

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
PLANNING BOARD  
REGULAR MEETING AND PUBLIC HEARING  
OCTOBER 15, 2015**

A Regular Meeting and Public Hearing was held by the Planning Board on Thursday, October 15, 2015 at 8:15 p.m. in the Municipal Building Meeting Room, 7 Maple Avenue, Hastings-on-Hudson, New York, 10706.

**PRESENT:** Chairman James Cameron, Boardmember Eva Alligood, Boardmember Michael Ambrozek, Boardmember Kerry Gould-Schmit, Boardmember Kathleen Sullivan, Boardmember Richard Bass, Village Attorney Linda Whitehead, Building Inspector Charles Minozzi, Jr., and Deputy Village Clerk Mary Ellen Ballantine

**Chairman Cameron:** Ladies and gentlemen, welcome to the Planning Board meeting of Thursday, October 15, 2015. Could we have a roll call, please?

**I. ROLL CALL**

**Chairman Cameron:** Terrific, we have a quorum.

**II. APPROVAL OF MINUTES**

**September 17, 2015**

**Chairman Cameron:** We could actually get any comments we might have on the minutes of September 17, 2015. Anybody have any comments?

**Boardmember Ambrozek:** Well, I was not present at that meeting, but I do confirm that the statements that were attributed to Trustee Armacost in those minutes, as corrected for the August minutes, as corrected by Bill O'Reilly were my comments.

**Chairman Cameron:** OK, good, good.

**Boardmember Sullivan:** You acknowledge them.

**Chairman Cameron:** Kathy, do you have any comments on the minutes?

**Boardmember Sullivan:** No, I do not.

**Boardmember Alligood:** I was not present.

**Boardmember Gould-Schmit:** I do not.

**Chairman Cameron:** But you were here.

**Boardmember Gould-Schmit:** I was here, yes.

**Chairman Cameron:** Four, so we can have a quorum. Can I have a motion from somebody who was here to approve the minutes?

On MOTION of Boardmember Ambrozek, SECONDED by Boardmember Sullivan with a voice vote of all in favor, the Minutes of the Regular Meeting and Public Hearing of September 17, 2015 were approved as presented.

### **III. NEW PUBLIC HEARINGS**

- 1. View Preservation and Site Plan Approval – Application of John Bindella and Michael Pagliuca for the addition of three rear decks on their multi-family dwelling at 457 Warburton Avenue. Said property is located in the MR-O Zoning District and is known as SBL: 4.70-52-24 on the Village Tax Maps.**

**Chairman Cameron:** Could you come up and make your presentation?

**Christina Griffin, project architect:** What we're planning to do is to renovate this building. It is a three-family house and we'd like to give the units outdoor space. So we're here to discuss the decks that we'd like to have at each level because there is one unit per floor. They are two-bedroom units. The decks we'd like to put on to the building are directly in the back facing west, the river. We're here actually to look at the view preservation studies that we've prepared.

The location of the property [off-mic] ... the house is just across from Main Street and right next to John's Bar.

**Building Inspector Minozzi:** She needs ...

**Ms. Griffin:** This is our site plan. Turn it on?

**Building Inspector Minozzi:** Yeah.

**Ms. Griffin:** It's on, OK. This is the building here right now. There's a bay window in the front and a little entry, and the entry is in the front. The house is very close to the side yard setbacks. We're going to be seeking variances because the required side yard is 14.7 feet and we only have 1.5 feet. We'd like to extend the nonconformity at the decks. And the rear yard setback requirement is 30, and we're going to ask for 22 feet 3. The lot coverage is 55 percent and required is 50.

This is the floor plan over here. Let's see if I can blow that up just to show you how each unit is laid out this way except for the third floor is slightly smaller on the sides because of the sloping gable roof. Right now, you go through a living room to get to one bedroom, and then through the living room and the kitchen to get to another bedroom. What we'd like to do as a phase two, we'd like to renovate the space so we can put the living area in the back with access to these porches. Right now, the only outdoor space that exists is the little yard that's on the basement level. There's a full basement down below.

These are our elevations showing the decks. These are proposed living rooms. This is just a very simple elevation that we will develop a little more. We might have an open, long-span beam here to eliminate the middle columns. We have usable yard below, and this is showing, though, the outdoor decks that we'd like to have for each unit.

This is a section through the site. The decks are directly in back of the building so the view is ... you know, you wouldn't see really the decks if you're right in front of the building. But we would see views of the decks from the properties on each side, and I'll show you that in a minute. This is the grade differential between Ridge Street. There's an open lot on this end, and then going up it goes into Warburton Avenue. Our decks are right here.

This is a neighborhood plan. We prepared this plan just to show the relationship of the decks to the neighboring properties. This is John's Bar, and you see there's a garage on this side that belongs to this property. Even though we're at 55 percent lot coverage, it's not very different than the pattern that's on the street. And where their decks are is not that much different than where the back of some of these buildings are – a little further back than these on the northern side, though.

These are just views of the house the way it exists now. This is looking at the north side of the house, the front entrance. This is straight elevation. This is the south side of the house. We're planning to do a full renovation, and remove the aluminum siding. These are just views of the neighborhood. These are some of the buildings to the left of 457. This is John's

Bar, and there's an open space here which is a driveway for John's Bar. Then the buildings to the right. That driveway is often filled with cars. This is just to show you what the back of the building looks like. There is an empty lot off of Ridge Street, and if you look up you see these tiered retaining walls. And then you can just about see the backyard of 457. This is the building on the south side. Just a few more views. This is looking down at the driveway on the left, which belongs to the neighbor on the left. There's John's Bar on the right. OK, now these are our view preservation studies.

This is a view from the neighbor's property just to the north of 457; this is before and this is after. This is a sketch overlay on top of a photograph. As you can see, you can still see the river and the Palisades without any interruption on the decks. This is a before and after picture when you're at the property that's just south of the building. This driveway and the garage belongs to the neighbor on the south; this is before, and this is after. You can see the new decks have a little interruption in the view down here of the Palisades, but you can see the decks when you're coming up to the corner of the building there.

This is looking from the neighbor's on the other side of their garage at the building; this is before, and this is after just showing the new decks. And looking this way, we're not looking at the river. Actually, this is just a shot not to show before and after, but I wanted to get an understanding just what the view was looking directly north and directly south. This one's looking north, actually – the one down here, and this is looking south. You can see some of the buildings, they just ... some of them are not lined up with this building, some of them are further back and some of them come further out. Then this is looking ... actually, I think they're both looking north, and they're just looking at different views. This is looking further down because I was trying to see what the relationship of the building would be to the neighboring properties.

These are just more views looking in the other direction, looking south. You can see the neighbor's garage and you see some buildings that actually come out beyond this building. This is another view to show there is a house further down at this bump-out a little bit more.

That's the extent of our view studies. Maybe this one shows ... well, this one actually demonstrates the most ... how it will look. But that is generally the scope of the project, and if you have any questions.

**Boardmember Bass:** Can you describe the deck, what it's made out of? You're showing spindles. Will there be any restriction on deed that the spindles aren't enclosed so your visual openness is then blunt?

**Ms. Griffin:** I'm not sure I understand your question.

**Boardmember Bass:** OK, I don't want a solid wall.

**Ms. Griffin:** Oh, of course not. We actually thought that since it's a traditional building, has a traditional look, we might keep a Colonial type railing on the house. But we would not put a solid wall there.

**Boardmember Bass:** Right, but what you're doing today and what happens 10 years from now ... when I bought my house, my nice wraparound porch, which had spindles, someone had hammered plywood on it so it was easier to paint. What you're saying tonight, how do we ensure that that doesn't occur 10 years from now, 20 years from now?

**Ms. Griffin:** I don't know.

**Boardmember Bass:** Can we put a restriction on the deed that that doesn't occur? And if it does, then it's a violation of the building code or the site plan, however we want to word it.

**Village Attorney Whitehead:** What was the issue?

**Chairman Cameron:** Whether the vertical restraints around the porch wall are see-through.

**Village Attorney Whitehead:** Are open?

**Chairman Cameron:** Ninety percent not included, or whatever percent we want to have.

**Boardmember Bass:** Because this is not an obstruction, but if someone hammered in plywood it would be. And it would also be ugly, and we don't want ugly.

**Chairman Cameron:** We don't do taste.

**Boardmember Bass:** We don't do taste ...

**Village Attorney Whitehead:** You can't do it because of ugly.

**Boardmember Bass:** OK, I take back the comment.

**Village Attorney Whitehead:** If you really think it's going to block a view, then ...

**Boardmember Bass:** I think it would. I would vote against it if that was a possibility.

**Chairman Cameron:** Well, we can certainly add to the resolution that that's what we want to do. It's not the same thing, as you said, putting it in the deed. But we can add to the resolution that the vertical surface of the porch railing would be a certain percentage open.

**Boardmember Bass:** Yeah.

**Chairman Cameron:** If no one here has a question, I'll ask did anybody have questions in the audience? Yes?

**Danielle Goodman, 445 Warburton Avenue:** I live in the zone of the required notice. Thank you, Mr. Bass. You raise an excellent point. And if Christina will show the slides of the houses that looks southward, I will be happy to show you what happens to these decks when they get enclosed. You made an excellent point, one that I hadn't considered.

There was a south-facing slide. No. Yeah. I mean, you'd be welcome to come and stand on my porch, but what happens to the porches is, over the course of years, they, in fact, get enclosed. I have two that I look at southward that just are totally obstructing. Now, that happened before we came, et cetera, but I think you made such an excellent point and I'd be happy for any of you to come and see what happens down the road. And I hope that you could find a way to prevent that from happening for not only this building, but others. It sets a precedent, and that's why I'm here. The decks don't impact on our view because it's already been blocked by all the other buildings that have come along and had porches that got enclosed.

I come concerned about the precedent it sets in the future for our building. That said, I wanted to say it's a very lovely home and I'm so very happy it's not being torn down, which was a rumor when it went on the market. And I'm happy that it's being attended to and rehabilitated. There is a problem that's happening, particularly in buildings that are not owner occupied. Our building is a three-family and we occupy it. But what's happening with the rentals is that the landlords who don't live there aren't providing their tenants with garbage cans. What's happening is, we're getting trash distributed up and down street. I didn't see any mention in the site plan of numbers of trash cans. And I don't know if that's within your purview because I don't know what the rules are for site planning. But I would ask that you consider appropriate accommodations for the trash cans. Maybe some of the area the decks are going to be is where the trash cans are now, but if you could look into that I would much appreciate it. And if it can be put into the site plan it would give the Building Department a toehold to keep the trash at a minimum. We're really having a big problem. Again, you're welcome come to my house and I'll show you what I'm talking about.

I have an issue about lot coverage, as well. I know the variance is requesting that, and I leave to your discretion the density issues. But as you can see from that picture, every nook and cranny is being filled in. So all the more reason that Mr. Bass' point should be heeded because we need our light and our air. We're not Riverdale, we're Hastings. We're not Malibu, we're Hastings. Thank you.

**Building Inspector Minozzi:** Mr. Chairman, I'd like to just make two comments.

**Chairman Cameron:** Please do.

**Building Inspector Minozzi:** The trash issue is covered in the local and state code. We do realize that Ms. Goodman is having an issue and we are looking into it on another subject. Also, to putting it in the resolution. It's just fine, but everyone has to realize that in today's day and age to close in a deck you would require a building permit. To get the building permit it would require a view preservation, and doing exactly what we're doing tonight. The best way to enforce that is if a neighbor sees something to say something, and then we take it into our hands. So I just wanted to put that out there.

**Chairman Cameron:** Sure. And since it is a multi-family dwelling currently, they'd actually have to come back to the Planning Board if they wanted to fill it in. I understand, but the important issue is to say to begin with the width of the rods.

**Boardmember Bass:** I just wanted to trigger, in case ... again, I buy a piece of plywood, I hammer it, it's done in 3 minutes. I want someone to have the ability to then say that's not ...

**Building Inspector Minozzi:** Absolutely. I completely understand your point.

**Boardmember Bass:** OK.

**Chairman Cameron:** And I guess the other comment about the trash can, I can't see the trash being stored on these porches. If an, what we should be looking for people to do is actually have a trash can storage area on the street side of the building. Everyone is going to leave their trash can there, and I have a feeling this building's a walkup so I don't think you're going to have people lugging the trash can up. That's crazy. More likely, they just drop it out the back.

Do we have any other people in the audience who wish to make a comment about this?  
Anybody else here, any suggestions?

**Boardmember Sullivan:** One comment I just want to throw out. A few years ago, we had a project come to us which was a deck that was built on the back of their house. It was someone, an adjacent landowner, had issues with it. But we basically looked at something that was built slightly different than what had been approved. I think one suggestion would be that if this particular deck actually was built with a chamfer so it wasn't sort of a squared-off deck. It just was sort of at a 45, and it kind of, in a way, decreased the visual impact from the side because the corner was pulled back. I wonder – not so much in this case because this is an 8-foot deck, but 20-some feet long – if this got pulled in a foot or so on either side if that would potentially decrease its impact on people from the side because it would be pulled in a little bit and wouldn't be aligned with the side of the house.

That's just a thought that crossed my mind as a way to potentially change its impact. Because the sketches we see are drawn without shading and mass, so it's a little hard to envision this. But I think this actually is a fairly substantial structure that's being added. It's not just a suggestion, it's to potentially make it a little bit narrower so it's pulled back from the sides of the house.

**Boardmember Ambrozek:** Well, there's also the issue that these decks are impacting the side yard setbacks on either side. I mean, we would need to provide a variance for those – to Kathleen's proposal – and to make the deck a bit narrower would help address that, too.

**Ms. Griffin:** [Off-mic] no matter how you bring it in you could never meet the code.

**Boardmember Ambrozek:** Right.

**Ms. Griffin:** But I think I'm open to that. I think we were trying to make it go over the yard and the basement, but I think it's fine if we come in slightly on each side. We still have enough ... a nice outdoor space for the units.

**Boardmember Bass:** So an 8 by 18 and 2-1/4 inch.

**Boardmember Sullivan:** He has better eyes than I do.

**Boardmember Bass:** That's why I have the glasses.

**Boardmember Sullivan:** So how much does that decrease it – 2 feet?

**Boardmember Bass:** Right, because it's 20 feet 2-1/4 inches – 2-1/2 inches – so a foot on each side would make it 18 and change.

**Chairman Cameron:** So an alternative – just to throw things out while we're busy redesigning this thing – would be to make it mimic the front window. And maybe that's harder to build. In other words, if you look at the bottom left-hand corner, the first thing, but you make it your full 20 feet wide but do that.

**Ms. Griffin:** Angle it.

**Chairman Cameron:** Yeah. I just throw that out. Maybe just make it narrower, easier to build.

**Ms. Griffin:** We are actually going to do a total renovation. We want this to be really attractive. So I really am open to that. Sometimes we need to have some comfort level that we can even do the decks before we put that time into it. So those are very nice suggestions.

**Chairman Cameron:** So have we got an idea? We have to expand on the resolution.

**Village Attorney Whitehead:** How much are you going to have her bring it in?

**Chairman Cameron:** Well, 2 feet on each side. I think that was what we proposed. And I think if we note in the resolution that what we're approving is something with an open rail – and I would say it's less than 50 percent occluded – it should be less than 50 percent. I don't think your rails are going to be half the width.

**Ms. Griffin:** It's got to be less, you're right.

**Chairman Cameron:** Yeah, 50 would be ... keeps the idea of the open rail. So are we OK on that, and are we fine on the ... I don't know if we have to, but we probably can make a recommendation to the ZBA on the ordinances?

**Village Attorney Whitehead:** That'll reduce the coverage a little bit, too, right? Making the decks a little smaller.

**Ms. Griffin:** We're 5 percent over.

**Village Attorney Whitehead:** So you'll still be over a little, but not as much?

**Boardmember Bass:** Three-and-a-half.

**Chairman Cameron:** So are all set on that? Everyone is set on that, so we're going to ... I have to figure out to do this. My nice resolution just got ruined.

**Chairman Cameron:** We're drafting a resolution.

**Village Attorney Whitehead:** Jamie actually came with it.

On MOTION of Boardmember Ambrozek, SECONDED by Boardmember Bass with a voice vote of all in favor, the Board RESOLVED, the Planning Board hereby grants view preservation approval pursuant to 295-82 and site plan approval for the proposed new additions of three rear decks and related changes to the building at 457 Warburton Avenue known as SBL 4.70-52-24 on the Village maps as shown on the plans of Christina Griffin Architect PC submitted to the Planning Board and dated September 17, 2015, and hereby refers the application for view preservation approval to the Zoning Board of Appeals and recommends the ZBA approves the same, and recommends to the Zoning Board of Appeals the variances listed in the request made by Christina Griffin for rear yard setback, side yard setback and lot coverage, reduced with regard to side yard setback by narrowing the decks by 2 feet in the aggregate in width and also by restricting the rail widths so they do not occlude more than 50 percent.

**Village Attorney Whitehead:** You have to clarify the 2 feet as 1 foot on each side.

**Chairman Cameron:** OK, 1 foot each side.

2. **View Preservation and Site Plan Approval – Application of Malcolm Beadling for the addition of a roof top deck to their multi-family dwelling at 19 William Street. Said property is located in the MR-1.5 Zoning District and is known as SBL: 4.70-53-14 on the Village Tax Maps.**

**Chairman Cameron:** Christina?

**Boardmember Gould-Schmit:** She's busy tonight.

**Ms. Griffin:** This is a very cute house that has a unit on the top floor that we would like to change; that we can have a roof deck with a view of the river. This is towards the hilly side, up this street, from Warburton Avenue on William Street. Right now, there is a floor plan here on the third floor that shows a two-bedroom apartment that has, actually, a roof coming down here right now. These are just roof areas. This is a steep roof, and this a low-slope roof. What we'd like to do is take out a piece of the gable roof and then remove the low-

slope roof and create a new roof deck.

The reason we're here is because it is a change in the view. We might be eliminating some of the bulk of the gable roof by changing [unintelligible]. We're adding a railing that will be in the view of people who are uphill from the property. That big dashed line is just showing the setbacks. We're also going to have to go to the Zoning Board because – these just are floor plans – because the side of the house is nonconforming and by adding a new railing we're going to be extending the nonconforming side yard setback.

This is the third floor, and this is the piece of roof. You see it has dashed lines on it. This is the piece of roof we're removing. There's a hipped roof over here; we're going to remove that create this L-shaped roof deck. It's about 223 square feet. This is the north view. On this side it's about 25 feet long; and one side it's 17 feet, and the other side is 6 feet. We are planning to do a railing that has a stainless steel mesh between stainless steel vertical supports and a stainless steel handrail.

This is a section through the building. This is showing that we're going to be removing a portion of the steep gable so we can create the roof deck and have sliding doors for access off the third floor. These are our view preservation studies. This is before. This is looking from the property that is on the eastern side. We're looking at the back of the building. This is a hip roof right now, a gable roof. What we're going to do is remove that hip roof and have a new railing and roof deck.

**Building Inspector Minozzi:** That's looking west towards the river.

**Chairman Cameron:** Right.

**Ms. Griffin:** Looking west, yes. You can just about see the roof deck. This is looking northwest; and this is before, and this is after. We see the back low sloped roof, and this is the after showing the railing you'll see at the roof deck. This a view of a property that's a little further uphill looking west, number three. It's not a good picture because there's trees in the way, but we did put the overlay on it in any case. Because in the winter they probably can see this railing. So instead of see a hipped roof they'll see the railing on the roof deck.

This view is number four. This is looking from the backyard of number 27 William Street looking directly at the roof deck; this is before, and this is after. They'll probably see it more in the wintertime. One thing that's not even seen – and you see in this picture – this is before and after. All these before and afters are a little bit obscured by the deciduous trees. We did an outline of the house. Right now, if you could see through these threes, you would see the hipped roof and the gable roof. Then after, the hip roof would disappear and you'd see the

railing on top.

Those are all the views we could find that we thought would be affected by the new roof deck.

**Chairman Cameron:** Does anybody on the Planning Board have a comment or a question?

**Boardmember Ambrozek:** Would there be any impact on the views from the Aqueduct?

**Ms. Griffin:** From the Aqueduct.

**Boardmember Ambrozek:** Which is to the east from there.

**Ms. Griffin:** We went up to ... I'm going to show you view five. We did go up to ... this is the parking area right here. Do you see the railing and see the car? We did take a view from the parking area up there.

**Building Inspector Minozzi:** Directly behind that is Aqueduct Lane, directly behind the street. Essentially that is the view.

**Boardmember Ambrozek:** OK.

**Ms. Griffin:** We were standing in the parking lot when we took this picture. I guess we could keep going further and it's just going to be more a distant view.

**Chairman Cameron:** You have to be over 15 feet tall, I think, to get a view of the Palisades. It could potentially block the sun, I guess. Anybody in the audience wish to make a comment on this?

**Jacque Costantini, 54 Washington Avenue:** I'm behind this property, behind and to the left. That deck, when I look off my back porch that's it, I see the deck. These are some photos I took so you can see. This is off my back porch. When they put that deck up there's nothing there. I'm going to see the deck completely. My view is totally interrupted and taking away all the privacy. In addition, nobody took into consideration 52, which is directly behind this house, which is [off-mic]. And those are [off-mic] the deck.

**Chairman Cameron:** You have to ...

**Ms. Constantini:** I'm sorry. Our concern is, you know, a privacy issue. A little bit of, you know, the view as well. But I use my backyard all summer. I go out on my deck all

summer, we sleep at night with our back door open and the screen locked.

**Chairman Cameron:** You're on television, OK?

**Ms. Costantini:** That's OK. Look, we're directly behind and to the left, right behind the garage.

**Chairman Cameron:** You're directly north of the house. You're on Washington.

**Ms. Costantini:** Yes. My backyard faces their backyard.

**Chairman Cameron:** It's not a view preservation, it's site plan.

**Ms. Costantini:** There's no consideration to our view looking of our back porches.

**Ms. Griffin:** [Off-mic].

**Chairman Cameron:** It's not a view preservation.

**Boardmember Bass:** But I think someone needs to explain.

**Chairman Cameron:** Yeah.

**Village Attorney Whitehead:** The view preservation code protects views to the river and the Palisades. So it's not just what you see out the back of your house if it doesn't impact on your view to the river or the Palisades. It could potentially be a site plan issue, but it's not a view preservation issue.

**Chairman Cameron:** We're only authorized, under view preservation, that if what you're seeing from a public roadway or your house or your property something blocking your view of the river and the Palisades cliff. We don't even get to cover the sky.

**Ms. Costantini:** That's fine.

**Boardmember Sullivan:** But it would be appropriate to go to the Zoning Board and bring your concerns. Is that not correct?

**Ms. Costantini:** Yeah, because when I look off my porch I'm going to see that deck complete. There's no trees, there's nothing there. And I'm the middle floor, so there's one floor above me and they'll be in direct line of sight.

**Chairman Cameron:** Right. Let's just take a look at the drawings. Yeah, put up your view from the north. There it is, that's the view from the north, right? How wide is the porch on the north side, where you have that sticking out?

**Ms. Griffin:** Six feet.

**Chairman Cameron:** Six feet? So they're all going to be sitting on the side on the west at the river, quite frankly. But that's true, they could be on that side. In other words, the piece looking at you, so to speak, is just 6 feet deep. It's quite narrow.

**Ms. Griffin:** Once she gets [off-mic] floor plan, it's 6 feet deep and then it turns many times.

**Chairman Cameron:** Yeah, then the corner.

**Ms. Griffin:** It's 7 feet 3.

**Chairman Cameron:** But that's where people are probably more oriented looking at ... I mean, they can look any direction they want to, but they would be more oriented to look at the view. It's just look to the west.

**Boardmember Bass:** My previous concern about enclosing the deck isn't as strong because of the material that's being proposed. You can't hammer in plywood to the fiber composite decking. But I still would like some language in there that it can't be, in the future, swapped out; that this is what is approved as a site plan.

**Village Attorney Whitehead:** Actually, if you're looking at it from the property behind it, it more than meets the rear yard setback.

**Chairman Cameron:** All right. See, we don't really have the ability to do what you want us to do.

**Ms. Costantini:** OK, that's fine.

**Chairman Cameron:** What I'm trying to say is, I find it unlikely that you're going to find them sitting on the porch staring at you because they're going to be looking the other way.

**Ms. Costantini:** Oh, no, I'm not saying they're going to be staring at me.

**Chairman Cameron:** We can just stare back at them, but I'm kidding.

**Ms. Costantini:** It's just a little unnerving.

**Chairman Cameron:** Yes, I understand that.

Your whole privacy issue is then taken away. Isn't there a tree there?

**Ms. Costantini:** No. That's directly off my back porch.

**Chairman Cameron:** No, I understand that. There is a tree. If you look at this picture here you can now see a tree ...

**Ms. Costantini:** That's in my neighbor's yard. I'm on the other side of that.

**Chairman Cameron:** You're lower down.

**Boardmember Sullivan:** So, Jamie, this is pretty unscreened.

**Chairman Cameron:** No, I can see that.

**Boardmember Sullivan:** I think one thing maybe Christina could that about with the client is, the deck that wraps the back being 6 feet, and the fact, as Richard pointed out and was pointed out – the views focus towards the west – is, really, what is the utility of that at the end of the day. It may make sense to ... there's two double doors that are swinging out into that western space, and you have a single door swinging in, maybe make more of a space out of the deck that is facing towards the river. And even potentially maybe splitting the deck and only taking half the roof, just the shed roof. Maybe going to the halfway point of the house and having a deck that's 6 by 12 instead of 6 by 24. Just it's a very long and thin space and you're not really going to get a lot of use out of that, I don't think.

**Mary Lee Sack, 19 William Street:** Can I make a comment? I remember seeing some of you last year when we came for planning permission for the house. The idea of having it across the back is some symmetry, basically, and because of the existing part of the building there. But you're entirely correct. We don't plan on spending time at the back of the house, we plan on spending time at the west of the house. Because the whole point of having the balcony there is to be able to see the river. It was my intention of being able to have maybe some herb garden type things going on at the back of the house. That is the reason we asked Christina to look at it from that perspective.

**Boardmember Bass:** I have just a question on the design of the rear of the house. The

interior has a bathroom. Why isn't there a window?

**Ms. Griffin:** The house was renovated without the consideration of this deck. Why isn't there a window on the deck?

**Boardmember Bass:** No, why isn't there a window in the bathroom?

**Ms. Griffin:** I was not the original architect. I don't know, but that the way it sits now.

**Boardmember Bass:** I understand the owner's sentiment. But here we have a pretty blank wall.

**Building Inspector Minozzi:** That's the elevator shaft.

**Ms. Sack:** There's an elevator shaft there. We put an elevator into the building.

**Boardmember Bass:** OK.

**Ms. Sack:** So there's an elevator shaft directly in the middle of the building, basically.

**Boardmember Bass:** Right. But on this site plan, you have your elevator in here, you have your bathroom.

**Ms. Sack:** We have a half bath, yeah.

**Boardmember Bass:** Again, I don't like blank walls. If it's a big deal, then I'll withdraw the comment.

**Ms. Griffin:** I don't think we're actually considering any kind of changes to that. We're here for the deck and the door.

**Boardmember Bass:** OK.

**Chairman Cameron:** And they don't want a window in the elevator. This lady doesn't want a window there for them looking out.

**Ms. Sack:** I don't want windows back there.

**Boardmember Bass:** I'm OK with the deck as designed.

**Chairman Cameron:** I am, too.

**Boardmember Gould-Schmit:** I am.

**Boardmember Sullivan:** And it doesn't have an impact on the view in any fashion, from what Christina was showing.

**Boardmember Bass:** And I think the materials make the deck lighter so it won't be such a visual impact, even if one could see it.

**Chairman Cameron:** I'm going to entertain a motion to approve

On MOTION of Boardmember Gould-Schmit, SECONDED by Boardmember Sullivan with a voice vote of all in favor, the Board resolved to give both view preservation and site plan approval for the proposed addition to the rooftop deck and related changes to the building at 19 William Street, as shown in the plan Ms. Christina Griffin, Architect, submitted to the Planning Board dated September 17, 2015; and hereby refer the application for view preservation approval to the Zoning Board of Appeals, and recommends the ZBA approve the same, with the same caveat about maintaining at least a 50 percent transparency in the fencing.

**Chairman Cameron:** I'm sure they're wonderful neighbors.

#### **IV. NEW BUSINESS - None**

#### **V. OLD PUBLIC HEARINGS**

- 1. View Preservation and Site Plan Approval – Application of RTB Washington, LLC for the construction of 16 townhouses in three separate clusters, a café and pedestrian mews over a sub-grade parking garage at 9-17 Washington Avenue. Said property is located in the MR-C Zoning District and is known as SBL: 4.70-48-37 & 38 on the Village Tax Maps.**

**\*\*\* Deferred to November Meeting \*\*\***

**2. View Preservation and Site Plan Approval – Application of CCI Properties, LLC for the construction of an additional building containing 5 townhouse units on its property at 32-34 Washington Ave. Said property is located in the MR-1.5 zoning district and is known as SBL: 4.70-53-11 on the Village Tax Maps.**

**Ms. Griffin, project architect:** I submitted a letter describing the response to the comments from the last meeting and I'll just go through them quickly. There are some details we added to the site. We added the number and sizes of recycling bins on the basement plan. I'll just run through them, and then if we have to we can look carefully at the drawings. Actually, there are a few changes to this basement plan, so maybe I'll zoom in on that.

Describing the size of the recycling bins and how they fit underneath each of the porches, we changed the setback. The corner lot setback should have been 15 feet; we changed that on the site plan. We're showing evergreen screening along the property next to the parking areas at the two-family house. I'll go back to the site plan so we can see that. On the site plan, we added evergreen screening along this parking area, wrapping around the back, to screen the cars. We also showed that on the landscaping plan. We modified the parking layout to make sure we had the 25-foot turning radius. And each of these spaces are 18 feet long by 9 feet. We made some clarifications to the steps and the walls next to the driveway into the new building, which has added elevations. We clarified those so we made sure it was coordinated with the engineer's drawings.

We added the type and location of exterior lighting on our landscaping plan. There's a schedule here of light fixtures, and then there's a layout of the light fixtures on the walk of exterior lighting. And then we have a few lampposts at the corner of the driveways. You see also on the landscape plan the screening around the parking area over here. We added a right turn only sign, making sure that was noted on the site plan. That right turn only sign is in two locations. There's one here. You see it here when you come out of this driveway. There's also one on Warburton Avenue [off-mic] turn right. We also removed the transformer because we found out we're going to be able to do underground utilities into the building. That is not an issue. There's some question about structural supports at the basement floor plan, and I'll zoom in again to this area here. We're going to have a beam. And we have sufficient height, which is actually shown on this section. We're going to have a beam that allows this porch above to be over the garage and provide proper clearances for the cars.

In the garage plan, we are showing a 25-foot turning radius. We just added that information to the basement plan. We also added bollards, which are at the corners of the building just to

protect the corners. The elevator layout was changed so now the handicapped aisle is clear. And we also have a 20-foot long loading aisle for handicapped accessibility to meet ANSI regulations. The powder room at the handicapped unit was changed to meet ANSI regulations, which is on the next floor plan. The number of parking spaces have been indicated on the engineer's drawings, and the answer to that question is there will be three removed.

The civil engineers, John Meyer Consulting, have made a number of changes to their drawings, as well. We have someone – Neal Alexander, I think – is going to discuss the traffic study in a little more detail. There were a lot of questions about that. There are also some minor changes to the EAS, which is listed in my letter; small changes to the form. We also have now received and responded to the comments from Hahn Engineering. There's been a lot of work over the last week. I think that's something Neal might address, as well. We were expecting the engineer to be here but, unfortunately, he could not come. So I'm going to defer, I think, to Neal only because I know there have been e-mails back and forth and they've been addressing the questions. The long list from Hahn was mostly addressed, and there were a few other questions in the last few days.

That's generally the status of that. But if you any questions about the engineering drawings please feel free to ask them.

**Boardmember Ambrozek:** I have one question on A-1, the garage area. You say the handicapped space is going to be 20 feet deep.

**Ms. Griffin:** Long, yes. We had, originally, only 18 feet, Buddy pointed out to me. It was hard to find, but I did find that there's a requirement in ANSI regulations that the loading area on the side of a handicapped space has to be 20 feet long. So we moved the elevator forward, but we still have 18 feet and 25 feet. This is actually a turnaround for that space.

A few other comments came in last week. One was, will there be vents for the basement. I'm not sure if I have the correct comment, but we are not putting vents in because we're going to do mechanical ventilation of the garage. There was also a comment to make sure we had the length of the building on the site plan.

**Building Inspector Minozzi:** In the zoning table.

**Ms. Griffin:** I'm sorry, on the zoning chart. That's probably because the maximum length of the building is 160 feet, and our new building is 103 feet.

**Chairman Cameron:** I have a couple that have to do with landscaping. I think what we're going to do tonight, if we can get the resolutions passed, is to do resolutions on your variances, resolutions on view preservation and SEQRA. And then since we still have some other things left to do, including the planning plan, we'll put off site plan approval until the following meeting. Hopefully, you guys are successful with our friends at the ZBA.

**Building Inspector Minozzi:** And ARB. They should go to ARB before they come back here for final site plan approval.

**Boardmember Ambrozek:** I do have one little comment. Plan S-2, for some reason the distance to the change in elevation being shown between the finish grade of 88 feet, I think, that's by the garages to the 90.75 feet at the two-story residence. For some reason that was changed from 2-3/4 feet to 3 feet. But if you do the arithmetic, based on these diagrams, it should be 2-3/4 feet.

**Ms. Griffin:** I'd like you to repeat that, please. On this site plan?

**Boardmember Ambrozek:** On S-2. OK, on the right-hand side of the finish grade – on the south side of the building – is shown as being 88 feet. Then there's an elevation change, which on the plan I have – the version I have, which is dated October 1 – was changed from a previous version of 2-3/4 feet to 3 feet.

**Ms. Griffin:** Oh, I think we actually went over all the drawings very carefully. That, we believe, is an error. Where we took the cross-section it's actually 3 feet. We just corrected it. There's a retaining wall here right now.

**Boardmember Ambrozek:** Yes. But you're showing an elevation to the south of that retaining wall at 90 feet and 3/4. The difference between those two is 2 feet and 3/4 so I don't know why that's 3 feet now.

**Ms. Griffin:** We'll correct it. You know, it's funny, this wall varies. It's very rough and varies, and I think we thought maybe we were off. But absolutely, if you just subtract the two that's what it has to be. We'll have that corrected.

**Chairman Cameron:** I have a comment on C-3, not quite as obscure as yours perhaps. This gets back to the plantings, really. For some reason there, you come off Warburton and go up steps. You get up to this lateral sidewalk you have up there. Then from there until you get to the building you go down. I know you go up steps, but you go down. There is a 1- to 2-foot drop between that lateral walkway and the building. First of all, it would be nice if we didn't have that. But I guess maybe it's the step count that forced you to do that because you

wanted to get all the steps you could get in before you got to the lateral sidewalk and not have so many steps going from there going up to the building.

**Ms. Griffin:** Here? Are you looking here, Jamie?

**Chairman Cameron:** I'm looking up against the side of the building. If you go to that stairway, between there and the building you're going downhill.

**Boardmember Sullivan:** To the flagstones between the two trash areas.

**Chairman Cameron:** Yeah, you're going down a couple of feet. From there, going east.

**Ms. Griffin:** Going east, going down into the garage.

**Chairman Cameron:** Yes. There are also other places you're going down, even where you're not going down to the garage. Let's say where it says "porch," you have a triple staircase in the middle just to the right of that. I do believe you're going downhill there. Go north, and right between where you are now and where you were to begin with that white spot is going down. I just couldn't understand the drainage side of this thing.

**Boardmember Sullivan:** Christina, it's elevation 88 and change on the sidewalk. When you go down and stand where you open up the doors to get the trash cans it's elevation 86. It's a 2-foot drop.

**Chairman Cameron:** You may have done that to get the trash cans in underneath the roof of the porch.

**Boardmember Sullivan:** Look at something that has the grades.

**Chairman Cameron:** Well, C-3 does. That's where it shows. Maybe it all drains out into the garage entryway, I don't know.

**Ms. Griffin:** I'm having a hard time making this out, but maybe I can see it on my computer – 88, 84.

**Chairman Cameron:** It's 88 at the sidewalk, 86 then.

**Ms. Griffin:** So 86 is here?

**Chairman Cameron:** No, no. That's 88. Go east. Pretend you're going down to the first trash can, come back to the right, keep coming. That line right there says 86, the sidewalk's 88.

**Ms. Griffin:** Eighty-eight, goes down to 86.

**Chairman Cameron:** Anyway, it just didn't seem right.

**Ms. Griffin:** I would think this should be higher, not lower.

**Boardmember Sullivan:** You're constrained by your porch elevations because you're intending to put the trash cans underneath it.

**Chairman Cameron:** That may have caused that.

**Ms. Griffin:** I have to look into this.

**Chairman Cameron:** Sure, that's fine.

**Ms. Griffin:** I'm not sure.

**Village Attorney Whitehead:** We're not doing site plan tonight, and it will give you time to straighten out these details.

**Chairman Cameron:** We can do the rest of it.

The other part we actually discussed before. If you go to L-1, which is your planting plan, one of the things if you look at the view preservation pictures is that you keep seeing, as you're up the hill looking down, what seems to be a very large structure. It is what it is and I don't see it's interfering with view preservation. I'm not bringing it up for that reason. But in that lawn area behind the buildings, from a planting point of view I think a couple of trees could really help. It would make the building look smaller. You're removing one tree which is already there, and I don't know why you're removing a 12-inch tree but it's probably one that's undesirable. That shows up on L-1. But I would think that a few trees across the back would go a long way to making this development seem smaller. That's one of the things I think we're going to bring up with the arborist, the tree person we're going to have, to look at your plan. That's just something I would suggest you look into.

Also, to the extent you have built up the land in front – this 88, which I was pointing out earlier – there's a concern that we want to make sure those trees across the front survive. I

don't think you actually have any desire to have your potential buyers looking at straw boaters (ph), which is a great service to this town but doesn't make a great view. I'm sure you want them to survive, but we really want them to survive looking from the other direction, too, or something to substitute for it. I would particularly point out the corner. When you go in your driveway, you very nicely put in that staircase and the path going up there. I think on that walk of earth to the south, as you just head into the driveway, right there would be a good place, also, to put some sort of tree or shrubs to soften the feeling of this big hole you're suddenly seeing as you ...

**Building Inspector Minozzi:** Where was that, Jamie? Say that again?

**Chairman Cameron:** It's the driveway. Just to the right of the driveway, right there. Right in there you need something to soften the whole feel that you're going to suddenly have a big hole that you're seeing if you're going down. Sorry for using those words, but I think it would help a great deal. It's just something for you to think about before you come back and show us the ...

**Ms. Griffin:** Sure.

**Chairman Cameron:** So do we have any comments from anybody in the audience on this? OK, any other comments?

**Boardmember Sullivan:** I have just one or two things. I've spent a couple years working with maintenance people, and I've gotten attuned to they're being very thoughtful about how people have to take things in and out of buildings. I learn from people; it's just a sensitivity I appreciate. I'm concerned about the trash locations, and I brought this up in the past. I think, right now, underneath the porches two families are sharing that location. People are going to have to be moving trash cans out of the way to get to trash cans, as well bringing them, potentially, up a couple of feet to the sidewalk and then downstairs to the driveway. I really would like to bring up for discussion – if anyone's interested in it – is another option for this; if there's a way we can ask for a central location that's maybe more convenient to the curb. Just the practicality of that kind of storage space, and then also the transport of things back and forth just concerns me that people might find ways of just keeping trash cans in the driveway or keeping them in a more visible place.

**Ms. Griffin:** I'd like to address that because we put a lot of thought into it should be centrally located or not. My office is on Spring Street and we have a central location that's only shared by a couple of offices and apartments, but it's always a mess. Well, you know, it's something you could debate for sure. You know, how do you get a common garbage area that's really going to work and be kept clean. I happen to feel personally that people would

probably take better care of the garbage if it was in their own building under the porch. In fact, I live on Fraser Place for years, and all those houses are really close to each other. A lot of people put the garbage under the porch, and it just worked really well because there really wasn't a lot of space.

That porch is just high enough – and I measured the garbage bins – so you could put a big garbage pail underneath and pull it out. You can pull it out to this and come down here or come down here. You still have to make some effort to bring the garbage out of the house. But one idea, we actually had it here previously and took it away. I think our team felt that common garbage was not a good idea, and we'd rather have it there.

**Boardmember Sullivan:** Would you mind looking at your architectural drawing where you show the layout under the porch? Maybe I misunderstood the fact that it looked like people were sharing it and that there were multiple families having to move garbage around. That would be the plan ...

**Ms. Griffin:** Yeah, under the lattice.

**Boardmember Sullivan:** No. Could you show you plan? Blow up one of those.

**Boardmember Bass:** Well, it's A-1.

**Boardmember Sullivan:** Right. She was looking to elevation.

**Ms. Griffin:** Now, there's a path that's pretty much level with the main common path, and you would just go and open at the gate.

**Boardmember Sullivan:** But that's the 2-foot discussion we just had.

**Ms. Griffin:** I know. I'll look into that. But the intention was that someone would actually come down and walk around, then open up a lattice gate and access this area.

**Boardmember Sullivan:** Which units have access to what storage area?

**Ms. Griffin:** This unit above ... I have to pull it over a little bit, I think. The one over the garage comes out and they have this area. The next unit uses this one.

**Boardmember Sullivan:** Could we look at the whole thing just so we ...

**Ms. Griffin:** Yeah, I could check for you. I don't know if we can really blow up all of it.

**Chairman Cameron:** So you've got four areas for five units.

**Ms. Griffin:** There's one that's shared

**Boardmember Ambrozek:** I think the southernmost one is the one that's shared.

**Ms. Griffin:** This one is shared. This one will have to be shared. This one has the two-bedroom unit, and this one is bigger. This is a larger space.

**Chairman Cameron:** The northern unit has enough space for a month.

**Boardmember Sullivan:** You'd be surprised how quickly it fills up when you have a two- or three-bedroom house.

**Ms. Griffin:** Yeah, we should show more bins in here because this actually is a little larger, which makes sense. This would serve a three-bedroom unit and the two-bedroom unit.

**Chairman Cameron:** That one has to expand to the north, I guess.

**Boardmember Gould-Schmit:** I guess, personally, I will just say, from my own experience – I mean, I own a house where I have to walk down two flights of stairs and get my garbage cans and bring them up to the street – some of this, I feel like it's sorted out in the market. I mean, if you're looking at the house some people don't want a house with steps and they won't want to deal with that and they won't buy the unit. But I feel like you're looking at a unit ... there's a place that you could nicely store cans under your house, you know, once a week to have to bring it to the curb? Sure. So I think it's just a consideration of the market. I don't know how much we can plan more than has been brought out about where the garbage storage is. That's just my take on it.

**Chairman Cameron:** Do you have another garbage storage area just at the end of the driveway, do you still? Or is that disappearing?

**Ms. Griffin:** We took it away. We had it there. I guess we had two locations: we had a central location and then ...

**Chairman Cameron:** I guess 1-A is still there, I think. That's just what caught my attention. You give that to the three-bedroom unit.

**Ms. Griffin:** Yeah, that's where we had it before. We had it here, but we were afraid it would be ... you know, the intention of this plan was just for open space, not to get into that kind of detail. So I never went back and changed it. But we were afraid you would look right into it.

**Chairman Cameron:** That's 1-A.

**Ms. Griffin:** Yeah, this is just really to show the open space. But if you look at the site plan, I think we were a little worried that ... well, that location is really not a bad location for a central garbage, but it would be pretty visible. And certainly it would be a lot nicer if it was a plant bed instead. Let's see if I can get this right. OK, yeah.

**Boardmember Sullivan:** I think if you look at it and just be comfortable ... you know, I appreciate Gary's thoughts. I think Westchester County asked that it be certified that you've met the requirements for the recycling program. So, hopefully, you've taken that into account, as well.

**Building Inspector Minozzi:** Jamie, you wanted to mention ...

**Boardmember Ambrozek:** I do want to say that I appreciate the trip generation comparative analysis that you prepared to address my concerns on the traffic flows.

**Ms. Griffin:** Right.

**Boardmember Ambrozek:** Thank you.

**Ms. Griffin:** You're welcome. Well, the engineer did that.

**Building Inspector Minozzi:** Jamie, you wanted to mention the roof color, too, right?

**Chairman Cameron:** The what? Sorry?

**Building Inspector Minozzi:** The roof color?

**Chairman Cameron:** Yes, yes I do.

**Village Attorney Whitehead:** That'll be a condition in the site plan.

**Chairman Cameron:** It is part of the site plan, but we might as well mention it now since we're here, a couple things. It's also a partial source for the tree comment. That this is a big

roof, and we do have a Green Code – something you actually worked on – and one of the things that concerns me is that I don't want – and I think we all agree on this – that having the roof to be an overly light color would actually not be a success – I'm just making a subtle comment – because it would just infuriate the people up the hill, looking down, to see this enormous white roof in front of them. Yeah, we were the ones who adopted – not us, but participated in – the Green Code. So we need to find a way to get ourselves a roof which is not overly bright. Whether we can find a way to do it through a variance, or what we need to do, but we really do need that. Because that's one thing I think we need to change in our Green Code.

One thing that occurred to me – and I forgot to look before I came here – was whether we can get a guidance in color, and something to hang onto, by looking at the existing two-family building. I don't know what color its roof is and whether you could tie to two together, or something like that. I'm just suggesting that we should chat about it out next meeting. Because I think it's very important that we ...

**Building Inspector Minozzi:** Well, I'd like to ...

**Chairman Cameron:** And it's his problem, by the way.

**Building Inspector Minozzi:** I did talk about it. If the color that's brought up at the ARB, and between the ARB and Christina, cannot be met with the Green Code SRI rating of 0.71 I did go up and speak with the Village Manager today about getting a variance on the Green Code. He actually told me to talk to Linda about it. So, Linda?

**Village Attorney Whitehead:** We'll discuss it.

**Building Inspector Minozzi:** We felt a couple were possible, but we wanted to chat with you about it.

**Chairman Cameron:** But interesting, now that you brought it up ...

**Village Attorney Whitehead:** You didn't tell me that when you talked to me earlier.

**Chairman Cameron:** ... this roof has got ... I know you actually want to do the Green Code, subject to the price of shingles that have the reflective quality. Interestingly enough, this does have actually a ... such that if you look at the next one over you don't have snow on it or whatever it is.

**Male Voice:** Dry roof.

**Chairman Cameron:** It's a dry roof. Anyway, it's just that we're trying to clear a way of doing it so it works.

**Building Inspector Minozzi:** Well, the good thing is that the roofing products are available in darker colors with the higher SRI ratings these days. So it's something the design professional needs to definitely look into before you come to the ARB.

**Ms. Griffin:** Of course. Actually, it's not as light a color for the shingles as it is for the flat roof.

**Chairman Cameron:** Yes.

**Ms. Griffin:** Not as much of a problem.

**Chairman Cameron:** And while you're looking that, part and parcel of that, since this roof is so flat compared to the gable roof I'd like to talk about what's going to be sticking out of that roof, at our next meeting if we could. Just give it some thought, that would be great.

**Building Inspector Minozzi:** You mean mechanicals, Jamie?

**Chairman Cameron:** Mechanicals, yes. Because you've done such a nice job and gave those gables up there to make it look like it's a cute Dutch house. It'd be nice to keep that ambiance.

Are we ready to go to the resolution?

**Village Attorney Whitehead:** We have to do SEQRA first.

**Chairman Cameron:** Oh, yes, SEQRA. I have my lawyer do SEQRA, she's very good at it.

**Village Attorney Whitehead:** Based on the EAF that had been provided by the applicant, I filled out a part two which was e-mailed to you all this afternoon. I don't know if anybody had any questions on that. There was nothing in that part two that came out to a moderate to large impact, so there's nothing that needs to be further addressed under SEQRA. Then I also filled out, in part, the part three, which is where you make your determination of significance based on the part two, based on the EAF, based on everything else you have.

So I just wanted to make sure you'd all gotten that and seen that, and nobody had any issues with what was in the part two or anything else. Then we can go to the resolutions. Since you had a full EAF, the next step would be the part two, which you now have in front of which was pretty simple in this case. There was nothing moderate to large that needed to be further addressed.

**Boardmember Ambrozek:** I reviewed both parts two and three and I have no issues.

**Village Attorney Whitehead:** I did OK? Actually, it's the one thing that almost got easier with the new forms. I always hated the part two in the old forms, and now that they've sort of lined the part two up with some of the questions in the part one, in the long form, it actually becomes pretty easy. They just follow one from the other as opposed to the horrible old form.

**Chairman Cameron:** All of you have a copy of the resolutions. I am going to read them, even though they give a copy and you can stick it in the minutes.

This is for the application of CCI Properties LLC for the construction of an additional building containing five townhouse units, reconfiguration of parking on the property, at 32-34 Washington, and a resolution adopting a negative dec under SEQRA. Just a little patience here and we'll have it done.

Resolved that, based upon a review of the Environmental Assessment Form parts one and two, plus the plans and additional supporting information provided by the applicant in this matter, the Planning Board, as lead agency under SEQRA, hereby determines that this project will not result in any significant adverse impacts on the environment, and therefore an Environmental Impact Statement need not be prepared and makes a negative declaration of significance under SEQRAL.

And it is further resolved that the Planning Board has determined the proposed new building, as shown on the plans prepared by Christina Griffin Architects and JMC, dated last revised October 1, 2015, represents the best siting dimensions and configuration of the structure so as to cause the least possible obstruction of the view of the Hudson River and the Palisades for neighboring properties and adjacent public property and rights of way and hereby grants view preservation approval and refers the application for view preservation approval to the Zoning Board of Appeals and recommends the ZBA approve the same.

And it's further resolved the Planning Board hereby refers the application to the Zoning Board of Appeals for consideration of the following required variances, with the Planning

Board recommendation that the variances, as follows, be granted. A variance for the provision of section 295-18(b) requiring, unless otherwise permitted in this chapter, there shall only be one use or use category permitted per lot. By retaining the existing two-family resident structure on the lot, there will be two different uses, two-family dwelling and multi-family dwelling. The Planning Board recommends the approval of this variance to the unique features of the site, the desired preservation, and existing two-family resident structure on the property and the amount of open space provided.

Two, variance for the provision of section 295-72(e)(2) requiring all buildings and structures on the lot shall together cover not more than 15 percent of the area of the lot, where the proposed coverage is 40.7 percent. This variance will allow for the desired preservation of the existing two-family building on the site, as appropriate, due to the unique features of the site, the design of the proposed new building, and the expressed wish of the Village for greater every downtown. There are many other sites with this or similar levels of coverage in this district area. Since the proposed coverage will be in keeping with the character of the neighborhood, the coverage of the actual buildings with the porches is 28.5 percent, with the balance being made up of walls, sidewalks and parking, driveway areas, all which are considered structures counting towards coverage and which have been minimized, but are necessary for the site layout. The Planning Board believes that the coverage is acceptable and should be permitted for this site. The variance for the provision of section 295-30(a) and section 295-20(c) requiring that parking spaces for two-family dwellings shall not encroach on any required yard and, in any event, may not be less than 5 feet from any side or rear lot line. Parking spaces for two-family dwelling are set back 5 feet from the property line, but encroach on the required 30-foot rear yard by 25 feet. The location of the existing two-family dwelling on the property and the Planning Board's desire to provide the required parking for this use, the Planning Board determined that it's the best and most appropriate parking location and layout for the property. The minimum 5-foot parking setback is maintained and will contain evergreen screening.

Four, a variance of the provision of section 295-41(b) for the total width of curbcuts on a site with two curbcuts shall not exceed 24 feet. Combined width of the curbcuts is 26 feet. Due to the unique configuration of the site and the desire for preservation of the existing structure, two curbcuts are required. The width of the curbcuts have been determined to provide the maximum safety for cars entering and exiting from the site, including providing for two-way traffic with a new curb cut on Warburton Avenue.

That's the end of that. Can I have somebody who would like to propose this?

**Boardmember Sullivan:** Could I discuss something, please?

**Chairman Cameron:** Sure.

**Boardmember Sullivan:** In variance two, I would like to propose removing "*and the expressed wish of the Village for greater density downtown.*" And I propose removing "*there are many other sites with this or similar levels of coverage in this district.*" And "*that the proposed coverage will be in keeping with the character of the neighborhood.*" So just removing those two aspects.

**Chairman Cameron:** Well, "*the expressed wish of the Village for greater density*" was expressed into their ... interestingly enough, when they redid the zoning downtown and gave us an extra story. Interesting enough, they did not actually change the zoning on this one.

**Boardmember Sullivan:** So I don't think that's relevant, necessarily, to this.

**Chairman Cameron:** I don't think it's necessary. I think, quite frankly, I don't think it's relevant either. So we'll cross that.

**Boardmember Sullivan:** And I think also just removing the next sentence.

**Chairman Cameron:** The "28.5"? I think that's useful.

**Boardmember Sullivan:** Other sites with this or similar.

**Chairman Cameron:** Yeah, I'll remove that one. And you want to get rid of "*the expressed wish*"? OK, fine. OK? Anybody have a problem with that?

**Boardmember Sullivan:** So you're taking away "*the expressed wish of the Village*"?

**Chairman Cameron:** I've deleted "*and the expressed wish of the Village for greater density downtown*" and "*there are many other sites with this or similar levels of coverage in this district area such that the proposed coverage will be in keeping with the character of the neighborhood.*" Those have both been taken out.

**Boardmember Sullivan:** Great, thank you.

**Village Attorney Whitehead:** Don't mess with yours.

**Chairman Cameron:** The "expressed for density" was mine. The other one, I don't think, was. Anyway, fine. So are we ready to vote, are we OK?

**Boardmember Ambrozek:** I so move, with the modifications expressed by Kathleen Sullivan.

**Village Attorney Whitehead:** You know what? Just because Kathy's opposing on one of them, let's take them each separately. Let's take the negative declaration first. That was the first resolved that Jamie read.

1. On MOTION of Boardmember Ambrozek, SECONDED by Boardmember Alligood, the Board RESOLVED, that based upon a review of the Environmental Assessment Form parts 1 and 2, plus the plans and additional supporting information provided by the applicant in this matter, the Planning Board as Lead Agency under SEQRA hereby determines that this project will not result in any significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared, and makes a negative declaration of significance under SEQRA

Adopted by a vote of 6-0

2. On MOTION of Boardmember Ambrozek, SECONDED by Boardmember Alligood, the Board RESOLVED, that the Planning Board has determined that the proposed new building as shown on the plans prepared by Christina Griffin Architects and JMC dated last revised October 1, 2015 represents the best siting, dimensions and configuration of the structure so as to cause the least possible obstruction of the view of the Hudson River and the Palisades for neighboring properties and adjacent public property and rights-of-way, and hereby grants View Preservation Approval and refers the application for View Preservation Approval to the Zoning Board of Appeals and recommends the ZBA approve same; and it is further

Adopted by a vote of 5-1 (Boardmember Sullivan opposed)

3. On MOTION of Boardmember Ambrozek, SECONDED by Boardmember Alligood, the Board RESOLVED, that the Planning Board hereby refers the application to the Zoning Board of Appeals for consideration of the following required variances, with the Planning Board's recommendation that the variances as follows be granted:

1. Variance from the provision of Section 295-18.B. requiring "[u]nless otherwise permitted in this chapter, there shall be only one use or use category permitted per lot." By retaining the existing two-family residence structure on the lot there will be two different

uses, two family dwelling and multi-family dwelling. The Planning Board recommends approval of this variance due to the unique features of the site, the desired preservation of the existing two family residence structure on the property, and the amount of open space provided.

2. Variance from the provision of Section 295-72.E(2) requiring “[a]ll buildings and structures on the lot shall together cover not more than 15% of the area of the lot” where the proposed coverage is 40.7%. This variance will allow for the desired preservation of the existing two family building on the site, and is appropriate due to the unique features of the site and the design of the proposed new building. The coverage for the actual buildings with porches is 28.5% with the balance being made up of walls, sidewalks and steps, parking and driveway areas, all of which are considered structures counting towards coverage, and which have been minimized but are necessary for the site layout. The Planning Board believes the coverage is acceptable and should be permitted for this site.

3. Variance from the provision of Section 295-30.A and Section 295-20.C. requiring that parking spaces for two family dwellings shall not encroach upon any required yard and in any event may not be less than five feet from any side or rear lot line. The parking spaces for the two family dwelling are set back five feet from the rear property line, but encroach into the required 30 foot rear yard by 25 feet. Due to the location of the existing two family dwelling on the property and the Planning Board’s desire to provide the required parking for this use, the Planning Board determined this is the best and most appropriate parking location and layout for the property. The minimum five foot parking setback is maintained and will contain evergreen screening.

4. Variance from the provision of Section 295-41.B. that the total width of curb cuts on a site with two curb cuts shall not exceed 24 feet. The combined width of the curb cuts is 26 feet. Due to the unique configuration of the site and the desired preservation of the existing structure, two curb cuts are required. The widths of the curb cuts have been determined to provide the maximum safety for cars entering and exiting the site, including providing for two way traffic for the new curb cut on Warburton Avenue.

Adopted by a vote of 6-0

**Village Attorney Whitehead:** It keeps the records cleaner.

**Chairman Cameron:** No, no. And it's important that you write down four ... we had five and only needed four. So ...

**Village Attorney Whitehead:** Go to the Zoning Board.

**Chairman Cameron:** I don't think we have anything else on the agenda.

**Village Attorney Whitehead:** Mary Ellen, because I also have my notes as Jamie was reading I'll send you a final revised copy.

**Deputy Village Clerk Ballantine:** Thank you.

**VI. OLD BUSINESS - None**

**VII. DISCUSSION ITEMS - None**

**VIII. ANNOUNCEMENTS**

**Next Meeting Date – November 19, 2015**

**IX. ADJOURNMENT**

**Chairman Cameron:** I don't think we have anything else on the agenda.

On MOTION of Boardmember Ambrozek, SECONDED by Boardmember Gould-Schmit with a voice vote of all in favor, Chairman Cameron adjourned the Regular Meeting.