

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
REGULAR MEETING AND PUBLIC HEARING
(HELD AFTER JOINT MEETING WITH BOARD OF TRUSTEES)
SEPTEMBER 21, 2023**

PlanningBoard@hastingsgov.org

***A Regular Meeting and Public Hearing was held by the Planning Board
on Thursday, September 21, 2023 at 7:00 p.m. live-streamed
via WWhoH-TV (Channel 75 and FIOS 43) and online at WWhoH-TV.org***

PRESENT Chairperson Eva Alligood, Boardmember William O'Reilly, Boardmember Richard Bass, Boardmember John Mondello, Boardmember Spencer Orcus, Village Counsel Linda Whitehead, Building Inspector Charles Minozzi, Jr., Planning Consultant Patrick Cleary, and Planning Board Secretary Mary Ellen Ballantine

Village Mayor Armacost: We have all of our trustees and all of our planning board members, so welcome everyone to the Village of Hastings-on-Hudson, New York board of trustees and planning board joint meeting for Thursday, September 21st, 2023.

** (Pledge of Allegiance)*

I. INTRODUCTION OF NEW PLANNING BOARD MEMBER

Mayor Armacost: Before we start I would like ... I can't see him, but I'd like to welcome Spencer Orcus who is a new member of the planning board. Tonight this will be his very first planning board meeting and we are grateful tonight and forever forward for all the time, effort and thoughtfulness he will bring to the deliberations of the planning board on behalf of Village residents and applicants. So welcome, Spencer. It's really fun to be at the meeting where you are joining us.

And to say to everyone else, it's an unusual meeting to have the board of trustees and planning board members together. I can't actually think of another time in my tenure as mayor, or as trustee before that, where we have done this. Maybe very, very early on when I was a trustee, but it's unusual. And it's important for us to be able to share thoughts and insights on this important matter.

** (Joint Board of Trustees/Planning Board adjourns)*

II. PLANNING BOARD REGULAR MEETING BEGINS

Chairperson Alligood: So welcome everyone to the planning board meeting of September 21st, 2023.

III. ROLL CALL

IV. WELCOME PLANNING BOARD MEMBER

Chairperson Alligood: I'm going to be really brief and just welcome our newest boardmember, Spencer Orcus. You could just be really brief, but we're so happy to have you join us. This is our first board meeting with us, and we've never had a joint meeting so now you got to experience that with us. Would you like to say a few words to your fellow planning board members, introduce yourself?

Boardmember Orcus: I've been in Hastings for about 12 years now, I guess. I originally went to school for architectural engineering, practiced as a structural engineer for a while, and I've been working for the last 16 years as an affordable housing developer and builder.

Chairperson Alligood: But you bring a lot of expertise to our board so really happy you're with us.

V. APPROVAL OF MINUTES

Regular Meeting and Public Hearing of July 20, 2023

Chairperson Alligood: We have, as a first order of business, approval of the minutes of July 20th, 2023. Obviously Spencer you're the only one who can't vote on that, you weren't with us on that date. Does anyone have comments?

Boardmember O'Reilly: I was not here either.

Chairperson Alligood: So do we have enough people? Richard, John, myself.

Boardmember Bass: You have three.

Chairperson Alligood: So William wasn't there and Spencer wasn't there. Okay, we'll defer it to the next meeting. Moving on (chuckle).

VI. OLD PUBLIC HEARINGS

- 1. Subdivision and Steep Slopes Approval – Application of Richard & Joe Abirizk for creation of two conforming lots for two proposed single-family dwellings on their property located at the corner lot of Warren Street & Pearl Street, pursuant to the provisions of Section 295-115 & 295-147 of the Village Code. Said property is in R-10 Zoning District and is also known as SBL: 4.110-121-1.1 on the Village Tax Maps.**

****Deferred to Future Meeting****

- 2. Site Plan & Steep Slopes Approval – Application of Riverview Manor Tennis Club for construction of a new exterior staircase & handrails at their tennis club located at 49 Euclid Avenue. Said Property is in the R-10 Zoning District and is known as SPL: 4.40-27-7 on Village Tax Maps.**

Chairperson Alligood: As you may recall, we had a spirited evening the last time this was before us. That was back in June, at which time the application also included a proposed structure to house a bathroom on the property. A number of neighbors had appeared in opposition – we got lots of letters and lots of people appearing – and subsequently the application has now been amended to remove the proposed structure and bathroom and is now up for approval of a new staircase and platform only which requires site plan and steep slopes approvals. So would the applicant like to present the revised plan if there is much revision beyond taking out the bathroom? Is anyone here?

Ivan Molomut, Tennis Club President: How are you?

Bldg. Inspector Minozzi: You're going to have to come up to the podium, sir.

Chairperson Alligood: Yes, please come up and state your name and address, and then just briefly walk us through what you're proposing and what has changed. Well, I just mentioned what's changed but go ahead and walk us through.

Mr. Molomut: So there is no bathroom in this reissue. We've taken that off the table. I'm the president of the Riverview Manor Tennis Club – I've been the president for nine years –

and we always try to, every year, upgrade our tennis courts. We now have a hundred families, probably 400 members, including older people, younger people, children; everyone from Hastings, Dobbs Ferry, some people from Irvington. Because of climate change the slopes are getting steeper, and we thought for safety of the members and anyone that's using our club that it would be a great idea to put these steps in, and railings. There are times when the courts are playable. But had it just rained, there's grass and people slip and slide down the slope. So we've designed these steps that absorb water ...

Attorney Whitehead: Can you make sure you're speaking into the mic, please – I'm sorry, I'm just getting yelled at – because it's recording.

Mr. Molomut: So we designed these steps that absorb water. It's all natural-looking, it fits into the environment of the neighborhood. And we do have a presentation that Sirius will run through for everyone.

Bldg. Inspector Minozzi: We don't have an easel here for you. We thought you were going to be doing it electronically.

Sirus Miandoabi P.E., Integral Engineering Services: I live at 27 Main Street, Dobbs Ferry, New York. Here's the HDMI cord that's plugged into here, and for some reason ...

Attorney Whitehead: Does anybody need to see it, or have they all seen it?

Chairperson Alligood: Some of us reviewed it in the submission.

Attorney Whitehead: You can stand right there and hold it. I could also pull it up on my laptop and show it.

Mr. Miandoabi: I could do that, too. I can just flip the screen.

Attorney Whitehead: Speak into one of the mics. It's not a night to have technical difficulties.

Chairperson Alligood: No. We're not in our usual spot.

Boardmember O'Reilly: Do we have to be concerned about any approval for Graham Windham, considering they're offering a service on a reduced lot? Do they still have to apply for a different licensing or different arrangement because they're cutting quite a lot of land ...

Attorney Whitehead: The school? That's their problem.

Boardmember O'Reilly: That's Yonkers? It's theirs, not ...

Attorney Whitehead: No, it's the school's problem.

Boardmember O'Reilly: Yes, but it's Hastings still.

Attorney Whitehead: Well, the school's not subject to your ... they're a public school, they're state-chartered.

Mr. Miandoabi: This is the Riverview Tennis Club. We are adding a stair to the south of the property. This is for – again, as Ivan had described – safety of the tennis court users. It is located on a steep slope. We are trying to minimize as much impervious coverage as possible to minimize the amount of stormwater runoff to this property. Whatever stormwater runoff there is we do capture into a rain garden at the southeast part of the property, which is the only place that made sense and has the proper 10-foot setback from existing foundations for fencing and the shed.

Area calculations: zoning code is all in compliance, there is no variance being requested there. This is the steep slopes analysis. Again, it all complies. There is some minor grading we're gonna be doing. We're trying to keep it as minimally invasive as possible to mitigate any impacts for our steep slopes. No mechanical equipment's gonna be used; it's all gonna be hand tools. We're not going to be ... again, trying to minimize our impact as much as possible. These are some renderings for what the stairs would potentially look like. Again, there's pea gravel in between the treads to, again, minimize the impervious coverage. Getting to the more technical side of things, these are just details, plans showing what the tread risers are gonna look like, what they're gonna be comprised of.

Again, we will have some sort of steel barriers, but there will be some steel to mitigate any sloping or grading that would be required for the stairs. Again, this is the stormwater analysis that shows basically the size of the rain garden we're proposing. These plants are recommended from the New York State Stormwater Design Manual for the species that maximize the amount of root water uptake and we believe are noninvasive species that we're introducing into the area. With that, open up to questions.

Chairperson Alligood: We can take it from there, thank you. I first want to start off with our village planner if you have any comments for us.

Village Planner Cleary: None whatsoever.

Chairperson Alligood: Okay, that was easy. Thank you. With that, does anyone on the board have any comments or questions?

Boardmember O'Reilly: Having been a member of that for many years, but not being now a current member, I've said it's about there's a staircase there.

Attorney Whitehead: Having walked by it on my way to school every day (chuckle) ...

Chairperson Alligood: It's a very attractive design, I'll say that. Very nice-looking. Anybody else? Good? Okay. Anybody from the audience have any comments? Do we have any members of the public here? Okay.

So do we have any conditions if we're prepared to go forward and approve this? Do we have any conditions we want to see?

Bldg. Inspector Minozzi: Madam Chair, we already sent this case to the architectural review board. It was approved with conditions the applicant is aware of, and we will make sure those conditions are met. Other than that, it's ready for approval whenever the board is satisfied.

Chairperson Alligood: So do I have a motion to approve?

Boardmember Bass: "So moved."

[Laughter]

Chairperson Alligood: I didn't even finish. The steep slopes and site plan application ...

Boardmember O'Reilly: "Second."

Chairperson Alligood: ... of Riverview Manor Tennis Club for construction of a stairway with railing and platform.

On **MOTION** of Boardmember Bass, **SECONDED** by Boardmember O'Reilly, with a voice vote of all in favor the Board resolved to approve the Site Plan & Steep Slopes application of the Riverview Manor Tennis Club for construction of a new exterior staircase & handrails at their tennis club located at 49 Euclid Avenue. Said Property is in the R-10 Zoning District and is known as SPL: 4.40-27-7 on Village Tax Maps..

Chairperson Alligood: Okay, congratulations. You're approved, thank you.

Mr. Molomut: Thank you very much.

Mr. Miandoabi: Thank you very much.

Chairperson Alligood: We have one new public hearing.

VII. NEW PUBLIC HEARINGS

View Preservation Advisory - Application of Michael Wilner for a basement addition w/a deck above on his single-family dwelling located at 189 Warburton Avenue. Said property is located in the R-7.5 zoning district and is known as SBL: 4.130-138-11&12 on the Village Tax Maps.

Chairperson Alligood: This is an application for view preservation recommendation and as I understand it the only issue for view preservation is the railing on the proposed new deck, which will be a visible view to the river. The rest of the proposed plan does not require our approval. So we're going to ask the applicant to present the view preservation information to the board, but you really only need to focus on that one aspect of the projection; we're not going to be weighing in on anything else. Could you introduce yourself?

Chris Tramutola, Alloy Design Studio PLLC: (Off-mic) presentation goes through, centralizing on that railing and the deck.

Chairperson Alligood: Okay, wonderful. Thank you.

Mr. Tramutola: I'm an architect and landscape architect with my own firm, Alloy Design Studio. I've been in the field for just under 20 years, 14 of which I spent at Peter Gisolfi Associates right here in town. So I know Hastings very well. I actually interacted with a lot of people that were here in the audience tonight. This project, I brought ... it's Peter Gisolfi speaking through me. He always left printed plans instead of I'll just flip through these here. I don't have it on the computer.

We're talking about 189 Warburton, here down on the south end of Hastings on Warburton. It's a double lot that has been legally combined so all the calculations have been approved for that. The current house is a two-story with an unfinished basement and exterior deck on the

north side. We're proposing to put a new deck ... take that deck down and a new deck along the north and west side of the building that'll be covering a walkout basement addition. The basement level: the ceiling, the deck level, is at the same elevation as the road. So you essentially peer right over it. We have some photos of that, as well.

Here's the survey of the property just in case it was an issue to look at how the lots were combined. Here is the existing photos that you can see. And it's a little hard to see here – I could walk it up to anybody who is curious – but there is a little line right there you can see which would be the top of the railing we would be installing for this project. This would be ... here is the site plan. So we have this portion is the basement which the deck would be over. We're all within the setback, we're within FAR and within coverage limits for impervious surface. For our additional impervious surface we are installing new stormwater drainage.

This is the deck to be removed, an elevation. You can see it here. And there's also a very strange ... I'm not quite sure why it was built, but there's a very strange almost like a smoking terrace that peers out on the west side that's actually quite visible.

Bldg. Inspector Minozzi: It's a widow's walk more or less. It was an observation deck.

Mr. Tramutola: Was that what the purpose was?

Male Voice: Yeah.

Mr. Tramutola: Okay. That, we're taking down. We're pulling that back to the building. *[If I can get to the next page we'll see the next]* ... steep slopes, just to show that we're not impacting steep slopes. Here is the new deck. It's a stainless steel braided cable railing which is extremely transparent, you can see right through. There's a simple inch-and-a-half by 4-inch mahogany top rail for structure, but within the meat of the railing is just a stainless steel braided cable. I have some picture examples of that. That would be like these, often used in similar cases where the view needs to be preserved. And here you can see this is the existing deck railing here which is actually quite clunky that we would be replacing in that same view. So it would actually be more transparent now than it is existing. We took pictures from each angle so you can see how, and that's the caution tape that's here.

Chairperson Alligood: Well, what we consider is how much it impacts the view, if at all, and a view of the river and the Palisades. So with that, that's the only thing we're weighing in on this evening.

Mr. Tramutola: Michael, if you could ... we were rebuilding a small boulder wall that is

kind of collapsing on-site. We were rebuilding it in-kind, but the construction of that will be affecting a small area of steep slopes. It was like ...

Attorney Whitehead: No.

Bldg. Inspector Minozzi: No, we checked the steep slopes. This is not a steep slopes approval.

Chairperson Alligood: That's why I make sure to say ...

Mr. Tramutola: Okay, I just wanted to make sure 'cause I have the plans here for that.

Chairperson Alligood: You came very well prepared, but we're going to stick to that one question we need to deliberate on. So with that, does anyone the board have any comments or questions on whether that proposed railing unduly obstructs view of ...

Boardmember O'Reilly: Well, the only view it's obstructing is their own.

Chairperson Alligood: (Chuckle) Okay.

Mr. Tramutola: From their living room, right.

Boardmember O'Reilly: It seems, yes. It doesn't affect anyone walking by or ...

Chairperson Alligood: Mm-hmm. Anyone else?

Attorney Whitehead: Bill's looking out (cross-talk) ...

Chairperson Alligood: Concerns, questions? No, nobody seems to ... okay. Anybody in the audience, a member of the public? No.

I personally think it's fine. I don't think it obstructs the views of neighbors or passersby in any significant way. So with that, if the board is prepared we can go ahead and move with a recommendation. Do I have a motion to recommend view preservation approval for the application of Michael Wilner in connection with the basement addition with a deck above?

On **MOTION** of Boardmember O'Reilly, **SECONDED** by Boardmember Mondello, with a voice vote of all in favor the Board resolved to approve the View Preservation Advisory on the application of Michael Wilner for a basement addition with a deck above on his single-

family dwelling located at 189 Warburton Avenue. Said property is located in the R-7.5 zoning district and is known as SBL: 4.130-138-11&12 on the Village Tax Maps.

Chairperson Alligood: Okay, you are approved.

Mr. Tramutola: Thank you very much.

Mr. Molomut: Thank you everybody.

Chairperson Alligood: Sorry you had to wait so long for a very short approval (chuckle).

Boardmember O'Reilly: But it was all interesting.

Chairperson Alligood: Okay, we have one discussion item for tonight.

VIII. DISCUSSION ITEM

One-Year Extension on Previously-Approved Site Plan – Application of 15 Spring Street Realty, LLC, for the demolition of the existing building and construction of a new structure creating a mixed-use occupancy to include 10 parking spaces in the basement, 1 retail space and 1 dwelling unit on the first level, and 6 total dwelling units on the second & third levels at their commercial property located at 15 Spring Street. Said property is in the CC Zoning District and is known as SBL: 4.30-22-34 on the Village Tax Maps.

Chairperson Alligood: This is going to be fairly brief, but it important for us to cover this. I want to remind everyone only Spencer would not know this because he wasn't on the board at the time, but we went through a lengthy, thorough approval process of this project and granted approval of the application in April 2022. Apparently they did not realize they needed an extension. Linda, do you want to explain what our code says about this particular issue?

Attorney Whitehead: The code says they're supposed to obtain a building permit within 12 months after approval. Then it says that: *"Upon written application the planning board may, at its discretion, extend approval of a site plan where, in the opinion of the planning board, there are reasonable grounds for granting the extension."* Then: *"The extension can be no longer than 12 months."* So they are late, but we've talked about it and think in this case it makes sense to consider a retroactive extension.

Chairperson Alligood: Right, because basically ...

Attorney Whitehead: Otherwise they have to go through the whole process and they're going to come out in the same place (chuckle).

Chairperson Alligood: ... the only reason to not approve the extension is if we have *new* concerns that have come up. There's nothing changed than what they're asking for.

Attorney Whitehead: If you would approve it if it came before you today – because there's been no significant change in circumstances – then there's no reason not to extend it. Because if you were to deny it without any change in circumstances that would be arbitrary and capricious.

Boardmember Mondello: The extension's 'til April?

Attorney Whitehead: It would be one year from April.

Boardmember O'Reilly: Do we know what their reasonable grounds were?

Attorney Whitehead: They submitted.

Chairperson Alligood: Well, we have the applicant here.

Edward Weinstein, architect and planner: I can speak to that issue. I reside at 25 Rockledge Avenue, White Plains, New York. I represent 15 Spring Street Realty LLC. Mr. Sinatra is here, he owns the property. I think there are three major reasons, the grounds for requesting the extension. One is that the Covid pandemic certainly slowed down the real estate market. Two is that in December of '22 Governor Hochul signed into legislation a law that changes the tax structure for newly-constructed condominiums within the Town of Greenburgh. That made the whole economics of the project different so that the property had to be marketed differently. Thirdly, it's gonna take a while for the new owner – and there is a contract – to prepare plans for filing for a building permit.

Boardmember O'Reilly: Okay, that's reasonable.

Chairperson Alligood: So if the board is prepared we can go ahead with approval of the extension. Do I have a motion ...

Boardmember O'Reilly: Retroactive.

Chairperson Alligood: Yes, retroactive. Do I have a motion to grant a one-year extension for site plan approval to April, 2024?

On **MOTION** of Boardmember Bass, **SECONDED** by Boardmember O'Reilly, with a voice vote of all in favor the Board resolved to grant a one-year extension on the previously-approved site plan of 15 Spring Street Realty, LLC, for the demolition of the existing building and construction of a new structure creating a mixed-use occupancy to include 10 parking spaces in the basement, 1 retail space and 1 dwelling unit on the first level, and 6 total dwelling units on the second & third levels at their commercial property located at 15 Spring Street. Said property is in the CC Zoning District and is known as SBL: 4.30-22-34 on the Village Tax Maps.

Chairperson Alligood: Okay, you have an extension that you've been granted.

Mr. Weinstein: Thank you.

Chairperson Alligood: Thank you very much, good luck with the sale. We have no other matters for the agenda tonight.

IX. ANNOUNCEMENTS

Next Meeting Date – October 19, 2023

Chairperson Alligood: Just as a remainder, our next meeting is on October 19th. I promise you it won't be a joint meeting. I can't promise you won't go late because every so often we have a lot of applications before us. This is not the latest we've ever gone, but I doubt we'll go this long next time (chuckle). So thank you.

X. ADJOURNMENT

Chairperson Alligood: Do I have a motion to adjourn?

On **MOTION** of Boardmember Bass, **SECONDED** by Boardmember Mondello, with a voice vote of all in favor Chairperson Alligood adjourned the Regular Meeting.

Chairperson Alligood: Thank you very much. See you soon.