably also because of the special permit requirement which adds some open space.

Mr. Lerner: That wouldn't change the view though. That would still be three in the center at the same height as what we're proposing.

Chairman Murphy: But what about the width? I'm talking about three 16 foot wide units instead of four.

Mr. Lerner: It would change it on the far side, yes.

Chairman Murphy: Well, that's an incremental benefit.

Mr. Lerner: Which is what I was trying to do by setting it back.

Chairman Murphy: I understand. I'm not discounting it. I'm just saying if there's a reasonable alternative it sounds like, to me, that's probably the only one that you would even consider. And even then, maybe yes, maybe no from your purposeful. I hear you.

Mr. Lerner: OK. Thanks for your time, folks.

Chairman Murphy: OK, thank you. Mr. Lerner, I appreciate it, I really do.

**Case No. 2-12
Edward R. Baldwin & Gillian Anderson
27 William Street
(Adjourned from 1/16/12 Meeting)**

**For View Preservation Approval and variance is requested for the lot coverage.
Existing - 16.7%; proposed - 17%; permitted - 15% {295-72.E.(2)}**

Chairman Murphy: OK, our last case, I guess, is 27 William. And then, Marianne, do you want to speak to the notice issue just so that's clear the applicant?

Village Attorney Stecich: OK. And also what the Planning Board did on this application.

Chairman Murphy: Yes, and I have your memo somewhere here.

Village Attorney Stecich: Well, the only thing that's been noticed for this meeting and this board is 27 William Street. And that's, I guess, the deck on the back of 27 William Street.

There are, however, additional actions for 27 William Street that weren't part of this notice. They relate to a subdivision of that property. Not dividing it into two lots, but changing the lot line on that property. And then property adjacent to it, which is proposed to be subdivided. But both of those were before the Planning Board: the William Street and the Warburton Avenue subdivisions were both before the Planning Board, plus there needed to be site plan approval for William Street, which was granted, for all the improvements to William Street.

Chairman Murphy: Site plan approval? I'm sorry.

Village Attorney Stecich: For this William Street project, the one that's been noticed. And they got approval from the Planning Board. And then it was also before the Planning Board for view preservation approval, and that's for the deck. It got a recommendation, a view preservation approval, by the Planning Board. So those two are good to go.

I don't know, were you guys going to give an address? You were going to try to address the Washington Street tonight? Just so you know, they also had before the Planning Board a subdivision proposal that involved this lot and, adjacent to it, two lots on Washington. Now, that subdivision required a host of variances; about seven or eight variances.

The Planning Board granted the subdivision, subject to their getting the variances from this board. I think it also recommended that this board grant those variances for the subdivision. But not only were they technically not noticed, this notice, I don't think, can in any way be construed as covering that subdivision. It's a different property on a different street, and there's no notice at all.

The variances are fairly significant. They're variances for insufficient ... see, because to approve a subdivision the two lots created have to be compliant with the zoning code. There has to be right coverage. If there's a house existing on a lot you can't make the subdivision make the house nonconforming in a respect it wasn't nonconforming before, like by giving it insufficient side yard or something. This one didn't need that. But it would render the existing house having too much coverage – the proposed house would have too much

coverage – and then also it has a few parking areas that are being proposed on Aqueduct Lane. And there's a bunch of variances required for that because they're in a required yard.

But anyway, none of that stuff was noticed so the Board really can't do anything about those tonight. The other thing I should say is that the William Street property was also involved in the subdivision. Because there's going to be, as they described it, a family compound. All of them are going to kind of be connected. Their original proposal had one parking area for all of the lots, with cross-easements and stuff. We just said that really doesn't make sense, and plus it's going to burn the property too much. They're probably going to have a hard time getting financing for it.

So just put each parking area on each lot. So that involved them having to shift the lot lines a little bit on the William Street property to make the parking areas, then, on each lot. You don't see that there's ... oh, well, I guess this scheme was in there. No, no, it was just passed out tonight. Yeah, you wouldn't have seen any new thing.

In any event, I'm telling you all that because they said they want to bring it before you. But there's been no notice, and you couldn't possibly act on it.

Chairman Murphy: Right. And the other thing is, we need to understand where you're at. They're all linked to one degree or another, right? I wouldn't want to vote on just one thing until I understood the whole thing.

Village Attorney Stecich: Right. Although the deck on William Street ...

Chairman Murphy: The view preservation, right?

Village Attorney Stecich: Yeah. There was also a variance, wasn't there? So to build the deck they would need this coverage variance and view preservation approval. That was properly noticed, and that would be good to go tonight. But none of the other things, like parking variance or the coverage relating to the subdivision, would be before you on the William Street one either. But the deck would be.

Boardmember Forbes-Watkins: I want to immediately raise the issue that we have no drawings of what the deck will be. We have not been presented with a drawing. And it's not just a deck. It's also in a nonconforming side yard, and so it goes ... we have to take care of a variance with respect to a side yard.

Again, we have never, to my knowledge, given an approval for a nonconforming space of any sort without having a drawing.

Village Attorney Stecich: Although Deven and I talked about it today.

Building Inspector Sharma: The side yard is not an issue.

Village Attorney Stecich: Yeah, there isn't a side yard variance.

Boardmember Forbes-Watkins: There has to be a side yard variance. They're asking for it, and they're putting it into the nonconforming side yard, I think. But I can't tell for sure because there's no drawing for me to know what they're doing.

Boardmember Pennington: Could we hear from the applicant, and maybe they can walk us through ...

Chairman Murphy: Yep, let's do that. Just identify yourself.

Eric Frank, 493 Warburton Avenue: I reside on the corner of Warburton and Washington in those townhomes that were renovated a few years back. The co-applicant is my wife Mayu, and Gillian Anderson and Ed Baldwin are architects on the project and also neighbors on Washington Street now.

We're obviously a little bit confused, as well, about notifications and where we're at exactly. So regardless of what technically you're able to proceed on tonight, I think the more important issue from our perspective is the ability to step back, walk you through what we're trying to do, goals of the project, a bit of history with the Planning Board, how we got to here, what we have ... we are proposing now. And ultimately, sum that up with what variances in total for the project would be needed. And if we can't proceed on anything technically, that's fine. I think the more important issue is to get context out, and then decide that we can come back in the future and move forward technically on variances.

So that's our [off-mic] proceed through that.

Chairman Murphy: Yeah, that makes good sense to me.

Mr. Frank: So the preliminary is just what are we trying to accomplish. I currently live at 493 with my family – two children, 6 and 4. My wife's family is in San Francisco, and have young children, and would like to move to New York, to Hastings in particular, with the sole intention of getting the families together. My mother-in-law moved in with us two years from Chicago [off-mic] living with us. So the idea is to get grandchildren, cousins and grandmother, sisters all together in a property.

We were looking for several years for either a three-family property or adjacent properties within this particular district. We like the neighborhood a lot and would like to remain there. We finally found the Caruso properties, which are the 27 William Street, which is the corner of William and Aqueduct, and 181 Washington, which is the corner of Washington and Aqueduct.

The goal, ultimately, was to purchase those properties. We would purchase 27. Architects that we were working with, Ned and Gill, would purchase 181 and ultimately subdivide that property because there's a buildable lot next to it, adjacent to it, on Washington. And then our in-laws would build a small-footprint, 1,600 square foot single-family home there with an adjacent backyard at 27 William. We would have achieved this long-standing objective that we have.

That was really the fundamental goal we set out to achieve. A little bit of history with the Planning Board now. We were before the Planning Board twice. The first time the submission was for January 19. Then we did propose, and provide public notice for, site plan approval for the entire site, which would involve the subdivision of 181, the site plan for 27 William for view preservation of 27 William and for some variances and easements that we thought we needed at that time.

I think the Planning Board wisely raised concerns around the easements and some issues around the parking scheme that we have to try to ... which I'll walk you through in some detail. It's a big part of the overall project ... to try to mitigate the appearance of what felt too much like parking lot with seven spaces along Aqueduct Lane. We returned on 2-16 to the Planning Board and addressed those issues. We eliminated the need for easements by redrawing property boundaries and putting the spaces properly on lots, and we made substantial design changes to the parking scheme to address those concerns.

So the result of the 2-16 meeting with the Planning Board was ... I don't know what, technically, they're called – recommendations, or approvals – but site plan approval was granted, view preservation was granted, the right to subdivide subject to this body providing the necessary variances, and then an overall positive recommendation to grant the variances based on the fact that this was an [off-mic] process between the Planning Board [off-mic] to get something workable.

That's sort of the history. I'm not sure how the notice for this meeting in particular only included site preservation for 27. The original notice was for substantially more than that. Although a lot of the specifics – what the lot coverage is, the variances would be to change as we redrew property lines – and we unearthed new variances in the 2-16 planning

committee a week ago related to the parking structure that we had never publicly noticed before.

I think the sum of it all is we haven't publicly noticed the correct lot coverages and some additional variances [off-mic] since the original public notice went out. So I'm trying to just provide a little clarity on that issue.

Building Inspector Sharma: The notice for this property, by the way, for consideration by this board was for view preservation and the lot coverage.

Village Attorney Stecich: Only for William Street.

Building Inspector Sharma: Only for 27 William.

Chairman Murphy: That's what in our notes.

Building Inspector Sharma: And as for 181 Washington ...

Mr. Frank: I guess I'm just unclear as to how that notice got transmitted to this board. I don't know, coming out of the planning committee meeting, how that ...

Village Attorney Stecich: Whatever it is, that's what the notice ...

Mr. Frank: OK. So at any rate, it sounds like I guess what would make sense is to walk through the plan, give you an overall site plan review of what we're doing, and then summarize those necessary variances for some future action.

Chairman Murphy: And before you go on, I just want it clear. We were given a new packet tonight, and that's what I'm looking at. So just tell me which ... you know, there are a couple of different drawings, so just tell me where you're starting.

Building Inspector Sharma: By the way, this packet that I distributed tonight, if you will you can give it back to me after the meeting. It's only for discussion purposes, and I meant to include that in the next month's meeting, unless the applicant would give me a fresh ...

Chairman Murphy: Well, no. The main thing is, I want to get rid of my old drawings so I don't confuse them.

Chairman Murphy: Well, the packet I gave you tonight ...

Chairman Murphy: Hang on, please. Just so I'm clear, what you're telling me is that the Planning Board approved the site plan for what you're about to take me through.

Mr. Frank: Correct.

Chairman Murphy: And they recommended view preservation and the variances.

Mr. Frank: Correct.

Village Attorney Stecich: Just so you understand, the only thing that needed site plan approval was William Street. The other ones don't need site plan approval.

Chairman Murphy: OK.

Village Attorney Stecich: So what they granted was site plan approval, view preservation recommendation, and subdivision approval for all of the subdivisions.

Building Inspector Sharma: One other thing. Because of the deliberations by the Planning Board and realignment of the adjoining property lines, a couple of additional variances would be required for 27 William Street, as well. And those variances are for the parking being within 5 feet of the property line and more than one curbcuts and parking in the required yard. So these three ...

Village Attorney Stecich: And then a coverage variance because the lots are small.

Building Inspector Sharma: That was only included, but the numbers have not changed because of the large size change because of the realignment of some of the properties.

Mr. Frank: And I think I have the comprehensive summary of all those variances, with the current lot coverages as recommended for approval by the Planning Board. And we can go through that. I think we've got a good way to summarize that.

Village Attorney Stecich: Could I just ask you one question on something you presented? Because I actually had prepared a notice that covers everything. But one thing I think I ... I mean, just today that I gave to Deven. But one of the applications I saw said that you were the owner of William Street. Are you the owner, or the contract vendee? I know you guys are contractor vendees.

Mr. Frank: We're [off-mic].

Village Attorney Stecich: So you have to change that on the notice. Because the application that you put in had you as the owner. So change that to contractor vendee.

Building Inspector Sharma: I think that was my mistake. So you are contract vendee for one property.

Mr. Frank: [off-mic].

Village Attorney Stecich: So they're both contract vendees, OK.

Building Inspector Sharma: They're both contract vendees then.

Mr. Frank: Correct. OK, thank you.

I think the easiest thing to look at is this to start and get an overall view of what we're trying to accomplish. That is the one.

Chairman Murphy: And this one's dated January 31? That's the one I have.

Mr. Frank: This was the document discussed and reviewed at the 2-16 Planning Board meeting.

Chairman Murphy: OK, and it says ... just so I'm clear, I'm just trying to make my reckon so I understand, right? So it's dated January 31, 2012. Then it was revised February 7, 2012. That's what this one says.

Mr. Frank: Yes. That's right. We moved the stairway, basically, from January 30 ...

Chairman Murphy: OK, I'm with you. I got it. Go ahead. I won't cut you off again.

Mr. Frank: No, that's fine. [off-mic] complicated enough. We thought the last thing wasn't complicated enough for you, so we thought we'd end the night on a more complicated [off-mic].

Let me start over here on the [off-mic]. This is Washington Avenue. This is an existing single-family at 181 Washington. The plan for that, although not subject for this discussion tonight, is simply to restore it back to some architectural detail. Ned and Gill will own that property. They live pretty much directly across the street, and would like to restore it to some former state of ... an architectural state. It's an old 1880s building ... 1880s?

Gillian Anderson, 73 Washington Avenue: 1860s.

Mr. Frank: 1860s. So there will be a small addition, which will be a subject of discussions. But the key thing for tonight is that the property line – you can see the dotted line that originally was down here – so 181 lot is everything over here. We're hoping to subdivide that property to be able to create what you see as the proposed 2-1/2 story 62 Washington Avenue home there. That's where my in-laws would live. That's issue number one. It is ultimately looking to subdivide that lot to create that smaller lot.

Number two, let me just walk you over. So we will own 27 William Street. The plan there is to, in essence, gut everything on the inside, and renovate – build a separate apartment for my mother-in-law to have her own space. And then for our family to occupy the other space.

Chairman Murphy: You are good.

Mr. Frank: Good for everybody, I think. The envelope of that building, fundamentally, would remain the same, with the following changes. There's a covered terrace. Where you see the terrace now, we'd be ripping off the covering and just leaving a stone terrace. There are two small bay windows in the back of the house which we would be removing and, instead, building this deck on the first floor.

And that's it. Other than that, everything is inside the existing envelope. I think the issue – and you may have a clarification on it, Marianne – was that this is an existing nonconforming side yard to the west. In building this deck, this edge of the deck would be in the existing nonconforming side yard.

Village Attorney Stecich: No. The reason it doesn't is, the required side yard is 12 feet. Back there, they have 6 feet. A deck can project 6 feet into a required yard. So you don't need a variance.

Mr. Frank: All right. So then one last variance that we don't need [off-mic]. Thank you for that clarification. That's what's happening at number 27.

And now let me walk you through [off-mic] because I think that's the most complex piece of all of this. What we were setting out to do was to meet the requirement of two parking spaces per unit. The requirement therefore would be eight because we have two families in number 27, requiring four spaces, and then another two needed for the proposed 62, another two for 181. So eight spaces in total. There's already one existing space for 181 here, which we would leave.

And then we would propose to add seven spaces. What we were trying to do, as residents of the neighborhood who are well aware of parking challenges and congestion, was to avoid a curbcut on Washington. We wanted to no remove any existing parking on Washington, and to get all off-street parking on the property off of Aqueduct Lane. So we proposed the parking scheme that you see in front of you.

In essence, we've angled them at a 60-degree angle in order to sort of situate them on a lot in an architecturally pleasing way relative to the angle of the buildings around them. And also there was some concern about if you built a single structure with nothing to break up the mass along the bottom it would look large from below. And so by angling and breaking them up we've broken up any feeling of a single wall in there.

Chairman Murphy: Where do they park now for 27 William?

Mr. Frank: Well, arguably, there's an as-is parking. There's a steep ramp down the slope here, and then there's just a grassy backyard. And I think formerly there was a garage here. So at some point people, I think, actually drove down and parked in a garage, but don't do it now.

Ms. Anderson: They just park on Aqueduct Lane in the [off-mic].

Chairman Murphy: On the other side.

Boardmember Forbes-Watkins: It's a little muddy.

Mr. Frank: Right. It's a little muddy and a little snowy.

Building Inspector Sharma: Gill, would you mention your name for the record, please, in the microphone?

Ms. Anderson: I'm just presenting a photograph showing the proposed copy of the [mic not turned on] area on [mic not turned on].

Mr. Frank: Is it OK to continue, or do you want to continue to look at those for a minute?

Chairman Murphy: No, let's stay with the parking for a minute.

Mr. Frank: [mic not turned on] series [mic not turned on].

Chairman Murphy: Right. So if we just look at the parking for the moment, then what's proposed is adding the new spaces, I guess, on a staggered plane along the ...

Mr. Frank: They'll all be on ... level on Aqueduct Lane, staggered.

Boardmember Forbes-Watkins: So you'll be building up ...

Mr. Frank: Well, it's a steep slope actually.

Boardmember Forbes-Watkins: Right. So you're going to have to build up.

Mr. Frank: Technically not a steep slope, but it is a slope.

Chairman Murphy: It's a slope, yeah.

Mr. Frank: It's a slope, right, so we would be actually excavating down and pouring a slab underneath and building up a parking platform to create level parking off Aqueduct Lane.

Village Attorney Stecich: And underneath you're making storage sheds.

Boardmember Forbes-Watkins: It will be a platform?

Mr. Frank: And underneath it would be subterranean storage space underneath those units, right.

Boardmember Forbes-Watkins: Oh, OK.

Chairman Murphy: All right. So this ...

Mr. Frank: [off-mic].

Chairman Murphy: So this takes care of all the mandatory off-street parking?

Mr. Frank: Correct.

Chairman Murphy: So I guess the only real issue is what's the traffic impact right there. When you come off Washington onto Aqueduct you've got some parking to the left, and then whatever that public lot is. Then you've got the Aqueduct trail.

The only thing I see is people are going to have to back in and out of here, and you're going to have six new ones, right? Sorry, seven new ones.

Mr. Frank: Yes, that is an issue, and I think unfortunately the alternative, though, as we looked at it and talked about it, I think we had some good support from the neighbors and the Planning Board on this. The curbcut on Washington, you've got the problem of creating a backing out onto Washington.

Chairman Murphy: Well, forget it.

Mr. Frank: [mic not turned on] is exactly where the slope starts to plateau, and then you go down. It's an incredibly dangerous place to try to back out on.

Chairman Murphy: It is.

Mr. Frank: And if we just used that as-of-right parking on the yard somewhere within 27 William, we'd still have the same issue of having to come up and out onto Aqueduct Lane. So it doesn't alleviate the traffic issue, I don't think.

Chairman Murphy: No. The real question is, by subdividing and adding 62 you're adding two spaces?

Mr. Frank: Well, that's true. Correct, right. I suppose that's the argument is to not subdivide and not add a unit, therefore the requirement for two more spaces.

Chairman Murphy: But you still to create another unit for 181?

Mr. Frank: We'd still need another unit for 181, and four for 27. So the difference [mic not turned on].

Chairman Murphy: So tell me again, what do they do at 27 now? They're supposed to have four spots?

Mr. Frank: No.

Ed Baldwin, 73 Washington Avenue: Apparently, there's a driveway that descends from Aqueduct Lane to the rear yard of 27.

Chairman Murphy: Mr. Baldwin, just identify please. Just state your name.

Mr. Baldwin: There was a garage or, in fact, two garages in the basement of 27. So in the past, people did actually drive down there and maneuver to the back of the building. So that is off-street parking. It's nonconforming, but it's [off-mic].

Chairman Murphy: No. What I want to explore is why is that not an option – if you're going to do a gut renovation and do all this, can we ...

Mr. Baldwin: Well, we could not handle the additional cars. But we did do an alternative parking scheme entirely on the 27 William lot. And it just means that you end up putting a lot of cars right in the view of all the neighbors, and it means you have to use ...

Chairman Murphy: You mean down in the back there.

Mr. Baldwin: Then you have to use an existing nonconforming driveway with respect to slopes.

[finally handed a microphone that's turned on]

The slopes that don't comply with driveway ... the driveway requirements. And it would mean that there'd be absolutely no garden, no really nice space left down there.

Chairman Murphy: Right. What you're saying is, you'd have to cut through the middle of the yard.

Mr. Frank: It would occupy the majority of [mic not turned on] between the driveway and [mic not turned on]. Of course, one of our living objectives is to get a yard, whether we don't have at 493, and be able to share that yard with our in-laws and their children.

Maybe just a couple other quick details about the parking just so you know. We are planning on creating a green surface. It may not be this exact one, so that the view from Aqueduct Lane we're trying to make sure looks as good as possible. And we're trying to build something sustainable and green here. So we would use greenspace and plantings there. We'd also be adding electric car EV plug-ins for each of those seven spaces that we're adding, and LED lighting throughout to try to, again, do something green and sustainable there.

And from below, if you think about the front surface, well, this is ... I don't know if you have ... do you have this picture?

Chairman Murphy: I do.

Mr. Frank: OK. So that was just a picture of what the surface of this might look like, sans the actual grass planting.

Chairman Murphy: So you're showing some of the buildup from the slope below?

Mr. Frank: That's right. So what we intend to do there is to have ... there would be some glass behind what you see there as a trellis. But the trellis, the front of it, and plant vines and growth that would hang down the trellises so that from below – from our house and from the yard, and then from the neighbors below – we'd be creating a front of a structure which is both broken up by the staggered units, broken up by the greenspaces between, partially obstructed by trees that we'll be planting in the front. But also where you do end up seeing something. What you're seeing is trellises and vines.

That's sort of the parking scheme. We can talk more to answer any questions you have about that, and then I can give you a summary of all the variances we think are required for all of this to happen.

Chairman Murphy: I think just one main question that occurs to me, is all of this going to be converted into formal elevations and a full set of drawings? I mean, these are sketches, and helpful, and they give me the concept quite nicely, but ...

Ms. Anderson: Yes, of course we have to do ... we have not actually signed the contracts for the buildings yet.

Chairman Murphy: Oh, I see.

Ms. Anderson: We are ... you know, we haven't closed yet. This is just the beginning.

I did want to make a point that this was formerly a vineyard in the back here, where it's an orchard. So we are trying to make ... we have a row of trees, equally spaced, probably flowering pears, behind the parking. And in front, we want native trees that go with the Aqueduct, the trees that are in the vicinity.

Chairman Murphy: It would be helpful if we could consider making the condition, and you could have freedom to do it as you see fit. But it would be nice to have a commitment to do that. It would help, I think, the process. Because I understand you're making an incursion onto the property, but it's probably the most efficient way to get on and off the Aqueduct. I only worry about backing up into other traffic. But that's what it is.

For me, the only issue is if you do the subdivision, you add the new home, what does that do to two spots versus seven versus five. I mean, it is what it is. So I think to minimize the visual impact of putting all those parking spots in there, I think that would be a good idea to commit to whatever landscaping plan you like.

Mr. Frank: Sure.

Chairman Murphy: But it looks nice. I mean, it looks very nice on this. And so we just want to make sure that's how it ends up, that's all.

Mr. Frank: Right. Understood.

I think process-wise, notice went out. So we'll be on the March 25 agenda, is that right? Or do I have the wrong date? So the next Zoning Board meeting. What I'm hearing is, we need to come to that meeting with the next level of detail on those drawings and a landscaping plan. Is that feasible?

Village Attorney Stecich: It's March 22.

Mr. Frank: March 22, OK.

Village Attorney Stecich: And you're going to also have to go through this explanation again because there'll be people from the public here.

Boardmember Collins: That's what I'm thinking, too. I don't want to bring this prematurely, or leap something that needs to be discussed, but the other thing that I would just ask is that it seemed to me that there were a lot of sort of inserts and add-ons that were increasingly hard to follow. I think it was maybe a little bit of inside baseball, to use that term. Where I felt like there was a conversation, and then an insight that was new to me. And it was hard to follow.

So to the extent that if you need our help answering a question ... because there is this sort of a conditional lot coverage scenario that's discussed here. It could be 18.6 percent, or it could be 25.1 percent. I wonder if we need to ...

Chairman Murphy: No, we should talk about these things.

Boardmember Collins: That part, I can understand why the applicants would need some direction from us.

Village Attorney Stecich: No, no, no. They know. It's just that it changed when they changed ... originally, when they were just doing the project at 27 William Street the lot was what it was, and it was the lower number. Since then, they adjusted the lot lines. So 27 William is now smaller so the coverage number increases.

Boardmember Collins: I understand that.

Village Attorney Stecich: So there's no unclarity (sic) between those.

Boardmember Collins: But is there – and I could be remembering it wrong – but is there a question in the application about whether or not the storage space underneath the parking represents an accessory structure?

Mr. Frank: I think there was, going into the planning committee meeting, but it was clarified.

Village Attorney Stecich: It's all coverage. There's agreement between the applicants and Deven and me on what the numbers are. So there's no issue about what the coverage is.

Boardmember Collins: So the actual, then – at least in the memo that we received, then, tonight – that reads ...

Village Attorney Stecich: Oh, that's not from Deven and me. That's from them.

Boardmember Collins: Oh, I understand. But what I want to avoid in the next application are two sets of lot coverage numbers for every property. Because it adds to a complexity. So this one has two: it has 18.6 and with the 500 square feet of additional underground space 25.1. And what I think I'm hearing you say is the number's 25.1.

Mr. Frank: Right.

Boardmember Collins: And it should be one number.

Ms. Anderson: Unfortunately, you got two signatures. And that one is from the previous one, not tonight.

Building Inspector Sharma: This one is from what you brought me after the Planning Board meeting last Friday.

Mr. Frank: Well, I think we hear the issue of inside baseball, and we'll get that cleared up. I think what we have, and you don't have it, but I think what we finally did, and it literally came together over the last few days, is a list of required variances and exact lot size calculations as agreed upon that were actually approved, or recommended for approval, by the Planning Board.

So it was not speculative in the Planning Board meeting a week ago, but you don't have ... I think you don't have all the updated submissions is the issue.

Building Inspector Sharma: The new variances need to be added, some of the existing ones need to be modified.

Mr. Frank: Right, that's right. I could go through those just for the record, and then we can make this part of the submission. Or I could not because it may not be of any value.

Boardmember Collins: I would propose that we ... yeah, I think my recommendation to the Board would be that we table that. Because I think in a month's time we'll need it again. And the public has not been notified, so we'll have to do this all over again. And I personally don't know that I'm going to retain enough of what we hear tonight to be useful in a month.

Chairman Murphy: I understand. Just give me the top level on the lot coverage. What's it going to mean? What's going to change?

Mr. Frank: For example, 27 William, 25.1 percent. And the requirement in this neighborhood is 15 percent. And 181 Washington would be 20 percent, again requirement 15. And for the new lot, 62 Washington, coverage at 20.9 in lieu of the 15 percent. Now, those are all current with redrawn property lines and including the parking and storage areas. Just to note, Ned and Gill did a survey, which I think you have in your documents, of all of the properties in this district. The average coverage is 26.9; the median is 23. So what we're proposing is sort of within the neighborhood.

Chairman Murphy: Right. What you're saying is, you're making a substantial incursion into the lot coverage, particularly by creating another lot.

Mr. Frank: Creating the parking, that's right.

Chairman Murphy: What you're saying is, that's in keeping with the rest of the neighborhood whose at least that much over, or more.

Mr. Frank: Correct. That's what we're saying.

Chairman Murphy: Depending on which property you look at. Is that right? Is that the essence of it?

Mr. Frank: Right, that's correct. Yes. So that's the high level on the coverages.

Village Attorney Stecich: Brian, there's two other things I'd like to have clarified. I thought I understood, when you were before the Planning Board, that you said that you were making a family compound and all three of these houses would be owned by your family. I thought your mother-in-law was going to be in the new lot.

Mr. Frank: No.

Village Attorney Stecich: But now you said she's going to be in William Street.

Mr. Frank: Yeah, I think that may have just been a misunderstanding. So two of the homes – 62 Washington and 27 – would be our family. Ned and Gill own 181, or will own 181. So we have ...

Village Attorney Stecich: Oh, OK.

Mr. Frank: And 27 is a two-family; our family and ...

Village Attorney Stecich: No, I'm sure. Because remember, they were talking about the three-family compound. OK.

And then the other thing is, I may have to go back on what I said before about whether they need a side yard variance for the deck. Because the setbacks in that district are either 12 feet, in which event it's OK. or half of the wall height of the closest wall. OK? And they weren't sure what the height of the wall is.

So if the height of the closest wall is 28 feet, then the setback has to be 14 feet. And then they do need a variance. But they'll measure that, and then that may have to get added to the list. So don't publish the list until Ned goes out and measures the height of the wall.

Chairman Murphy: I was going to say, just to the applicants, for the next meeting – which, hopefully, we'll get through all this and make the vote – is to make sure to notice, you get all the variances in the right way. Then everybody agrees on whatever the numbers are for each one.

Village Attorney Stecich: Yeah, but that has to be before the next meeting. It has to be like right away because the notice has to go in the newspaper.

Building Inspector Sharma: The notice, perhaps, has gone today already. But we'll modify it tomorrow if we have to.

Village Attorney Stecich: Then call them in the morning and get it right.

Building Inspector Sharma: Based on the information we had today, but we can adjust it tomorrow.

Village Attorney Stecich: You've got to call in the morning and fix it.

Mr. Frank: So we'll adjust that tomorrow.

Chairman Murphy: Yeah, do that. You don't want to ...

Mr. Frank: [off-mic] variances.

Chairman Murphy: Right, OK. Yeah, you don't want to lose our good will for that.

Boardmember Forbes-Watkins: We need details.

Chairman Murphy: OK, anything else on this one, or does that do it? Good, thank you.

Boardmember Collins: Thank you for your patience.

Mr. Frank: Thank you for yours.

APPROVAL OF MINUTES

Meeting of January 26, 2012

Boardmember Collins: I read through them, and I didn't ...

Boardmember Forbes-Watkins: I was very impressed.

Boardmember Collins: Actually, I looked up a couple words that I thought might be wrong, but they were exactly right.

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Pennington with a voice vote of all in favor, the Minutes of the Meeting of January 26, 2012 were approved as presented.

Chairman Murphy: Our next meeting will be March 22, Thursday, and we'll take up some of these cases again.

ADJOURNMENT

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