

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
ZONING BOARD OF APPEALS
REGULAR MEETING
JULY 25, 2013**

A Regular Meeting was held by the Zoning Board of Appeals on Thursday, July 25, 2013 at 8:00 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Chairman Matthew Collins, Boardmember Ray Dovell, Boardmember David Forbes-Watkins, Boardmember Mark Pennington, Boardmember Sean Hayes, and Building Inspector Deven Sharma,

Chairman Collins: We have one, two, three four cases that we are going to be hearing for a decision. And one that we're going to be hearing for input, but no decision. That's Case 18-13, CCI Properties which – just for the sake of the other applicants – we're going to move to the end of the agenda.

Before we begin, Deven, how are we on mailings?

Building Inspector Sharma: My staff informs me that all the mailings are in order.

Chairman Collins: OK. We are without our attorney, Marianne, who is taking some much-deserved time away. But she is a non-voting member and she has circulated some input on our cases here tonight. So we've go the benefit of her guidance.

I. NEW BUSINESS

Case No. 13-13

Spencer & Carole Weart

12 Buena Vista Drive

Relief from the strict application of Sections 295-68.F.(1) (b) and (c) for an existing low-level deck located in the rear of the house.

The variances sought are as follows:

- 1. Side Yards (One side min./total of two sides): Existing and Proposed 10.45 feet; Required Minimum – 12 feet/30 feet {295-68.F.(1)(b)}.**
- 2. Rear Yard: Existing and Proposed 20.33 feet; Required Minimum – 30 feet {295-68.F.(1)(c)}.**

Chairman Collins: So why don't we begin, then, with Case 13-13, Spencer and Carole – and sorry if I get your name wrong – is it Weart? Thank you. For 12 Buena Vista Drive, seeking relief from the strict application of Sections 295-68F for a low-level deck in the rear

of the yard.

Spencer Weart, applicant - 12 Buena Vista Drive: Should I take the microphone, or can you hear me?

Chairman Collins: No, we'll need you for the microphone. We're recording all of it, and we can't pick up the audio without the mic. And if you've got anything to display, we've got a tripod up front.

Mr. Weart: [off-mic].

Chairman Collins: I'm sorry. Just say your name.

Mr. Weart: Oh, I'm Spencer Weart. This is my wife Carole.

Chairman Collins: Thank you, Mr. Weart.

Mr. Weart: OK. Well, our case is pretty simple. When we moved into our house in 1978, there was an existing small deck. A couple of years after that we had it renovated and expanded slightly. We were simply unaware that we needed to have a variance made, and we only discovered this last fall when we went to have our kitchen redone. Ed Marin, the fellow who made up the plans, pointed out to us that our deck was not within the ... you know, he was looking through all the plans to think about whether we could expand the kitchen, and he pointed out that the deck was nonconforming.

So we need to have it legalized, clearly. I guess the only other thing I can say is, it would be a great hardship to us if we had to tear down the existing deck. It's been extremely useful to us. We not only use it in the summer, but we use it in the winter for access to the back. And it's been a great benefit to the house to have this deck. We hope that we'll be able to make it legal.

Any questions?

Chairman Collins: Remind me, when was the deck built?

Mr. Weart: It was built around 1980.

Chairman Collins: OK, 1980. Well, it's not the first time that this sort of thing has happened. It's never the outcome that we like, but we're grateful that you've come to help us understand what's there and answer any questions that the Board may have.

My read of it is that if this were coming before us now, the variances that are being requested are not terribly significant; they're not severe. And the final product that you've got there in the backyard strikes me as a nice improvement. So that being said, it's not the way we like to draw it up. What I'll do is, I'll throw it open to the Board and see if there are any questions.

Mr. Weart: We have a neighbor who wanted to speak for us.

Chairman Collins: Yeah, there'll be a time for that. We'll have sort of a moment for comments. So I promise we'll do that.

Mr. Weart: Oh, OK.

Chairman Collins: Thank you.

Boardmember Forbes-Watkins: If I may, you have some very nice framing details, et cetera. My question really goes to our Building Inspector. I've seen the decks. Can you tell us that those decks fit these drawings?

Building Inspector Sharma: Procedurally, after the Board acts on this application – assuming the Board approves it – they would apply for a building permit. At that time, they give us the details which, I would hope, are details of as-built, not how it should be built. Assuming the as-built details are acceptable to us – we go and check and, assuming everything's OK ... they said low ground-level deck – at that time we would approve it. We'll get them the permit and get them a CO. But first, before we do any of that, this board has to approve the incursions into the yards.

Boardmember Forbes-Watkins: I understand that. But I'm concerned about approving something that's been built that, when you look at it, is extremely hard, I think, to examine whether it's built the way it's supposed to be built.

Building Inspector Sharma: The charge of the Board is not so much for the structural integrity of it or its compliance with the building code, but only compliance or noncompliance with the zoning code. That, I believe, is what your charge is to say: whether that's acceptable to this board, or not.

Boardmember Forbes-Watkins: The other thing, of course, that bothers me and has bothered me with all of these applications for people who are bringing in things after the fact is that they've added value to their homes for many years and haven't paid for that value in their taxes. That continually bothers me. I agree with you, Matt, that this particular

application is not egregious in terms of size or extent of the variance needed, but it just bothers me in principle deeply. And I'll leave it at that.

Building Inspector Sharma: In light of that, David, a few months ago perhaps you had expressed a similar concern.

Boardmember Forbes-Watkins: And two years ago. This is the third application we've run into.

Building Inspector Sharma: In reaction to that, what we did was we changed the fee, increased the fee, for the Zoning Board. We have increased the fee for the building permit that may or may not equal the tax increase that could have happened over the years. But we tend to give people the benefit of the doubt, in most cases, that they really did not know when they did this that they were doing something illegal. The fact is that they are trying to fix it now, yes, there could be cases whether people knowingly and deliberately did those things. If that comes to our attention we should definitely try and do something about it. But I'm not sure that may be the case here.

Boardmember Forbes-Watkins: I don't know about that. I can't judge that, but I agree that having a higher fee is a better situation. And I think it should be higher still. OK.

Chairman Collins: Mark, Ray, any questions?

Boardmember Dovell: Well, I'm just looking at the shape of the lot and the setback lines that are on the floor plan. It would be hard to make anything fit within the tiny little rectangle, and I think it's really a minor variance primarily due to the height off the ground. If there are not objections from the neighbors, I think it's something we would approve.

Boardmember Pennington: And looking at the criteria for our decisions, on variances – which go into undesirable changes to the neighborhood and whether it's inconsistent with what's in the neighborhood – if you look around the neighborhood there are similar decks around you. And I can't imagine that it would be a point of controversy. We would be able to, of course, listen to anybody in the room who wishes to speak on it, but I agree that it looks to be a minor issue.

And I think as we get to a vote on the matter we'll have to look at one additional issue of coverage, which was apparently not in the notice but I think is fairly subsumed within what we're talking about here in terms of the other areas of interest.

Chairman Collins: That's right, and it is in the application. So it just didn't rise to the level

of notice. And actually, as our Village Attorney pointed out, the side yard variance is not required. So we're going to lose ... we'll drop one from the notice, and we'll add one to the notice. But we'll get to that in the vote.

Sean, how about you?

Boardmember Hayes: Well, I agree that, for one, you can't see it from the street. So that's not an issue because the houses are very close together. This is a stone's throw from my house so I just had to walk, basically, down the stairs, the public stairs. Having looked at the pictures, to me it's in keeping and it's not offensive at all to me. I won't address the tax point because my view is the property taxes should reflect use, and I don't think that deck would have increased your use of the town facilities or the schools. But we can have that debate another day. It's not really for this board.

Actually, I don't have any issue. It's 33 years. It would shock me if there was malicious intent because why would you come back, even if you had to work with your kitchen. You'd find a way around it if you were thinking about it and had malice aforethought. So for me, it's not a problem.

Chairman Collins: All right. Any other comments from the Board before we hear some comments from, I guess, a neighbor? Could you just introduce yourself into the microphone, please?

Steve Horelick, 8 Buena Vista Drive: We're the neighbors directly to the south. We moved in 28 years ago. We have shared the deck with the Wearts from time to time, we've watched their family grow up on the deck. And we absolutely love the deck, and actually would hate to see it go. It certainly isn't an eyesore to us or a bother to us in any way. It's actually been an addition to the neighborhood, the immediate neighborhood, and I would recommend highly that you allow them to keep their deck.

Chairman Collins: All right, thank you for adding that. Is there anyone else who's come who wishes to be heard?

So I'm going to take a stab, based on Marianne's input, at what I believe to be the revised and proper variance request. The side yard variance request, I believe, is no longer valid because of the allowable 6-foot intrusion in the side yard.

Building Inspector Sharma: It's compliant, yes.

Chairman Collins: That's right. The rear yard – because of the same allowance for a 6-foot

permitted intrusion – the required minimum is actually 24 feet. Correct? And there is another variance that's required here for lot coverage, a maximum of 35 percent; the existing, I believe, is 38.6. If we now capture the deck as it's intended, the request would be 44.9? Do I have that right?

Building Inspector Sharma: That's for what we call the "development coverage." And the building coverage, lot coverage, is supposed to be 25 percent. With the deck, it comes to 29.1 percent. So there's an increase of about 7 percent both in development coverage and lot coverage, building coverage.

Chairman Collins: OK. Did someone capture that development coverage? The development coverage requested is 44.9, and the maximum is 35. The lot coverage maximum is 25, and it's at 29.1. OK, I think we need to cover both, correct?

Building Inspector Sharma: Yes, we do.

Chairman Collins: So can I get a motion?

Boardmember Forbes-Watkins: I would make this motion, but I'm not confident about the numbers.

Boardmember Pennington: All right. Well, I will move that in Case No. 13-13 we approve a variance to legalize an existing low-level deck in the rear of the house at 12 Buena Vista. So we would be granting a variance from the strict application of Section 295-68F(1)(b) and (c) for the rear yard for existing and proposed 20.33 feet against a required minimum of 24. And then separately, I move that we grant a variance for the coverage requirements: existing and proposed 29.1 against a required maximum of 25 percent for the building coverage; and existing and proposed 44.9 against a required maximum of 35 percent for the development coverage.

On MOTION of Boardmember Pennington, SECONDED by Boardmember Forbes-Watkins with a voice vote of all in favor, the Board approved Case No. 13-13 for a variance to legalize an existing low-level deck in the rear of the house at 12 Buena Vista. So we would be granting a variance from the strict application of Section 295-68F(1)(b) and (c) for the rear yard for existing and proposed 20.33 feet against a required minimum of 24. And then separately, I move that we grant a variance for the coverage requirements: existing and proposed 29.1 against a required maximum of 25 percent for the building coverage; and existing and proposed 44.9 against a required maximum of 35 percent for the development coverage.

Chairman Collins: The vote is unanimous. Thanks, Mr. Weart.

Mr. Weart: Thank you for your time.

Carole Weart, applicant – 12 Buena Vista Drive: Thank you.

**Case No. 14-13
Jose Luchsinger
57 Circle Drive**

Relief from the strict application of Sections 295-55 and 295-68.F.(1) (c) for the addition of a second story on an existing non-conforming portion located in the rear of the house.

The variances sought are as follows:

From the extension of non-conformity of the side setback: Existing and Proposed – 7 feet; Required Minimum – 12 feet {295-55 and 295-68.F.(1)(c)}.

Chairman Collins: Next up, we have Case 14-13, 57 Circle Drive, for extension of a nonconformity of the side setback, relief from the strict application for the addition of a second story on a nonconforming portion located on the rear of the house.

If you can just introduce yourself in the microphone, please.

Jose Luchsinger, applicant – 57 Circle Drive: I'm with my wife, Paula, who's sitting here. Do you want me to explain...

Chairman Collins: Yeah, please do. Walk us through what you're ...

Mr. Luchsinger: Sure. So we built an extension in 2002, for which we had asked for a variance permit at that time. It was granted to us. What this new construction is, is essentially the second floor of the extension with exactly the same limits. So it would require the same kind of variance permit that we requested, and I was granted, in 2002. So the difference here is just a second floor and, again, it won't go beyond the limits that the existing extension has.

Chairman Collins: OK. I was able to visit the property, and it looks like you don't have a whole lot of flexibility about where else you could be looking to make what seems to be a

very necessary expansion for your family.

Mr. Luchsinger: Yes. It's a small house, I'm sure you noted. We did, in 2002, what we thought was the only natural extension of the house without ripping it down and building a new one. So I agree with your statement. I think this is the natural growth of the house; it's the only way that it can go. And I put the square footage in the application. I think we have like 1,600 square feet or so right now, and this would give us an additional 200 square feet.

Chairman Collins: OK. I just had a question more on the cosmetics of it.

Mr. Luchsinger: Sure.

Chairman Collins: It looked to me in the photograph that the façade of this first floor extension looks a little bit different from the façade of the house.

Mr. Luchsinger: Yeah. It's really a stucco or cement wall. It's not a stone wall, as the rest of the house.

Chairman Collins: OK. So the plan for the second story would be to match the stucco of the first?

Mr. Luchsinger: Although we have asked the contractor, we don't like the way the stucco looks right now because it's like a false stone, if you will. So make it really like a stucco kind of look like many of the houses in Hastings have, which is much simpler. So right now, the way it is – I don't know if it's noticeable in the picture that I sent – it was a bad idea. It sort of resembles the stones, but in the stucco. So we're just going to make that flatter. We think the look is going to be good, that it's going to blend well with the rest of the stone in the house.

I've seen other houses in Hastings – I've gone around just to sort of get a sense of aesthetically how this might look – and I've seen other houses in Hastings that there's parts of the house that are stone, or even wood, and then have a part that is stucco. And it seems to me that that's a good plan; that's not a bad blend.

Chairman Collins: Yeah, you're right. That is a common look in the Village, a very common look. OK, any questions from the Board?

Boardmember Dovell: I think it's very modest and in keeping with the house. And you're asking for a minimal variance, I think. I have no problem.

Boardmember Pennington: And I gather there's no height issue? It's not called out on any of the materials, and it looks like it's rising lower than the roofline of the existing house. I guess the one thought I had was whether the massing of the addition would crowd the lot from the neighbors' point of view. I tried to – as I trespassed, hopefully with your understanding, since you're before us – look at the house today. It looks like the neighbor would still have his winter river view or her winter river view even with the addition.

Mr. Luchsinger: Yeah. We were mindful of that before we submitted this application. We consulted with the neighbors. I think it's the Schor's who are in, I think, 65, the next house. I went down to Circle Drive down lower, and sort of took an angled view at their terrace and at their windows. At least from what I could see, that I could extrapolate, in an imaginary way, if you will, we would not be obstructing their main view. They would still have a the same view towards the west that they have right now sort of in a diagonal way that bypasses the second floor. And I think they're aware of this.

I submitted a receipt that they had an opportunity to ... well, at least to find out about this. If you believe me, they know and they approve verbally of us doing this.

Chairman Collins: OK, thank you.

Boardmember Forbes-Watkins: Just in comment, clearly a simple, straightforward addition. I'm surprised you didn't try for it back when you did the other.

Mr. Luchsinger: Well, the limitation at that time was really a monetary limitation. I mean, we did think that eventually we might have to do it. And one day my son told us, "I can't ... my head is hitting." He's in a bunk bed. "My head is hitting the ceiling." And that's when we said we got to do it.

Chairman Collins: No more wearing a helmet to bed.

Sean, do you have anything?

Boardmember Hayes: Yeah, I also went by the property today. To me, the only question was whether there was going to be an issue with neighbors. It didn't look like it to me. It looked like there was enough separation, so it seems fine.

Chairman Collins: All right. Anyone in the audience who wishes to be heard on the case?

Well, I agree with my boardmembers. I think it's a smart, handsome addition and I see really no issue here. So with that, may I get a motion?

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Pennington with a voice vote of all in favor, the Board approved Case 14-13 for the extension of a nonconformity on the side setback, existing and proposed 7 feet, required minimum 12 feet, for the two-story addition to 57 Circle Drive.

Chairman Collins: The vote's unanimous. Thank you, Mr. Luchsinger.

Mr. Luchsinger: Thank you.

**Case No. 15-13
Gordon & Neda Sokich
7 Washington Avenue
Relief from the strict application of Section 295-36 for the alteration of
existing retail space on the first floor of an existing mixed-use building
into an office and a studio apartment.
The variances sought are as follows:
Off-street parking spaces: Existing and Proposed – None; Required – 6 (4
for the office with single tenant and two employees plus 1.25 for the studio
apartment). {295-36}.**

Chairman Collins: Next, we're going to hear Case 15-13, Gordon and Neda Sokich. Did I pronounce that correctly, Sokich?

Dennis Rubich, Escaladas Associates: Yes.

Chairman Collins: OK, thank you. For relief from strict application of Section 295-36 for the alteration of existing retail space on the first floor of an existing mixed-use building into an office and studio apartment. So really today, we're going to be talking about off-street parking spaces.

Mr. Rubich: Correct.

Chairman Collins: And Marianne did point out that actually the requirement for you is five, not six. Because she rightly pointed out that under the code, when there is a fractional space of less than a half you round down, not up.

Mr. Rubich: OK, I saw that. In fact, I rounded up the amount of employees that his brother will be using.

Building Inspector Sharma: We rounded it up, and we corrected it. We rounded down to one, so the actual variance that you need is for five spaces and not four spaces.

Chairman Collins: That's right. And we'll make sure, when the time comes, that's reflected in the record. So if you could just introduce yourself into the microphone, and then walk us through what it is you're doing.

Mr. Rubich: I'm from Escaladas Associates Architects and Engineers, and I am here representing Mr. Gordon Sokich. His family has owned this building for over 30 years.

They've gone through some rental problems. The back story is we've been before this board at the beginning of this year to get a change of use for that space – I don't know if you recall that – along with going to the Board of Trustees to see if we could do a change in the code. When Marianne said we needed points for a change of use, which I understand is very difficult to get, we went to the Trustees and began to explain what we want to do there. They took it with that, and a few more steps, and said they want to add whatever uses are feasible and viable in the CC district to bring it to this small district that's a more or less forgotten block that was kind of zoned for what was already there.

Those meetings took a few months because they wanted to hash out all the uses that were proper for that space. Along with those discussions, we talked about parking. Since there's only 17 spaces on that street, everyone said the parking is an issue. So the discussions went further by saying any space that was 2,500 square feet or less would not be required – much like in the CC district, being the restaurants and retail, I believe, here in CC.

Building Inspector Sharma: And that again may be happening, but right now that exemption doesn't apply here.

Mr. Rubich: Correct. That's why it was my understanding – and I thought it was a few others' – that that was the case. So in the time that had passed since this whole process was going on, Gordon – who initially wanted to put in a hair salon, while doing their business plan or whatever, seeing what's best for them – realized that his brother would be better suited having that space as an office, splitting the space in half and adding the studio apartment which, originally, was even allowed in the original zoning for that place.

We both believe this was less impact than even a hair salon or any kind of retail there. Having an office and a single person living there worked out better for everybody. So we

went with that, and we got the Planning Board approval, I believe, at the last meeting. I don't know if they've had a meeting since we've been there. But they approved that layout, pending this approval here for the parking variance.

That's where are. I don't know, Gordon, if you want to introduce yourself.

Gordon Sokich, applicant – 7 Washington Avenue: Like Dennis said, my family has owned the building for probably over 30 years or so. Really not too much has changed. If you guys all know, there used to be a bookstore there. People came and went all the time. So for a studio in the back, it's going to be one occupancy. And if my brother's using it, he's in the parking business – Propark, which is in the tri-state area – so it would just be him coming there. And when it comes to parking, he could walk down the hill and find parking. We're not worried about that.

Logistics-wise, it's going to be the same amount of traffic, probably, that was there with the bookstore. The bookstore probably had more traffic than anything anyway because he had both sides of the street by the ballet school. So basically, parking over there –I've said this before at other meetings, and I know it's probably not the right meeting over here – they don't enforce the 2-hour rule on that street. If it was enforced there wouldn't be an issue of parking over there. So you either put meters or enforce the 2-hour parking rule in terms of that. I know this is probably not the board for that, but I just want to bring it up.

Like Dennis said, I think it makes sense. Look, we're trying to bring that whole district over there ... it's like a dead block. So we've done a lot of improvements for our building, we'd like to see our neighbors do the same thing. What we have there is a full glass door. You're going to have, literally, one full-time employee and one part-time that comes in that helps my brother out, which is his assistant. Basically in the studio, a lot of times when we do the rentals – I market, I do real estate in Manhattan – I market to the Manhattan people who want to move up here who can't afford the rents anymore, who don't need a car because this village is a walking town to do all the shopping.

It works out well. And ideally, I'll probably target somebody who doesn't have a car. And that's what I've been doing for the other four apartments that we have. Typically, most of the people don't have a car. They commute to the city, and those are people that I extracted out of the city. Because my primary business is on West 72nd Street, which I do real estate. So I know how to bring them up here for a half-hour commute into Manhattan, and rent out the places.

So that's basically it. Thank you.

Chairman Collins: Well, the parking situation down there, as you say, is not convenient. So I would imagine that it won't be difficult to persuade anyone who doesn't need a car that not having a parking space is something to sacrifice.

The application describes use for a single tenant and two employees. So what are you thinking here? Three to four people who would be in this space?

Mr. Sokich: Well, most of the tenants, if they're working ...

Mr. Rubich: [cross-talk] for your brother's office.

Mr. Sokich: Oh, no. Just my brother and his assistant.

Mr. Rubich: And even if that person ... I added the second employee in future use so we wouldn't have to come back.

Chairman Collins: OK.

Mr. Rubich: Because I don't see that space having more than those three people.

Chairman Collins: OK. What do you have in mind for the space? You describe it as a non-medical office space, but is there something in particular you're targeting?

Mr. Sokich: Well, no. The reason is this: it's very difficult to rent over there, nobody wants to rent the commercial space. The problem is there is no parking, it's on a hill, it's very difficult for a transient business to come in. I was going to go in there, and my fiancé was going to open up a salon. I stood out there ... you know, I've been there all the time, but I've stood on the block and I could see how the traffic is. The cars sit there all day and nobody moves them. Even on the days in the morning, on Thursdays when a street cleaner comes by, they don't even come by. I could sit there in that time period where they're supposed to clean the street. They're not there.

So, you know, we've put a lot of pride into the building. We did the siding, we did the windows. The only thing that makes sense is either an architect, a small office, something like that. Otherwise, we'll have an empty space and we can't do anything with it. So looking at how traffic flows over there, it flows in the morning and it flows late in the afternoon. There's no other traffic in between, and that's basically it. The ballet school, the dance school, is really in the afternoon when they're running everything. The bookstore is here or there with traffic. And there's really not too many other businesses on the block.

So it would just basically be for an office use in the front. Yeah, down the road, if my brother upped and moved his office. But he's been above Astoria Federal for 10 years over there. And it just makes sense to put him there because instead of losing money I might as well put him there. I've had a sign up there for almost a year now. I've gotten two phone calls, and I put it everywhere. When people come by, it's the same thing, no parking. And they're like, well, if they had meters it would make sense. If it was a half-hour meter or an hour meter, where people could come and go, then you could maybe get some other viable businesses that could do well over there, over time.

I think since there are meters down below on Southside over there, you have it on Washington Avenue. It just makes sense: put it there, or do diagonal parking. I've seen it in other towns. It's a wide enough street. Because you have, across the street, four spots which are ridiculous. Get rid of those four spots and just put diagonal parking and people could be careful coming in and out, and then you create a lot more spaces. Because right now, you have 17 spaces. But if you did diagonal parking, almost like in Irvington but just do it to one side and keep the other side no parking, I think that's maybe a solution over time. And it would make it easier because you have an influx of families growing; there's a lot of two-bedroom apartments in the areas. You're going to always have, usually, couples coming in with a child. And sometimes they demand one or two cars, and there isn't enough.

Then what they end up doing is parking up on Ridge Street. They end up going somewhere else and clogging up somebody else's street. So I think it's somewhat a solution. Because a mixed-use block is typically to either have meter, diagonal parking – eliminate the other side – and you'll create more on one side.

Chairman Collins: A good conversation for another board on another day.

[laughter]

Mr. Rubich: That's what I was saying

Chairman Collins: I'll let the other Boardmembers chime in. My sense is that the exemption that exists in the code for restaurant and retail space, for areas or work spaces up to 2,500 feet, is, for me, sort of a compelling data point in the analysis, as you note in your application. Because you're not that much bigger, and what you describe seems to be less of a burden on the overall parking capacity of the Village which is already strained and something that comes before us all the time. And it is a headache. But as long as this exemption exists – and I asked Marianne if there was a purpose behind it – the history is neither here nor there. It strikes me as worthy of my sympathies anyway, but this is something that is less severe.

But I'll pause there and invite my Boardmembers to weigh in.

Boardmember Dovell: How many square feet are in the whole property, the building?

Mr. Rubich: On that commercial space?

Boardmember Dovell: Both the commercial and the apartment. It's two stories.

Mr. Rubich: Oh, I don't have that. I don't have the number. This is commercial and two stories, correct. So three total. I don't have the number with me.

Building Inspector Sharma: It's about 900 square feet on the floor.

Mr. Rubich: Yeah, something like that.

Building Inspector Sharma: Give or take – 900-plus.

Mr. Rubich: I don't even want to give a ball park, but that's pretty much it.

Boardmember Dovell: So it's right at that 2,500-foot threshold, isn't it?

Mr. Rubich: Yeah, but I think those discussions were really for the commercial space only.

Chairman Collins: I think it says 3,100 feet on the drawing.

Boardmember Dovell: Just for comparison.

Chairman Collins: It's not far off. And again, the use – compared to what you think of anyway about typical restaurants where you really do need parking to be relatively close by – I found if there's an exemption for those things, where you think maybe parking would be more critical, the fact that this is very close in size, it found a sympathetic audience.

Boardmember Pennington: And Marianne did note that in the CC district there is an exemption for all uses in existing buildings. They don't make a distinction between retail and restaurant. So I can't see a reason why this would be different here.

Mr. Sokich: There were three or four meetings that we kind of talked about this. In fact, another applicant came in while this was going on – perfect timing – and they actually added his use to the docket, as well. So they were definitely in favor of getting some revitalization

in this area.

Chairman Collins: That's a good point, Mark. Any other questions?

Boardmember Forbes-Watkins: I'd like to hear from anyone in the audience.

Chairman Collins: Sean, are you good?

Boardmember Hayes: Well, no. I would say the same thing. I mean, to me we're not here, obviously, to write law. We're here to enforce and interpret. And to me, it's very compelling that in the CC district you can do it and if it were a retail space it sounds like you could do it. It's just a little bit nonsensical to me.

Victoria Bugby, 35 Washington Avenue: I live on Washington Avenue and I've been there for 17 years. That part of Washington Avenue really needs to be preserved with the way it looks. It used to be a bookstore. It was very lovely. You had the bookstore across the way and you also have the ballet studio. It has an ambience about it. And I just am afraid that if it's an office it will be boarded up, it won't have the nice architecture and glass windows. Because I've seen that happen at other places in that neighborhood.

I'm trying to preserve Washington Avenue. We're the historic block of Hastings. We have the Draper Foundation, the Cropsey Foundation, the David Farragut house further up. Washington Avenue seems to be the dumping ground in Hastings, and it's very difficult for us to see what is happening and what's being proposed. So I implore you that if you sanction it as a business that there are restrictions on how the structure looks. I don't know if you're the committee, or if that's the Planning Board. Because I've seen what you propose for other commercial spaces. I don't think that parking and meter parking ... we're already so pressed for parking that it would be disservice to all those people who live in that neighborhood.

So thank you.

Chairman Collins: Thank you, Ms. Bugby. Do you care to respond?

Mr. Rubich: If I could respond, the storefront is not changing at all. In fact, the office space layout I did was to preserve it. We're not making any exterior changes. And the studio in the back, with the high ceilings, it's going to be a beautiful place. It's not going to be like a studio. The work studio kind of implies small basement apartments. This actually is going to be a great space, as well.

Building Inspector Sharma: By the way, if and when exterior work was proposed to be

changed there is an architectural review board that does look at the changes in context with the rest of the area. And you may not be able to do what's not in character with the rest of the street, the rest of the architecture.

Mr. Rubich: Right.

Chairman Collins: And really, the issue before us is a parking issue. I think you've heard from the Board this may be an opportunity for some consistency to be created in the code as it relates to the type of parking that is associated with different businesses.

Boardmember Forbes-Watkins: I think it's important to have noted that we had somebody from the street saying that parking is so bad it doesn't matter – let's just go ahead.

Building Inspector Sharma: If I may add another thing, in the discussion with Marianne the use that is currently supposed to be the bookstore as a retail, that has certain parking requirements as well. So if you compare the off-street parking required for that kind of retail use and this use, the difference probably is nil, if not negative.

Mr. Rubich: It ended up being negative. With the old code, it needed, I think, adding three spaces or something like that. I don't know how that worked out.

Chairman Collins: So, in a way, we're taking the need off; we're reducing the capacity.

Boardmember Forbes-Watkins: We are not adding to the issues with regards to parking with the current use that was there. If the place was rentable, or rented, it would create the need for just as many off-street parking spaces as this current use; the studio apartment in the back and small office in the front.

Chairman Collins: OK. Any other comments from anyone else, any other guests? OK.

Well, if there's nothing further from the Board, may I get a motion on this?

On MOTION of Boardmember Forbes-Watkins, SECONDED Boardmember Pennington by with a voice vote of all in favor, the Board approved Case 15-13, for a variance for off-street parking: existing and proposed - none; required - five.

Chairman Collins: The vote is unanimous.

Mr. Rubich: Thank you very much.

Chairman Collins: Congratulations, Mr. Sokich.

**Case No. 19-13
Eric Carr & Emily Zuckerman
124 Circle Drive**

Relief from the strict application of Sections 295-60B and 295-68.F.(1) (a) and (b) for the reconstruction/replacement of more than 50% of a home damaged and made unsafe by fallen tree during Hurricane Sandy

The variances sought are as follows:

- 1. Front Yard: Existing and Proposed – 18.3 feet; Required Minimum – 30 feet {295-68.F.(1)(a)}.**
- 2. Rear Yard: Existing – 13.25 feet; Proposed – 11.25 feet Required Minimum – 30 feet {295-68.F.(1)(b)}.**

Chairman Collins: OK, here's where we're going to call our audible and move directly to Case 19-13, which is for Eric Carr and Emily Zuckerman of 124 Circle Drive. And then we'll come back, as I mentioned in the beginning, to CCI Properties.

And maybe while we're just setting up, let me just say I had a chance to visit the property and my heart goes out to the homeowners. Are they here? I'm really sorry for the damage, and I can't even imagine what you've been through over the last many months. So know that you have my sympathy and I hope this gets resolved for you quickly.

Christina Griffin, architect - 124 Circle Drive: Thank you. I'm the architect for the design of a new structure to replace the damaged house. I appreciate very much that Deven Sharma squeezed us in to the calendar. Because the owners have been living outside of this house since the storm hit, and they have a limited time to build a house with the housing expenses that have been given to them by the insurance company.

I wanted to hand out some photographs so you could understand the house that exists now. I'm not sure if you can see this, but I'll hand these out while I'm talking about it. The first photograph shows the house from Circle Drive. This is a ranch. It almost appears to be one story, but it's two stories and there's a carport on the northern end. The middle photograph shows where a very large tree hit the house. Luckily, the owners were in the house but they managed to get out in time. This house has crossed the southern end-eastern end of the house, and the entire house is wracked and pulled apart. The walls are pulled apart from the floor structure, and the whole roof is severely impaired. This is a view that doesn't show

damage, although this façade is also wracked from the damage of the tree. But I'm showing it because this shows a carport and a shed that currently exists. What we'd like to do, when we rebuild the house, is make that carport into a two-car garage.

This is a sketch to show the future house. This is the southern end, northern-western side of the house, that you see from Circle Drive. The house's first floor is set down from Circle Drive about 3 or 4 feet currently. We're planning to raise it up slightly because we'd like to insulate the floor. The house is currently on a slab, and we want to insulate the floor and have a crawl space underneath. This is showing the new two-car garage that will take the place of the carport.

Now, the reason why we're here is because the house is nonconforming. We'd like to reuse the foundation for the new structure. We have a lot that is about a third of an acre and the setback in the front to the existing building is only 18.3 feet, and in the zone we require 30. But their side yards are very large. We have 40.9 at one end and 55.9 on the other side. In the back of the house, which is the eastern side, we're right up against Hillside Woods. So the existing house has very small setbacks that do not meet the zoning code in the front and in the back. Therefore, when we rebuild the house and put it back on the foundation we're going to need variances to the front and rear setback.

We're going to maintain the large side yards. And I want to point out, even though the setback in the back is very narrow – we're right up against Hillside Woods – the existing setback is 13.25. Because the house is only 25 feet wide, we're proposing two bays that overhang the foundation just to give more space inside the house. That will bring the setback to 11.25.

In the front of the building, we're adding a two-car garage to take the place of the carport and a shed. But when we do this, we're going to actually increase the front yard. It's currently about 18 feet, and we're going to set it back 6 feet. That's simply because we don't want the garage to dominate the house. Push it back a little bit, and that gives us a rear yard of 20.9 feet to the garage. The lot coverage is only 13 percent currently; we're going to 14 percent. And, of course, the maximum is 25 percent for this zone.

As to floor plans, in the front entry we have these little extensions on the new design. That's simply because the original house, which was almost 2,500 square feet, just had a few deficiencies, such as the entry. We really don't have an adequate closet so this is a little bump-out we've added. These are the two bays in the back – because it's a very narrow house – which fit the lot. But these will be overhangs, these structures, over the existing foundation. This plan shows the new two-car garage with a mud room entrance. We're staying with the same layout that exists, which is a four-bedroom layout on the second floor.

But we are raising the house because the existing house sits on a slab. It has less than an 8-foot ceiling height on the first floor. And then on the second floor, the old house has 5.5 ceiling height at the eaves.

Since we're rebuilding the house, we want to have co-compliant ceiling heights. We're going to start with 8 feet. And we also want to make sure the floor structure is insulated and not sitting on an uninsulated slab. This also allows us to have our mechanicals in that crawl space. But our total height is only going to be 23 feet 8 inches. We have just started the elevations of the house so I didn't have them in your package because we're trying to work very quickly to get the design together for the new house. But I just wanted to show you it's going to be in a similar style of the mid-century modern, with the low 5/12 roof. This is a garage, and this is the two-story part of the house.

I know the owners are here.

Emily Zuckerman, applicant - 124 Circle Drive: We had just moved into the house 10 months before this happened, and now we've been out of the house almost 10 months. We've been living in temporary housing so we appreciate you getting us on the agenda quickly to do this and, hopefully, giving us some consideration to get this done quickly. Because we have little kids, and our insurance company is only paying for rent for a year so we're about to run out of that. And, it's paying less than half the cost of rebuilding the house so we have quite a few challenges and really want to get it done as fast as possible. So we appreciate you giving us some consideration for that.

Chairman Collins: Thank you. Yeah, like I said I can't imagine what you've been through and I hope we can make this easy for you. Do you have anything else you wanted to add?

I'll just say that when I saw the designs, then when I saw the house, I thought this is a thoughtful update. It looked to me like it still is in keeping with the house that you fell in love with enough to buy, but with sort of a contemporary interpretation, shall we say. I really respect the fact that you've managed to, largely, keep the footprint and, in some ways, reduce it with the effect of the garage. You know, like a lot of homes in Hastings it's oriented the wrong way as it relates to the yardage, and the yards and the setbacks. If the front of the house was different you'd be fine. But the fact that you're staying essentially within the existing footprint with very minimal change, I just thought it was a thoughtful homage to the place you moved into.

So I think this is a handsome design, a good renovation. And I'm sure you can't wait to get on with it. Any comments from the Board?

Ms. Zuckerman: And we have a neighbor here, as well.

Chairman Collins: Yeah, we'll give them their chance, too.

Boardmember Dovell: What is the change in height altogether, Christina?

Ms. Griffin: About 9 feet.

Boardmember Dovell: It's about 9 feet higher. From kind of the sill plate to the sill plate is about 9 feet?

Ms. Griffin: I think so. It's really because the house looks like it's one story. And the second floor is so low that even if we wanted to put the structure back where it is, if we put co-compliant R-38 insulation in we wouldn't be able to meet the minimum ceiling height in the rooms. And, of course, we're building new so we want to have normal ceiling heights. We also want to get off the slab. We know now with that slabs on grade there's a lot of energy heat loss unless they're insulated. So we decided to create a small crawl space so we can have our mechanicals in there. But even though the house was extremely low to begin with, we're still only going to be less than 24 feet in total height.

Boardmember Dovell: The interesting thing is that, given where the house is constructed, if you respected the front setback and the rear setback your house would be 3 feet wide or something. I mean, you wouldn't have a house.

Ms. Griffin: Yeah, it's impossible.

Boardmember Dovell: So in a way, it's a major variance because of the volume that you're building above. But there's no other way to do it, given the footprint of the house. So you're in a very tough position regarding the requirements of the zoning. But I think it's sensible, you're doing the right thing by the owner of the house. And I think there isn't another solution, really, unless you move the house, which you can't do. To build a complying house on this lot you'd have to move it completely off the foundation, which is a non-starter in a situation like this.

Ms. Griffin: No, we want to do it the most economical way.

Boardmember Dovell: Although it's a significant variance, there's really no other way to do it.

Ms. Griffin: Also, in that side lot there's a pipe that goes under the street and all the water

comes through there when it rains. So the whole side lot is just a big gully during the rain and it wouldn't be possible to move it over that way.

Chairman Collins: OK. Thanks, Ray. Anything else, guys?

Boardmember Forbes-Watkins: It's a very good system.

Chairman Collins: Well, why don't we get a motion on this?

Boardmember Forbes-Watkins: We have comments?

Chairman Collins: Oh, yeah. Sorry, thank you. You did mention there were some neighbors who wanted to speak. And we did get a couple letters, which I forwarded to Deven. So if there are comments from our guests, we'll be happy to hear them.

Can you introduce yourself?

Jenny Dirkson, Ferndale Drive – Hastings: I live on Ferndale by the dead end. We're here almost 11 months now, and I was in the house when the tree came down. So I think what Eric and Emily have done is incredibly respectful of what the old house had been. The property's actually set down a little. The houses on Chestnut are majestic so I don't think the 8 feet is even noticeable, really. And we'd like to have them back in the neighborhood. So I'm just in favor.

Chairman Collins: Thank you. Anybody else wish to be heard?

All right, now I'll ask for my motion.

Building Inspector Sharma: You want to read those letters?

Chairman Collins: I'm happy to do that. I don't think we need to. I think as long as they're ... I will say that we have two letters that are from neighbors that are endorsing the proposed changes. So we'll make sure that our Building Inspector includes them in the record.

Chairman Collins: And just so I'm clarifying, you're moving that we approve.

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Hayes with a voice vote of all in favor, the Board resolved [Case 19-13, 124 Circle Drive, variance for front yard existing and proposed 18.3 feet, with a required minimum of 30 feet; rear yard

existing 13.25 feet, proposed 11.25 feet, with a required minimum of 30 feet].

Chairman Collins: All right, the vote is unanimous. Congratulations, good luck to you.

Case No. 18-13
CCI Properties Inc.
32-34 Washington Avenue
View preservation approval and relief from the strict application of Sections
295-72E(2) and 295-20(c) for the construction of a new 13-dwelling-unit
building in place of an existing two-family dwelling.

The variances sought are as follows:

- 1. Lot Coverage (includes all buildings and structures such as parking and other paved areas except driveway): Existing – 12%; Proposed – 43.9%; Maximum Permitted – 15% {295-72E(2)}.**
- 2. Paving and Structures in required yards: Proposed – handicap accessible ramp and parking spaces {295-20C}.**
- 3. Tandem Parking spaces: Definition of Parking Space {295-5}.**

Chairman Collins: The last item on our docket is an item we're not going to be making a decision on one way or the other because, as I understand it, Deven, this has not yet made it through the Planning Board. Correct?

Building Inspector Sharma: Yes. It has been to the Planning Board, but it was not at a stage where the Planning Board could take any action on it.

Chairman Collins: OK. I understand, though the applicant would like to share the proposal with us for some feedback, which we can do. So is there someone here to represent CCI Properties? All right, thank you.

Lino Sciarretta, attorney – CCI Properties: First of all, we appreciate the opportunity tonight to be heard on this. Primarily, [portable mic not switched on] feedback and some guidance with respect to this application and at least start a dialogue. We'll probably be back here some time in the future.

What we're proposing [portable mic not switched on] – and with me tonight is Kim Martelli – is to go through the application. But in essence, we have an existing two-family which the applicant is seeking to expand into a 13-unit building. This expansion is in the MR-1.5 zone. Right now, we noticed the variances [portable mic not switched on] variance [portable mic

not switched on] parking. I believe [portable mic not switched on] side yard accessible ramp. As we go through tonight, again, we just have some questions, maybe some guidance with respect to those variances [portable mic not switched on] Martelli will go the plans. Thank you.

Chairman Collins: Yeah, thank you, Mr. Sciarretta.

Kim Martelli, KTM Architect: I'm the architect on behalf of CCI Properties. As Mr. Sciarretta said, we have been before the Planning Board, both, last week. That meeting had been preceded by conversations and informal sessions with the Planning Board chair, Mr. Sharma also the Village Attorney so that we could again commence a dialogue about the opportunities to, in fact, develop this property.

The lot that we are talking about is at the corner of Washington Avenue and Warburton Avenue. It is the largest of the lots within this area of the MR-1.5 district. It is just over half an acre; 26,126 square feet. Currently on the lot right now is one structure which houses – as Mr. Sciarretta said – two residences, each of three stories. And there is a 1,000 square foot accessory shed on the lot. What I do want to make clear to the Board is that what's currently existing on the property right now is an occupancy of approximately 18 percent of the lot area. So just to clarify those numbers, we're starting with a coverage today – of building structures, sidewalks, all elements except for access driveways – at 18 percent of site coverage. So we're looking to work from that number just to have for comparison as we talk through the additions to the property.

As Mr. Sciarretta said, our goal in looking at expanding this property was to keep the corner of that existing building. On your site plan, you'll see there's a light footprint and a dash line which indicates where that existing primary structure is. Some of the elements have been modified, including that porch that faces Washington Avenue. But from that corner, we have then expanded west and south into the property to create a double-loaded corridor of apartments, apartments on each side, and separated to flats as opposed to three-story dwelling units.

The site is primarily open toward Washington Avenue and Warburton Avenue. Right now, there's an existing stone wall that wraps those corners. We're looking to maintain that same character. In fact, we would break it up in small areas and weave it in with a little bit of wrought iron fencing there and some landscaping. We'd be closing the existing curbcut on Washington Avenue, but maintaining sidewalk access for residents to come directly out of the building and access Washington Avenue; changing the mode of traffic circulation and putting the driveway off of Warburton, where we'd have 10 on-site parking spaces open to the air, including one handicapped spot. And then from the floor plans, you'll see there are

13 interior spaces. They're in seven bays of parking. Five of those bays are tandem parking spots. And I'll go through how those would work for the 13 dwelling units.

Toward what would be our side yard, the property has a handicapped-accessible ramp, which provides a means of access for handicapped residents at that lower level to arrive at the first floor, which is the first level of residential dwelling units. To the far south of the property, we're trying to leave the existing grass-seeded area as much as possible and enhance it with a walkway connection between the occupied site and put in a small area of [bentworks] XXX, curbing and, primarily, a recreation area. We're doing some small improvements here, where we'll have low walls and shrubbery and a stairway access that would allow residents, in fact, to come from that side yard, across the driveway area and occupy this grass-seeded recreation area.

As I said, in looking at the floor plans and putting the existing conditions for the building we looked specifically at that ground floor. The orientation of your floor plans is that the bottom left-hand corner is that side yard of the existing building. This is building six, approximately in this area. It occupies that one-bedroom unit of 725 square feet and a portion of the adjacent new unit. So what we looked to do in studying the existing building was to see how we could modify the existing floor plan, work with as many of the structural components as possible, and then from that footprint build a common corridor and then build that additional expansion toward the south of the property.

Each floor plan is proposed to contain four dwelling units on the first and second floor, and the third floor would contain five dwelling units. There's a mix of one-, two- and three-bedrooms, and two of those ground floor units would be workforce housing and affordable. And all of them would be designed to be type B handicapped-accessible dwelling units. Each apartment has – aside from the one center, one-bedroom at the top floor – corner balconies. In looking at the architecture and the character of the building, although we know we have a very traditional, federal-looking building, what we wanted to do was marry it with a contemporary style that has an eye toward the river. So although we have these good-sized windows, what we wanted to do was really open up those corners and give each of those residents this true, fantastic view of the Palisades, of the river.

There are relatively good views from the building right now. Some of the obstructions simply relate to the fact that there is a dense number of conifers, evergreen trees, that run through the front of the building at Warburton. So some of that would just be simple pruning and checkup. And if you compare the site plan, the landscaping, with the existing survey conditions we're simply minimizing a few of those trees to give all of the new residents the opportunity to have those views. That, in fact, will actually open up some of the views, as well, for adjacent neighbors; specifically our single-family residents directly to the south of

us.

But again, this is a new look. We are going to incorporate the brick which is currently on the site; similar window styles to the existing – similar shape and form – but we know that we are, in fact, inviting in a very new element by opening up these corners with these large windows with a different style. It certainly is a challenge to do, but we're excited for the opportunity to show something new while maintaining some of the feel of the existing building. We have lost some of those components like our covered porch, but we're trading them off for other elements such as the individual balconies off of each dwelling unit and taking that one common area and turning it into individual areas for each of those residents to have outdoor space.

I think just as a reference point, this gives you that northeast corner of the building as you drive down Washington. This is our neighbor to the south of us where, again, we'll be working as much as we can with some of those existing retaining walls and existing grading. That is the view to the southeast corner, and this is the resident behind us – I believe this is 15 William – just to get a sense of where the character lies. Some of those view studies that I think I included in your package gave you a perspective of looking down on the property from two lots away. I was able to get into the second story of 42 Washington to give you an overview of the site and, really, the potential that this property has for providing great quality housing, adequate parking. And with new development also comes the ability for us to put in stormwater management that would not only manage this site but, in the fact that we are the lowest property along a long block of properties, ultimately we'd be taking some of that stormwater and subsurface water from adjacent properties.

If it's helpful, I'll just point out specifically where each of those variances lie. Because, obviously, those are a lot of the topics that we get to get your feedback on this evening. What I did was, in this graphic, just give you a color comparison of what each of the impervious surfaces are: this upper floor plan being the existing survey, existing site conditions; the lower one being a very simplified version of that site plan that was submitted to you. The yellow areas are structure. So the existing building and the existing accessory shed and, in the case of the new building, the footprint. And it also incorporates all those outdoor covered entrances and the outdoor balconies. The green area is considered our parking areas, which we understand per the zoning ordinance is also included in lot coverage.

The only areas that are excluded are those in orange which, we understand, are access drives. So the point from the property line to the point of parking usage should be clear. And the remaining areas in blue, miscellaneous impervious areas: walkways, steps, retaining walls, in the case of the existing building some cellar doors. On our new site, it's primarily the same steps, ramps, walkways, trash enclosure and retaining walls. And again, I just had gone

back to take a look after our Planning Board meeting to get a clear idea of how these two compare to one another.

We realize that we're asking for a significant variance because we feel that it's proportional to the value of the property. The ability to develop it and put in a building; although not comparable in size to the existing adjacent properties and their percentage of occupancy, something that would allow us to build an appropriate number of dwelling units, satisfy the parking requirements, and maintain as much open space at some point. We've taken this through a number of revisions to, in fact, house as much of the parking as we can beneath the building without doing significant disturbance to portions of the existing structure. We have already kind of hashed out a few other opportunities that may be available to us to, in fact, further minimize that coverage. But without presenting those changes, we just wanted to get some feedback from the Board, your thoughts on it, and about your thoughts on the opportunity to develop this property.

We think this is a great chance to see some wonderful dwelling units on a property that can actually afford to provide full parking and, with new stormwater management, in fact treat all those impervious areas on our site. I think the one element in terms of building coverage that we've kind of been torn on is what is to be considered in that coverage. I think from the public notice that went out to us, it includes all of our parking area. But in the definition, it does exclude driveways. What we do want to understand this evening is what part of this is our driveway. Is this our driveway, is this our parking structure because we use it to get to the parking spots? If you have a house, is it your ...

Building Inspector Sharma: There will be, obviously, resolving that matter with Marianne. The way the code is written right now, all buildings and structures, by definition ... practically everything is the structure. Even when there are ramps and sidewalks and everything, anything which is made up of more than two or three materials permanently placed in the ground is a structure. Whether that needs to be modified or not, the way it sits right now – except for the driveway, fence, play equipment – everything is a structure that has to be counted in the building lot coverage.

So that's what we did. We thought, Buddy and I, that all the structures add up to 40-whatever percent. And that's something that you will have to resolve with Marianne and the Planning Board. Because that's something we're seriously going to have to deal with. Permitted lot coverage is, what, 15 percent?

Ms. Martelli: Right, correct.

Building Inspector Sharma: However impractical that may be, especially if you have to

include the parking and all the other structures. So this is really a Planning Board issue. At some point, they might recommend this board give you a variance on it. I do not know.

Chairman Collins: Well, I agree. And that's what I'm sure will be resolved.

But as I read the definition in the code, in our code, development coverage – *"the sum of the area of coverage, a footprint of all buildings, structures, driveways, parking areas and impervious surfaces on the site"* – seems, to me, to be pretty comprehensive.

Building Inspector Sharma: The difference between building, or lot coverage and development coverage. If you read the definition of lot coverage or building coverage, that includes all the buildings and structures. And the definition of structure includes the parking lot.

Chairman Collins: Right.

Building Inspector Sharma: With the only exemption given for the driveway and some play equipment – jungle gyms and swing sets – but everything, by definition, is a structure.

Chairman Collins: That's consistent with other hearings that we've had; other cases we've heard, as well, that interpretation.

Building Inspector Sharma: I believe some, yes.

Boardmember Pennington: The exception for the driveway and the other elements, where does that fit in the code?

Building Inspector Sharma: It's in the definition of "structure."

Boardmember Pennington: In the definition of structure, OK.

Building Inspector Sharma: And, Kim, the driveway would be the portion of the paved area to come to the parking lot.

Ms. Martelli: It really is as identified here.

Boardmember Pennington: I see, yeah.

Ms. Martelli: So it really is just that [off-mic] component before [off-mic] into, turn into a parking spot. So this would be my lot line, and where I actually can access a spot. I'm

guessing [off-mic] something to that effect in an existing two-family?

Building Inspector Sharma: Reluctant you may be, but this is how I read the code.

Mr. Sciarretta: And the only reason why I raised it with Kim and the Board is, when we were going back and forth ... because we had informal meetings with the Village Attorney, with the Planning Board chairman. And this is after like three or four versions of the plan that we came up with. But one of the issues that we discussed was, again, the sole purpose of it is if this was considered the driveway, because you can't park in it, whether that would reduce the amount of the coverage variance from the percentage that we are now.

That's the only reason why I bring it up. Because again, right now we're including this, as Kim identified. But whether past interpretations with your board included this portion of the screen area is being excluded from coverage as a driveway because you can't park in it, again, all it would do is just reduce the coverage variance from where we are now. That's why I just bring it to your attention. That's all.

Building Inspector Sharma: So you're talking about the car *maneuvering* space.

Ms. Martelli: Right.

Building Inspector Sharma: That's what you call maneuvering space.

Ms. Martelli: The "access aisle." I think that's the component that would be valuable because it going to be a portion that would allow us to really start to drop that down, as well as make our own concessions in other areas of the site.

Chairman Collins: What is the difference? It's depending on the interpretation.

Ms. Martelli: Yeah, it would probably drop us down around 9 percent. So that would be great.

Chairman Collins: So you to from 44-and-change to 35-and-change.

Ms. Martelli: What we're looking for is to try to be closer to precedent; so come closer to other lots that have achieved zoning variances. We're not asking beyond what the Board has interpreted as appropriate uses of site. As I said, it's a challenging condition because we're one of the few, I'm going to say, underdeveloped. Because most of those lots within this area are existing nonconforming conditions of coverage. So if you do the drive up and down those properties – be it single-family or multi-family residences – in looking at an

opportunity to develop this site we would seek a variance for any possible improvement; even if it were simply limited to what is part of our proposal, which is subdividing a three-story residence into individual flats. Because we'd immediately kick in parking ramps, impervious area. And right off the bat we'd be battling coverage that continues to exceed our current 18 percent coverage.

But we're looking to do it in tandem with improvements. There are improvements that come with it, and I think the critical part of it is that in advancing architecture and advancing engineering we can't create those advancements without trading them off for a value. But we're looking to give some of that value back to the community, both with the improvements of the property, exposed new structure and also additional dwelling units. Some of the issues that we did talk about at the Planning Board that we want to come back to that board and address are issues about architecture. We're going to be having a community meeting where we're getting some additional feedback from some of the neighbors who are artists and architects and just want general input, which we find very helpful. They were very embracing about us trying to maintain the existing look of the building, the overall volume and, as we said, the coverage. We've already kind of considered some components.

But parking seemed very critical, and it always came up as an issue. And as much as we tried to consider a conversation about being a commuter site, and the fact that we have such easy access to the train station, it doesn't seem to waive the fact that parking is inadequate, especially in this neighborhood. So we're trying to fight both those battles.

Chairman Collins: I appreciate that. The challenge that I have is the growth in the overall size of the structure. And I know the buildings on Washington, in particular, do look as if they take up a lot of their lots, but this structure I actually like for the sort of breathing room that it has. The size is a concern for me, although there are some buildings on that street that have kind of a unique look to them that doesn't necessarily reflect the character of the neighborhood.

This is noteworthy for how different it would look relative to the buildings especially on Washington, at least in my opinion. Can you talk about the owner's objective? I mean, this is a substantial increase. What is the owner hoping to achieve? Is there a particular financial threshold, a business goal, here that they're aiming for, that they need this kind of size in order to accomplish?

Ms. Martelli: I think, generally, it is a little bit about the combination of numbers. Because there's such a significant amount of subsurface systems that will be put in place and such a significant cost to make these improvements, right, there is a number of dwelling units that need to be achieved. And it does go back to square footage, as well. So although we could

get a smaller footprint with smaller dwelling units, again, that's certainly going to be a tradeoff, too, because it's both a combination of total square footage, rentable square footage and number of dwelling units.

We're at 13 right now. We have played with a few numbers. I think we started at 15 maybe; we started at multiple structures, we got it down to 14. And that was just getting informal conversations.

Boardmember Pennington: How are you managing the stormwater? Forgive me if I missed it.

Ms. Martelli: It's a CULTEC system, a subsurface CULTEC system. So chambers of CULTEC, which would gather water, dump them into adjacent CULTEC.

Chairman Collins: What is a CULTEC? Can you describe that?

Ms. Martelli: CULTEC is a concrete basin that actually collects water that's piped from the site, and piped from downspouts from the building itself and runoff from all the other impervious surfaces. Typically, in our case, it's going to be located underneath primarily our parking area. It retains water for a period of time. When the water exceeds a certain threshold, it slowly dissipates into the soils within our property. It tends to be situated so that it's central so we're neither dumping nor projecting the water from our driveways or any other areas.

There would be a number of drainage components on our site. In addition to those downspouts, there would be simple elements like trench drains at all of our perimeter lines – anywhere where we have a driveway entry – to recollect the water and redirect it to the CULTEC.

Building Inspector Sharma: At some point, they do the calculations. That's your calculations?

Ms. Martelli: Yes, we did have an SWPPP for an earlier application. This has come down in scale. So we would reduce the scale of our original stairway submission.

Mr. Sciarretta: The key thing is – I guess just to point out – all the water, and correct me if I'm wrong, is all self-contained on-site.

Ms. Martelli: Correct. So none of that water would get redirected to Village stormwater.

Boardmember Dovell: Is CCI Properties the owner or the contract vendee, at this point?

Mr. Sciarretta: The owner.

Boardmember Dovell: Have you done borings or test pits up here? Do you know where the location of rock is?

Ms. Martelli: We have done some borings on the property.

Boardmember Dovell: How deep is the rock in this location?

Ms. Martelli: I just don't recall off-hand without having the geotech report in front of me. We're not looking to go much deeper in the existing property. So our grading right now is approximately 81. That's just about where we are right now. And we're going to do some area of excavation here, where this driveway is, and in this area. But if I recall correctly, we didn't come (ph) to refusal, and any amount of rock was ... most importantly, anything that would require blasting.

Mr. Sciarretta: Just for the record, the owner is here this evening. It's Andrew Cortese. He's the owner of CCI.

Andrew Cortese, Cortese Construction, Inc.: How are you doing, Board? With regard to your question about the rock, or the soil, we've done some test [handheld microphone battery dead] right in this area, and one right through here. We haven't hit no rock, just sandy soil good for drainage.

Boardmember Dovell: Sorry, what did you say?

Mr. Cortese: Right in this location we did test bits right in this location and right under the parking area. We have not hit no rock.

Boardmember Dovell: You *did not* hit rocks.

Mr. Cortese: No rocks.

Boardmember Dovell: To what depth?

Mr. Cortese: Seven feet. Sandy soil good for a drainage system.

Boardmember Dovell: The existing curbcut is up on Washington, isn't it?

Ms. Martelli: Correct.

Boardmember Dovell: Why did you elect to move it down to Warburton, which is a busier street?

Ms. Martelli: Part of what we were trying to do was take any of that surface [off-mic] and relocate it below the building. So, again, we have a pipe threshold we have to maintain. So bringing it down to that lower level, it's property parked on what's a cellar surface. It's parked down [off-mic] elevation. [off-mic] the existing grades now [off-mic] access in the current first floor [off-mic] Washington, in that driveway, are causing a 10-story grade change. So [off-mic] and allows us to put a parking garage under the building itself. It's housing 13 of the 23 parking spaces.

Boardmember Dovell: But what it's doing is, it's driving the block of the building to be right at the corner in a very kind of boxy and kind of unfamiliar way in terms of the context of the area. I mean, you don't see big blocks of apartment building like that in this general area. It just seems to me a foreign shape. Did you explore other shapes of this building? Did you think about spreading it out in a more rectilinear fashion along Warburton?

Ms. Martelli: Yes, we did. In fact, we did a longer, thinner building. Part of the transformation from that original proposal – and also talking informally with Planning co-chair (ph), and Marianne and Deven as well – was really to try to stay as close as we could – try to stay near the footprint of the current building – and work from that. But also we do have particular buildings with view preservation that we are trying to maintain by modifying it from a longer, linear building with a similar number of dwelling units to a rotated structure [off-mic].

And I say "open up," again, because we are doing some work which would eliminate some of those [off-mic]. As valuable as they are to landscaping and current stormwater protection, they are, in fact, blocking ...

Boardmember Dovell: Is view preservation part of this?

Building Inspector Sharma: Yes.

Boardmember Pennington: Could you talk more about the trees? You used some careful words: "pruning," "cleaning out," "minimizing." How many trees are you cutting down, and what's happening with the existing trees?

Ms. Martelli: We're [off-mic] about approximately seven trees. The two largest of the [off-mic]. So these two maples [off-mic] are the ones I'm talking about [off-mic] parking structure. The largest of the two, or the most visible from the street, are the ones. Again, we just happen to be situated in areas [off-mic]. What I mean about [off-mic] in the areas is [off-mic]. [off-mic] see it, but just, again, this is a row of trees [off-mic] street. We're talking about just taking out three on one side and two in that parking area. So, again, people who drive down Warburton would just see the density. So we're just reducing the density of those trees.

We're giving you a very clear shot of the building from these elevations. However, in looking from the street [off-mic] never really be able to get a full view of it because we're not taking down all those [off-mic]. We'd still maintain a significant number of them.

Boardmember Pennington: Back to the parking for a moment, I'm very familiar with this corner. I walk by it every day. You've got [straw batto] (ph) and they're always parking their cars on the street. And you've got a lot of parking on Washington Avenue. The tandem element of the parking is something I'd like to hear you speak about a little more. Because I think the concern that arises with that – I think it came up at the Planning Board – is that because the cars are, as I understand it, sort of nose-to-back of the prior car it might be a challenge to coordinate people getting in and out. They may not use those spaces, they might park on the street. How do you see that issue panning out?

Ms. Martelli: The way that we had planned it was, as I said, there are five bays of tandem parking space. There's six, one of which is handicapped. [off-mic] notably the three-bedroom [off-mic]. This is on your sheet, A-3, the far left-hand corner. Those bays would be assigned. So we would give the owner [off-mic] opportunity to assign parking for dwelling units, whereas tandems would never be shared between two separate dwelling units. They would also be [under] XXX the ownership of [off-mic] three-bedroom units. [off-mic] handicapped [off-mic]. So, primarily, the function of the tandems would also be associated with [one building] XXX.

Mr. Sciarretta: If I may, at the Planning Board meeting there was a comment – I think it was the chairman, I don't recall who – that said while the concern of tandem here ... it's not visible, it's underneath the building. And just to piggyback what Kim was saying, each one of those tandem spots is assigned for a dwelling unit. And I know your code provides for relatively direct access to the street. I know there's no outright prohibition of tandem, but that's the key phrase – "relatively direct access to the street."

So again with these, what we tried to do is, we don't have an outside. They're literally underneath the structure, assigned. So you do that relative access to the street because each

of those units will be assigned to that ... the parking units will be assigned to the actual [off-mic]. [off-mic] the concern of having tandem parking [off-mic]. And we did have a plan that had tandem parking ... we had tandem parking originally here on the outside, and we got rid of that. We just made them single parking spaces and moved the tandem inside.

Building Inspector Sharma: I see there are six spots for tandem parking. So are there going to be six or more three-bedroom units in there?

Ms. Martelli: Right. And not only that, again we also have far more bays than dwelling units that we have. So there are seven bays inside the building; there's 10 outside. We have 17 bays of parking, 13 dwelling units. So that leaves us no less than one assigned per dwelling unit, [unintelligible] for three-bedroom unit, and still some additional remaining parking spaces.

Chairman Collins: I think the concern is that the tandem parking is ... you know, if you can avoid it, even if you've got a space with your name on it, that you're going to go find another way to do it.

Ms. Martelli: Sure. And we did start a conversation with the neighbors, which was very helpful, talking about ways to entice parking. It seems to be an issue everywhere, even where there seems to be on-site parking: getting residents away from that convenience of pulling into an off-street parking space. So we certainly haven't stopped pursuing other alternatives, but this is where we are today. We didn't want to come with any variation from our last proposal. We certainly will be looking into any alternatives.

What it may present us with is possibly seeing a parking variance so that a) we can keep our impervious surfaces low; get no less than one parking space per dwelling unit; maybe get something that would be appropriate and considerable, but a small variance of parking to, in fact, avoid that tandem space. Again, the tandem spaces are also a little bit of what drives the depths of the building. Parking spaces have a limit. We've worked the building structure above it into the depth of that double-deep parking space. So the loss of that tandem could also help us in tightening the footprint of the building, as well.

Boardmember Forbes-Watkins: I hate to say this, but the idea of assigning these tandem spaces to people reminds me so much of parking garages that are storage spaces. People use their parking garages as storing spaces around this county, and then they park in the street. So I think what we'd be doing here is creating – particularly with these tandem spaces that are going to be difficult to use – spaces that people will end up dumping stuff on, storing stuff, boxes.

Ms. Martelli: I did want to point out, because we didn't talk about it, the building's existing basement footprint is actually proposed for reuse as basement storage. So it actually has allocated one space per dwelling unit. Not that we could prevent it.

Boardmember Forbes-Watkins: You never, never have enough storage space.

Ms. Martelli: Yeah, that's true.

Mr. Sciarretta: Just to clarify, because I know [off-mic] ...

Chairman Collins: Speak into the microphone, please.

Mr. Sciarretta: ... some years ago. And you're right. I did store it. But in my unit that had tandem storage – tandem parking, rather – it was a garage door and you had two cars and the garage door. These are completely open so they wouldn't be enclosed spaces. They are open tandem ...

Boardmember Forbes-Watkins: I understand that.

Mr. Sciarretta: Right. That's all.

Boardmember Forbes-Watkins: I understand it, but I still think you will be seeing boxes.

Boardmember Pennington: How do you get into these ... I'm looking at your basement floor plan.

Ms. Martelli: The dash line is just a header above it. So there are three ...

Boardmember Dovell: Is this oriented the same way as your site plan?

Ms. Martelli: No, I'll flip you so it's this way. So that's the orientation of the site plan. You're coming in off of Warburton, you have access to two, three and then two bays. So there'll just be, again, a limited structural column in between them to carry the loads, and then it would be three open bays.

Boardmember Dovell: And the ramp that you have going up takes you to what level? Takes you to the first floor.

Ms. Martelli: To the first floor, correct.

Boardmember Dovell: You have no requirement for an elevator, with 13 units?

Ms. Martelli: We don't have a requirement for an elevator, no. But it's something that we've already discussed as a means by which, a) to reduce that coverage; to prove the efficiency of an elevator, the number of dwelling units. So it's certainly a conversation we've already started to have internally, and one that came up at planning, as well.

Boardmember Pennington: Cumulatively, when we look at this, we always talk about variances in terms of the minimum variance possible. I look at all of these issues and wonder whether you considered fewer units to sort of minimize the cumulative impact.

Ms. Martelli: We have. We have started some smaller unit combinations. And although I can't speak to the financials of it, I don't believe that those were quite the combination that you needed to make development feasible.

Chairman Collins: That would be useful information, when the time comes, to enter into the record. To show that there's some financial hardship.

Ms. Martelli: A pro forma, perhaps.

Chairman Collins: Yes, exactly. Some pro forma statements so that if there is financial hardship associated with trying – as Mark says, to reduce the size of the variance – that we are able to evaluate that. See, we're always looking for is there a way that minimizes the variance. And this is a significant variance you're requiring. Even if we find a ruling in your favor as it relates to the definition of a driveway, it's still a huge variance that you're asking for.

Ms. Martelli: I think part of it also is we want to make sure the Board recognizes and acknowledges – and this should also come from planning – what what the ultimate goal of the coverage is. I think a lot of what coverage goes back to, in most municipalities, is an effort to control stormwater and also an effort to maintain and create green open space. But I don't want it to be dismissed – and I've said this a number of times – that in doing a development, not are we required to, but putting in new stormwater systems, again, is helping to mitigate some of the critical issues that both Hastings and many municipalities face. In allowing for the large development, we're actually increasing some of that stormwater improvement.

I know that data, and also feedback from our site engineer, will be helpful. But we have to come back to you with some additional information to share how valuable that could be for any size improvement.

Chairman Collins: Yeah, I'm sure that will be valuable information – when and if this does come before a vote – any interested neighbors, and certainly this board, will want to see. Because as you point out, this property is at the base of a hill before a plateau, and then before it falls off. So it stands to reason all that water from Washington all the way up to Broadway is headed your way. So understanding the engineering involved here – and trying to size the benefit and what you're preparing for, especially as we've had two hurricanes hit landfall in the tri-state area over the last 2 years – I know that'll be information we want to see.

Any other questions at this point?

Boardmember Dovell: What is the elevation of your basement?

Ms. Martelli: It's 82.5.

Boardmember Dovell: And up at the corner of Washington it's about 91?

Ms. Martelli: It's 91, right. Just a skootch up at the ground floor, 91.7. And that's existing.

Boardmember Dovell: I mean, you almost have this situation where you could continue to park below grade. By modifying the elevation of your cellar, you could begin to put cars farther out beyond the line of the building subsurface, couldn't you? Do you follow what I'm saying?

Ms. Martelli: No, no.

Boardmember Dovell: I mean, couldn't you expand ... your parking is basically below grade through Washington. Couldn't you expand that? Couldn't you perhaps drop it a little bit more and park more cars below the building by pushing out the line of the cellar closer to Washington?

Ms. Martelli: You're thinking *deeper*. The challenge ...

Boardmember Dovell: Deeper, yeah. You have a remarkable change of grade here that I don't think you're taking advantage of for parking or for building form, or for landscaping in general. And I see this is one solution. I can see two or three solutions to massing a building on this site and minimizing a lot of these things that you're confronting now.

Ms. Martelli: Sure. Part of that parking challenge, the building as proposed is roughly a

square; let's say about 75 by 75. And, again, part of it is driven by our setbacks, part of it's driven by the footprint of the existing building. Just as a reminder, this is the footprint of the existing basement. If it were, in fact, to expand that parking area to go ... let's say the limit of the existing building. If we were to put in a circulation element that, in fact, eliminates this tandem proponent, unless we ran tandems or triple-loaded spaces all the way through we'd achieve no more parking than we have here right now. And we'd still have to have an access aisle to get to it.

So, for example, if we park a few spaces this way and a few spaces this way, and had a drive island between, I'm still at about 13 spaces. But the conversation is valuable. In fact, a very brief item we touched on, and I don't think a determination was made, was a conversation about the possibility that because we have that great grade change and one story of structure it wouldn't be that offensive if we almost had a structured lot. And not structured in that it be two tiers of parking, but it'd be structured in that a green area could, in fact, cover this parking surface. And would that fall under the category of parking lot, or parking structure, which is not permitted in Hastings.

But it would, in fact, be a covered parking area with green coverage over it. It would be a tremendous reduction for us, and the building goes down to just over 21 percent coverage. That's a tremendous improvement. But I don't think Marianne was certain, and it was just a brief moment of conversation.

Mr. Sciarretta: We just started touching that in the conversation as a possible idea. But, again, this is very early.

Building Inspector Sharma: No, I don't remember seeing that, a parking structure.

Ms. Martelli: So the idea is, if we took a structure over the top of it – be it structure, be it concrete – but then above it actually a play area. Because this is all grass-seeded area so we'd actually continue that over and you've have a true yard out the back side. And not only would you reduce the coverage, but you'd conceal that visibility of parking spaces. And it wouldn't be a large enough structure to have a visual impact. It would significantly take down our coverage. But it somewhat battles that allowance to have a parking garage, and I don't know where the definition falls.

Building Inspector Sharma: I wonder if it would still be a structure – with a green roof – but maybe more palatable, perhaps.

Chairman Collins: Maybe. I would imagine if you had the green roof, too, that there'd be a benefit, again, on the runoff and rain retention issue. Something to consider. Because I think

you're going to run into, I'm sure, at least some argument about definitions, and what you have here and whether it constitutes parking or driveway.

Building Inspector Sharma: These are some good ideas, good thoughts, though. If you were looking for feedback, you got some feedback.

Mr. Sciarretta: We appreciate if [off-mic] very helpful as we do things we're toying around with. It becomes a question of definition of how this board ultimately, at the end of the day, will apply, or interpret it. [off-mic] the process, but [off-mic] and we appreciate that.

Chairman Collins: You're welcome. I like the idea of you meeting with neighbors to get input. They've lived there, they're the incumbents and will have good ideas on the look and feel of the place to try to maintain a neighborhood character. So I think that's always a good idea.

David, did you have something you wanted to add?

Boardmember Forbes-Watkins: Yeah, I just want to remind CCI that in addition to the variances we've been talking about – lot coverage, et cetera – there's a whole issue of view preservation. We shouldn't be taking it up at this point because it needs to go before the Planning Board before we talk about it. But it's an issue that you're going to have to face.

Building Inspector Sharma: If you look at the notice that was published on the mailings, it does include the view preservation.

Boardmember Forbes-Watkins: I know, but I'm just making an explicit reminder.

Chairman Collins: Yeah, it's true.

Boardmember Forbes-Watkins: We haven't talked about it today, and I don't think we should until we see what the place has to say about it. But it's something you're going to have to deal with.

Chairman Collins: Noted, OK.

Ms. Martelli: Could we at least, before this board, just let any of the public that's here this evening know that on Monday, July 29 at 7 p.m. we will hold an open question and answer session for the public, for the neighbors, at 34 Washington Avenue, one of the two apartments within the existing structure. Residents will have the information that we've presented at these past two meetings. We started a very informal dialogue, but we'll give

everyone the opportunity to come out. I think it might be the first of another session. Again, it's early in the process, but they had some great feedback when we just spent a few minutes. It'd be great to have time with those neighbors to talk further about the architecture and the site work.

Chairman Collins: Thank you.

Building Inspector Sharma: In light of what happened at the Planning Board, and after you go back, were you considering doing any kinds of changes, revisions, modifications?

Ms. Martelli: Sure. As I said, we had kind of, even internally, talked about how could things be tweaked, where could we make those tweaks. And my experience in presenting jobs before planning and zoning boards for variances, I know that we're starting with an appeal to our goal. You're looking for the least variance; we might be looking for more than that. Because, again, there's financial ties to it. But there's also, as I said, overall valuable improvements that are tied to those numbers more specific than just looking at a piece of paper. As I said, some of it is driven by simple dimensions, occupancies, criteria that can get quite complicated.

But we do always look at alternatives that can achieve the same goals in a different way. So we've talked among ourselves with our project team and our site engineer about ways we can, in fact, tighten this site and reduce some of those variances. It may put a little bit more of a burden on the owner, but these are issues that he is considering taking on. So those are the ones we hope to come back to you with. The goal tonight, again, is to keep the presentation consistent with the package that was submitted to you. See where we started from day one, and see where we can make those improvements.

Building Inspector Sharma: Would you do the financial analysis, as well, for 13 units or 10 units for comparison?

Ms. Martelli: Could we do a pro forma? Yeah.

Mr. Sciarretta: Sure.

Chairman Collins: Yeah, that'll be, I think, something we should anticipate we'll require.

OK, if there's nothing else I'd like to invite any members of our guests here to come forward if they have any comments, questions.

George Warren, 35 Washington Avenue: I'm almost directly across the street from this. I

live in a single-family home there. This is a significant change of use, it's a significant change of scale, and it is a significant change of density. Of course, I was at the Planning Board also. They do not have a view that I have of the existing structure right now. I'm sure most of you know what the place looks like, the convent there, the former convent.

Chairman Collins: Are you referring, Mr. Warren, to the image in the lower right-hand corner? Or is there another one that you didn't see, didn't have, at the Planning Board?

Mr. Warren: This is viewing down Washington, I guess, right? Looking what would be west?

Building Inspector Sharma: Yeah, down towards the river.

Mr. Warren: No, my view is this way. OK, I understand what you mean now.

Ms. Martelli: His point is, his view is fronting it.

Chairman Collins: Yeah, I get it now. All right.

Mr. Warren: I certainly feel people have a right to develop their property, you know. But the way the building's oriented, it has pushed the whole building up to my face. I don't quite understand why the building isn't oriented in the opposite direction, which is more in keeping with the lot – you know what I'm saying? – along Warburton. It sort of shoves a lot of new building right up on the corner of Washington there.

Chairman Collins: It may have something to do with, as the applicant mentioned earlier, that if they run it more on a north-south orientation it could exacerbate a view preservation issue for more of the neighbors to the east of the property.

Boardmember Dovell: Well, it's going to be weighing a lot of issues. As he pointed out, it's a major variance.

Mr. Warren: And as far as views go, I mean I don't know how we define view. Are we talking about view of the Palisades, view of the river, view of ...

Chairman Collins: Yes, that's exactly right.

Mr. Warren: OK. And, in fact, it probably will affect me somewhat. I'll probably lose some of my view, although it's tough to say because there are all those trees there. But

certainly, the view I have right now – which is basically of a two-story building which goes to a four-story building – that's a significant change.

Building Inspector Sharma: By the way, the view that we try to preserve is a view of the river and the Palisades. Not any other views, but the views of the Palisades and the river. Would those be affected?

Mr. Warren: But you can understand, though, the view I have right now and the view I'll have with that, there's a certain change of scale certainly.

Chairman Collins: The view preservation that I'm referring to is the one that Deven refers to, which is preserving the views of the river and the Palisades, not how the view of other buildings may change relative to neighbors that don't have a line of sight to the river. You see what I mean? But your point is taken: this is a significant change. And we hear you.

Mr. Warren: And, really, that pretty much says it. Again, I think the building could be done differently. It just seems to be quite a reach going from a two-family house to a 13-unit dwelling. I just think it's an awful lot. If there is a relationship of what they had to spend in order to buy the lot as to what they need on the return as far as what they're going to put up there and what they can sell ... are these going to be sold, or what is this going to be, rental?

Ms. Martelli: Rentals.

Mr. Warren: What they can realize as far as a rent roll or that, there may be a hardship. But, you know, just like any other investment you got to do your homework and figure out what will work and what won't. And I think this is a bit of an overreach, like I said. I do not object to that property being developed. It's certainly a large lot that can stand more building, but it seems to be an awful lot more building in this case. And that's all I got to say.

I do want to say though, also, every case that's come up before you tonight you have weighed the issue of appropriateness, too.

Chairman Collins: Oh, sure. Yeah, the character of the neighborhood ...

Mr. Warren: For the change of the neighborhood. And I think this is a big change of appropriateness for what we have on Washington. Although we do have multi-family units along Washington, we certainly don't have anything of the scale of this. And the question is, what does this bring, on a more positive aspect, to our neighborhood. I don't see a lot in terms of what we're talking about putting there.

Chairman Collins: Well, I appreciate your comments, Mr. Warren. I think we noted up front that we acknowledge a lot of what you're saying. This does represent a significant change, and one that the Board will carefully consider. And we'll get some input on the financial aspect of the investment from the point of view of the applicant. And we will get more clarity on what those benefits are. And I think one of them you can count on, and that we would certainly be looking for, is how to handle drain water runoff. But your points are taken.

Mr. Warren: Will that wall be preserved?

Chairman Collins: Yes. Right?

Ms. Martelli: Yes, correct. We're working with the existing retaining walls.

Chairman Collins: Yeah, the wall will stay.

Ms. Martelli: I'm sorry, the stone wall around the perimeter of the property.

Mr. Warren: That will remain unchanged.

Ms. Martelli: Not unchanged. We are going to kind of marry some of the stone character with some interweaved wrought iron fencing.

Mr. Warren: Approximately how much of the wall will remain unchanged?

Ms. Martelli: The majority of the wall is to remain the same. So you see here, there's small openings in these areas just to kind of create some push and pull, and openings right along this front here. These are limited, so there's one, two, three, four and a walkway opening. So this'll all stay, this'll all stay. This will stay: wall, wall, wall, [peers] XXX, wall. Again, still also to create the feeling of a private yard for those residents. And these aren't being removed in their entirety. We're just opening up the view slightly for those residents.

I did want to clarify for Mr. Warren, too, that this is the footprint of the existing structure. And his property is over here. I apologize. What I'm not showing on that footprint is, there is a small dining room off of one of these apartments. It's just a slight increase in length. The overall height increase from the building – this is the Washington Avenue view – there is a 4-foot increase from the existing roof peak now to the new roof peak. The overall building right now is approximately 58 feet in length; the new building is 75 feet in length.

This trim piece is a generally good representation of the existing width of the building and that added length toward Warburton. But as I said, it's a 4-foot increase. I do want to clarify that the existing residences are three occupiable stories plus a basement. The third floor, yes, is in fact occupied inside their attic space. So in effect, the redesign and the increase would lift that similarly-pitched roof up so we have a full 8-foot floor to ceiling height. That upper floor has approximately 5 feet of clearance on its low end, about 7 on the peak. So in effect, we'd be, again, lifting that roof elevation by 4 feet and expanding it by about 20 feet or so.

I know I had another point in my head, and too much already has gone by. But I think what would help also, when we meet with our neighbors, is also show them what that actual view is from the street; show them where the sidewalk line is; show them the characteristics of the walls that are going to be maintained. Because part of that is what helps you see the architecture of the site work meld in with the architecture of the building itself. But again, the goal of having that meeting is to also talk about the architecture, talk about maintenance, the character of the building, talk about what elements could be, in fact, maintained or reduced or modified.

And to the point of the location of the building, this face of the façade on Washington is to remain, meaning it's not coming any closer. What is being omitted is, in fact, that porch. And that may be part of our conversation about the architecture. But this line of masonry is the same as the proposed new façade. So that footprint's not changing. The yard setback will, in fact, simply be increased by the fact that we're removing that covered porch.

Chairman Collins: OK, thanks, Ms. Martelli. Thank you, Mr. Warren.

Ms. Bugby: I would like to say something. I haven't been informed that there is going to be a meeting the 29th. And when do you expect to do that, to let us know?

Ms. Martelli: We were just announcing it this evening.

Ms. Bugby: So are you going to put our fliers for us?

Ms. Martelli: [off-mic].

Ms. Bugby: I'm very opposed to the size of this building. I'm not opposed to you developing the site, but it's way out of line. We already have many private homes. There are probably 12 private homes as well as multi-family units. The parking is crazy. This is going to increase the parking. It'll change the whole feeling of the neighborhood. That's a major corner.

The idea of runoff, all those units on Washington Avenue I don't think one has any water standing in the basement because they were built so beautifully.

My feeling is that when they had proposed this building they were going to leave more of the actual structure. I don't see the structure. And I think that one of the Planning Board problems was the structure that is there now, which was a convent and which is a historic building. It was obliterated, it's gone.

So those are my concerns. I've begun petitioning all the neighbors to stop the construction of this building so I will present that at a later date. So thank you.

Chairman Collins: OK, thank you. Any other people wish to be heard? OK. Anything else from the applicant?

Mr. Sciarretta: Just wanted to add just with respect to the actual position of the building, just to give the Board a little background, real brief, on how it got to where it is in terms of getting it close to the existing footprint of where the existing building is now. Originally, as Kim had mentioned, we did have a building that went back here. But what happened then – and I think you remember this, Deven, at our meeting – we get into variance issues with respect to having structures in the rear yard because this is a corner lot.

So that's one of the things that we redesigned because we were back here. As part of the discussion we had with Deven and, I think, the chairman and Marianne, that's why this kind of just compressed to this area closer to the existing structure. I just wanted you to have a background so you know why this went from ... so you'd have the benefit of seeing the other drafts.

Building Inspector Sharma: There is more to that background. I don't think construction in the required yard ...

Mr. Sciarretta: We were going back and forth.

Building Inspector Sharma: That was not an issue at all. There must have been other issues. The reason why you met with Jamie Cameron and Marianne, you got some feedback and maybe that's why you changed it. But construction in the required yard or backyard, that's not one of the issues.

Mr. Sciarretta: Good. Thank you.

Chairman Collins: OK. Thank you, Mr. Sciarretta. Well, just to make it clear, there's no

vote happening on this case tonight. It still needs a Planning Board step.

There are no other cases tonight, so at this point I think we're probably ready to move to just a review of our minutes from our last meeting.

III. DISCUSSION

Building Inspector Sharma: Did Marianne include revisions to the code on the back of that memo she sent to you?

Chairman Collins: I didn't see anything like that.

Boardmember Forbes-Watkins: We got nothing in our package.

Chairman Collins: Did you get anything related to code revision?

Boardmember Hayes: She had mentioned an e-mail. There was a PDF and an e-mail she sent.

Chairman Collins: Yeah, that I have. But I thought that was more about her simply thinking there may be an opportunity for the Board to polish the language a little bit. But I didn't think there was anything for us to talk about.

Boardmember Forbes-Watkins: And it's not on our agenda.

IV. APPROVAL OF MINUTES

Regular Meeting of June 27, 2013

Boardmember Forbes-Watkins: I have a number of changes to the minutes.

Chairman Collins: All right. Fire away, David.

Boardmember Forbes-Watkins: The first thing is, I apologize to the recorder. I think that as my last act of acting chairman I should have advised all officially of a new chairman, which is Matt Collins. Because at this point, the minutes have "*Chairman Murphy*" throughout. It's completely wrong. It should be Collins in every case.

Chairman Collins: Yeah, I noticed that one, too.

Boardmember Forbes-Watkins: I don't know how you could possibly miss that.

Boardmember Forbes-Watkins: Now, on page two, the very bottom, my statement: "...*why we need the change in the 'view preservation' zoning rule*" instead of just "*in the zoning rule.*"

Building Inspector Sharma: What was that again, David?

Boardmember Forbes-Watkins: "*Why we need a change in the 'view preservation' zoning rule.*" The statement doesn't make any sense without that.

Building Inspector Sharma: So you think you said that?

Boardmember Forbes-Watkins: I know I said it. Page 13.

Boardmember Pennington: Before you get there, page 10. In the statement of Boardmember Hayes there are two extra words: "*isn't and*" is repeated. So we just want to lose two of the "isn't, and."

Boardmember Hayes: Thank you.

[laughter]

Boardmember Pennington: I'm sure you didn't say that, Sean.

[laughter]

Boardmember Hayes: Let's hope not.

[laughter]

Boardmember Forbes-Watkins: Page 13, again myself, in the last sentence: "*We are here to judge the issue 'later,'*" not "*the leader.*"

[laughter]

And page 29, anything before that?

Boardmember Pennington: Page 14, just in Christina Griffin's statement, the address is missing a digit. It should be 555 Warburton instead of "55."

[laughter]

Boardmember Forbes-Watkins: Anything else. I don't know how to handle this one, the adjournment. "*Chairman Murphy: May I commend you on your successful start, Chairman Matt.*" I don't know what to do with that one. It just doesn't make any sense.

[laughter]

Chairman Collins: It was misattributed to a person who wasn't here. I don't know if anyone wants to claim ownership of that one.

Boardmember Forbes-Watkins: I'll claim ownership just to get us off the hook.

That's all.

Building Inspector Sharma: Can I make a request?

Building Inspector Sharma: On the Planning Board we had Marianne, who sits with us and takes shorthand. And all this is being recorded. If you could mark up the sheets and give that to me, that would really help a lot.

Chairman Collins: I can do that. I've got my notes here electronically, but I will e-mail it to you. I did a redline, and I'll send it to you.

Building Inspector Sharma: That would be great. What was said here becomes easier, and then I definitely bring it to Marianne to pick up and make corrections. Thanks a lot.

[laughter]

Are there any other changes?

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Hayes with a voice vote of all in favor, the Minutes of the Regular Meeting of June 27, 2013 were approved as amended.

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V. ADJOURNMENT