

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
ZONING BOARD OF APPEALS
REGULAR MEETING
DECEMBER 10, 2015

A Regular Meeting was held by the Zoning Board of Appeals on Thursday, December 10, 2015 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 Adam Anuskiewicz, Boardmember Marc Leaf, Village Attorney Linda Whitehead, Deputy Building Inspector Edward Marron

Chairman Collins: All right, ladies and gentlemen. We're going to get underway. Thank you for joining us for our December 10 Zoning Board of Appeals meeting.

We have two cases on the docket, I guess: Angus Chen and Megan Foley, and then CTI Properties for 32-34 Washington Avenue. We also have a discussion item for a proposed local law regarding gateway clusters and the gateway cluster overlay district, which I believe we discuss on the record. Is that correct? So a relatively brief agenda, but meaningful content.

Before we get underway, how are we on the mailings?

Edward Marron, Deputy Building Inspector: I have to check.

Chairman Collins: This is very relevant today I believe, correct, given our last adventure, misadventure?

Deputy Building Inspector Marron: I wasn't told about it yet.

Village Attorney Whitehead: Supposedly they've got the system.

Deputy Building Inspector Marron: Yeah, Buddy'll give me a text. He's on the phone, watching it live, so he can give me an answer. I'll get back to you.

Chairman Collins: I hope Buddy is, hopefully, recuperating nicely.

Deputy Building Inspector Marron: Yes, he is.

Chairman Collins: While we wait for word from our Building Inspector on the status of the mailings, why don't we get into it.

We are here to discuss sidewalk variances, building coverage and development coverage. So

a couple ground rules. We have two microphones. I see one, where's the other one? Oh, I see, up here. We have a transcriptionist who's going to be recording all of these sessions for the record, but in order to be heard just make sure you speak into a microphone. We've got one standing here, and we have a portable one.

Oh, mailings are in order.

Deputy Building Inspector Marron: Mailings are good.

Chairman Collins: Thank you.

We have portable one here. So any time you need to speak just make sure you are at one of our microphones and all will be good, everyone will have a chance to be heard who wants to be heard. Who is going to present on behalf of Mr. Chen and Ms. Foley? If you could just introduce yourself, please.

Angus Chen, applicant: Our architect, we were waiting for her to show up. I admittedly am not prepared, myself, to speak.

Chairman Collins: Oh, OK.

Mr. Chen: Might I suggest we flip the agenda, if that's OK.

Chairman Collins: Yeah, we could do that.

Mr. Chen: I apologize for any inconvenience.

Chairman Collins: No, that's quite all right. We've got our second case here, it may require a little bit of setup. But, Christina, do you need a few minutes to get prepared?

Christina Griffin, architect: I just need to get [off-mic].

Chairman Collins: OK, yeah. That's no problem.

Mr. Chen: I apologize. I know it's late in the evening, thank you.

Chairman Collins: No, that's OK. We'll flip the sequence and get on with the number two.

Mr. Chen: Thanks for the accommodation.

Chairman Collins: Sure, sure.

Village Attorney Whitehead: And if she comes before Christina gets set up ...

Chairman Collins: Well, we can be flexible.

Mr. Chen: Thank you.

Deputy Building Inspector Marron: We can do this, we have the technology.

**Case No. 18-13
CCI Properties Inc.
32-34 Washington Avenue**

Relief from the strict application of Village Code Sections 295-18.B, 295-72.E.2, 295-20.C & 295-41.B, for the construction of an additional building containing 5 townhouse units on their property at 32-34 Washington Avenue. Said property in MR-1.5 Zoning District and is known as SBL: 4.70-53.11 on the Village Tax Maps.

Variations sought are as follows:

- 1. Different uses on a single lot: Existing use – two-family; proposed use – two-family and a multi-family dwelling; Permitted – one use {295-18.B}; Variance required for one additional use.**
- 2. Lot coverage: Existing – 12%; Proposed – 40.7%; Maximum Permitted – 15% {295-72.E. (2)}; Variance required – 25.7% coverage.**
- 3. Paving and structures in required yards: Proposed – parking spaces for existing structure in the required yard {295-20.C}; Variance required – four parking spaces in the required yard.**
- 4. Maximum width of curb cuts: Existing – one curb cut 10 feet wide; Proposed – two curb cuts, 26 feet wide total; maximum permitted – two curb cuts 24 feet wide total {295-41.B}; Variance required – 2 feet over allowable curb cut.**

Boardmember Anuszkiewicz: What are we waiting on now?

Village Attorney Whitehead: We were waiting for you.

Chairman Collins: Are we all set? Oh, I'm sorry. Don't be so polite next time.

Village Attorney Whitehead: But their architect has now arrived.

Chairman Collins: Christina, are you ready to go? If you're ready to go I think we should just go. You've gone to the trouble.

Ms. Griffin: It doesn't matter to me.

Chairman Collins: That's OK. You're fired up, let's make it go. At least you were a moment ago. There you go, there's a little light.

Deputy Building Inspector Marron: Just unplug the HDMI and plug it back in. That'll recognize that.

Chairman Collins: Is your computer screen alive? Can you see it on your screen?

Village Attorney Whitehead: It was going so well.

Chairman Collins: I know, gosh. My extended sidebar conversation may have cost us on that.

Christina Griffin, project architect:

Chairman Collins: Well, perhaps while you're sorting out the software side of that is we'll revert to the original game plan. We'll go back to case 16-15. Christina, you need more time to get it straightened out, and then we'll come back to you when we're finished here.

**Case No. 16-15
Angus Chen & Megan Foley
21 Elm Place**

Relief from the strict application of the Village Code Sections 295-69F.1.c and 295-69F.2.a (1) & (2), for construction of a new two-story rear addition and rear entrance at their home at 21 Elm Place. Said property is in the R-7.5 Zoning District and is also known as SBL: 4.40-35-11 on the Village Tax Maps.

Nonconformity details of the proposed addition and rear entrance are as follows:

**Side Yards: Each side – Existing – 11.10 feet/2.7 feet; Proposed – 19.7 feet/2.2 feet; Required Min. - 12 feet/8 feet {295-69F.1.c.}; Variance requested – 5.8 feet
Side #2**

Building Coverage: Existing – 35.18%; Proposed – 40%; Required Maximum – 30% {295-69F.2.a (1)}; Variance requested – 10%

Development Coverage: Existing – 57.46%; Proposed – 57.04%; Required Maximum – 40% {295-69F.2.a (2)}; Variance requested – 17.04% (number is reduced due to removal of impervious walkways)

Chairman Collins: Do we have a place for the drawings? You missed the introduction, but we need you to speak into a microphone. If you can handle that and speak into a microphone, I'm impressed.

Village Attorney Whitehead: Do you have the other mic?

Chairman Collins: So our ground rules are just make sure you're speaking into a microphone at all times so that you can be heard. Here, we've got a portable mic right up here, ma'am.

Is it on? Good evening, gentlemen, and thank you for hearing our application.

Eva Bouhassira: I'm the architect for Mr. Angus Chen and Megan Foley, who live at 21 Elm Place. We are proposing an addition to an existing residence. This is a one-family residence located mid-block on Elm Place. I submitted a number of pictures of the neighborhood and I added additional pictures of Elm Place and Fraser. The area is sort of a mini-neighborhood and the houses are all very consistent in appearance.

The house is a two-story family home with a finished attic. It's about a hundred years old, it was built in 1908. An interesting part of the house is the fact that in the rear there is a two-story porch which was added at a later date. We don't know exactly when it was added, but as you can see its right there. On the bottom it's a little mud room with an open porch. And on the top there is an extension of a bathroom and a laundry room. So it's not a highly useful area and, in addition, it's rather poorly built.

Chairman Collins: Can you repeat that? It's what?

Ms. Bouhassira: It's rather poorly built. The bathroom pipes freeze in the winter, the windows are not energy efficient. The second story as if it was built directly on top of a roof. The floors on the second floor don't match. It's sort of a lean-to in two parts, which is not helpful. The objective of the project is to make the house slightly larger.

If you have, if you had a chance to review the plans, we have three bedrooms on the second floor and one small room, which is the traditional sewing room. Of the three bedrooms, only two have a good size and one of them is really small. On the floor plan, you can see that there is an existing plan shown on the bottom – this is drawing A-002 – and there is a proposed plan shown on the top. We have two good-sized bedrooms, one tiny bedroom, and one sewing room. The family really has six members: there is three children and there is a grandmother that spends a lot of time in the house, as well.

The first objective for the growing family is to try to have four bedrooms on the second floor. We can accomplish this if we can replace the semi-open porch and a terrace on the second floor with two new bedrooms, which leaves us with four bedrooms and two bathrooms. On the first floor, we have a front hall, living room, dining room and a kitchen. The kitchen is small and is located in sort of a punishing corner of the house. There is no view of the yard, no view of the front, no connection to the dining room; just, really, the view of the side of the other house next door. It's not functional and it's not fun, and it's not practical to spend any amount of time in it.

Again, by replacing the existing footprint of the porch and locating the new kitchen and a breakfast nook in the new space we can really improve the quality of the first floor. Then what we need to do is to have a few steps to get down to the backyard and to have a staircase to get into the cellar, which is unfinished. But the laundry is planned to be located in the cellar, and there's some storage space.

What I'm going to do now is to point you to elevations of the house which are the east and west side of the house, in other words the longitude with elevation. Actually, we're looking at A-005, which is the side views west and east. If you look at the existing elevations which are on top, you will see that this is the original house, this is the bulk of the house: first floor, second floor and the attic. From this line on, we have the two porches that we're trying to basically demolish. From that line going down, we're showing the new additional space. The porches are replaced by this addition.

Same thing, the mirror image happens on the east elevation. These are the porches which we're removing, and this is the new addition which we're adding. Here's a very clear picture of the two porches, standing in the backyard.

Then we have an elevation which shows the front and the back of the house, and that is really ... I have this here. These are the existing porches in the back, on A-004, and directly below is the change that we're trying to accomplish. Instead of the open porches, you're looking at a new addition. Next to it is a 3-D rendering that shows how that addition looks. Now, if

you look all the way to the left you'll see the front of the house – which is also shown in the photograph of the street next to it – and you will see that there is a ridge roof, there's a front porch, there is a bay window, and a lot of those elements are reappearing now on the back of the house. The idea here is to sort of break up the volume of the new addition into smaller elements, such as the ridge roof and the gable roof and the bay window in the new kitchen so that the addition truly is compatible with the character of the neighborhood – which, as you can see, has a lot of those same elements.

We're trying very hard to respect the character of the neighborhood and, in fact, the original character of the house. In doing so, we end up applying to you for three variances. This is best observed on the survey, which is the first page. I'm just going to put that on. As you can see, these are the existing structures on the lot and this is the proposed situation. The building envelope and the house location on the lot are not exactly compatible. The house is offset on the lot. Which brings us to the issue of why we're applying for this side yard variance. The house is currently located only about 2-1/2 feet from the side line. It goes from about 3.2 feet in the front to 2.7 in the rear. We end up at about 2.2, and there is really no helping that because this is what the house is doing already. Secondly, we are applying for a building coverage variance and for a development area variance, as well.

The key number, really, here is the size of the lot. The lot is 50 feet times 100 feet, which is 5,000 square feet, whereas the allowed square footage on the zone is 7,500 square feet. The lot is 33 percent smaller than it could have been if it would have been up to code requirements. The coverage is already noncompliant, and the current coverage for the buildings is 35 percent. We're bringing the 35 percent to 40 percent. So 40 percent seems to be a rather large number, however since we started at 35 percent we're not really increasing it by much. Same thing happens to the development coverage, which is actually holding steady at 57 percent. It's actually going slightly down, and the reason for that is the fact that we're building on top of the existing footprint and then we're removing some of the walkways which now are paved surfaces. But by building over them and by also just finding them not useful and removing them we're actually gaining some more porous surfaces compared to where we started.

We have the walkways and we have the driveway which is leading to the garage, and the garage is in the back. So the driveway is really long and it makes the problem worse because you have to go all the way along the side of the lot to get to the garage. At the same time, the coverage is very consistent with what happens in the neighborhood. I included one page there at the end which shows a whole number of garages and sheds that all the houses in the neighborhood actually have in the backyard. I have to assume that the coverage for all the houses in the neighborhood is extremely similar.

To summarize, the addition, in reality, presents a small increase in volume, very small increase in footprint, and is very consistent with the neighborhood.

Chairman Collins: OK, thank you for the thorough presentation and walk-through. We'll open it up to questions from the Board. But I appreciate you starting off your overview with a summary of the applicant's, which you described as certainly conditions that would need, perhaps, remediation no matter what. And a family of – I think you said – six occupants currently, which I think you've made a compelling argument the current facility really can't accommodate effectively. You also point out that this property is hamstrung by being in a zone where it's already noncompliant in many ways. I respect the fact that, in some cases, you've actually improved the situation relative to what the code requires. But in other cases, where that's not the case, the proposed increasing is very modest. I think the design is very attractive and I agree that it is in keeping with the neighborhood. I think it's a very attractive proposal overall, and I'm sympathetic that if only the lot were a different size and if only conditions were otherwise then maybe this whole process wouldn't be necessary. But that's Hastings in a nutshell.

Questions? Go ahead, David.

Boardmember Forbes-Watkins: Just for clarification, on the second page of the Zoning Board analysis – this sheet – under "building height," you're suggesting that your proposed new building will only be two stories and the existing is three.

Ms. Bouhassira: Yeah.

Boardmember Forbes-Watkins: I don't believe that you mean that. I really think you mean three stories because otherwise you'd have to knock off the top floor. I think that needs clarification.

Ms. Bouhassira: Yes.

Boardmember Forbes-Watkins: The same would be true of the height. The existing is 38.9 and you're showing proposed of 30 feet.

Ms. Bouhassira: Yes.

Boardmember Forbes-Watkins: Again, you'd be knocking the top floor off the house.

Ms. Bouhassira: Yes.

Boardmember Forbes-Watkins: Don't do that.

Ms. Bouhassira: Thank you. Perhaps there is two different ways to look at it. We have a three-story house and then two ...

Boardmember Forbes-Watkins: And you're making a two-story addition.

Ms. Bouhassira: ...story addition. But since the ...

Boardmember Forbes-Watkins: But the house still is going to be three stories.

Ms. Bouhassira: It's still a three-story house, so that would be correct.

Boardmember Forbes-Watkins: Let's keep it that way. By the way, I think it's a very plan and fits the neighborhood very well, especially with the third floor.

Ms. Bouhassira: Thank you. I'll keep the third floor.

Chairman Collins: Continued existence of a third floor?

Boardmember Forbes-Watkins: Yes.

Chairman Collins: Ray, do you have anything?

Boardmember Dovell: I think it's very nicely done. It's a minimal addition, I think it meets the programmatic need and I think it's very sensitively done. So I think it's really a nice project.

Ms. Bouhassira: Thank you.

Boardmember Anuskiewicz: Yeah, I agree with that. I agree with everything that's been said here, and also I think you've done a great job of taking a situation that was really inadequate in some ways and making a much nicer home out of it.

Ms. Bouhassira: Thank you.

Deputy Building Inspector Marron: It technically should be 2-1/2 stories.

Deputy Building Inspector Marron: Right.

Boardmember Forbes-Watkins: Technically 2-1/2.

Deputy Building Inspector Marron: Two-and-a-half stories.

Village Attorney Whitehead: The third floor is a half-story.

Deputy Building Inspector Marron: Yeah, it's a half-story, not ...

Chairman Collins: So the permitted and existing are both 2-1/2, is that ...

Deputy Building Inspector Marron: It's a 2-1/2, yes. That's not an actual third floor.

Chairman Collins: OK. Marc, do you have anything?

Boardmember Leaf: I have nothing to add. I thought it was well done and a modest change in the structure. The coverage ratio is higher than I would feel comfortable with generally, but given the fact that it's going down it's hard to cavil over that issue. Had you looked at all into the possibility of using a pervious surface for the drywall?

Ms. Bouhassira: Yes, we have had that discussion. Due to the size of the drywell there is about 10- or 12 percent, in fact, of the coverage in the drywell. All the homeowners and myself would agree that it would be wonderful to do a new pervious driveway. However, we're looking at a large expense of the addition and we were thinking we would put the drywell on the wish list and, if possible, we would actually repave the drywell with porous pavers. We haven't included it as of this date.

Boardmember Leaf: Well, it's certainly an understandable consideration and I hope you'll just continue to keep it in mind.

Ms. Bouhassira: We will.

Chairman Collins: If there's nothing further from the Board, why don't we open it up to anyone in the audience who wishes to be heard. If so, just feel free to come forward to our microphone and introduce yourselves. No? OK, that's all right.

Then if there's nothing further, may I have a motion?

Boardmember Leaf: I'm sorry. Mr. Chairman, before we second, I think – along the same lines of David's comment before – the existing side yard is not increasing by 8 feet. It's just

that the addition is 19.7 feet from the side yard. But there's still a part of the house that goes to 11.10. So just so that your approval is not defective we should change that motion.

Boardmember Forbes-Watkins: I'll accept that as a friendly ...

Boardmember Leaf: It's a friendly amendment.

Village Attorney Whitehead: Proposed should stay as 11.10.

Chairman Collins: OK, thank you Marc.

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Leaf with a voice vote of all in favor, the Board resolved to approve case 16-15, 21 Elm Place, side yard: existing 11-2.7 feet; proposed 19.7 and 2.2 feet, with the required minimum 12 and 8 feet; building coverage: existing 35.18, proposed 40 percent, required maximum 30 percent; and development coverage: existing 57.46; proposed 57.04, required maximum of 40 percent.

Chairman Collins: The vote's unanimous. Congratulations, good luck to you.

Ms. Bouhassira: Thank you, thank you very much.

Chairman Collins: Why don't we then move to case 18-13.

**Case No. 18-13
CCI Properties Inc.
32-34 Washington Avenue**

Relief from the strict application of Village Code Sections 295-18.B, 295-72.E.2, 295-20.C & 295-41.B, for the construction of an additional building containing 5 townhouse units on their property at 32-34 Washington Avenue. Said property in MR-1.5 Zoning District and is known as SBL: 4.70-53.11 on the Village Tax Maps.

Variances sought are as follows:

- 1. Different uses on a single lot: Existing use – two-family; Proposed use – two-family and a multi-family dwelling; Permitted – one use 295-18.B}; Variance required for one additional use.**
- 2. Lot coverage: Existing – 12%; Proposed – 40.7%; Maximum**

Permitted – 15% {295-72.E.(2)}; Variance required – 25.7% coverage.

- 3. Paving and structures in required yards: Proposed – parking spaces for existing structure in the required yard {295-20.C}; Variance required – four parking spaces in the required yard.**
- 4. Maximum width of curb cuts: Existing – one curb cut 10 feet wide; Proposed – two curbcuts, 26 feet wide total; Maximum permitted – two curbcuts 24 feet wide total {295-41.B}; Variance required – 2 feet over allowable curbcut.**

Chairman Collins: We are seeking variances – or here to discuss, rather – variances regarding use of the lot, lot coverage, paving and structures in the required yard, and maximum width of curbcuts. Again, as always, just make sure you introduce yourself – anyone wishing to be heard on the matter – just make sure you have a microphone handy so we can pick that up for the record.

Ms. Griffin, project architect: We actually came to the Zoning Board earlier this year. We've been to the Planning Board seven times since then. We received a resolution from the Planning Board for approval of view preservation, and they have also recommended that these variances be granted. There are four variances we're requesting. There is one for different uses on the same lot. This is an existing 2-1/2 story two-family house and we are proposing five townhouses. Because we want to preserve this house – it has a lot of character – we wanted to keep them on the same lot and have the multi-family building facing more on the Warburton side, keep greenspace in between. We would like to have the two uses on the same lot, even though they're very similar, because this building actually functions as really almost like townhouses because of one unit on one side and one on the other and these are five attached townhouses. That's the first variance we're requesting.

The second one is the lot coverage. We are in an MR-1.5 zone that requires a maximum of 15 percent. We're asking for 40.7 percent. That is building in all the walks and all the coverage items that are included in coverage. But the buildings and the porches are just 28.6 percent of the lot. I'm going to show you on another slide that we've done studies to see what the lot coverage is on other neighboring sites, neighboring properties

The third variance we're asking for is parking in the required yards. This is our front yard and this is our rear yard. This parking area for the two-family house is in the rear yard. But actually there's already a parking area that exists here and we're trying to improve it. We're trying to add two more spaces. I mean, the cars line up here and it's kind of a very rough parking space. What we want to do is create a real parking area with paved surfacing and a turnaround.

Chairman Collins: When you say "rough," do you mean like rough paving gravel?

Ms. Griffin: What exists now I think it's some bituminous paving, some dirt area. We're trying to create a defined parking space for four cars and also a turning radius. Right now, you have to actually back out into Washington Avenue in order to get out this area. What we want to do is be able to turn around here and then come out. We're improving the safety and we're also adding two parking spots for a total of four, which is required for the two units that are there. We are also planning to have an evergreen screen here so we can conceal this parking area from the neighbors' property.

Our fourth variance is the width of curbcuts. The existing curbcut here is 10 feet, and we're going to keep that. Our proposed curbcut is 16 feet. If you add the two together you get 26 feet, and 24 feet is the maximum. We actually looked at the possibility of having only 12 feet here, but Hahn Engineering recommends 16 feet for the number of units that we have. We have 10 parking spaces in the basement. I also want to point out what we really wanted to do was to have as much greenspace as possible. So this building is pulled over to the side of the site and all the parking is underneath the building. You don't see any of the cars on-site.

Chairman Collins: Is the thinking behind a 16-foot wide curbcut the possibility of accommodating cars moving in either direction?

Ms. Griffin: Oh, yes.

Chairman Collins: That's it, as opposed to ... I mean, you're very close, right? So I guess 14 is cutting it too close to stay within the requirement?

Ms. Griffin: No, I think it's really almost a judgment call. I have done so many projects like this, and I know there's an example in Hastings of four units with a 9-1/2 foot wide entry driveway. But they felt that five units was a little bit too many cars coming into that garage and they recommended 16 feet.

Village Attorney Whitehead: That was the recommendation of the Village's engineer.

Ms. Griffin: We increased it.

Chairman Collins: All right.

Boardmember Dovell: And that's presumably to let cars pass in opposite directions?

Chairman Collins: Yes, that was my question. I assume that's the reason why.

Village Attorney Whitehead: Christina, is that also something that came from the county, as well, because they were concerned about backing up onto Warburton? Because it is a county road.

Ms. Griffin: The county requires a turnaround, which we have inside the garage. But I'm not sure if that width came from them. I thought it was only from Hahn, but I could be wrong. That is to allow two-way traffic in and out of the garage.

Boardmember Dovell: It's a very tight two ways.

Chairman Collins: I would think so. Cars are wider than they used to be, that's for sure.

Ms. Griffin: Well, you know I made an effort to try to debate why it would have to be so wide. Because there's so many variables of driveways narrower than that.

Chairman Collins: I mean, I think the reason we're talking about it is that you're within sight of being within the allowable width. And I'm just speaking for myself, this is outside of my area of expertise for sure. I don't think I'd be able to offer a useful recommendation for what it ought to be or could be to be safe. Your engineers, or your resource, is telling you this is the way to go. You know, I'm prepared to defer to that. You're not asking for too much, but it would be nice to be able to take one variance off the board if it could be made to work.

Village Attorney Whitehead: Just to clarify, it wasn't their engineer. It was the Village's engineer.

Chairman Collins: Yeah, that's fine.

Village Attorney Whitehead: Who recommended ...

Chairman Collins: I mean, Hahn is identified as an expert or as someone who has a point of view that Christina is taking seriously.

Village Attorney Whitehead: The Planning Board wouldn't have approved it if they didn't comply with what was requested by the Village's engineer.

Ms. Griffin: Yeah, we had to change it in order to get approval.

Chairman Collins: OK.

Boardmember Anuskiewicz: Can you just go back to that parking slide you had before? I just had one question. On that lot that you're expanding, the parking space on sort of the top left, first one, how do you get out of that if you're parked there?

Ms. Griffin: This is like any kind of parallel parking.

Chairman Collins: You just back out.

Boardmember Anuskiewicz: I know how you get in. How do you get out? Back on the lawn?

Chairman Collins: Imagine if you drive in, OK. You're parking in so the front of your car is facing roughly, parallel to Warburton. The question I think Adam is asking, how do you turn that around and go out the other way?

Boardmember Leaf: You'd have to back up onto the lawn there to get out.

Deputy Building Inspector Marron: It's an 18-foot space.

Male Voice: Right, exactly.

Boardmember Leaf: That's enough to get out of any parking.

Chairman Collins: So it's wide enough to do a turnaround?

Boardmember Dovell: You have to drive forward and turn around.

Ms. Griffin: This spot is not as easy as any of the others because you'd probably have to back in. Then to turn around, you'd have to come here. Right now, there's only a driveway here and we're trying to improve it.

Chairman Collins: OK, but you've checked this and there's ample room there for a turn, even if you've got two cars that are parked there on the end, on the southern end, which I think I'm seeing as parking spaces?

Ms. Griffin: We actually have engineering drawings showing the sight lines and turning radius. They did the study to show that this was workable. Actually, this is not the first

scheme. We've done many layouts.

Village Attorney Whitehead: Many.

Boardmember Leaf: I'm sure you have.

Ms. Griffin: We had a turnaround in here, and given the area we're working with it seems to be the best layout we could come up with.

Chairman Collins: OK.

Ms. Griffin: And again, we're giving a turnaround to a driveway that doesn't have one now. We don't want people to back out if they don't have to.

Boardmember Forbes-Watkins: The reality is also, living in a building where I have tandem parking probably the two spaces will belong to the same unit. So one person will get the other person in that unit to shuffle their car a little bit.

Ms. Griffin: Possibly.

Boardmember Forbes-Watkins: That's the way we do it in tandem parking.

Ms. Griffin: You know, part of the coverage calculation includes this additional driveway that we provided to get that turnaround. To get even more space for a turnaround would eat up the greenspace.

Anyway, this is a 3-D view of the five townhouses. The idea is to try to make these feel like they belong to this neighborhood. They are similar to the houses on Washington Avenue. When you've got 2-1/2 stories and porches in the front, dormers, and a traditional look so we can really have the buildings harmonize with what's around it. This is showing the open space we have. We designed this building so we could have as much greenspace as we can. The requirement for greenspace for the two-family house I think is like 1,600 square feet. We're over, we're at 2,135. For the townhouses we needed, I think, 2,800 square feet; we have 5,628 – twice as much. Then we have all this common space, which is 7,800 square feet.

Deputy Building Inspector Marron: That parking was also looked at by the engineer, the Village engineer.

Chairman Collins: OK, thank you.

Ms. Griffin: These are just our cross-sections. We also wanted to make sure the building had access to backyards. This is a cut-through to the site. The first floor is just above the grade in the back, and then there are steps coming down to the sidewalk in front. This is just showing the relationship of the old two-family house and our proposed two-story townhouses. This is a density study that [background noise] to see how far our development would compare with the density of – or coverage – that is other properties in the neighborhood. There was a study done using the property cards and the Greenburgh tax assessor's files. I'm going to reduce this a little bit. All these colors represent different demonstrate coverages. The red is everything over 25 percent. Then you get down to 15 percent, zero to 15 is the dark green. So there's actually very few lots in this area that complies with the MR-1.5 maximum 50 percent coverage. We did an average of 24 properties, but not including the Cropsy estate, and came up with 41 percent coverage.

Chairman Collins: As an average?

Ms. Griffin: As an average. This is actually Washington Avenue and William Street. If you go over on Warburton Avenue we have percentages of 96 percent, 83 percent. There's much higher development coverage over there. Our building is at 41 percent – the building plus, of course, all the pervious/impervious coverage surfacing. So we are well within the average, or right at the average, of that neighborhood, not including Warburton Avenue.

Then we did another study – this is a density study – to see how much area per unit we have on properties ... groupings of properties of similar size. You see these shapes. They're similar in area. Our site will have, with our seven units – the two-family house and the proposed five townhouses – 3,752 square feet per unit. Then over here we have a grouping of buildings of 1,003, over here 2,362. This over here is near the top of Washington Avenue, 3,233. So we actually do have more area per unit than a lot of the neighboring ... similar-sized areas of property.

These are just our floor plans. This is the garage. We designed a garage that we could get all the required parking under the building because we want to conceal the cars from view and, of course, separate cars from the open greenspace. This is the layout of the units. We have four three-bedroom units and one two-bedroom unit. The three-bedroom units are just under 2,000 square feet. There are other townhouses in the area – like on 400 Warburton – that are around 2,100 square feet; also three-bedroom, 2-and-a-half bath. And the two-bedroom unit is 1,500 square feet.

This is our second floor just showing the bedroom layout. The attics are just storage spaces. We've reduced the height of the building twice since we started with the project so really it's

not even going to be a habitable space. The dormers are pretty much decorative. These are our elevations on the side, where I have a lot of playing with the roofline so we can also have the houses look similar to the 2-1/2 story houses you see in the neighborhood.

This is the elevation that's at the rear of the buildings, where you're up higher on the hill. The next slides are really about view preservation. This is the rendering of the view of the building from the corner of Washington and Warburton Avenue. This is actually what exists. There are cedar and pine trees that vary from, I think, 28 feet to 38 feet. What we're going to do is thin them out so they're not so crowded and can be in a better state. We just encourage them to be healthy, but we're planning to keep them because the buildings are right across from an auto body repair shop. We want to try to screen the new residences from that. That actually does affect the view of the units, but it also means the view has already been affected by these trees and we're not taking them down.

These are before and after shots. This is without the building, this is with the new building. These buildings, actually the top of this building lines up with this building that exists at the corner of William and Warburton Avenue. We had a mockup done on-site with poles and string and the Planning Board members came out to look at that mockup. This is another view looking down, before and after. You can see the screen, these are shots taken through the window of one apartment on William Street looked down over this pool which is on the property right next door to our property. This little building is going to come down, and this is the proposed new building. These are just volumes to show the shapes and the affect on view.

This is another view. I'm going up to the next apartment on the second floor of this apartment building on William Street that looks over this property. As you go up the floors you can, start to see, the river. But these are the trees that exist so even if the building isn't here you still will have the trees that affect the view of what you see from that building of the river. This is a view from back of the apartment building, and the address is here I think. No, it's not here but we have a key plan that locates all these shots. This is also an apartment building looking back; this is before and after. This is a view from this property that has a little house on Washington Avenue just uphill from the property; this is before and after. This is the same house looking in front. You can see right now they see all this greenspace, and now they'll see buildings next door.

These are just different shots just showing what the neighborhood is like. This is the corner of Warburton and this is the two-family house we want to preserve and renovate. This is a view on Warburton Avenue showing the high cedar and pine trees. These are the houses on Warburton. This is actually the inspiration for the design of the townhouses; you know, the porches, the gable roofs, the bay windows. But if you look down on other parts of this

neighborhood you will see three-story buildings and a lot of them with cornices. But we're sort of making this transition between the 2-1/2 story houses and the three-story buildings, downtown buildings. To make that transition we felt we would stay with this kind of feeling and look for our new design.

Just to go back, I hope you can appreciate we've been through a lot. In the seven meetings we went to we've looked at density and massing, and I think at this point we hope you can understand and appreciate that we have put a lot of thought and care into making sure this is going to fit in nicely in this neighborhood. Do you have any questions?

Village Attorney Whitehead: Just to update the Board, you have a copy of the resolutions that were adopted by the Planning Board after those seven meetings or so. They completed the SEQRA process, the environmental review process, with a negative declaration. Which means you're now free to act. They were the lead agency. They made their recommendation on view preservation. There was a lot of work done on that. There were some neighbors who appeared. The roofline actually has been modified, it's been brought down slightly from what originally proposed. They looked at some alternatives for that, as well. Then they've also, for your benefit, made some recommendations on the four variances. So I think you all have that document.

Chairman Collins: Yeah, we do. You said there are, in the new construction, three 3-bedroom one two-bedroom?

Ms. Griffin: Yes.

Boardmember Forbes-Watkins: Four.

Chairman Collins: Four 3-bedroom and one 2-bedroom. How many cars will your parking facility accommodate in just the new development, not the renovated existing structure?

Ms. Griffin: Ten.

Chairman Collins: So two vehicles per property is the idea.

Village Attorney Whitehead: That's what the code requires.

Chairman Collins: I mean, that's certainly a good thing. It's a necessity, actually. That street, that part of the Village, is always packed with cars parked on the curb. I couldn't imagine you coming here with anything but something that satisfies the requirement.

I mean, I think it's a very attractive design and I do like the homage to the other properties in the neighborhood. I think it looks lovely, and I do appreciate your persistence in having to stick with this for many, many iterations. I think the biggest hurdle that I face personally in looking at the variances required is the lot coverage issue. I'm grateful for the comps that you've prepared that show what neighboring structures offer. You're showing, obviously, just a portion of Washington and a portion of Warburton. I estimate that if you were to extend your analysis further south on Warburton or east on Washington we would see similar results. I don't know how far you extended your analysis. It looks like you went to the Aqueduct?

Ms. Griffin: We went to the Aqueduct and we covered, really, this block. We want to cover all the properties on Washington between Warburton and the Aqueduct. If we had included – I almost didn't get these properties – you can see, I don't think there's anything lower than 45 percent.

Chairman Collins: That doesn't surprise me.

Ms. Griffin: And even higher. We just wanted to look at the lower-density areas. You can debate whether this belongs to this neighborhood. This is a different feeling in Washington than Warburton; the buildings aren't as tall. We just happened to look at it that way.

Chairman Collins: I understand. I think what I'm getting at is, I want to make sure that though it makes sense to complete that analysis because of proximity we also live in a small village and I wouldn't want the analysis to be colored purely by what's adjacent. And instead, thinking about how this compares to other structures that aren't quite as adjacent but still within the neighborhood. Because this is a very substantial variance request that's being requested. There's no way around it.

Boardmember Anuskiewicz: I agree with that. I have one exception with the examples that you're mentioning, both on Washington and Warburton, as kind of something you're modeling after when you do the massing of your project. Because the houses on Washington that are directly adjacent to your property, and also the houses on Warburton to the south, are not attached. They're close, but they're not attached. So that's a significant difference about what you're proposing. The density, really, that you're proposing is not the same, in my view, to those structures. I think it's a step up. So it's really more similar to the kind of development you have, actually, on the other side of the Warburton Bridge or sort of the northwest corner of Washington and Warburton. The question for me a little bit is, is it appropriate to bring that kind of density south on Warburton. That's a question, I think.

I also had another question about this. Are these meant to be condominiums, or are these

being sold as individual homes – five individual properties.

Neil Alexander, Cuddy & Feder: Yeah, individual.

Ms. Griffin: Yes.

Boardmember Anuskiewicz: So that means the backyard, for example, would be divided into five sections? That each home would have a little backyard, potentially with the fence around it? Or is it all shared in the back?

Ms. Griffin: We have a small C-trellis here, and then the rest of the yard is shared.

Boardmember Anuskiewicz: It's all shared? So the homeowners don't actually individually own the land in the back? It's all sort of common space?

Ms. Griffin: There's going to be some neighborhood association. We talked about it.

Chairman Collins: If you're going to speak I need you to speak into the microphone, please. Happy to have your comments, just make sure you've got a mic.

Mr. Alexander: I think the way we're thinking about it right now is probably doing it in this HOA because there's not a lot of maintenance associated with the common areas. So it will be an HOA, but it's going to be either a no-action letter from the attorney general's office or a de minimis because there's not a lot of common.

Village Attorney Whitehead: But it will be common area.

Mr. Alexander: Yeah, right.

Village Attorney Whitehead: So the backyards won't be individually owned, they'll be common areas.

Mr. Alexander: It's one lot. We're not looking to subdivide, which is the only way we could get five separate homes, right, is if we had five fee simple lots? So this way, it's staying as one lot. The thought was that on Warburton it would have one fee and on Washington another fee. That's why we worked so hard to keep that old rectory building in play.

Boardmember Dovell: So there'll be individual terraces in the back, is that what you're thinking, with the fences extending out?

Mr. Alexander: No. I think we had – and Christina can get into this a little bit more – extended conversation because there was an iteration that involved fencing off each aspect of the backyard and that was frowned upon.

Village Attorney Whitehead: The Planning Board did not want individual fenced yards back there. They wanted the more open feel.

Boardmember Anuszkiewicz: Well, I agree.

Village Attorney Whitehead: No, the Planning Board said the site plan is not showing ... other than just a small trellis section, the site plan is not showing fences back there.

Boardmember Dovell: Well, it's showing an extension, a fence extension, that looks like 5 feet in back. Which is suggesting some kind of a private terrace area for each.

Ms. Griffin: You know, actually I always look for examples for ideas that I'm trying to explore for projects. There's a project in Tarrytown that's done this way and it seems to work for them, where they actually just have a 6-foot long privacy trellis. So someone could have a few chairs here, but there could be little clusters of bushes and things, but the rest of it is really common area so kids could run and play in this area. In fact, that's the way this yard is used right now. There's two families here, but they share the yard and each person has a barbecue.

Boardmember Forbes-Watkins: Is there access to those backyards? The elevations do not show doors coming out of the rear of the units.

Ms. Griffin: Yes, they do. I can show them to you.

Boardmember Forbes-Watkins: Or at least it doesn't appear that there are doors.

Boardmember Dovell: They're sliding doors.

Ms. Griffin: They're sliders.

Boardmember Forbes-Watkins: They could be sliders, I suppose.

Ms. Griffin: These are all doors coming out from ...

Boardmember Forbes-Watkins: They're intended to be sliders?

Ms. Griffin: Yes.

Boardmember Forbes-Watkins: OK, then your access to the backyard is direct from each of the individual units.

Ms. Griffin: Yes.

Boardmember Forbes-Watkins: OK. I lived in a situation – a homeowners association – where the front 4 feet were part of the house and the rest of the yard belonged to the in-common. So there are all sorts of variations that can be made on this.

Boardmember Dovell: And between these fences that you have between each unit there is not paving? It's just grass in the back?

Ms. Griffin: Right now, yes.

Boardmember Dovell: So you step through the sliding door and you're on grass.

Ms. Griffin: Yes.

Boardmember Dovell: I mean, it seems that it's just begging for someone to pave that area, to put a grill out there. You generally don't step out of a sliding glass door onto grass, you step out onto a paved surface. That's the kind of obvious next step for a homeowner to anticipate is to pave that somehow. And it almost seems like it's planned to do that, just looking at the floor plan. Your dining area and your family room opens right out onto it.

Chairman Collins: In a situation like that – Linda, a question for you – would the HOA ... if a single unit in this wanted to do, as Ray suggested, would an HOA come here needing then a variance?

Village Attorney Whitehead: Yeah, if it was being done in the common area. I mean, obviously it would increase the coverage.

Chairman Collins: That's what I'm thinking.

Village Attorney Whitehead: Depending on what it made out of.

Chairman Collins: Right. But the HOA would have to make that request.

Village Attorney Whitehead: The HOA or individual homeowner, unit owner. The HOA can authorize the unit owner to make the application.

Chairman Collins: Right. But it seems like the backyard is a shared common yard, right? The HOA would ...

Village Attorney Whitehead: Yeah, I think what we're really looking at – what everybody's talking about – is sort of that first 5 or 6 feet.

Chairman Collins: Right.

Village Attorney Whitehead: Not the bigger backyard, if you will.

Chairman Collins: But my understanding is, right now it's all common.

Village Attorney Whitehead: It would be all common, yes.

Chairman Collins: Marc, what are you thinking? I would love to hear your thoughts about the lot coverage issue. It's the one variance on this list that jumps out as being extraordinary by any definition we would ever see from any applicant. I'd just like to hear your thinking about how you're sizing that up.

Boardmember Leaf: This may seem inconsistent with what I've said before about lot coverage, but here so much of the coverage results from the parking area which, I think, is an improvement to the space. And it's necessary that I'm not ... I guess I'm not inclined to push the coverage issue quite as much because it seems like so much of the coverage is that parking area, which is a huge area.

Village Attorney Whitehead: I can tell you the Planning Board also spent a lot of time looking at alternatives to make that parking work. There was just no way to make it any smaller and make it work. What's there today doesn't work.

Chairman Collins: How much of the lot coverage contribute to the parking area? I mean, if you took that out what would the variance request be?

Ms. Griffin: I have a breakdown.

Village Attorney Whitehead: Well, in the Planning Board resolution it doesn't separate out that parking area. It lumps it with the driveways and sidewalks. But the actual building and porches is 28.5 percent.

Chairman Collins: So it's 11.5 percent of the 40 percent coverage, right?

Village Attorney Whitehead: There's the other driveway also. It's a significant portion

Chairman Collins: But just imagine ...

Village Attorney Whitehead: It is significant portion.

Chairman Collins: It is significant, but imagine a hypothetical scenario whereby this wasn't an issue. We would still be looking at it, what double? More than that. Going from 12- to 28 percent coverage?

Village Attorney Whitehead: It's still ...

Chairman Collins: I would still put that in a category of something that's significant. Now, the paving is an improvement, right? And that existing ... I think it was a rectory at one point.

Village Attorney Whitehead: Yeah, and that's the other piece of it. It was really about trying to keep that building.

Chairman Collins: I have a deep respect for that and that motivation, but it would not, I think, for me relieve the concern. If an applicant came here and essentially wanted to double their lot coverage relative to the required maximum I know I'd want to have a conversation about it.

Village Attorney Whitehead: And that's part of what makes this a unique circumstance is that you're trying to keep which really is a pretty important, significant building that everybody seems to want to keep there.

Chairman Collins: Yeah, I understand that. But there are tradeoffs in any decision, right? And in this case, the applicant has said – and the Planning Board apparently agreed – that the preservation of that structure and improvement of the paving ...

Village Attorney Whitehead: Was important.

Chairman Collins: ... was important enough to allow for a lot coverage that is going from being compliant to being more than 3X over. And I'm not so sure I'm ready to go there yet. Ray, what do you think?

Boardmember Dovell: I'm still puzzled by the heights of the structures. The existing building is a 2-1/2 story building?

Ms. Griffin: Yes.

Boardmember Dovell: And what's the approximate height from grade, Christina?

Ms. Griffin: Of the existing building?

Boardmember Dovell: The existing building, the height above grade.

Ms. Griffin: To the very top it's 34 feet 9.

Boardmember Dovell: And the section that we're looking at right there is a true section, so we're looking at the new proposal being not as high as the existing building.

Ms. Griffin: Not quite as high, no. We had lowered it because of the view preservation analysis. We brought it down 2 feet from where we had it. We even had a partial finished attic and we removed that and left it ... we brought it all the way down to a little over 5 feet. That's just so we could have a sloping roof. We looked at flat versus sloping, and we thought the sloping roof would give this more of a village-like character. And it is very similar, the same height, as the building to the south on Warburton Avenue.

Village Attorney Whitehead: The Planning Board also looked at the option ... I said before they looked at some options. They looked at the flat roof option and felt it actually looked worse from up the hill for the properties that were looking down on it than the slightly sloped roof. It just had a better feel.

Boardmember Anuskiewicz: I guess, for me, also the question with this is, if we support this kind of density – which I don't think exists too much on Warburton ... I mean, I think there are examples of it. But I'm not sure it's the model that we should be pursuing. Or if it's really the intent of what's ... it's definitely not the intent of our zoning code. The question is, if we do this when do we stop. Do we just keep doing this to the south on Warburton?

Chairman Collins: Or anywhere, for that matter, in the Village.

Boardmember Anuskiewicz: It's a pretty important decision from that perspective, for me, because I think it is denser in my view.

Village Attorney Whitehead: And any decision you make you need to really talk about the uniqueness of this site and why you would be allowing it for this site. You may not allow it on another property. Just because you allow it here doesn't mean you have to allow it someplace else. I also think ...

Boardmember Anuskiewicz: I guess, then, for me the compelling reason would be why are we allowing it here.

Village Attorney Whitehead: In part, to keep the existing ... I mean, that was the Planning Board's feeling.

Boardmember Anuskiewicz: Although we're a different board and we ...

Village Attorney Whitehead: I understand.

Chairman Collins: And ultimately, I would need a different explanation than just purely to keep the existing structure.

Mr. Alexander: Just to interject for a second, I think the community character in our study is showing that the immediate vicinity character is we are consistent with the existing vernacular of the area and what's going on there. I think also it's important to remember that the denser part of the project is facing the denser part of your community. We're keeping that turn, and I think as your Village Attorney was pointing out we're adaptively reusing an existing structure. When you do an infill of that nature, as you know, you get tied in a lot of ways. As was pointed out, a large part of the density request here is to formalize a parking situation that's been a little bit more lackadaisical, for lack of a better phrase.

It's pulling it all together. And then you have the stormwater issues you have to handle, and then also the cost of adaptively reusing as opposed to razing and coming up fresh. That leads to a little bit of the scale of the project, as well. It all ties together. And I think what's really important for you all is – not necessarily with our financial constraints – to distinguish this from a future situation. So what distinguishes it? You have the adaptive reuse of an existing structure that the community came out when it proposed for being razed as part of the project. We said OK, we're going to try and listen and hear what that is and do that. That fixed a point: you needed to get separation distances from that point to put the next structure in.

We worked with the Planning Board. I understand you're a different board, but I think there's a lot that distinguishes this from someone coming in and saying, well, I'm going to just raze an existing structure and would you give me 40 percent. There's a give-back to the

community character by keeping the nature of Washington. Nothing's changing on Washington; all the change you feel really is on Warburton. So from a transitional standpoint I think that's a really good setting as far as how your land use and planning feels. But you had something else.

Ms. Griffin: I just wanted to point out that I heard a comment that this is the density ... it isn't the densest property. Because the study shows that if you look at the dark green, this is the only property that meets the zoning code. The 15 percent lot coverage is rare in this neighborhood. The average of these properties is 41 percent, but if you look at all these properties here – we have 93, 83, 96 – they are much denser. So we actually wanted to make sure this – and it's really important to me – does fit in this neighborhood in terms of scale and character and density. If I had done the analysis including other properties, you know we have so many different densities in Hastings in general we definitely would be over that amount.

I know this is just a small area, but you have a huge range really. Because if you go towards Broadway you're going to get probably more like 15-, 20 percent development coverage. I mean, development coverage of course includes more than just a building. Then if you go towards Warburton Avenue you get up to 50- to 90 percent coverage. So there is a big range, but from the very beginning ... you know, I know there were previous schemes that went up to 14 units. So we went down to five because we felt this probably was the right fit.

Boardmember Dovell: I'd like to point out that that initial proposal was really outrageous. I mean, that was over-the-top outrageous. I mean, you can't start there.

Chairman Collins: I mentioned before I need another justification that would allow this board to look another applicant in an eye who would come before us and say we want to build to a much greater degree of what this property would allow. And again, I understand what the community wants to preserve, a building. I understand that, but there are a lot of big lots in Hastings. If someone comes along and says there's a beloved small house on a big lot, we want to keep that but build this ginormous thing on top of it that then takes up a good chunk of the lot.

Mr. Alexander: You're fully familiar as a board, and I'm not going to through each of the five elements of an area variance test.

Chairman Collins: Yeah, we're stuck on the one.

Mr. Alexander: You're talking about precedent. If you actually take a look at the five elements, precedent's not in there. So what you're talking about is a [Nike and Milken] XXX

situation or a [Dill Hill] XXX situation, right? Which is an applicant comes in front of you and says, look, you've given variances of this nature before. But what [Nike and Milken] XXX is about is you then ... it's just a rebuttable (sic) presumption. The applicant comes forward and says, look, here are three or four other situations. And you say, well, that's true but they're distinguishable and we can distinguish them.

Chairman Collins: Yeah, sure.

Mr. Alexander: So here, what distinguishes it is the nature of the adaptive reuse, the nature of honoring and not changing Washington. Because we have two fronts, we're a corner lot. That's another aspect as far as meeting setbacks and meeting things of that sort become a challenge, too, which we've been able to do generally speaking except for that little bit of parking which we're trying to formalize. Which is better than trying to put the curbcut in another location where you probably couldn't get a clearance because you'd be too close to the intersection.

You know, precedent is always tricky with zoning boards, and I appreciate it and I don't undermine it. But it's not an element of the test, per se.

Chairman Collins: I agree.

Mr. Alexander: We can distinguish it. And I think the study here that we did – whether you say the boundaries should be broader – we stopped at really, essentially what's opposite us and the abutting roads where they interceded (sic). They upheld our thought process. And that informed our thought process, which is we didn't exceed that mathematical number of our study. We sort of worked backwards from there. I think also with respect to will it grow, because you were getting at some of that concern before with regard to the backyard, obviously if it's a variance and if it's a condition of the landscaping plans it's going to be a condition of the site plan approval everyone's going to be on notice. Those documents go with the HOA documentation so any prospective purchaser's going to see the plans and the approvals as approved. People are going to know – which I'm sure is lurking in there – is, is there going to be creep on this issue. Is some homeowner going to say, well, I didn't know. Well, the documentation's going to be passed through.

Chairman Collins: Yeah, we've approved lots of projects with conditions. That's something this board does fairly regularly. The five filters, as I'll call them for consideration here, the one that I'm hung up on is the one about whether or not the variances are extreme. And this one is.

Mr. Alexander: It's mathematically substantial. I would say it's consistent with the

community character, though.

Chairman Collins: Right, but it's a ...

Mr. Alexander: It's no detriment to the public at large even though there's a benefit to the applicant as a whole.

Chairman Collins: Right, but those other ones are grandfathered. We haven't approved them, right? The other houses you've identified that feature that density are not new developments, right? I mean, these are all ones that have been there for quite some time. They happen to be ... like a lot of properties in Hastings, they existed before the code, the predated the code. Now the code has been developed, been approved, and it happens to designate those properties as being out of code. You're talking about building something new, adding something new, that would – as I mentioned earlier – be more than 3X the lot coverage.

Mr. Alexander: But then, case law's very clear, though: substantial is not measured necessarily by a mathematical formula.

Chairman Collins: The what isn't?

Mr. Alexander: The case law is very clear that when they talk about what is a substantial variance they don't talk about just because it's mathematically substantial, that makes it substantial. So we're saying here, you know, if you look at the amount of open space in the project – notwithstanding the lot coverage exceeding this – there's still a lot of open space and it's contiguous, it's not chopped up. You know, it is usable, it's not just a mathematical open space. It creates a feel. So notwithstanding lot coverage, as you know we've got a fixed point on Washington with the way that's done. But everything else is sort of tied into the corner, tied towards Warburton, coming back towards where you have the busier of the two roads.

While giving a great experience for those who are going to live there, it creates a lot of separation between the other use on the property and a lot of contiguous open space that's viable and usable as private space and as public space. I think that connects back to what's lot coverage, right? You have a mathematical lot coverage, but you have a usability. That's the point of it, right? Lot coverage is there for the feel of density, light and air, and just functionality, right? You don't want to jamb it cheek by jowl, and then therefore the functionality is impaired. The parking's not impaired here because it's hidden underneath in the new multi-family. The other one is just formalizing what should have probably been a long time ago as opposed to a willy-nilly use of it.

Chairman Collins: I think your argument, Mr. Alexander, is that the benefits that you're bringing to the property overweight the fact that this is a substantial variance that you're requesting. I happen to be using a mathematical yardstick to make that determination. But I think what you're really saying – and which I think is an honest argument – is that the benefits that you're proposing overweight the substantial variance that you're asking for. But I think we can agree it's a substantial variance, right? I don't think anyone ...

Village Attorney Whitehead: The cases do say not to look just at ... if you look at in the context of the whole.

Chairman Collins: I'm looking at this and I'm saying the lot coverage variance request is substantial. If you want to argue that it isn't, then I'm happy to hear that argument. And I think it's a lot more productive for the applicant to argue that the benefits overweight that.

Village Attorney Whitehead: Just for the record, you've been saying that it's three times. It's not three times, so I just want to clarify that. It's two-plus because it's problematic if you're saying the wrong thing on the record. It's 40.7, or 15 percent, is permitted.

Chairman Collins: That's true. You're right. Actually, that's my mistake. I was referring to what it is today at 12. But you're right. Relative to the maximum required it is not three. Then I stand corrected.

Village Attorney Whitehead: It's two-plus times.

Mr. Alexander: Chairman, I agree with your point which is the mitigating factors are really what's the differentiator here.

Chairman Collins: David, what are you thinking about this?

Boardmember Forbes-Watkins: Well, I'm a little less concerned about the lot coverage here than you. After all, although we're in a transition area between going down Warburton or going up Washington, across the street we're talking about heavy urban. Going up Washington it's certainly dense.

Chairman Collins: You mean going north?

Boardmember Forbes-Watkins: Yeah, going north it's dense. So I'm feeling that the zoning in this particular place is extraordinarily restrictive.

Ms. Griffin: Yeah, I'd like to make a point ... couple points. You know, the single-family zone ...

Boardmember Forbes-Watkins: Let me finish. I think it's restrictive enough that although there's no question there's a lot of lot coverage here I'm not going to sit back and say, can't do it, can't do it. I think this is within the realm of reason.

Chairman Collins: And you say that because ... you go to the argument that this is a neighborhood that already is extremely dense.

Boardmember Forbes-Watkins: Dense, and it's near downtown.

Boardmember Anuskiewicz: I'm not convinced by that argument, David. Because I think this kind of density ... I mean, regardless of what it looks like that's basically a big apartment building. And that kind of density does not exist on Warburton Avenue. Warburton Avenue is a mix of single-family homes, townhouses with apartments that are detached. You know, in the last five or ten years we've had a couple of projects built on Warburton that have this kind of density. So for me, the kind of density you're showing there looks like West Philadelphia – blocks of West Philadelphia that are really tightly-packed homes with a much greater density than we have on Warburton Avenue. So I wouldn't be convinced just to sort of brush it off and say Warburton Avenue has a lot of density so therefore it's OK to do this. I'm not convinced by that argument.

Boardmember Forbes-Watkins: That's a different point of view.

Chairman Collins: Go ahead.

Ms. Griffin: The point I was going to make is, in our single-family zone we have an R-10, we have 25 percent maximum coverage. And the R-7.5, I think, is 30 percent. So why do we have 15 percent in this zone? It doesn't seem like the zoning matches the pattern of development that exists. I just want to point out, really Warburton Avenue has – and I've done ... I've done many properties on Warburton Avenue and I could show you the photographs – hardly any single-family houses in this area. They're all multi-family. And there's many that have three or four units in the building. I did a LEED platinum project on Warburton Avenue and we got points for density because you are using fewer resources when you have more building on the land. We got a lot of points towards that and it helped us get a platinum rating.

In 400 Warburton down the road there are four units that are tied together that we got approval recently for. They're built, and they were sold before they even finished

construction, very similar to this where there's outdoor space and parking. I think when you get home ownership, as well, in this area, this area is changing. Because when you have home ownership, which means condos or townhouses, they feel they're invested in the property and they take care of the properties. We're seeing a change going on because we're seeing more and more home ownership happening in this area. And it's not going to happen with single-family homes because they don't exist. They're going to be townhouses and they're going to be condos.

Boardmember Anuszkiewicz: Isn't there a single-family home on the southeast corner of William and Warburton? It's right across the street from your project.

Ms. Griffin: It must be the only one, there's so few there. You go down the road ... I think you should walk the street because ...

Boardmember Anuszkiewicz: I think there are two more as you go up William Street to the east. I'm looking at it right now ...

Chairman Collins: You live on Warburton, don't you?

Boardmember Anuszkiewicz: ... on Google.

Chairman Collins: I think, Christina, this slide was useful. On the other hand, the MR-1.5 zone is a lot bigger than ... I think it's a lot bigger than this. And I think what you've shown us is a selective sampling that happens to favor your argument. That the density here would be consistent with this part of the zone. I think you could make that argument, but I think to say the MR-1.5 zone itself is flawed because of the density you're seeing in this portion of it may or may not be true. It would be interesting to see what this map looks like across the zone. Like if you were to pull out and look at the entire zone, how red is it and how green is it.

Ms. Griffin: No, the number of units for each lot is actually on here, too. There's four units, six units, three units.

Boardmember Anuszkiewicz: Not to mention that you have the Cropsey Foundation house on Washington Avenue almost across the street from you, and another single-family house adjacent to that which isn't shown on this map. So there are single-family homes here.

Ms. Griffin: I think there's a big range.

Boardmember Anuszkiewicz: Yeah, I agree with that. There is a big range. And I also

agree that if we developed Warburton Avenue from Washington Avenue south to Yonkers with this kind of home that they would sell. I don't doubt that.

Chairman Collins: I'm inclined to hear from the audience at this point. We can continue our questions, but if anyone's got a question ready to fire I'll take that first before seeing if there's anyone from the audience who wishes to be heard. No? OK. If anyone would like to comment just please speak into the microphone and introduce yourself, please, and where you live.

Mike Kerpchar: I own a building across from this lot.

Chairman Collins: On Warburton?

Mr. Kerpchar: On Warburton Avenue – 483 Warburton Avenue and 19 and 20 Washington, going down the hill. I really do believe that besides asking for lot coverage and the view preservation that this opens up a ton of can of worms. To save the rectory is like having your cake and eat it. You've got two families there, five families there. So the value of the property after it's all built is probably an additional million dollars in your pocket. I've been a builder all my life. I'm into progress. I think progress is very important. All the zoning laws that were in existence before the present ones, there's no question about it you cannot compare apples and oranges. The zoning says this now, and 50 years ago it said that. So if you're comparing that to this, then why have a new zoning law? Why don't you have the old one and forget the present laws.

The back of these with the sliders, I'll bet my life that there will be patios there. That covers more property. The association between two different buildings, there'd have to be an association for the common space. It's very complicated. They have two spaces for each building. Where's the parking for guest parking? There is none. Do you know how many ... if there's five, seven units there should be 14 guest spaces. If there are not guest spaces where do they park, on the street? C'mon, I was born on Ridge Street 79 years ago. I've known the neighborhood all my life. At one time there were no cars. It was not a concern. Now, you go around and around and around until you find a space. There's no guest parking.

And saving that building? C'mon, the building is an old building. The Planning Board may have said it was a rectory at one time, and it weakness a rectory at one time. Ripping that down and making a parking area off the street and having those five makes more sense. To me it makes more sense. You still have those five units. You can move it over this way, you make a parking space, you plant some more trees around there it'll look gorgeous. There's no doubt about it it's a beautiful rendering of what it's going to look like. Too much on too small a spot. Those people, you tell me where they're going to park. There's too many

variables there. It's going to be a headache to the Board and the town for years to come.

Again, the height. You look from the back, from up here. Those people had a view. They don't have a view now. It's view preservation, right? What's in existence ... and if it bothers you, too bad. It's been there for 50 years, 100 years. But if you build something now and you're blocking somebody's view it's not the thing. The most important thing that the Village of Hastings ever did was to come with the law facing view preservation. I've gone through it a couple of times. A couple of times it was very silly, but a couple of times I was wrong, they were right. You make the law, I can't do it because I'm blocking a person's view no matter what it is. If he was seeing half the Palisades and you build a building you're seeing those Palisades that doesn't make any sense. Because it's very important. The Palisades are a big part of the community.

Again, there's no visitors' parking here, there's none there. The Hastings House, they won't let them open it up because they haven't got enough parking to handle the inflow of people in the restaurant. When I was a boy people walked. They didn't need a parking space. So that building is ...

Chairman Collins: I'm sorry to interrupt you. Just to let you know, in this case they are compliant on the parking issue. I mean, you're making a common sense argue but we don't have an authority to hold them accountable ...

Mr. Kerpchar: OK, all right. Let me switch back. I'm sorry I said that. But there's no parking for visitors here, there's none. And you're covering 2.4 times the space. I can understand that, but it's more doubled. If you don't provide space for off-the-street parking for guests you're finished. You can't have seven buildings ... two people have an event, a party. Where are they going to park, on Warburton Avenue or Washington Avenue? No, it's impossible.

Chairman Collins: Again, it's unfortunate. I understand your point, and I respect it. We're not in a position to be able to weigh in on that because they are meeting the Village's code for parking, right?

Mr. Kerpchar: OK, but no guest parking.

Chairman Collins: Yeah, the Village's code requires them to provide the parking combination, which they have provided.

Mr. Kerpchar: For the buildings.

Chairman Collins: For the buildings, that's right. Yeah, they are compliant with that. I hear what you're saying, that the two cars per unit certainly may not suffice if they've got visitors coming into town. But that would apply to a lot of houses in Hastings, and the code says they're OK.

Boardmember Anuszkiewicz: Yes, Matt. But this neighborhood ... I think the point is well taken because in this neighborhood there's no parking.

Mr. Kerpchar: There *is* no parking.

Village Attorney Whitehead: There's no parking issue before this board.

Boardmember Anuszkiewicz: I understand, but I'm just ...

Mr. Kerpchar: It's just a statement of what somebody from this side sees from the Board.

Chairman Collins: We just can't vote on that. That's not something we do.

Mr. Kerpchar: It's just something that I see, and I'm a neighbor. I live across the street. The biggest problem ... well, I don't live there but I own the property. My tenants always say to me, My, I wish we had parking, I wish we had parking, I wish we had parking, all right? And I made a little parking ... there's parking on the side. But three cars, big deal. Everybody's got at least one or two cars, every family. It's pretty, it really is pretty. But you go down Warburton Avenue and look and see if that fits in there. It doesn't, it just doesn't. If that other building was gone, and you moved it over and you put those five in there, hurrah it's gorgeous. Cuts down less on the coverage of the lot. And right now it's crowded in that corner and it's crowded over there, and we're going to save that building.

You can't have your cake and eat it, and that's what this seems to me. I know you guys will make the right decision on what you do. The wrong decision only opens up a can of worms, I think, because other people are going to want the same thing. Once you give somebody one thing you can't say, Oh, gee, I gave Joe this and now you can't. Old zoning is old zoning, has nothing to do with this. This is 2015 and this is what the zoning is then, and the zoning that was there you can't compare those two. Because they built from bumper to bumper, believe me.

Chairman Collins: I assure you we'll consider through the lens of 2015 zoning.

Mr. Kerpchar: Well, it's a pleasure.

Chairman Collins: Thank you for your comments.

Mr. Kerpchar: And I'm a negative person because I spent my life building. It just doesn't fit with all that stuff in that one place.

Chairman Collins: Well, I appreciate your comments, sir. Thank you very much.

Mr. Kerpchar: Thank you very much. Thanks.

Chairman Collins: Miss, if you can just introduce yourself into the microphone.

Barbara Irwin-McGuire: I live across William on the corner on Warburton, single-family home. We do not have a driveway or a garage so we have to park on the street. Things got worse in our neighborhood when the affordable housing was approved. Suddenly, it's hard to find a space unless you get there before 4 p.m. And there have been many evenings when I've gotten home at 8 or 9 o'clock and I've been forced to park up at the very top of William Street because there are no spaces anywhere. Not only are there problems with the guest parking here, but you're also going to be losing two spaces because of the new curbcut. That's taking away two more than we have at the moment. And we've been burdened for the past two years by the Warburton Bridge construction, which removed something like 50 parking spaces in our neighborhood.

I can't understand why you would consider a variance that increases the lot coverage by this extent. It seems greedy to me. It seems like they are trying to bleed as much space out of this neighborhood as they possibly can. And I agree with your earlier comment, Mr. Dovell, that their first proposal was simply outrageous. And it was, and just because it's better now than it was before doesn't mean it's a good plan. I think losing the curbcut parking, the additional parking for guests and parties, are a big, big issue for this neighborhood. Being a single-family homeowner across William, with another single-family home to the south of us, I think they have cherry picked the properties to convince you that dense housing is what the neighborhood has and what it should have.

I think the height of the building is too high. I think the lot coverage is preposterous. And I think the loss of parking through the curbcuts and visitor parking is a huge burden on our neighborhood and I completely disapprove of this.

Chairman Collins: Thank you for your comments. Yeah, go ahead.

Mr. Alexander: I just want to contextualize one point. If we put another two-family house on that property instead of what we're proposing for five you'd have a 10-foot wide

driveway. You'd lose one, if not two, parking spaces on the street anyway.

Chairman Collins: OK, thank you.

Female Voice: Not if you use the other driveway.

Chairman Collins: All right, thank you. I think we appreciate the comments from the neighborhood.

Any other questions, guys?

Boardmember Dovell: Well, I'm going back to the original scheme that was really overdone. What I think is positive about this is the preservation of the existing building and the fact that there are two structures. I think the breaking down of this mass is a good thing. I'm not troubled by the height. I think the building is situated nicely.

I am troubled by how much building there is by the lot coverage. And I'm wondering if options have been explored to reduce this to four townhouses rather than five townhouses. Has a more minimal scheme been explored and why doesn't it work on this. Why doesn't a lesser variance scheme work, how can you demonstrate that it doesn't work.

Ms. Griffin: [Off-mic].

Chairman Collins: Speak into the mic.

Ms. Griffin: I would like to give that some thought and maybe come back to you another time. I just need to study that idea.

Cable Access Director Corso: We can't hear you with that mic.

Ms. Griffin: I just want to discuss that idea with ...

Chairman Collins: Can you hear now?

Cable Access Director Corso: Thank you.

Chairman Collins: Thank you, Jen.

Ms. Griffin: Take the time to study that, to come back to you with a proper response if I discuss that idea with the client.

Chairman Collins: OK.

David, anything further?

Boardmember Forbes-Watkins: No, not at this point. I think we're going to defer.

Chairman Collins: I can smell that coming, too. Marc, anything else?

Boardmember Leaf: If we're going to defer I'm going to defer my thoughts.

Chairman Collins: Christina, would you like to defer? It's your call.

Ms. Griffin: When you say "defer," you mean adjourn?

Chairman Collins: Adjourn, yeah.

Ms. Griffin: I want to give your comments some thought and I'll come back to you with a response.

Chairman Collins: It looks like you have another comment.

Mr. Alexander: No, I agree with deferring. That's not the issues. Just I think we should try and continue the dialogue a little bit more tonight so we understand what we're deferring, what we're thinking about. A great point that was just made for us to think about, I've already sort of put a note down in my head to think about Walk Score in that is area. You know, what is the Walk Score of this area to begin with, and what is really the nature of the character of the area. Is it sort of a tertiary thought process on that. But if you wouldn't mind, just a little bit more that'll help us. Less from a needing to understand where you are, per se, for the sake of drawing lines. More for there's tasks for us to undertake so we come back fully informed.

Chairman Collins: Yeah, that's very reasonable. Marc, if you've got it.

Boardmember Leaf: Fine. I generally think it's an attractive design well done. I don't feel strongly about maintaining the rectory, but I like maintaining the rectory. I think it adds to the character of the development as a whole. What you have repeated several times about looking at this from two sides of the property; that the Warburton side is consistent with Warburton and the Washington side is consistent with Washington, I agree and I believe that it is. I'm glad that we'll have a chance to consider a slightly less dense presentation, with a

four-unit townhouse instead of a five-unit townhouse. I think that would probably be an improvement.

But frankly, on the parking issue – since the parking is consistent with the code and since ... I can't even take that into consideration. I think the parking is not an issue. And frankly, I think it adds to the character of the neighborhood, not detracts from it. It's directly across the street from Straub Auto Body so you're putting a beautiful – I imagine expensive – townhouses in a place that otherwise would not be able to support that increase in value for the neighborhood. My guess is that it'll end up increasing the value of neighboring homes. But that's not our job to predict that.

Mr. Alexander: Thank you.

Boardmember Leaf: Since you have asked for input, that's all I have.

Chairman Collins: OK. David?

Boardmember Forbes-Watkins: One thing we really haven't talked about at all is view preservation. I think the concept of reducing from five to four units would make for an improved view preservation situation. I don't feel strongly that this is a view preservation problem, but certainly if we could find a reduced size of building we would improve our view preservation situation also.

Chairman Collins: David, thank you for that.

Can I just make a point, and this may be more for whomever creates the agenda that goes out? The view preservation I don't think is in this.

Village Attorney Whitehead: It's not on there. I had already noticed that. When it gets redone for the next meeting it will be.

Chairman Collins: Because I did see that.

Village Attorney Whitehead: But just so you know that there was a number of the residents of William Street in particular did appear at the Planning Board. The Planning Board visited some of their properties. The roofline was brought down. So the Planning Board did a pretty significant review and did make some changes to the plan in relation to view preservation. I'm sure if this board wanted to visit any of those same properties I'm sure that could be arranged. But the Planning Board did do that. I know the people that are here tonight may be here next meeting, but they were and I think they were satisfied – the

people of William Street were pretty much satisfied – with the changes for view preservation.

Chairman Collins: I thought the information presented showing the impact on view was very well done. I think this is ... I mean, yes there is impact, but I think the applicant has convinced me that they've done what they can to minimize that impact. So I don't know I can offer anything prescriptive on improving the view preservation issue. I just think I need some more time to consider the cost and benefits. As it relates to the benefits, the applicant I think has demonstrated they can bring to the neighborhood with this. There is a lot of upside to this, weighed against the substantial variance request that comes with this and which I know I and this board take seriously. It has torpedoed other projects before, rightly so.

Yeah, ma'am. Go ahead.

Ms. Irwin-McGuire: I'd just like to ask one more question. Why aren't the developers not considering putting in two townhouses? You've said that if they go from five to four that would be an improvement. Why not two? They could get the lot coverage way down; they could get the parking way down; they could make use of the curbcut that exists there already as an entrance, not increasing lots of traffic on and off to Warburton. I've got in one small accident myself going onto Warburton. I witnessed two other accidents on Warburton on the corner of my house. When you have five units that are coming in and out of that space on a regular basis that's a huge problem. Why don't they just scale it way back.

Chairman Collins: Well, that's a good question, a very good question. In the past when this board is asked this question, the applicant has brought some level of financial analysis to show that going to something less than what's been proposed. It brings a hardship on the applicant financially. And that's a very reasonable thing and I'm sure the applicant has a financial objective here that they're hoping to achieve and they believe that five is the right way to achieve it. But I would expect that when they come in and talk about four, or whatever the number is, they'll be bringing that argument into it – that data point into their presentation.

Again, I want to make it clear from the Board's perspective – and Marc mentioned it, I mentioned it – the parking issue is off the table. We can't do anything about that. The code is clear on this. I also happen to believe that more housing downtown actually, in some cases will, I think, take some cars off the road. When I say that, I mean if these people are commuting into the city they're going to walk to the train station, right? They probably not going to be driving. And so the comings and the goings may not be quite so bad. Again, I don't live there so I don't know. But there are tradeoffs to having housing that's downtown. I won't argue the point that parking is scarce. On the other hand, people are living there who

might be going into the city are probably not going to be driving to and from the parking lot.

Chairman Collins: If you're going to speak I just need you to speak in the microphone, that's all.

Ms. Irwin-McGuire: But there are children ...

I just have to disagree with you because the children need to get back and forth to school. Many parents in that area drive their kids to school, pick them up at the end of the school day or at 5 o'clock. So comings and goings you're not talking about a two-family home where both people are commuting by train and walking to the train as my husband does. You're talking about parents of small children in three-bedroom apartments, and I think that you're not thinking the way you would if you lived in that area.

Chairman Collins: I don't doubt that that's true. I can't ...

Boardmember Anuszkiewicz: I will also just say, not only that there's an auto body repair shop across the street that has 20 or 30 cars all the time ...

Chairman Collins: That's true.

Boardmember Anuszkiewicz: ... the there that they're working on. Although we don't have anything to say about parking, that's true, we do have ... the parking is symptomatic of the density, and the density's an issue that I think we need to consider. And I think the case that was made that this is contextual, that the examples that were given were selected to support this particular building, you could just as easily make the same case. The neighbor said why not two homes. I could say why not one home. There are other single-family homes in this area, and I think that's what gives Warburton Avenue its character. It's a mix; single-family home, multi-family homes and larger buildings. So there are many different ways to look at this.

Mr. Kerpchar: That curbcut up to Warburton, you should go down there. Spend one morning maybe between 7 and 10, you won't believe it, the amount of traffic that flows there. Of course, now the traffic is a little bit different because of the bridge. But the amount of traffic that flows there, it's dangerous coming out there. It's dangerous, believe me. Al and Harry've been across the street for years. A car comes out of those driveways, I'd say, a hundred times a day. And that's giving them the benefit of the doubt. It's a business, he has a great business there.

But having a curbcut on Warburton Avenue is asking for trouble. And you don't want to put

in a light. Because if there's anybody coming out of there they ... and if somebody's parked right next to the driveway on each side, first, they can't see out, they can't see. You have a driveway here, and a car and a car here, how do are you going to creep out in there? It's tricky. Washington Avenue is a lot safer. Although it's traveled, too, in the mornings to the train and in the evenings. I don't know how you could put the driveway in all the way ... maybe it's in there and all the way around the back into the garage. But a curbcut onto Warburton Avenue is asking for big trouble, big time, really, really.

Chairman Collins: Thank you.

Yeah, go ahead.

Mr. Alexander: I don't want to belabor it. I just want a point of reference on the fourth sheet of our drawing. We have a turn within limitations. These are not ... these are right-outs only, just so everyone knows. There's no lefts, and they're marked with signs.

Chairman Collins: Oh, I see.

Mr. Alexander: It's right-hand turns out of both driveways. So there's no left, and that's just a point of clarification. I pulled up our Walk Score for this property, if you're familiar with that tool. It puts it at 79, and it says most errands can be accomplished by walking in the area. We'll put it in our submission.

Village Attorney Whitehead: You have to speak into the microphone.

Mr. Alexander: Sorry. It was very informative, basically saying you're 2/10ths of a mile from the train station, there are three parks within a walking area, most errands can be accomplished by walking in the area. Seventy-nine, 80 is very, very, very high, and we'll put in that information. But if you just go to walkscore.com you can spend your own time interacting with it. But we'll put it in as part of what we submit next. I think that helps with understanding how a third-party looks at it. You know, who looks at ... Walk Score's available for any address nationwide.

Boardmember Leaf: Excuse me. If you're going to use something like a Walk Score you should at least acknowledge the fact that nobody knows what's going to be happening with the A&P lot, which would have been taken into account in any determination of the walk score. So don't over-rely on something that might be outdated by the time you bring it up.

Village Attorney Whitehead: There is no grocery store

Mr. Alexander: All fair points, and that's we'll contextualize it when we put it in the submission, as well. Thank you.

Chairman Collins: All right, thank you very much.

Village Attorney Whitehead: For right now.

Boardmember Leaf: For right now.

Boardmember Anuskiewicz: Sorry, I just had one point to Matt. You know, your comment was well taken about the view preservation. However, when you say I can't think of any other way that they could be more sympathetic to view preservation they could reduce the bulk. And they could also have not had the five homes touching each other. They could have space – light and air – in between these homes, which would open up views from the top. So there are significant ways that they could improve a view corridor from what they showed here.

Village Attorney Whitehead: I'm not actually sure that zoning would permit them to be detached.

Chairman Collins: But even if you say, all right, take that off the table, I think what Adam is saying if there were one ...

Village Attorney Whitehead: Oh, I know there are ways ...

Boardmember Anuskiewicz: There are ways to detach the mass on the second floor without detaching around the first floor. There are massing ways to do this. I mean, it's a big building. I'm not as convinced as some of the other Boardmembers that it's attractive, but I think it's a big building. I'll leave it at that.

Boardmember Dovell: Well, I think the development team has been responsive to the initial comments that we gave them some time ago. To me, the larger success here is the preservation of the existing house on the site and in the corner. I think the way the new building is stacked, stacked to the south, is really an improvement. I think it's too much building there. And I agree with something that Adam said, that the prototype is a little strange. It looks like a series of free-standing homes pushed together, which is an anomaly in this area. You have free-standing homes and you have kind of a row house approach to them. So I'm just wondering. I need to be convinced that this is the right way to go. That it is a rather large building masquerading as a bunch of smaller buildings, right now, to Adam's point. I would need to be convinced that that's really within the realm of neighborhood

character.

Chairman Collins: OK, good. Anything else?

Boardmember Leaf: I don't have anything else to add.

Chairman Collins: All right, then we'll adjourn. I believe we'll adjourn this case, and we will look for you to come back perhaps in our January session or whenever you feel you're ready. OK? Thank you very much. Thank you for your presentation.

DISCUSSION

Proposed Local Law E of 2015 – Gateway Cluster Overlay District

Chairman Collins: OK, we'll now go to discussion of the proposed Local Law E, Gateway Cluster Overlay District. Linda, can you tee this one up for us?

Village Attorney Whitehead: Sure. This is something that the Planning Board and Board of Trustees has been talking about for some time now. It comes out of a recommendation in the Comprehensive Plan dealing with the larger lots on the Broadway gateway, if you will, the South Broadway gateway. They're mostly institutional right now, but the Board of Trustees felt it was important to address what could happen on those properties if one of the institutional uses should go out. We've already seen a change with the church property in the last few years.

What they wanted to do – there are some very sensitive areas on those – there's scenic vistas into the properties. There are some wetlands, some slopes, some significant trees. What they wanted to do was to provide that if one of those properties is to be redeveloped for a residential subdivision that the applicant be required to cluster the subdivision under the provisions of village law. By doing so, that would help to preserve open spaces, environmentally sensitive areas. They are requiring a larger setback for the cluster subdivision for any structures from Broadway – or from any street because one of them is Andrus that also fronts on Tomkins– really to preserve the scenic views in that gateway by pushing all development back, condensing it, to preserve more open space. That's sort of the simple substance of what this law does.

They, in accordance with the code, have referred it to you and to the Planning Board for any comment or question that you may have. They opened their public hearing. Actually, they closed their public hearing but they are awaiting comments from both this board and the

Planning Board before they take any action.

Chairman Collins: OK, thank you.

Village Attorney Whitehead: And I'm happy to answer any questions. I did draft it, at the direction of the Board.

Chairman Collins: Well, the comments you mentioned that the Board is awaiting comment from the Planning Board and Zoning Board, what's the time frame for delivery of those comments?

Village Attorney Whitehead: The Planning Board, it was on the agenda for their last meeting. But at 11:45 at night we all decided that nobody could actually discuss it with any sense of coherence. I think the Board of Trustees had wanted to act sooner rather than later, but the Planning Board chairman, Jamie, had contacted the Mayor and said, listen, we tried. But it is on their agenda for their meeting next week. It is first on their agenda so we anticipate Planning Board comment. The Village Board is looking at doing something in January because you go back to your regular schedule. They have two meetings in January before you meet again. I think they would like to. I think if there's was a reason why you wanted more time they would be willing to hold off. But that's where their timing is right now.

Boardmember Forbes-Watkins: Some clarification, please. I do not have a map that shows me where section 4.90, block 91, et cetera, et cetera is. Are these all the Broadway properties?

Village Attorney Whitehead: Yes.

Boardmember Forbes-Watkins: Or are there other properties?

Village Attorney Whitehead: No, at one point they had considered doing this with some of the properties along 9A on sort of that gateway. But as it turns out, those properties are county-owned and parkland so they have been taken out. This may actually be a version. That one may actually be a leftover that was that property that they've now taken out. So these are all the Broadway, Graham School, all the Andrus properties, the church property.

Boardmember Forbes-Watkins: OK, so it's those three.

Village Attorney Whitehead: Yes, and the decision was made to apply it to apply it to an application for any property that's in excess of 4 acres because that's really getting to be the

size that you want these protections on. There was some back and forth and discussion. As far as the setback from the roadways, you know what? This is not the right version.

Chairman Collins: I was going to say, there's nothing in here really about ...

Village Attorney Whitehead: Yeah, you didn't get the right version. Hold on. I don't know how that happened because all those sort of question mark things the Board has studied and made decisions on.

Chairman Collins: So you're saying you've got a document there that shows what the setbacks would be?

Village Attorney Whitehead: The question is, do I have it with me.

Boardmember Anuskiewicz: In a neighborhood where there's a large institutional lot that's surrounded by single-family homes, are you proposing to permit attached housing units?

Village Attorney Whitehead: It would be at the discretion of the Planning Board. They could be, in order to cluster them. As a matter of fact, if you look at Hastings Landing ...

Boardmember Forbes-Watkins: Hastings Landing is the perfect example.

Village Attorney Whitehead: Hastings Landing was done under a cluster provision that is in your code, oddly not in the zoning ordinance.

Boardmember Anuskiewicz: Again, it's hard to evaluate that with some sort of a master plan. I mean, we're not the Planning Board, but to willy-nilly sort of say that, to me, means that ... and, again, I should look at this on a map also. But large tracts of land could be developed like that and the fundamental character of that, all area changes.

Village Attorney Whitehead: One of the things that they've done – and I apologize, I have the other version here – this is actually a very common planning tool. It's done to preserve environmentally sensitive lands and views into a site. Generally, when clustering occurs they require a larger, if you will, buffer setback around the entire property. In this case, what's been provided is that there be a 150-foot buffer along the lot frontage on all streets. Even if you had detached housing it's going to be set back at least 150 feet.

Chairman Collins: From the line of the cluster, where the cluster zone is. The property line would be 150 feet removed from ...

Village Attorney Whitehead: There is a 150-foot setback before there can be any structures. And that can be required to be landscaped or maintained. If you drive down and look at those properties now there's views into those.

Chairman Collins: No, their gorgeous.

Village Attorney Whitehead: They're undeveloped along the road.

Boardmember Anuszkiewicz: Yeah, but has anybody done an analysis to look at, for example, if all those properties were developed with those buffers that you describe to the maximum amount of density that this allows.

Village Attorney Whitehead: This does not allow any increase in density. These are all R-20 today. The fear is that somebody could go in there and do an R-20 cookie-cutter subdivision, if you will, which is going to disturb a much greater portion of the property and not preserve the same kind of open space. So the idea of the clustering is that you take that same density and you bring the houses closer together. Not necessarily a catch, but you bring them closer together. It cannot be any more houses than could be built under the conventional ...

Boardmember Anuszkiewicz: Where I was going with that question, though, is not that but the density itself. Any kind of density on these large tracts of land. Can the existing infrastructure of the community sustain that kind of development?

Boardmember Dovell: But it's no different. It's the same capacity, it's just put together and set back, right?

Boardmember Anuszkiewicz: But it's not there today.

Boardmember Dovell: If there's a lot that's 4 acres and the permit's four houses, independent houses, you put it together and move it back, right? It's still the same density.

Village Attorney Whitehead: And obviously the infrastructure – those things, you know – an application would have to come before the Planning Board, it would have to undergo a SEQRA review, all of those things; you know, subdivision, SEQRA review.

Boardmember Anuszkiewicz: And how is that different from how it works today?

Boardmember Dovell: Well, the density – if you have a parcel like that – it's all based on

R-20. So it's not permitting any greater density, just a different set of regulations for setback.

Village Attorney Whitehead: And the idea is it can reduce the amount of overall site that gets disturbed.

Boardmember Dovell: Right, and increase the visible open area.

Village Attorney Whitehead: And it actually helps with infrastructure because you tend to need less roads, less linear feet of sewer and water mains because the development is closer together. And the Board actually spent a lot of time on what the buffer would be, particularly from the roads. They had a buffer study that was done a few years back and they all went out and sort of drove around the area and looked at these things. That's how they came up with the 150 feet from the roads.

Boardmember Anuskiewicz: Doesn't it impact property values, though? Because if you're going to cluster the homes they're not going to necessarily be as valuable as if you built them further apart.

Village Attorney Whitehead: But you have the benefit of the open space around you.

Boardmember Anuskiewicz: We're not thinking about the other houses in the area and how that could affect them economically.

Village Attorney Whitehead: The idea of the buffers is that the other houses won't ... you can see them. It's a very, very common planning tool that you see all over New York State done to preserve open space and environmentally sensitive features on the site. And really, it can significantly reduce the amount of a site that has to be disturbed as compared to an R-20 cookie-cutter subdivision.

Chairman Collins: Linda, do you have the setback requirements that would apply to the homes built in the cluster?

Village Attorney Whitehead: Oh, to the cluster? No. Other than the perimeter setbacks that are set in this law, they could be varied by the Planning Board.

Chairman Collins: Is that true in any other ...

Village Attorney Whitehead: Yeah, that's standard under Village law, section 7738. That's what it's intended to do. By allowing you to reduce the setbacks from the underlying zoning, you can put the houses closer together and disturb less of the site. But you don't have every

lot on a 20,000 square foot lot.

Chairman Collins: No. You're clustering them together, but wouldn't you still have a lot size requirement for each property?

Boardmember Dovell: Well, it could be like a typical ... just what we looked at today: a series of attached or ...

Village Attorney Whitehead: It could be detached, semi-detached.

Boardmember Dovell: You have ownership or individual ownership with some open space in the rear, with common ownership of the grounds.

Village Attorney Whitehead: Typically it would be a homeowners association and the open space areas would be owned by a homeowners association and restricted.

Chairman Collins: I think, for me, it's hard to visualize. I understand the idea of clustering. Like what I'm envisioning in my head is the example of like a cul-de-sac. Like where you have house that are clustered in a space with lots of open space around it, as opposed to taking the same number of houses and spacing them out over that property.

Village Attorney Whitehead: And that is one form of clustering.

Chairman Collins: Right, but I still would want to know what are the allowable dimensions going to be for the house.

Village Attorney Whitehead: And that, the Planning Board is going to have discretion.

Chairman Collins: I don't get that. I can't think of another example. The zoning code is going to have, then, treat this as a zone and we're going to see that the front yard is this, and ...

Village Attorney Whitehead: New York State law permits clustering. What it really is allowing here, it's allowing the Planning Board to vary the setback requirements, the minimum lot size in order to allow for clustering. If you can't vary setbacks noted minimum lot size you can't cluster. Then you're back to the R-20 cookie-cutter.

Chairman Collins: You just change it. You just say this is what the new one is, and say now it's ...

Village Attorney Whitehead: And they will define them on a case-by-case basis.

Boardmember Anuszkiewicz: That's what we do anyway.

Chairman Collins: Well, that's why we exist. But I do like the idea of having a target name for it.

Boardmember Forbes-Watkins: Well, the problem is if you're trying to develop a cluster or allow it to develop a cluster the question you're asking would suggest that we have to write new zoning for each cluster. And that would be insane. It would never get passed. So you go to this overlay and you end up with the ability to adjust within an area. I lived in Hastings Landing for 17 years. Don't live there now, but I lived there for 17 years. I think it was a great idea.

Village Attorney Whitehead: And it is a cluster development.

Boardmember Forbes-Watkins: Yeah, it's a cluster development. It works well. There are lots of setbacks. There are 23 units on 12 acres, OK? Those 12 acres could have been divided up into 23 houses.

Boardmember Anuszkiewicz: That's not what you said.

Boardmember Forbes-Watkins: That would have been a horror.

Boardmember Dovell: But that's not the way this is written. The way this is written is, the density requirements that are currently mapped here are the density requirements for any new parcel, correct?

Village Attorney Whitehead: Correct.

Boardmember Dovell: That you then take those and you apply new setback regulations and you waive some of the requirements for side yard setbacks so you can put them together, therefore preserve a unique environmental feature like a great piece of property that then comes under common ownership. So that's the density issue.

Village Attorney Whitehead: Yeah, the density is still based on R-20.

Boardmember Anuszkiewicz: And there would have to be a site plan before anything got developed.

Village Attorney Whitehead: They would have to go through a Planning Board application. It would be a subdivision or site plan approval before the Planning Board, with SEQRA and everything else.

Boardmember Leaf: And that's the stage at which these questions that Matt and Adam are asking. That's the stage at which those get addressed.

Village Attorney Whitehead: And it may vary from site to site.

Boardmember Leaf: And it's not that they don't get addressed. They do get addressed, it just gets addressed at that stage for that particular site.

Boardmember Dovell: But if you had a large parcel, in any event Planning would have to be involved with site plan review.

Boardmember Leaf: But if you through an overlay, you get less clustering. Then you're stuck with the existing.

Village Attorney Whitehead: The law actually allows an applicant to request to do a cluster and they have to be authorized by the Village Board and the Planning Board. This is actually forcing it. This is requiring them ...

Boardmember Anuskiewicz: See, that's what I don't understand. So if you don't want to do a cluster you don't have the option?

Village Attorney Whitehead: Not on these properties. And that's to avoid the R-20 cookie-cutter ... that's to preserve open space and to preserve the views in ...

Boardmember Anuskiewicz: What does that mean?

Village Attorney Whitehead: Just lay it out. Boom, boom, boom, 20,000 square foot lots, lots of roads.

Boardmember Anuskiewicz: But if we're talking about the same number of homes, and you lay them out, what is cookie-cutter about that?

Village Attorney Whitehead: You can reduce the 20,000 square foot, you can have flexibility, you can concentrate the development.

Boardmember Anuskiewicz: What is fundamentally better about that?

Village Attorney Whitehead: It preserves open space areas.

Boardmember Anuszkiewicz: But it's still private property.

Boardmember Dovell: Correct.

Boardmember Anuszkiewicz: You're not allowed to use it, nor am I.

Boardmember Leaf: But you can look through it.

Village Attorney Whitehead: You wouldn't have the 150-foot scenic corridor along the road if you allowed it to be developed as R-20.

Boardmember Anuszkiewicz: I understand. As an architect and a designer I understand completely what you're talking about. And I'm not convinced, from an urban standpoint – whether or not it's being done all over New York State – that it's actually a superior planning model to the one we currently have.

Boardmember Dovell: Well, let's take an 8-acre parcel or whatever it's going to be. If you developed it as individual parcels you have to build roadways through, right? And then you have to demise it in a way that complied with the current lot sizes.

Village Attorney Whitehead: Twenty-thousand square foot lots.

Boardmember Dovell: So you end up with a series of lots and a series of houses. I mean, it's not ...

Boardmember Anuszkiewicz: Pretty much what you have now.

Village Attorney Whitehead: You don't get the large open space areas and you end up with a lot more roads, frankly, because you have to get to all parts of the site. Whereas if you're clustering it in one area you don't have to have roads running everywhere.

Boardmember Leaf: If you look over at Hastings Landing, right, and you're on the Aqueduct. What you see is, you see woods. You don't see, you know, house after house after house laid out because the houses are compressed and what's around them is the woods. And it's still there, and it would be there in these areas.

Village Attorney Whitehead: But it wouldn't be there had there been 23 single-family

homes on 20,000 square foot lots developed.

Boardmember Leaf: It would look like Harvard Lane. There's nothing wrong with the college streets, but the college streets were developed ...

Village Attorney Whitehead: I lived on one of those.

Boardmember Leaf: Hey, you could buy with High Street.

Village Attorney Whitehead: No, I lived on Amherst.

Boardmember Leaf: Anyway, if you think about before the college streets were developed those were big manses, those were big properties and they were rolling hills and wooded and dotted. Then the hills got knocked down. Even though they did a very nice subdivision with nice rolling streets, there are still streets all over and they have to interconnect with other streets. Then they're divided up into equal-size lots and very nice '50s and '60s style housing was built on those lots.

Village Attorney Whitehead: But there's no open space areas in that entire development.

Boardmember Leaf: Right, although we used to walk between the houses before people closed them up.

Boardmember Anuskiewicz: I'm just thinking, though. Imagine that Hastings Landing came to the Zoning Board today, that kind of project. And just imagine that that space was all set and zoned for clusters. Like just imagine that we are where the Zoning Board would have been however many years ago, 25 years ago, when it was put in. Wouldn't there be some code requirement to say a driveway has to be like this and it has to be pushed back?

Village Attorney Whitehead: Well, driveway standards and things like that still apply. What the law does – and this is actually in the village law, not just in the law we wrote – section 7738 in New York State village law provides for the modifying of setbacks and minimum lot areas. It also allows for the varying of heights so you could build a multi-story building. The Village Board did not include that because they don't want a height variance. They want to keep it to the two or two-and-a-half stories. But it allows for the varying of minimum lot size and setbacks. That's not a way you can cluster. You can't cluster if you have to have ...

Chairman Collins: Well, you could cluster. You just have smaller requirements.

Village Attorney Whitehead: But that's not the direction that the Board would want. I understand what you're saying.

Chairman Collins: We're simply saying that the Planning Board will get to call the shot, and then we take the Planning Board's requirement. It sounds like a very simple zoning situation.

Boardmember Dovell: But what we are looking at are the 150-foot setbacks.

Village Attorney Whitehead: Right. Which you would never get without a cluster. And that, the Board kind of went all over – from 100 feet to 200 feet to even more – because that was something that was very important. You've all driven down there, you know that as you drive down ...

Boardmember Anuszkiewicz: Half a football field. I guess the thing I don't like about it is that you're saying it's to prevent the cookie-cutter development. But the problem is that if it's mandatory it's also going to prevent any possibility for some sensitive development also.

Boardmember Dovell: For some what?

Boardmember Anuszkiewicz: Sensitive development.

Village Attorney Whitehead: It provides for sensitive development.

Boardmember Forbes-Watkins: It doesn't provide for sensitive development of 20,000 square foot lots. But most of those types of developments are not particularly sensitive, to be very honest. They're cookie-cutters, dammit.

Boardmember Leaf: Well, explain what you were talking about because I'm not sure I understand. What is it that you're saying we miss?

Boardmember Anuszkiewicz: You mentioned some neighborhoods that are not the best examples of well-planned neighborhoods in Hastings. There are other neighborhoods in Hastings that are planned much more nicely, where there's thought put into how streets connect and the infrastructure goes in and homes can be situated in a sensitive way. You know, when you make it mandatory like that you're excluding anybody from ever coming and trying to do something with creative planning on that site. Which might be high-quality, it might be something that you would be ...

Village Attorney Whitehead: I think the idea of clustering to actually provide for that and

encourage that by not making you stick to the 30-foot setback and the 20,000 square foot. It gives you more flexibility in deciding on the house.

Boardmember Dovell: What's the lot size in the underlying zoning?

Village Attorney Whitehead: Twenty-thousand square feet.

Boardmember Dovell: Twenty-thousand square feet, OK.

Chairman Collins: I think this is much more restrictive. When you go to clustering, you are making it more restrictive. Look, I like the idea, I really do. I'm inclined to say this is a very good idea, but I don't see it as being less restrictive. I think it's much more restrictive.

Boardmember Anuskiewicz: Yeah, why does it have to be mandatory? Why can't we just allow for it?

Village Attorney Whitehead: Because the concern is, if you don't make it mandatory you won't get it and you won't get the preservation of the environmentally sensitive requirement.

Boardmember Leaf: I think that's very true.

Chairman Collins: I would imagine that this ... wouldn't this make ... I got to think this through. Would it make the land less valuable to the institutions that own it today?

Boardmember Dovell: Because the density's the same.

Village Attorney Whitehead: It gives them more flexibility. The idea is to provide flexibility in design to allow for preservation.

Chairman Collins: My hypothesis is that the market would generally put more value on the cookie-cutter approach.

Boardmember Anuskiewicz: Exactly, because where the money goes is to the developer. Because now I don't have to build all that infrastructure. Now I can just build like Hastings Landing, which is nice but it's a lot cheaper ...

Village Attorney Whitehead: But the benefit to the Village ...

Boardmember Anuskiewicz: than building a whole community that's sensitively planned and has roads. It's just cheaper.

Boardmember Dovell: Right. From a developer's point of view it's not a great thing, but from an environmental standpoint and a preservation of resources it's a good thing.

Boardmember Anuszkiewicz: That's the tradeoff.

Village Attorney Whitehead: And that's the way this board is looking at it. They're looking at the environmental benefits and the preservation of open space in sensitive areas.

Boardmember Anuszkiewicz: I get that.

Boardmember Dovell: Which we don't have a lot of.

Village Attorney Whitehead: And they see these large lots as having those and a way to preserve them.

Boardmember Anuszkiewicz: You said it's not a good thing for a developer, but I think it's a good thing for a developer. I can develop the land now for less money.

Boardmember Dovell: But perhaps your return wouldn't be as great.

Boardmember Anuszkiewicz: But if I spent less ...

Village Attorney Whitehead: The benefit to the Village ...

Boardmember Leaf: You ever drive up into Tarrytown off County House Road? Those big, big McMansions are actually very attractive McMansions as McMansions go, but they are McMansions one after another after another.

Boardmember Forbes-Watkins: Go through Ardsley.

Boardmember Anuszkiewicz: Have you ever been to Llewellyn Park in New Jersey or to Park Hill in Yonkers? Those are beautiful mansions.

Boardmember Leaf: Park Hill in Yonkers is beautiful, absolutely.

Boardmember Anuszkiewicz: So, again, you can bring up a bad example or a good example.

Boardmember Dovell: But you can do the same thing with cluster housing.

Boardmember Leaf: That's for sure.

Boardmember Dovell: There are some really great examples of cluster housing.

Village Attorney Whitehead: I know there are a lot of publications out there on sort of what clustering can do.

Chairman Collins: Well, are we here to talk about a very limited range of input on purely the zoning impact, or are we here to litigate whether the Village should do clustering? I really don't want to waste this board's time going back and wondering why we're clustering. What I would rather do is just focus on whether or not the zoning implications are well thought out. It is an interesting argument, though.

Boardmember Leaf: So are there any other differences in the final version between the one you have and the one that was given to us?

Village Attorney Whitehead: The lots on 9-A were taken out. So it's only South Broadway, those parcels. The 150 foot from the roadway was put in, those numbers were put in. It's 150 feet from any road frontage, 50 feet around the entire perimeter.

Chairman Collins: This one just says a 100-foot buffer shall be provided around the perimeter of any cluster.

Village Attorney Whitehead: That's now 50, but it's 150 from road frontage, from any street. That was because Andrus is on both Broadway and Tompkins, the Andrus Children's Home.

Boardmember Leaf: Not the old ...

Village Attorney Whitehead: But the Children's Home, which is partially in Yonkers and partially in Hastings. But it's on the corner of Broadway and Tompkins. And that's actually one of the most beautiful pieces of property.

Boardmember Forbes-Watkins: That's really lovely.

Village Attorney Whitehead: It was important to protect that.

Boardmember Leaf: And if the trustees of the Andrus Home ever said, "You know, we could sell this property and take that money and go put a children's home someplace cheaper

..."

Village Attorney Whitehead: Or, "We could sell the part in Hastings."

Boardmember Leaf: It's really good to take care of this issue now before somebody runs into a problem.

Boardmember Anuskiewicz: Yeah, I agree with that.

Village Attorney Whitehead: And as I said, it was a recommendation in the Comprehensive Plan. So this was something the Board wanted to do is implementation. There is no indication that any of these are in play right now. As a matter of fact, representatives of the Andrus Home have been in touch with me and have sort of followed this. They're fine with it as long as it doesn't affect what they're doing there today. They don't really care.

Boardmember Leaf: Right. They're a really great organization but, you know, 20 years from now it could be a different board entirely.

Village Attorney Whitehead: Right. Anything that could happen, and the church property has changed hands. That's sort of the smallest one of these, but it is over 4 acres. That's actually the one that also has the building closest to the road right now.

Chairman Collins: In the clustering, would there be some public access-way that's guaranteed so all the land we don't give over to the developers would be accessible to the public?

Village Attorney Whitehead: Not necessarily.

Boardmember Forbes-Watkins: It's given to the developers, but it can't be ...

Village Attorney Whitehead: For the benefit of the residents. Sometimes you can negotiate public access to it, but it has to be negotiated. You can't require that as for the benefit of the residents.

Chairman Collins: Why would they want to give it?

Boardmember Anuskiewicz: They may want something from us.

Boardmember Leaf: Yeah, maybe that's right.

Chairman Collins: Want to go and build patios or something.

Boardmember Leaf: Is it appropriate to have a motion so we can go home?

Village Attorney Whitehead: You're an hour ahead of where the Planning Board was. I think you don't even necessarily have to have a motion. It's just if you want to put a memo together to go back to the Board of Trustees to let them know that in general you support it, there was one member who had some concerns. You know, it doesn't have to be a formal ... you're not approving anything.

Boardmember Anuskiewicz: It doesn't sound like we have the authority to approve anything.

Village Attorney Whitehead: No, you don't. It's advisory, strictly advisory.

Boardmember Anuskiewicz: Don't we have to write a memo?

Boardmember Forbes-Watkins: Either that or they have to watch this.

Village Attorney Whitehead: You don't have to. We can give them the minutes.

Chairman Collins: We have something that's prescriptive that says, Hey, we would like it to change in this way.

Village Attorney Whitehead: I can certainly tell them that it was discussed and that overall a majority of the Board thought it was a good idea.

Chairman Collins: I think what I would prefer to say is that the majority of the Board doesn't have ... in fact, no one on the Board has any specific prescriptive guidance on how this should change. So that's my final answer.

Village Attorney Whitehead: Matt, if you wanted to even just put together a two-sentence e-mail saying that or something, and send it to the Board.

Chairman Collins: Sure, I can do that. That's fine.

Boardmember Forbes-Watkins: We have minutes still.

Chairman Collins: Yeah, I know we've got minutes.

APPROVAL OF MINUTES

**Regular Meeting of October 22, 2015
Regular Meeting of November 5, 2015**

Boardmember Leaf: So how many voting members were there on October 22?

Chairman Collins: We had three.

Boardmember Leaf: So all those votes that are four-nothing, those are probably wrong.

Village Attorney Whitehead: Oops.

Boardmember Leaf: The first one is right at 3-nothing, and then the rest are all 4-nothing I think.

Chairman Collins: I don't think we ever had four.

Village Attorney Whitehead: I didn't look at the minutes.

Boardmember Leaf: I wasn't here so I didn't know whether maybe somebody came in.

Boardmember Forbes-Watkins: We had five on the 22nd.

Boardmember Leaf: Oh, I'm sorry. On November 5. November 5 is what I meant to say.

Village Attorney Whitehead: The special meeting I think there were only three.

Boardmember Leaf: I was supposed to go and then I couldn't.

Chairman Collins: Well, we did ... on the October meeting we did approve something.

Boardmember Leaf: Those were correct, I think.

Village Attorney Whitehead: The special meeting on November 5 I think we ended up with only three people.

Boardmember Leaf: So there are a couple of votes that are 4-nothing on those.

Chairman Collins: Buddy may have been wanting to throw his hand up.

Village Attorney Whitehead: It was an interesting meeting.

Boardmember Forbes-Watkins: OK, October 22, page five: I'm sure that on the penultimate writing concerning Building Inspector Minozzi's statement about 42 Village, I'm sure he meant "Villard."

Village Attorney Whitehead: You know what? I can take notes. There's no one here.

Chairman Collins: Can we just, for the sake of expediting it, agree that David has changes to the minutes and that he will forward them to the Building Inspector, as I have done many times?

Boardmember Leaf: Very good.

Boardmember Forbes-Watkins: I only have three.

Chairman Collins: So why don't we do that. Can we get a motion to approve the minutes, as amended by David?

On MOTION of Boardmember Forbes-Watkins, SECONDED Boardmember Leaf by with a voice vote of all in favor, the Minutes of the Regular Meeting and Public Hearing of October 22, 2015 were approved as amended.

On MOTION of Boardmember Forbes-Watkins, SECONDED Boardmember Leaf by with a voice vote of all in favor, the Minutes of the Special Meeting and Public Hearing of November 5, 2015 were approved as amended.

ANNOUNCEMENTS

Next Meeting Date – January 28, 2016

Boardmember Dovell: Back on regular schedule.

ADJOURNMENT

Chairman Collins: I always forget this, but do I need a motion to adjourn?

Boardmember Forbes-Watkins: Yes.

Village Attorney Whitehead: You can do it.

Chairman Collins: All right, I'm adjourning the meeting. All right, thanks.

Boardmember Forbes-Watkins: Standing vote.