

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
REGULAR MEETING AND PUBLIC HEARING
JULY 16, 2015**

A Regular Meeting and Public Hearing was held by the Planning Board on Thursday, July 16, 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 William O'Reilly, Boardmember Kathleen Sullivan, Boardmember Richard Bass, Village Attorney Linda Whitehead, Deputy Building Inspector Charles Minozzi, Jr., and Deputy Village Clerk Mary Ellen Ballantine

I. ROLL CALL

II. APPROVAL OF MINUTES

Meeting of June 18, 2015

Chairman Cameron: Do we have any comments on these minutes from anybody here on the Board?

Boardmember Sullivan: No comments.

Boardmember Bass: I'm good.

On MOTION of Boardmember Alligood, SECONDED by Boardmember Sullivan with a voice vote of all in favor, the Minutes of the Regular Meeting and Public Hearing of June 18, 2015 were approved as presented.

Chairman Cameron: If any of you were here to attend a discussion item concerning a proposed multi-family building at 457 and 461 on Warburton, this has been taken off the agenda and it'll probably go on at a later time. But none of you are jumping up so I assume that's not why you're here. I was joking that if I was running for office it'd be a great time to announce it, but I'm not. I'm glad to see so many good Hastings people around here. There are big issues, seriously.

III. NEW PUBLIC HEARINGS

1. **Site Plan Approval – Application of Norma Balter and Thomas Lopez for the parking area of a home office in accordance with Section 295-67.C(1) at their single family dwelling at 524 Farragut Parkway. Said property is located in the R-7.5 Zoning District and is known as SBL: 4.110-117-5 on the Village Tax Maps.**

Chairman Cameron: Please go ahead. By the way, just one general comment. We have so many of you here tonight, and you're not all familiar to us. Whenever you get up to speak, please speak clearly into the microphone and say your name and address, please. That'd be great.

Bill Balter, applicant's son: Hi. This is an application for my mother and her boyfriend, Tom Lopez. I grew up in Hastings, and my mother has lived here for 55 years – where you still live – on. My mom and Tom are both therapists, and they're going to speak for themselves. But essentially I'm going to speak briefly.

The reason we're here tonight is that my mom and Tom bought a house on 524 Farragut Parkway, which we're in the process of renovating. We're here tonight simply to get the site plan approval for a home office. They both are therapists and they have their offices in their homes. In the application, on the plan that we submitted, it had shown two things. It showed the zoning required eight spaces. And then it showed what we are asking for, which is four spaces. So what we're hoping your board will do is grant site plan approval subject to us getting a variance to just four spaces. The four spaces are the same four spaces that would exist if you were to go out there today. It's two spaces in the garage and then two spaces in front of the garage. Also the current house, cars that want to turn around can't do that without backing out onto Farragut Parkway. So also in the site plan they have it shows a turnaround so cars can turn around on the property so they can pull out frontward on Farragut Parkway.

And that's really what we have. So I just want to have my mom and Tom speak about how they use the office.

Norma Balter, applicant: Yes, I have lived here 55 years and I've been practicing as a psychotherapist in Hastings for over 30. The reason we bought this house, and my son offered to renovate it, is because I wanted very much to stay in Hastings and I couldn't afford to buy a house that had office space and was big enough and everything else. So that was the reason we did this: I did not want to move out of Hastings. Tom has been living with me for

five years in Hastings. We both are practicing as individual therapists. I see about eight to ten patients a week, generally.

Patrick Randolph Bell, 69 Prince Street: Can you speak up a little bit?

Ms. Balter: Sorry.

Mr. Bell: Into the mic more.

Ms. Balter: I see about, say, eight to ten patients a week, individual sessions, and there's never more than one car at a time coming because I just see one person at a time. That's really the story for me.

Tom Lopez, applicant: As has been repeated, I've been here for five years with Norma. I've been doing psychotherapy in Westchester since 1973. I see approximately, face-to-face, about 25 hours a week. There really is ... it would be an unusual case that more than one car appeared; maybe twice a year, something like that. And rarely do Norma and I have patients at the same time. So it seems to me that the four-space allotment would be, in effect, ideal.

Ms. Balter: Just the other details of the application, we looked at your code and made sure the plans comply with the code, including landscape screening. I think we did everything we could to keep the residential feel that it has now. The eight spaces that would be required strictly by code make us put a parking lot in, which is the last thing we want and I would think the last thing any of the neighbors would want.

With that, do you have any questions?

Chairman Cameron: Anybody on the Board have any questions?

Boardmember Bass: I do. The paved area that's indicated, you're proposing asphalt or would that be pavers?

Ms. Balter: What exists right now is asphalt. Because of the renovation, the asphalt's gotten sort of beat up. But we're going to keep the asphalt, but then just repave it, and then we'll add a turnaround. The turnaround is approximately 200 square feet and will also be paved.

Boardmember Bass: It looks like you're increasing the asphalt. On the existing conditions, it show the driveway and two parking spaces to the west.

Ms. Balter: That's where we're at, that this exists.

Boardmember Bass: Right, but this is what you're proposing.

Ms. Balter: No, this is what we're seeking a variance to *not* do.

Village Attorney Whitehead: That's the eight-space line.

Ms. Balter: This is the eight spaces. We don't want to do any of that.

Boardmember Bass: So you're looking just to maintain this.

Ms. Balter: Yeah, that's exactly what it is right now. That's all we want to do. We just want to have the turnaround so it's safe to pull out.

Boardmember Bass: OK, I appreciate the clarification. No more questions.

Chairman Cameron: Anybody else have a question?

Boardmember Ambrozek: Are you aware of the Village code's restrictions on signage for your practice, for the professional practice?

Ms. Balter: I didn't hear the question.

Boardmember Ambrozek: Are you aware of the Village code restrictions on the size of signage? I don't know if you ... do you plan to have any signs outside of your property?

Ms. Balter: No, no. No sign.

Boardmember Ambrozek: No signs.

Ms. Balter: She's not planning on having a sign at all.

Boardmember Ambrozek: OK.

Ms. Balter: My mom was a therapist in Hastings for years and years and years on Lefurgy. None of you knew she even had an office. She didn't even know she was supposed to have a permit in that office. She's never had a sign, will never have a sign.

Boardmember Ambrozek: And similarly for Mr. Lopez?

Ms. Balter: You're not going to have a sign, Tom.

Mr. Lopez: No, not at all.

Ms. Balter: No sign there either. So I think if you want to put it as a condition that would be fine.

Chairman Cameron: We did get a letter, by the person that, at that time, thought you were putting in eight parking spots. So I think that's probably the letter. But I probably need to read it anyway, though.

"I'm responding to the Hastings Planning Board against the variance permitting a home office with eight parking spaces on a property, newly-built, at 525 Farragut Parkway. We must preserve our quality of living around Farragut Parkway. Our neighborhood already has heavy traffic for merchants who present safety concerns and use our parking, creating noise with excessive traffic. A home office should not require an excessive use of eight parking spaces. Allowing this variance would be an eyesore to scare off future potential buyers, further affecting home sales and changing our community."

I realize you're not doing it, but I need to read the letter in the record.

"Therefore, we respectfully ask the town board to limit the variance only to be used by the homeowners as a small home office, with a provision the owners promise the town in writing to maintain the outside appearance of a single-family dwelling and not appear like a commercial business. Furthermore, we respectfully ask the Planning Board request that the homeowners not be allowed to rent out the home office to others."

You wouldn't be allowed to do that anyway.

"But we ask the town, the Planning Board, to grant the variance limiting four parking spaces for the home office. We also ask the Hastings Planning Board require the variance state the home will be maintained as a private, home, not a business from outside in order to maintain the integrity of our residential neighborhood."

You're not intending to do this, but I had to read it for the record.

Do we have any comments from the audience?

Dep. Bldg. Inspector Minozzi: Jamie, one second. Mary Ellen handed out one letter, and there's another letter in your packet. So the one that was in your packet was from the Russaks, and then there's another one that was handed out tonight.

Chairman Cameron: Well, the one I read is ...

Dep. Bldg. Inspector Minozzi: They're identical letters.

Chairman Cameron: I read one, I read them all.

Dep. Bldg. Inspector Minozzi: For the record, there's ... OK.

Village Attorney Whitehead: From another person?

Dep. Bldg. Inspector Minozzi: Yes.

Village Attorney Whitehead: Oh, OK. So that same letter was submitted ...

Chairman Cameron: Oh, by another person.

Dep. Bldg. Inspector Minozzi: Yes, sir.

Chairman Cameron: So we had two people making the same comment.

Do we have any comments from the people in the audience, or are you here for another reason? Yes, please?

Dep. Bldg. Inspector Minozzi: You could talk into the mic at the stand if you want to.

Paula Higgins, 64 Prince Street: Hi, we're your neighbors to the back. We would like there to be only four parking spaces, not eight. There's two reasons we feel that. First of all, I think that would be a huge amount of asphalt. We have a water issue in our area. You don't want to pave off more than you need to.

The second thing, over in that area there is a water drainage pipe, which you saw when they started to dig there. Just to let you know, we've already lost a tree contiguous to the property there. So that would be our request. The one thing – I think they've done a beautiful job on

the house – we're wondering, are you planning to put any kind of fencing between your house and our house?

Ms. Balter: We have discussed it, we just haven't gotten there yet.

Ms. Higgins: OK. We can't go to the Planning Board meeting next week. We would hope whatever is there would be the same thing. We would prefer four spaces, not eight.

Thank you.

Chairman Cameron: Great. What's going to happen is, we're going to make a recommendation at the end of this to the ZBA. In our recommendation, we can recommend limitations. So I think that's what we should do if we are in favor of recommending permission for them to put the turnaround spot and to have a home office – which they're entitled to do – for this purpose, for this particular purpose. It's in our code, as you well know.

Boardmember Ambrozek: I have a question related. In the plans that you submitted, does it show the drainage pipe that was mentioned by this neighbor that was encountered during your construction, and what is the nature of that pipe?

Ms. Balter: The drainage they were talking about is an existing pipe. It's a Village pipe that runs through our property. It wasn't shown, there was no easement for it. But we found it, and we put it back. We actually redesigned the house to avoid the pipe. The house totally done, we had a building permit, it didn't show in any recorded document. But just the path of least resistance: we just redesigned the house, the addition, to leave the pipe as it was.

Village Attorney Whitehead: The Village was aware of when the pipe was found and warned Mr. Balter on it.

Boardmember Ambrozek: Thank you.

Boardmember O'Reilly: I just had one. I take it essentially your practice is individual psychotherapy, not families?

Ms. Balter: Neither one of us does family therapy.

Boardmember O'Reilly: All individual.

Mr. Lopez: Also, of my 25 sessions per week, perhaps seven, eight per week are by phone. So it really is less than 25.

Boardmember O'Reilly: Do you charge the same?

Chairman Cameron: Is it a collect call?

Did anyone else here have a comment, like to say anything about this?

Tim Downey, 520 Farragut Parkway: I'm the neighbor to the side of the home in question. I'd like to just allay anyone's concerns or fears on the Board or in the audience about the work that's being done in the home. I knew Norma Balter over 20, 25 years ago when she had her home on Mt. Hope. It was one of the most kept properties on all of Mt. Hope and Lefurgy. So anyone that would have concerns of it becoming an overrun, commercial space, that's not the case. It's very quiet. I don't know if she does as much practice as she did back then, but it's extremely quiet. She's very considerate of the neighbors by the way she kept her home at the time.

I would just have a comment or two that I'd like the builder and the Board to bear in mind about the water issue, as earlier mentioned. Because you're asking for screening for the parking area that there be consideration for the draining so the water does ... the property doesn't hold water because it tends to be a saucer and, at this time or previous to the construction, it would hold water in big storms. That could be a problem for them. They may not be aware of that.

The other thing is, the planting work I could see from the drawing online that there be a bit of latitude or flexibility. It looks good for the drawings that they have this cute little set of shrubs around the parking area. But when it snows, and now you have piles of snow, you have to push back where the snow goes. I would suggest to the builder that the plants be set back further so you afford space for snow in the wintertime so the cars aren't pushing into the driveway and defeating the purpose of the turnaround. The request for a turnaround is known as a "K-turn." I had to do it to my property in 1992. It is a very bad road. Our neighbor does what was mentioned earlier: they back into the property. Extremely hazardous. The cars accelerate their speed going down Farragut. So by all means, that is a must for safety both for the current owners and anyone down the road to have what's called a K-turn in there.

So the drainage is a consideration. I'd like them to make sure they understand that. The planting, a degree of latitude with that. Regarding their character, that's impeccable. And I

think there would be problem in terms of how the neighborhood would be kept. It would actually be an upgrade from years ago. So thank you very much.

Boardmember Ambrozek: I have one other question. Is street parking allowed in front of your premises on Farragut Parkway? Just say it to the mic, please.

Ms. Balter: I think not.

Boardmember Ambrozek: Thank you.

Mr. Downey: If I can answer that, because I went through that in 1992 with the New York State DOT. No you cannot; you're on a parkway. The neighbor next to us used to park off in the shoulder with his vehicle. They let it go, but it is illegal to park up on the shoulder there because you are blocking the sidewalk and DOT setbacks. There's, I think, about a 15-foot setback from the curb line and you're actually on DOT property then.

Thank you.

Chairman Cameron: Any other comments? Yes, sir.

Mr. Bell: I had a couple concerns. We live right there in the neighborhood. We received a certified letter from the Board and from the Village. We have a lot of traffic where we live or, you know, parking problems on Prince. We have like two or three multi-family houses now on that block. Some days you come home in the afternoon or after work and there's no spots at all in the street. This is the street that's directly behind there – 64 will know about it – and the parking's become crazy there. It's right around the corner from Amjo's. People buy their food, they park there, they eat it. Other people, because it's multi-family, multiple people in the same household now have cars. It wasn't always like it used to be, just had one car, each family had a car. Now each family has sometimes three or four cars.

Any overflow, if there ever was a problem with the parking ... because you cannot park on Farragut Parkway would become to ... immediately behind us, most likely, which would be right there on Prince. You'd walk around the corner, one way or the other. You can't park on High necessarily – depends on where you can – but they parked right there on Prince. They pass the house, take the first left they could see, come right around and park there. So we have a problem with that. We don't want a variance. We'd rather have them, you know, at least ... even though you might not want the eight., but having the eight we won't have this overflow parking onto Prince. And that's what I'm most concerned about.

Village Attorney Whitehead: Speak to the Board.

Mr. Bell: Oh, sure. I'm most concerned about the overflow, if there ever was, with these patients. Sometimes they come alone. Depending on the kind of work – I'm not sure which kind of work it is – but a little bit. You're a social worker and a clinical psychologist, correct? Do you have families occasionally show up? You know, if the family comes, if there's one patient there ... you used to work with children. They are clinical psychologists that used to work with ... they both worked with children back in the day. Often, you'd have parents come, you know, with the kids if they have to.

And that brings me to my other dilemma with the situation of having a business in a residential neighborhood and a business of this type. You know, the purposes of a zoning code – I looked it up – you know, the first purpose in this zoning code, 295-2(a), is to *"promote and protect the health, safety and general welfare of the community."* Tom, here, you know, as a clinical psychologist often deals with patients who may have some issues, some troubling issues. A quick search of his name brings up a Google book search in which he deals with patients who have problems with anger. This one patient in this book search had problems of anger in his car, where people were tailgating him. So I'm worried about these people now walking around the neighborhood if they're waiting for a bus, if they're waiting for their doctor's appointment.

Chairman Cameron: Our code does not have provisions that ...

Mr. Bell: I'll bring this up ... so this is better for next week's meeting is what you're saying.

Chairman Cameron: No, no.

Village Attorney Whitehead: No, no.

Chairman Cameron: The code does not actually talk about the kind of doctor they are.

Mr. Bell: Correct, that's why I brought up the ...

Chairman Cameron: You have a point which really isn't really relevant ...

Mr. Bell: Of course.

Chairman Cameron: ... to whether they can get approval ...

Mr. Bell: That is why I premised it with the 295-2(a), the first purpose of the zoning code in this village, which is "*to promote the health, safety and welfare of the community.*" That's what I'm concerned about.

Village Attorney Whitehead: To clarify, the use is permitted.

Mr. Bell: Of course.

Village Attorney Whitehead: All they're here for is site plan. If you read the code for the accessory uses, they have to come here for site plan approval for the parking area.

Mr. Bell: OK.

Village Attorney Whitehead: It's not permission for the use. And at the Zoning Board, it's a variance for the number of parking spaces.

Mr. Bell: OK, well, that was one of my concerns.

I have another one, if you'd like, that is actually from the Zoning Board. We are concerned about if there is a parking concern. They've already ... Norma, a very nice woman, I'm sure, and perfect physician or social worker, MSW. In 2011, she already once received a violation from the Board or a notice of violation for parking, for parking on the sidewalk. She created a – what do you call them? – she put pavers in on the side there in that 5-foot curilage. Here's the letter to the Village. She resolved it very quickly. They actually said thank you very much ... she resolved it. But I'm worried that maybe something like this may come up in the future if there's been a history of zoning violations before the applicant. Maybe now she's learned. But just in case, if she hasn't, I'd just like to resubmit these to the Board and you can take a look at them. You know, factor it in if you'd like to.

Ms. Balter: Can I respond to that?

Mr. Bell: Of course, please do.

Village Attorney Whitehead: She's asking the Board.

Ms. Balter: At the end of the driveway at 92 Lefurgy Avenue there was a big area of mud. So we put blacktop – it was on the driveway – we blacktopped it, and it cost a thousand dollars to do it so that it wouldn't be a mud area so that when Tom came to live there he could park not in the mud. One of our neighbors diagonally across the street who couldn't even see my house from his house complained, and therefore I was asked to remove the

blacktop. Which is what I did, and it was then again put to mud because that's what was there before the blacktop. It wasn't on the street, it was on my property. And by the way, almost every other house has one of those blacktop areas someplace not on their driveway because there's no place to park in Hastings. So what I did was actually on my property, but it was taken off right away. As you know, because you came to tell me.

Mr. Bell: Thank you very much. Thanks.

The last thing I just want to make sure is, right now the parking spots are for the two individuals and a couple. I want to make sure, if there is an assistant ... most doctors have assistants who might answer the phone while somebody is in a session. But right now, they're not saying they're having an assistant. The code says if you have an assistant ... it says you can only have this: if you need an assistant you need more spots. I just want to make sure they're not going to have an assistant working for them because that would require another spot that would go beyond the four, or the eight even.

Chairman Cameron: All right, thank you very much.

Mr. Bell: Thank you very much, guys.

Ms. Balter: Would you like me to address the last comment?

Chairman Cameron: You can comment on whether you're going to have an assistant.

Ms. Balter: We have never had assistants with ... that's not what this kind of psychotherapy is about. We don't deal with families. I'm 80 years old. Do you really think I'm going to start dealing with little kids and all that stuff?

Chairman Cameron: Until that comment, you could've fooled me.

Ms. Balter: Tom is 76. We're really not looking to increase and do any of that. We just want it simple here. We'll do our individual psychotherapy. That's all I can really say.

Chairman Cameron: Thank you very much.

Mr. Bell: May I ...

Chairman Cameron: I don't think it's really necessary.

Mr. Lopez: The spot that was called a blacktop is really not a blacktop. It was a nice,

sandy ...

Chairman Cameron: Yeah, it's not really relevant.

Village Attorney Whitehead: It's not relevant.

Mr. Lopez: Thank you.

Boardmember Alligood: I think we've gotten enough information. I would like to please say that I think it would be ridiculous to put eight parking spots on that property.

Chairman Cameron: Right. So I would entertain a motion for us to make a recommendation to the ZBA that they approve the parking as described in their application, with appropriate limitations on its usage and the number of patients, as the ZBA thinks appropriate.

Boardmember Ambrozek: And with appropriate screening.

Chairman Cameron: Oh, screening. Yes, that's fine.

Chairman Cameron: Would anybody like to make that motion?

On MOTION of Boardmember Bass, SECONDED by Boardmember Ambrozek with a voice vote of all in favor, the Board resolved to make a recommendation to the ZBA that they approve the parking at 524 Farragut Parkway as described in the application submitted by Norma Balter and Thomas Lopez, with appropriate limitations on its usage and the number of patients, as the ZBA thinks appropriate and with appropriate screening.

Chairman Cameron: It passes. Thank you very much.

Village Attorney Whitehead: You have to actually approve the site plan.

Chairman Cameron: Oh, yes, sorry. Let's approve the site plan.

Village Attorney Whitehead: You can do that subject to the variance; the site plan for the four spaces.

Chairman Cameron: I was trying to do that when I started out, but I guess I didn't do it.

So I also entertain a motion to approve the site plan as submitted.

On MOTION of Boardmember Bass, SECONDED by Boardmember Ambrozek with a voice vote of all in favor, the Board resolved to approve the site plan as submitted by Norma Balter and Thomas Lopez for 524 Farragut Parkway.

Chairman Cameron: Thank you.

Ms. Balter: Thank you for your time.

2. **Subdivision Approval – Application of Settanni Investors, LLC (contract vendee) for the three-lot subdivision of properties at 9 Jefferson Avenue, pursuant to the provisions of Section 295-120 of the Village Code. Said property is in R-10 Zoning District and is known as 4.80-74-1 & 2 and 4.80-104-7 on the Village Tax Maps.**

Chairman Cameron: We're going to now move to the second new public hearing.

Village Attorney Whitehead: Patrick, just move away from the door. Thank you.

Chairman Cameron: This is the request for approval of a subdivision. I see we have a large audience here tonight, and we always welcome participation by the residents of Hastings and others. I should note that this matter is not something that we can deal with completely tonight as we are just starting this process. We also need steep slopes approval, an engineering report and, most likely a SWPPP.

If you choose not to talk tonight you're bound to be able to come and talk at the next meeting. But you're all welcome to speak tonight if you wish to do so. Now we'll move to the presentation.

Brad Schwartz, lawyer - Zarin & Steinmetz: Good evening, Mr. Chairman and members of the Board. I'm here representing the applicants, Settanni Development. I'm joined this evening by Donato Settanni, the applicant, and Keith Staudohar from Cronin Engineering.

As the chairman mentioned, we're here tonight for our initial presentation and discussion – as well as the opening of the public hearing – to your board. We did submit a conceptual set of subdivision drawings for this three-lot subdivision proposal. That was all based on a pre-application conference we had with the Building Department. We certainly know we need to submit more detailed information as this application proceeds, including some of the information that you identified tonight. So we're looking forward to hearing the comments from your board, those from the public, and responding as the application proceeds.

I would ask Keith to make a presentation of the project for the benefit of your board and the public.

Keith Staudohar, Cronin Engineering: Good evening. We're also representing the applicants, Settanni Development. This property is located on the corner of Jefferson Avenue and Cochrane Avenue. It's located in the R-10 single-family zoning district and consists of approximately 1.2 acres in total, over 52,000 square feet. The site, as it sits now, is comprised of three separate parcels: tax lot 7, tax 1 and tax lot 2. Tax lot 7 is approximately 19,815 square feet; tax lot 1 is approximately 27,000 square feet; and tax lot 2, over here, is approximately 5,700 square feet.

Presently, the site contains an existing house and detached garage, an asphalt driveway, a walkway and some retaining walls. We investigated a bit the idea of trying to develop ...

Male Voice: Could the gentleman please speak into the microphone?

Mr. Staudohar: I'm sorry. We looked into the idea of possibly developing this project by developing the tax lots individually – tax lot 7 and tax lot 2. In order to do tax lot 7 we would have to either extend a driveway through the lot because Cochrane Avenue is unimproved at this location, or extend the Village road to this lot. Tax lot 2 is a little undersized so we may need a variance for lot area on that. In looking at that, and deciding that there may be a better way to develop this property and not deal with this back property and Cochrane Avenue, we came up with a plan to develop it and subdivide the tax lots into lots that would conform to the zoning ordinance.

What we did as a result of our pre-application meeting was come up with this plan here, where we have lot 1 which would be situated on the corner of Cochrane and Jefferson; lot 2 would contain the existing house. There would be no plans at this point to do any development on lot 2 and lot 3. Over here would also be a second new home. So lot 1 and lot 3 would be provided with the new homes.

We submitted this as an introduction to the Board to talk about this on a preliminary level.

We know there are certainly other things we need to put together in terms of engineering, which would include stormwater, which would include steep slopes analysis. We understand that, but this was an introductory plan to this board to gain your comments and your concerns at this point. We did provide, in the set, a plan for how this could be potentially developed without the driveways. Lot 1 would have a house facing Cochrane Avenue and a driveway coming off of Jefferson; lot 3 would have a front-load garage facing Jefferson Avenue. Again, all preliminary design. And we realize that there's more information that would be provided to the Board as this project advances.

So with that, we would be glad to hear any comments from the Board. We understand there's some folks here that may want to have some comments, as well.

Boardmember Bass: A question to the Board. I looked in the zoning code. There isn't a definition of a corner lot. How does our zoning resolution traditionally deal with corner lots?

Village Attorney Whitehead: It is a corner lot, and a corner lot requires that both street frontages have the front yard setback. The applicant is allowed to choose which one is the front. In this case, I believe they're considering Cochrane the front because that's where they've measured the lot width.

Boardmember Bass: Does the lot then have to be 100 by 100?

Village Attorney Whitehead: No.

Boardmember Bass: So the 100-foot definition is defined by where you place the front of the house.

Village Attorney Whitehead: The front lot line.

Boardmember Sullivan: There were two definitions. I looked at this a little bit because I asked Buddy and Linda ...

Male Voice: Excuse me, we can't hear anything. I don't think any of the microphones are even on.

Male Voice: They're on.

Female Voice: [Off-mic] first question from Richard Bass. We didn't really hear that.

Boardmember Bass: OK, sorry. My question was an inquiry about what's the definition of

a corner lot.

Boardmember Sullivan: I think we have two things we have to consider when we look at the width of the lot. Because I thought of that, as well, Richard. This is sort of a very unusual and irregular-shaped arrangement between these three lots.

Female Voice: Please speak up.

Boardmember Sullivan: The issue that I see – I'm sorry because these mics are terrible – there is one definition which is shown on the plans which is at the ... you take the front yard setback, and the further point in you have to be at 100 feet, or the lesser of the average lot – the average width – taken along the depth of a lot. I looked at this quickly for lot 1 and started looking at 3 – I looked at it for 2 – and I'm getting an average width that's less than 100 feet. I think that's something we should ask the applicant to look at, is really identify how they're calculating the lot width in these cases. Because the lots' shapes are so crazy.

Boardmember Bass: Right. And that goes to the next question, which I think they're starting to discuss. By a corner lot, on the plan – on SP3-1 – it lists an 18-foot side yard that may be construed as a rear yard. So I'm seeking a clarification on what yard is it.

Mr. Staudohar: If I may, the corner lot you're referring to is lot 1. The width of the lot at the front yard setback – this line here – is 100 feet and change.

Boardmember Sullivan: Correct. If I start identifying what the lot depth is – which is perpendicular to the front property line – then I start getting into some interesting math.

Mr. Staudohar: It is a little confusing, yes. I agree. For lots 2 and 3, we have a 100 feet on the arc at the front yard setback line – 100 feet here and 100 feet here.

Boardmember Sullivan: And when I looked at lot 2 I also got an average width that was less than 100 feet when I started looking at the lot depth. So I think we need to have you look at it both ways.

Dep. Bldg. Inspector Minozzi: It's either/or, if you look at the front lot width code section.

Boardmember Sullivan: It's the average. It's using the average width from the depth of the yard for the width identified at the back of the front yard, whichever is the lesser. So you look at it both ways and then you make the determination. That's how I read it; that's the definition of lot width.

Mr. Staudohar: All right. Well, we believe we have it on these. We could confirm that with Mr. Minozzi.

Boardmember Sullivan: I'd like to see this. I'd like to see it when it comes around.

Mr. Staudohar: Sure.

Chairman Cameron: Well, I think what you call rear yard 2 is actually – if you look at our definitions carefully – your rear yard, and it's not deep enough. But it is the one generally parallel to the front yard.

Boardmember Sullivan: Correct.

Mr. Staudohar: Right.

Chairman Cameron: You've chosen a different one to call your rear yard, and I don't think that's correct.

Mr. Staudohar: All right, we could take a look at that and ...

Chairman Cameron: But I think it should because I think you'll find it ...

Mr. Staudohar: So if that becomes 30 feet, then we have to change the house.

Chairman Cameron: Well, that's right. You have a very funny thing. You have something which is 100 feet wide and only about 70 feet deep and you're trying to get a house in there. You shouldn't be surprised when you can't. That's the problem.

Mr. Staudohar: Right.

Chairman Cameron: The other thing that's very strange, quite frankly ... you've changed it actually, haven't you, since you drew it earlier? Oh, no, the other thing that's very strange is, you have this ... at the 100-yard mark you're measuring 100 feet across. That's the only part of the front of your yard which actually happens to be 100 feet wide on the curve. Actually on the straight line it's not 100 feet wide. These yards and lines you've draw remind me of gerrymandering, which we all know what that is, and I just don't think it works. It certainly doesn't work in lot 1, and we haven't even got to the other questions. In lot 3, you've got that same really odd curve in your thing. But anyway, we can talk about lot 1 first because I think you've got a real problem there.

Mr. Staudohar: Well, lot 1, we could take a look at increasing the rear yard and see what that leaves us with. We have the 100-foot width here on the line. These, we just followed the existing property line around the corner and offset it 30 feet, then we have 100 feet from point to point.

Chairman Cameron: That's a lot curve. You have 100 feet on the curve; you measured it on a curve, not straight.

Mr. Staudohar: Well, we could take a look at that.

Boardmember Bass: I know these are preliminary plans, but the first thing left out to me was the 16-foot wide driveways. As an urban designer, I find modern homes are dominated by the driveways and the garages. It's not what you find in Hastings, it's not good urban design. So in future iterations, go back to an 8- or 10-foot driveway, which is what is typically found in Hastings and what's found in this neighborhood.

Mr. Staudohar: OK, we can take a look at that. Well, it's not to have a turnaround area near the house. Then that would require people to back out.

Boardmember Bass: Whatever it is, you can ...

Boardmember Alligood: That's not a turnaround the way you have it anyway. That's just a very wide driveway.

Mr. Staudohar: Right. Well, we envisioned a double garage in the front on lot 3 and a double garage on the side of lot 1.

Boardmember Alligood: But it's still not a turnaround.

Boardmember Bass: Regardless, if that's your site plan you will have difficulty with getting that approved as a site plan.

Mr. Staudohar: OK.

Chairman Cameron: I have another question. On lot 2 and lot 3 you have marked "ledge rock." Can you tell me how far underground that ledge rock is?

Mr. Staudohar: Well, that was identified by the surveyor, so I'm assuming it's all at the surface. They wouldn't identify it if it was under the ground. And based on site inspections, it appears that is near or at the surface.

Boardmember Sullivan: This is on top of the old marble quarry.

Mr. Staudohar: Excuse me?

Boardmember Sullivan: This is on top of the old marble quarry so we can make an assumption that there's going to be rock quite soon ...

Mr. Staudohar: Yeah, there's ledge here, there's ledge all over the place. We realize that.

Marco Maglich, 30 Rosedale Avenue: I'm sorry, ma'am. Could you repeat that? You're saying it's on top of ...

Boardmember Sullivan: Marble. The old quarry.

Female Voice: It's granite.

Boardmember Sullivan: I stand corrected.

Village Attorney Whitehead: It's the quarry.

Boardmember Sullivan: It's rock.

Dep. Bldg. Inspector Minozzi: OK, excuse me everybody in the audience. If you're going to speak you have to come up to the mic and you have to say your name and your address. You can't just speak from the audience. The reason being is, this is being recorded and this is being transcribed and the transcriber will not know who you are.

Boardmember Sullivan: You know, Jamie, I think you're going to have ...

Village Attorney Whitehead: Wait, 'cause we're not going to ...

Mr. Maglich: So that was Marco Maglich from 30 Rosedale Avenue, Hastings-on-Hudson, on the quarry – the historic quarry.

Mr. Staudohar: Thank you, sir.

Boardmember Sullivan: I think this lot is going to join you in being the second Hastings lot that has a tree preservation law. It's a natural ... it's over an acre.

Chairman Cameron: I think it's an acre to acre-and-a-half.

Male Voice: We can't hear.

Chairman Cameron: How big is this lot, please?

Mr. Staudohar: It's 1.2 acres.

Chairman Cameron: Anybody else on the Board have questions at this preliminary stage?

So at that point, I'll invite members of the audience if they'd like to address this.

David Janeway, 19 Jefferson Avenue: I'm the closest residence to this proposal. I would like to submit a petition of 45 signatures of residents that are close residents in the adjacent area, both on Cochrane, Hamilton, and Jefferson Avenues, that strenuously oppose this subdivision. I'd like to present that to the Board, please.

I'd also like to just summarize our key points in terms of our opposition. We have several other speakers who have prepared presentations tonight so I'm not going to take a long time. The main points are, one, we feel that there could be damage to the steep slope, causing a cleavage and possible damage to the homes existing on Rosedale and Hamilton and Nichols Drive. We're concerned that this changes the density and the character of this neighborhood, the parking, producing pedestrian and child safety issues. Last winter my car was damaged by a Hastings snowplow. This is a one-way street with only parking on the left. I notice tonight that the developers parked on the right side of the street right in front of a no-parking sign. So there's going to be definite issues. This is a narrow street with many young children.

Another issue has to do with drainage and flooding, and there's going to be an extensive presentation about that. That would affect residents on Nichols Drive and Hamilton and Rosedale and Cochrane. The main issue has to do with – and this is one of the things I'm most fearful of, being right next door to lot number 3 – any fracturing of our foundation due to any blasting or jackhammering of the ... to build the foundation. Several neighbors have expressed this fear, as well.

Then finally view preservation, 16 Jefferson – which is across the street from this proposal – would have their view obstructed of the Palisades and the Hudson River.

So I'd like to submit my petition to the Board, please, with signatures.

Chairman Cameron: Sure.

Dep. Bldg. Inspector Minozzi: Just for the record, this is not in the view preservation district.

Mr. Janeway: My reading of the code is that any view that's obstructed of the Palisades or the Hudson would come under this code. This clearly ... particularly lot 3 would affect the view of 16 Jefferson.

Chairman Cameron: Go ahead and submit your ...

Rachel Cox, 2 Nichols Drive: I'm below the unfinished Cochrane road. I have a report written by my husband, who's an earth scientist at Columbia, about the drainage problems on our back slope. I'd like to give you each a copy if that's OK.

Chairman Cameron: Sure, then explain it to us.

Ms. Cox: We have a full presentation.

Chairman Cameron: You're a scientist, as well.

Ms. Cox: I'm a scientist as well, yeah, a biologist.

Boardmember O'Reilly: Is this the one we've already received?

Ms. Cox: Yes.

Mr. Gottlieb: Could we please get a copy of the report, as well? Thank you.

Ms. Cox: Much of the slope that the developers wish to develop is, as you probably know, very steep. Much of the lower slope right above Cochrane ... and we have pictures of this, it's in your ... let's see if I can find it while we get started. I'm sorry there's not page numbers, but it's this crazy figure with all the red boxes. What that figure is showing, if you take a look at it, my husband – who's an earth scientist and a geologist – mapped this using the contour lines to show you. The blue boxes are at the top of the proposed development. Those boxes are between 15- and 25 percent slope. The red boxes are at the bottom of the development, the proposed development. Those are greater than 25 percent slope.

I believe, according to your regulations, development is prohibited on slopes greater than 25 percent, and on slopes between 15- and 25 percent ... it's not prohibited, sorry. Slopes

greater than 25 percent, only a quarter of the area can be developed. Whereas on slopes between 15- and 25 percent, I believe it's 35 percent of the area can be developed. Just by the way, part of the building that's been proposed for lot number 3 is sitting right on a region that's greater than 25 percent slope.

We have ongoing drainage problems on Nichols Drive and on Cochrane. There's a picture in the presentation of water coming down our stairs. That was taken during a rainstorm – and I have footage of the movie – causing a lot of destruction to our property. Others on Nichols Drive experience this, as well as folks on Cochrane. Aha, OK. I think I can probably ... does that ... can I advance it, or should I just ask you to do the next slide? OK. So if you want to just go ahead about two or three slides – keep going – yeah, that's the proposed development there, with the buildings. I don't think the red player works on this screen.

Dep. Bldg. Inspector Minozzi: No, it doesn't.

Ms. Cox: So maybe I can use the mic then.

Dep. Bldg. Inspector Minozzi: Just make sure it's turned on.

Ms. Cox: Thank you. OK, so you can go ahead. This is just so you can see where we live and where the development is. I'm really representing the concerns of people who are most affected by the flooding. I think there are neighbors here who have other areas of concern.

The people below, on Nichols Drive and along Hamilton and on Cochrane, are the people who are most affected by the flooding. Our house is here at 2 Nichols, and these are the other houses on Nichols Drive. This is the development. This is the very steep slope I was just referring to, most of which is greater than 25 percent. This area up here is less steep, but as I mentioned earlier it's between 15- and 25 percent slope. And that's where the houses are going, right in there. That's a picture of the flood, and this was not just a one-time occurrence.

Next slide?

Boardmember O'Reilly: That's quite dramatic. When was that taken?

Ms. Cox: That was taken in the spring of 2013.

Boardmember O'Reilly: So it's a chronic trouble?

Ms. Cox: Yes, it's a chronic problem. You can see the rhododendrons are blooming. So

what is that, early June, something like that? So this was not Hurricane Sandy or anything like that. This is just a spring rainstorm. We have a movie, if you go to the next slide. Yeah, that's the movie, so I think if you just ... yeah, there is goes. It's just a few seconds.

[video plays]

Boardmember O'Reilly: Quite dramatic.

Ms. Cox: OK, so that's a drainage problem. I think we can all agree. Next slide – keep going.

I guess new buildings need to have these runoff containments underground. Is that ...

Village Attorney Whitehead: It's one method.

Ms. Cox: That's one way of dealing with this water? What my husband did here is, he put, in yellow, the low-angle slopes that are up there right now that is soil that is absorbing water. The red-hatched sections are the new ... the proposed new buildings, and this is the standing – the currently standing building. This area that's now absorbing the water, there is thankfully some water being absorbed up there. Not enough. Again, we're right below here as well as a number of people here. But these buildings and their driveways are going to decrease the amount of ground that can absorb rainwater, OK?

I think I'm going to skip through a couple slides here. I'll get back to this if I have time. This is the definition of the slope angles, which you're all aware of. And then the picture that I referred to while we were setting up the talk – go ahead – just again, for these slopes that are in excess of 35 percent only a quarter of this land can be developed, paved, re-graded or stripped of vegetation. So it's very difficult to understand how the developers plan to put in the water containment containers to contain their runoff, when they have very little area that they really are going to be allowed to develop.

OK, that's the picture I showed you. So the red, remember, this is Jefferson, these are the proposed sites. Is this Cochrane? Yeah. This is the steep part of the slope. This is the quarry. My husband did some drawings to demonstrate the ... keep going, yep. If they're going to try to bury these containment vessels that's going to cause a problem, too, with the swelling of the groundwater for the people downhill. This is the present situation right here. This is the Cochrane right of way, the undeveloped road. The quarry's on the other side now. This would be standing kind of up Nichols Drive, looking down. What they would have to do is re-grade this area, which I'm not sure how they would do because I'm not sure they could get permission to develop it. But to re-grade, and they'd have to drill it – which I think

people will speak to later about the drilling that close to the quarry and in the bedrock – if they could get something in there it would press down and the pressure would bring water up below. It is very hard to see how an adequate ... how the runoff is going to be adequately dealt with by the developers.

I don't think I have any more slides. You can go to the next one. Yeah, that's it unless you have any questions.

Chairman Cameron: So do we have anybody else who would like to address us?

Sarah Rubin, 16 Hamilton Avenue: This is my husband, Dan. We are one of the houses that is directly at the bottom of the quarry. There are three houses: our neighbors, the Woods, and ours, and then Brenda and Marco on Rosedale.

One of our main concerns, as you might guess, is about the cliff itself. With the cliff at the back of our property, if new construction is allowed right at the top of the cliff – especially regarding lot 3 of the proposed subdivision – blasting and drilling will need to be used to create a foundation for that new home. We are seriously concerned about the stability of the cliff itself under these circumstances. Pieces of the rock wall have fallen in the past, and they are ... you can see in our backyard that there are pieces that have come down; not since we've lived there, but prior, and in our neighbors' yards, as well. There are many fissures already in the cliff, and that is how much water actually comes down underground and comes out of the surface of the wall. In the wintertime, you can see when the water freezes it's like a frozen waterfall on the back of our cliff. Also, given that our home is just so closely situated there we strongly oppose any new construction right at the top.

We are also very concerned, as are many of our neighbors, about the water runoff and drainage, as you just saw in this amazing presentation. Again, initial amounts of water draining out from the cliff could really turn our backyard and our neighbors' backyards into flooded swamp areas.

Then the safety at the top of the cliff is also a main concern of ours. We actually own the property – our property line goes to the top of the cliff itself. There's a stone like retaining wall or fence that is about this high at the top, and our property line goes up and includes that. But given a new constructed home on the top of that cliff so close to that wall, we are just really concerned about the safety of potential families and children, and pets even, who would be residing so close to that very steep ... what is it, like 75-foot drop?

Dan Rubin, 16 Hamilton Avenue: Eighty-five feet.

Ms. Rubin: Eighty-five feet? It's large. Any other points?

Thanks.

Charles Fewell, 2 Nichols Drive: I've lived at this address since 1973 with my wife and my children. I can state that the water problem that Dr. Cox and Dr. Kelemen have illuminated here exists, and it existed before and after the installation of the new storm drain on Cochrane. The problem was exacerbated by the zoning variance that was granted to the last house on Cochrane. In their attempts to remediate their water problem, it increased the water problems downhill. We have a situation now where the scientific consensus, as I understand it, is that global warming will increase the number of storms and the intensity of storms. So that the water runoff is likely to increase rather than decrease in the future. We think this is a unique site that is not subject to subdivision under the Village code. We've looked at it and we've studied it. I am a lawyer – I'm not a land use planning lawyer – but I do not believe that under the zoning code it's permitted to subdivide this property.

Thank you.

Mr. Maglich: OK, we live in the quarry, which is historic you probably know. On the maps it's marked as a historic site, one that we don't want to have crashing down on us and our kids and the eagles and anyone else that lives there. That aside, I just wanted to ... there are a couple of things because we're all ... you know, none of us are professionals in this area of law. When you say we're at the beginning of this, are we in that hearing that's in the section of the regs on preliminary plat? That's the hearing we're in, right?

Village Attorney Whitehead: We are, but we're going to be in it for awhile. They have a lot of information. Obviously, stormwater management is a big issue.

Mr. Maglich: So it's not just a one-night event.

Village Attorney Whitehead: It's not just one night.

Mr. Maglich: There'll be like a continuance.

Village Attorney Whitehead: Correct.

Mr. Maglich: OK.

Chairman Cameron: We're intending, actually, that when they produce a report – which might happen, let's say, sometime in the middle of August – then our engineer would have to

look at it, and we would not be coming back for another meeting on this issue until September. Particularly since that would have all the rest of you around, as well. You would be off on your August holidays.

Mr. Maglich: OK, good. The steep slope hearing, which is in a different of the regs, that's a separate hearing.

Village Attorney Whitehead: It's all done together.

Mr. Maglich: OK, are we in that now, too? We're in a hearing on ... OK, because on the announcement it said it was a hearing pursuant to something-120, which is the subdivision hearing. And then in the rules on steep slopes, it said there shall be a hearing. And the notice requirements are slightly different for the steep slope hearing. It's funny, one has a requirement that you notify all of the adjoining property owners and the other one you have to notify all the adjacent property owners. I'm wondering what the two different definitions are.

Boardmember Sullivan: Well, I think you're all here.

Mr. Maglich: No, no, I get it. But it's a notice requirement, so ...

Boardmember O'Reilly: Well, it's adjoining and adjacent.

Mr. Maglich: I wanted to know because there are letters, and there are a lot of people who said they didn't get letters. You know, I wanted to make sure. If we're having the two hearings together, do we have proof that there was notice served on all of the adjacent property owners and all of the adjoining property owners, whatever those two different definitions are? And can we see it?

Dep. Bldg. Inspector Minozzi: Yes.

Mr. Maglich: Because this isn't even a hearing.

Boardmember Alligood: Just be assured we're not going to be voting to approve this tonight.

Mr. Maglich: OK.

Boardmember Alligood: And there will be other hearings going forward.

Boardmember O'Reilly: It's a long wait.

Mr. Maglich: Well, we just want to make sure that even this hearing is valid, right? How do we prove that just even the basic notice requirement was met?

Dep. Bldg. Inspector Minozzi: We have proof of notice. I just said that.

Mr. Maglich: You do have proof of notice.

Dep. Bldg. Inspector Minozzi: Yes, sir.

Mr. Maglich: OK, do we all get to see it? Is it down just, I guess, in the Village Clerk's office or something?

Dep. Bldg. Inspector Minozzi: It's for public viewing down at the office.

Mr. Maglich: OK, thank you very much.

Dep. Bldg. Inspector Minozzi: No problem.

Mr. Maglich: Just wanted to know that, so thanks. That is notice, and that's where we are in this. OK, but there'll be a continuance. All right.

You talked about getting an engineer's report. It probably ... you know, we're talking about a quarry and we're talking about rock; rock that has been hammered at, right?, and used for, the rumors say, Prospect Park walls and all of that and that's why it's a historic site. But I think that an engineer's report can't just be, you know, whoever we normally contract and have a deal with unless they're prepared to do something seismic. I think you should definitely look at the fact that digging and blasting and drilling into this rock, I mean, they don't even know how deep it goes. They just sort of took a wild guess that it was only on the surface. We know that the rock goes way deeper because it's a quarry and we're looking at that cliff every day. So it does actually go pretty deep, guys. There should be a seismic analysis as part of that. If whoever our local engineer is is not qualified to do that I think we need to make sure that's a piece of it, OK?

What else? Sorry. In the application, there was this ... and given all the stuff that came up about how there are steep slopes and water issues, and we know there's a historic site 'cause we're in it, I was curious. There is a short ... it says that at this hearing you've got to have a number of things. It *"must be accompanied by a completed state environmental quality review form, available from the Building Inspector."* I got something from the Building

Inspector, appendix B, Short Environmental Assessment Form. Is that what that is?

Dep. Bldg. Inspector Minozzi: Mm-hmm.

Mr. Maglich: OK. That is, in part, done by the Bronxville Company and in part done by the Planning Board. You guys haven't seen this because this wasn't on the Web, right? I just got a copy now.

Village Attorney Whitehead: If I could just ... the applicant filled out what's referred to as the part two, but that is not the Planning Board's part two yet. The Planning Board ultimately will have to go through ... those are the applicant's answers, they're not the Planning Board's answers.

Mr. Maglich: Because it says the Planning Board is responsible for part two.

Village Attorney Whitehead: Correct, but we did not fill that out. The applicant sort of prematurely – but many applicants do – filled that out.

Mr. Maglich: Right.

Village Attorney Whitehead: That is not official yet. That is not the Planning Board's part two.

Mr. Maglich: OK, good. Because I was stunned at some of the answers, but I guess it's just optimistic – they're being optimistic. Because the questions ... I was wondering then ... so you guys, where did you get ...

Village Attorney Whitehead: Could you address the Board, please?

Mr. Maglich: The Board.

Village Attorney Whitehead: Your comments should be addressed only to the Board.

Mr. Maglich: Only to the Board.

Chairman Cameron: Right.

Village Attorney Whitehead: Yes.

Mr. Maglich: OK. So you guys will ... you can hear though, right? OK.

Boardmember Bass: But your snarky attitude is ...

Mr. Maglich: I'm sorry. You're right.

Dep. Bldg. Inspector Minozzi: We can definitely do without the theatrics.

Boardmember Bass: Yeah, it's not helping.

Mr. Maglich: No, no, I'm sure it's not. I'm sorry.

I was just curious about the basis of the answers, that's all. Because it said, "*Will the proposed action result in a change in the use or intensity of use of land?*" and the answer was "no." But you're going to look at ... I'm sorry ...

Village Attorney Whitehead: The Board is going to ...

Mr. Maglich: They haven't done it, so you're going to look at that and make your own assessments.

Village Attorney Whitehead: Correct.

Mr. Maglich: OK. Because a lot of the things that were covered with some good facts here are questions here. And how do you go about building answers to those?

Boardmember Sullivan: It's fairly common for applicants to try to give us their suggestions.

Mr. Maglich: OK.

Boardmember Sullivan: But it's our duty to fill that out after we have gotten involved in an application.

Chairman Cameron: And that's why we have hearings.

Village Attorney Whitehead: And that's why we're also ... the Board's also requesting additional information from the applicant in order to make those determinations.

Mr. Maglich: OK. We're just in the ...

Chairman Cameron: We'll send it to our engineer to review.

Boardmember Sullivan: Do you have any other questions about the process, because ...

Mr. Maglich: No, OK. So that's how this is ... all right ... because we're all in kind of the dark about the process, and we're just starting on this long road with you. So you're going to ... I'm sorry, and what ... all of the engineer information and all of that is going to inform you as you kind of go through question by question and answer these questions.

Village Attorney Whitehead: Yes. The applicant will have to submit some additional studies and reports how they propose to handle the runoff. It will then be referred to the Village's engineer who will review it and do a memo raising their own questions and comments and probably asking for some more information from the applicant.

Mr. Maglich: OK. And the engineer's report, the applicant covers the cost at the end of the day?

Village Attorney Whitehead: Yes.

Chairman Cameron: That's correct.

Mr. Maglich: OK. And how can all of the neighbors' interests be served in the way that the engineering analysis is done? For example, to make sure that a seismic analysis is done and all of that. Or do we ... I mean, you're our defenders up here, right? I mean, I see that in the purpose for the Board. Can you just explain?

Village Attorney Whitehead: All the documentation will be publicly available. And as we said, the hearing is being continued and you will have the opportunity to review the documentation and continue to comment on it.

Chairman Cameron: Right.

Village Attorney Whitehead: And you can comment either in writing for by coming to a hearing.

Mr. Maglich: OK. Because the issue of how the engineering report is done and analysis and what it covers is obviously important here. There'd be different interests. I mean, our interests would be different in seeing what was covered and how far it went. So we wanted to make sure that we had a strong influence on what was covered.

Boardmember Alligood: In past practice in other projects, where there are a lot of concerns and engineering issues, we have sometimes had an independent engineer then double-check what the applicant provides.

Village Attorney Whitehead: We will. The Village will have its independent engineer.

Mr. Maglich: OK. I apologize for the snarkiness. I live under the cliff.

Mr. Gottlieb: The quarry.

Mr. Maglich: The cliff, yes. Children could die.

Thank you.

Mr. Janeway: I would like to just comment on one thing.

Village Attorney Whitehead: There's other people who haven't (inaudible) yet.

Nick Matur, 38 Jefferson Avenue: Harriet Ackerman and I live at this address. You've heard about the physical threats presented to my neighbors by the proposal to subdivide the property at 9 Jefferson Avenue. I would like to address the financial threat presented, not only to the people immediately adjoining the property, but into the neighborhood generally on Mt. Hope; the threat to the property values that this project presents.

When you walk down the streets of Jefferson or Cochrane, Lefurgy, Lincoln, Fairmont and Stonegate, the thing that stands out is how much vacant land there is – the broad expanses of land between many of the houses, I think – even maybe half the houses at the top of Mt. Hope. These are very large open spaces that are filled with lawns or flowers or shrubbery, in some cases woods. I think Mount Hope is really characterized by these open spaces. A lot of it has to do with the rock outcroppings that occur and the, I guess you'd say, hostile environment that the rock of Mount Hope presents to building houses. But it's something that turns out to be a great advantage to people there, I think, in terms of the beauty of the place and something that makes it very appealing, and has a lot to do with property values. Indeed, I think real estate marketers often refer to the amount of greenspace that is in that neighborhood as a very attractive part of it.

What we have, I think, at 9 Jefferson Avenue is an attempt to get around the very challenging and forbidding physical problems presented by that hillside. And the reason probably it hasn't been developed more than it has up until now. I think if you ... and many of you probably have gone to that neighborhood and to that intersection. It's very beautiful now.

There's a broad expanse of lawn, there are other broad lawns on that corner, and it's a very beautiful spot. I think what's being proposed is going to put houses into, I'd say, a contorted fashion and jammed into that area in a way that's going to be very homely. It's not going to benefit, certainly, our values, property values on Jefferson. And I don't think it's going to benefit the property values in other parts of that intersection or that neighborhood. I think it's going to detract from it. I think that's a very important consideration as you look at what's being proposed.

I hope that you will reject the idea of having three houses on this property, and I think that's the consensus of my neighbors. We had a meeting Sunday to discuss this. I think people agree that some expansion of the current dwelling that's reasonable would be the best way and the most attractive way for that property to go. I'm not a real estate agent, but I have over the course of my life sold and purchased properties. I think if the house were expanded modestly, and if the property as it stands now were marketed as a single dwelling piece of property, the people may get almost the same amount as they would otherwise because of the potential of that land.

I just want to say also that – speaking for myself and, I think, other people here – it's not only a matter of self-interest that brings people here. I think we all feel a certain solidarity with each other in that neighborhood, regardless of whether our property abuts that property. I think the Mount Hope community generally feels in solidarity with each other and really views a threat to some as a threat to all. So I hope you'll take the beauty of the area and, I guess, the gift of nature very seriously when you make your decision about this.

Thank you.

Brenda Maglich, 30 Rosedale Avenue: I have a question for the Board and for the investor. It seems, from the proposal, that the investor – with large driveways in an area that does not have large driveways, proposing three lots on an area that is one lot right now – is a person that is coming into the town to invest. I would like to know from the investor if he plans on occupying any one of the three proposed houses.

Chairman Cameron: Ma'am, that's not really relevant.

Village Attorney Whitehead: It's not relevant, and he does not have to answer.

Ms. Maglich: OK. So we might assume that he is not planning on occupying any one of these homes, and that he is planning on perhaps – if he cannot sell these homes – renting them, or perhaps turning it into a small condominium situation. We need to know what that area is zoned for exactly.

Village Attorney Whitehead: It's zoned for single-family homes.

Ms. Maglich: And so does it fall under the multi ... I don't have the exact terminology.

Chairman Cameron: It doesn't.

Village Attorney Whitehead: It's zoned for single-family.

Ms. Maglich: So it's for single-family homes.

Chairman Cameron: But you could rent them.

Village Attorney Whitehead: You could rent it.

Chairman Cameron: Rent them or own them.

Ms. Maglich: Right. We live below, Sarah and Dan said, perhaps an 85-foot cliff. I think – to our investor – it's a 100-foot cliff with rocks, sheer rocks. The rocks have not come down from that cliff in decades because there is not enough coldness behind the rocks to freeze them to have them fall off, thanks to global warming. There is only one other way the rocks can come off: if they are blasted. In order to build three properties up on that piece of land the rock that sits up there will have to be blasted. Rocks will then come down behind 30 Rosedale, Hamilton and up Hamilton into Maria Wood's property. You will have runoff that that video will make seem like it's a little child video.

This is a serious proposal of building on a piece of property that is not designed for three lots. It is designed for one, the one that exists. Perhaps it can have a small extension. We have, as a community, some say in the kind of environment that we have chosen to buy into. We did not choose to buy into an area that is bought into by developers and investors that are creating lots that are going to be sold or rented or turned into condominiums in a small section that is a one-way street, overlooking a 100-foot drop with runoff issues already in existence. It is not an area for this kind of development. And a person who is not even intending on being part of our school system, part of our ambulance and volunteer fire department ... this is a person who's going to come in and leave.

Chairman Cameron: Ma'am, thank you.

Ms. Maglich: Thank you, that's it.

Dr. Paula Panzer, 47 Jefferson Avenue: I'm six houses away from this proposed subdivision area. So far, people have talked about safety issues with regard to water and water flow, with regard to rocks and rocks falling, with regard to financial areas. I want to talk about what it's like living on the one-way street and, at this corner here, what the visibility issues will mean to have three driveways in an area where this bends. It's actually hard to see cars coming out of the one driveway that exists in a one-way street that's mentioned, with street parking along the left, which is permitted, and cars moving way below the speed limit – for those of us who live there know it – are above the speed limit in an unsafe manner for those who are visiting. It's impossible to see cars coming out of that driveway, there are a lot of young children on the street, and it's hard to imagine how any additional driveway can be put into this area in any safe manner. If a second or third driveway can't be put in, then a subdivision is not possible.

So I ask you to consider it's like a candy cane and this is the tip, and it's along the bend. To the right is an area that's a one-way street that actually doesn't have the full turnaround. We have flow problems already. And on this one-way street, about once a week people drive the wrong direction. So we already have considerations about misuse of the road, and this just worsens this for those of us who live there and walk there and for children who play.

Thank you for taking this into consideration.

Joe Siegel, 35 Hamilton Avenue: I'm just a few houses up Hamilton and across the street from the houses that will be most affected by the development. I'm here to oppose the development. And I want to talk about water and flooding. You heard about how bad the flooding can be on Nichols and at the bottom of Hamilton. Well, we already have torrents of water coming down Hamilton in extreme rainfall events, coming down the whole street. I'm on the downhill side of the street and there's quite a nice heavy little river coming down. That joins up with all that flooding that's at the bottom of the hill where Hamilton meets Rosedale.

I've gone to look at the storm drain at the bottom of Hamilton in some of those events, and instead of accepting water that drain is bubbling out water. That water then backs up and it goes to the storm drain that's right at the top of my driveway, which is overwhelmed as well. My driveway is a steep slope down to my house. The only thing between the torrent of water and my house is that storm drain. So I now put sandbags at the top of my driveway during the worst storm events. Who knows just how far up the hill this problem will increase if we have development as proposed.

I want to mention this in the context of climate change. The U.S. Global Change Research program every few years puts out a report called the National Climate Assessment, which

brings together the most notable climate scientists in the country. In that report that was just issued in 2014, the report indicates very clearly, with quite a lot of confidence, that over the last 40 years – this is not a projection, this is a reality – in our part of the country, in the Northeast, we've had a 71 percent increase in extreme rainfall events in the 40-year period. That's extreme rainfall events meaning the top 1 percent of the heaviest rainfalls, 71 percent increase. The New York State attorney general's office, to bring it a little closer to home, issued a report in September of 2014 called Current and Future Trends in Extreme Rainfall Across New York State. In that report, relying upon the national climate assessment, they have indicated a projection of the 200- to 300 percent increase in extreme rainfall events by the end of this century. In particular, they call upon communities and, specifically, architects, civil engineers and building co-developers to incorporate these climate trends into their planning.

So I urge you to consider the state of the climate and the projections, and consider that when you're looking at the current situation that exists you saw the video of. And it's only going to get worse. Thank you very much.

Ms. Cox: Just one more procedural question. Before the next hearing, will the adjoiners (ph) or the adjacent neighbors be receiving notification by certified mail again?

Village Attorney Whitehead: Did you notice steep slopes?

Dep. Bldg. Inspector Minozzi: We didn't notice steep slopes. No, we did not.

Village Attorney Whitehead: Because, actually, this was not noticed as a steep slopes hearing, we will be adding that to the hearing notice. So there likely will be another notice going out. But you can always see agendas online on the Village's website. If you're on the Village's e-mail blast list the agendas get blasted out. And you can always call the Building Department and inquire.

Ms. Cox: So the next meeting will be a steep slopes ...

Village Attorney Whitehead: No, it'll be the same continued discussion, but it will be noticed also as the public hearing for subdivision approval and steep slopes permit approval. OK?

Ms. Cox: OK, thank you.

Boardmember Sullivan: You just noticed the meeting once, correct?

Village Attorney Whitehead: It only got noticed for subdivision. The steep slopes was not noticed.

Boardmember Sullivan: I just want to clarify. You just noticed the public meeting once.

Village Attorney Whitehead: The public hearing, correct.

Boardmember Sullivan: The public hearing once. Then you need to start tracking it yourself.

Village Attorney Whitehead: Correct, because it's a continuation. Each subsequent meeting ... the only reason we need to do another notice here is because we need to do a notice for steep slopes. But typically, once a public hearing is noticed and opened, and continued, new notices do not go out. It's considered a continued public hearing.

Chairman Cameron: But you'll see it's either in the agenda or is not in the agenda for the next Planning Board meeting, which comes out about 10 days to two weeks before the meeting date, which is the third Thursday in every month. But we're not going to bring this one back to the third Thursday in August, so you probably won't see it 'til the third Thursday in September.

Village Attorney Whitehead: A couple of things for the applicant on the EAF. It does list the Department of Health approvals required for the subdivision. If you could add that, and if you could provide us with a new copy that does not have the part two filled in.

Mr. Gottlieb: [Off-mic].

Village Attorney Whitehead: Because we need to circulate it. We don't want to circulate it with the part two filled in.

Mr. Gottlieb: No problem.

Boardmember Ambrozek: And also on that, in question 17, on the one hand you do say there will be a stormwater discharge. You tick that as "yes." But in the following two questions (a) and (b) you tick both of them "no." You do not address how you're going to deal with that stormwater.

Dep. Bldg. Inspector Minozzi: What number question is that?

Boardmember Bass: Seventeen.

Village Attorney Whitehead: We obviously need stormwater management plans from you. Under the current plan, it requires a full SWPPP under the Village's code and some information on how much rock removal you anticipate and how ...

Mr. Staudohar: All right, just to reiterate, we submitted a set of plans that were very preliminary in nature. And we thank the Board and the public for their comments. We will go back and do what we normally do. We will provide the information. My understanding, you're going to adjourn this or re-notice this for September. But in light of the fact that there's a lot of things going on, we may not have all that stuff in to you by that deadline for the September meeting.

Chairman Cameron: Then we won't have you in September. Because all we're going to do is, we're going to take the engineer's report when you get it, we're going to have you establish a fund for us.

Mr. Staudohar: For escrow account.

Chairman Cameron: We're going to send it over to our engineer.

Mr. Staudohar: Right.

Chairman Cameron: We want our engineer to come back with the information in time for us to study and all these other people to see it before we have our next meeting with you.

Mr. Staudohar: Right.

Village Attorney Whitehead: So it may not be September.

Mr. Gottlieb: We'll coordinate that with yourself and staff. I think Keith pointed out, we know we have a lot of homework to do.

Chairman Cameron: And you could do some work on your rear yard lines and things like that, too.

Mr. Gottlieb: We'll clarify all those zoning lot-line-drawing issues that your Board raised up front with the Building Department, as well.

Boardmember Sullivan: I think another one that I made note of was the length of the side yard issue that we've run across; if a side yard's greater than 50 feet it starts increasing ...

Chairman Cameron: That's right.

Boardmember Sullivan: ... and we have some very long side yards. So that's something you should look into.

Village Attorney Whitehead: Does it apply in single-family?

Dep. Bldg. Inspector Minozzi: I have to look into it.

Mr. Gottlieb: What was the question?

Village Attorney Whitehead: Also I think one of the long ones, we just made a rear yard (inaudible). Yeah, there's a provision in the code that says if a side yard is in excess of 50 feet in length that it has to be increased beyond that point. So just take a look at the code.

Mr. Gottlieb: OK.

Boardmember Sullivan: We heard a lot about the concerns about this being built near a quarry, an old quarry, one that hasn't been active. I think your engineers should address that very directly for the community.

Mr. Gottlieb: Yep, absolutely. We agree. All the blasting comments, we will address those questions.

Village Attorney Whitehead: Yeah, rock and stormwater, and some layout issues.

Mr. Gottlieb: Site distance coming out of the driveway.

Village Attorney Whitehead: Yes, please.

Boardmember Ambrozek: The quarry wall actually slopes in a negative direction, and there are loose boulders at the top, above that. So all of that has to be addressed.

Boardmember O'Reilly: Also, given the amount of rock in the area and on this property – I think the question raised about that rock ledge, the large one to the right that goes down to behind, I think, 2 or 4 Nichols Drive, a very large rock ledge – to me, I would be wanting to ask is, it seems to me it would have to be part of the quarry wall. And it's not just a simple piece of rock sitting on the surface. I don't know if it's a geological survey or an engineering survey, but the amount of rock in that neighborhood is quite remarkable.

Chairman Cameron: In seeing all the ledge rock, which I brought up earlier – particularly on lots 2 and lot 3 – the real question is how can you possibly find a way to restrain the water on the site with all that rock formation at the surface.

Mr. Gottlieb: Yep.

Boardmember Bass: I may be redundant, but the first step is to have a complying subdivision plot plan.

Mr. Gottlieb: Correct.

Boardmember Bass: Secondly, to address the runoff and potential mitigation, rock excavation method and traffic. And since the Village storm drain seems to be overtaxed, that should be part of your analysis. And a geotech should be part of your engineering.

Mr. Gottlieb: Yep, I had that already.

Boardmember Ambrozek: Yes. Richard, in regard to the geotech, I would expect that there would be soil depth measurements to determine how much below the existing surface, at what depths, the ledge rock continues underground.

Boardmember Bass: That should keep you busy for a few months.

Mr. Gottlieb: Keep *him* busy for a few months.

It sounds like your board is familiar with the site, with the area. When in the process does your board want, need, feel to come out for a site visit?

Chairman Cameron: Well, I was there yesterday.

Mr. Gottlieb: Like I said, it certainly sounds like you're familiar. So it may not be necessary, but I wanted to suggest if anyone hasn't been out there and wants to make arrangements with us we're happy to do it as a full board, individually. Just let us know.

Boardmember O'Reilly: I'm not going to climb down the rock ledge.

Boardmember Ambrozek: I think we've been able to see it from the public streets.

Mr. Gottlieb: Yeah, good enough.

Boardmember Sullivan: For now ...

Mr. Gottlieb: For now you have enough.

Chairman Cameron: Yeah. Well, we are going to come out and look at it and see how much depth of soil you have on the site and where the rock ledges end, or whether they just don't end and go right to the edge of the cliff. Those will be questions we'll be looking at.

Mr. Gottlieb: You'll be out there after you receive the additional information.

Boardmember Sullivan: I really want to visit the quarry, to be honest with you.

Chairman Cameron: Well, you have to do this from Rosedale. There's a lady here who will show you.

Boardmember Sullivan: Thank you, thank you.

Dep. Bldg. Inspector Minozzi: Yes, the Board can just let me know and I'll contact the applicant.

Village Attorney Whitehead: Right, if anybody wants to go on the site.

Dep. Bldg. Inspector Minozzi: Just like we've done in the past.

Boardmember Sullivan: Thank you.

Mr. Maglich: Just as these things are being submitted, what's the mechanism for us to know about that and then get a chance to look at them? Or does it all kind of happen at the next hearing? Do they kind of trickle in?

Dep. Bldg. Inspector Minozzi: It's an unusual request, but I think we can probably put them online earlier because we have a substantial amount of time to the next meeting. So we'll try to get them out there earlier.

Mr. Maglich: OK, so our job is just to kind of watch the site every once in awhile for the Planning Board site, right, where this agenda was?

Chairman Cameron: Right.

Mr. Maglich: OK, thank you.

Chairman Cameron: You have to come up. We have to know who you are, even though we recognize you.

Mr. Maturn: I just wanted to ask, in your engineering study will there be any kind of seismic examinations of the fissures, the depth of them? The stability can be somehow measured. Because the way it's being described it's more like we're going to look and see what the depth of the soil is and that kind of thing. But I think that is a huge formation there that deserves study. I mean, we can look across the river and see a formation that gave way. The potential for that, with this, I think is very important to understand even if nothing were done to it.

Chairman Cameron: We'll ask our engineer when he gets the report what he thinks, then we'll be guided, in part, by him. And I'm sure we'll be talking to you again.

Mr. Maturn: Thank you.

Mr. Fewell: The rock face calved off before the Maglichs bought 30 Rosedale, when Gene Friedman lived there. A large piece of the rock spontaneously came off after one spring.

Chairman Cameron: Thank you, Chuck.

Mr. Janeway: I have two letters from residents that could not be here tonight.

Chairman Cameron: Sure, please submit them.

Well, thank you all. Not all of you have to leave. You know, we have another agenda item. Thank you very much for coming out. We're going to have a couple-minute break while these people circulate.

IV. NEW BUSINESS - None

V. OLD PUBLIC HEARINGS

- 1. 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.

Charles Gottlieb, lawyer - Cuddy & Feder: Good evening. I just quickly wanted to introduce myself because I think I'm a bit of a new face before this board. I'm here on behalf of the applicant, CCI Properties. Christina needs no introduction. I'm going to hand it over to her shortly so she can go over the supplemental submission she provided to the Board. Once she's concluded, I was hoping to have a discussion with the Board about some procedural issues. You know, we're looking to wrap this up with SEQRA as far as SEQRA's concerned and make our way to the Zoning Board of Appeals for the variances that are needed.

With that said, I'll hand it over to Christina. Thank you.

Christina Griffin, architect for applicant: OK, tonight we're back to go over some additional materials that we submitted. In my cover letter, I gave you a summary of our comments in response to the last Planning Board meeting. I also gave you the summary of the comments we provided at the last meeting, which was in May. We needed a little time, which is why we didn't come back for the June meeting, so we could get the letter from the arborist and a few other items that I have on this list. Since that meeting, we had poles and strings put up to try to simulate the top of the building, and hope you all had a chance to go out there and see that. We also provided the EAF statement that was corrected and completed, dated July 1. We also submitted a traffic study by JMC Site Development Consultants.

We submitted a letter from a landscape architect to indicate the trees would need about 15 feet from the tree trunks to the building to be protected from construction, and our site plans show a distance of greater than that. We have a distance of about 17 feet from the property line to the nearest point at the angular porch. We also changed the site plan so we would have a central staircase now. We had that previously – we put that back on the drawings. We all agreed that the central stair will help pedestrian access and also the flow down at the train station to the site. This staircase is lined up with steps that actually go down to an entrance into the garage. It's just easier flow through the building. Someone could either come down into that garage, or if they parked they can go up through the central steps and onto the common walkway or even all the way out and down the street.

The other change to our site plan is the table of zoning data. We recalculated the site development coverage. We're now at 40 percent; we were at 39. That's because of the stairs we added.

I also wanted to show you the next slide, and I'd like to hand out these drawings because we got a comment just yesterday or day before to show graphically the open space for the units. That's the next slide. I don't know if we discussed this before, but I'm going to just describe how we are meeting the zoning regulations for open space. For the existing building, we're required to have 1,800 square feet. That's because we need 200 square feet per bedroom. Each unit has three or four bedrooms. There's one little room so we decided we would say each one has four, times two is eight, times 200 is 1,600 square feet is required. We actually have an open space area here that we plan to give to each unit that's 2,135 square feet. For the townhouses, we're required to have 2,800 square feet. And that's because if you add up all the bedrooms that's 14 times 200; we need 2,800, and we're providing 5,628. That's for the individual units. We are also providing a common space, and that's the dark-green area that you see here. That is 7,800 square feet. So we're way over the minimum that's required by the zoning code.

We also simply improved the graphics for our density studies. This is something we reviewed last time, I think. This is actually the same slide we showed before, indicating that we have an average, of the 24 properties we studied – not including the Cropsey estate – of 41 percent. Our proposed site development coverage is at 40 percent. This is something I had shown the Board in May, but we just simply added some color. Once we did the study of the neighborhood, then we looked at the lot area per unit. Of lots that have similar square footage – for example, our lot's 26,126 square feet, this grouping of buildings is a lot of 9,000; this one's 30,000; this one's 25,000 – we just did a comparison to get a feeling for what's the density or what is the lot area per unit. You can see that next to us we have 1,000 square feet lot area per unit – 2,362. And we have, in this grouping of seven groups, the highest lot area per unit. The requirement for the MR-1.5 zone is 1,500 square feet per unit, so we're more than double the amount of area that's required per unit.

A lot of the other items that we discussed at the previous meetings had to do with the view analysis. We actually added one more view. I had visited 15 William Street and, at the last meeting, I had a view of the first floor looking out the apartment on the first floor. This is before, this is after, using a SketchUp massing study of the proposed townhouses. Then I went back and went into the upper floor, on the second floor above this ... I'm sorry, I'm going to get to that in a minute. This is the floor ... let me see, the order's not right. We added an additional view, which is on the second floor looking down. This is before and this is after. The owner of the building specifically asked me to make sure I took a look at that. As you can see, on the second floor you're actually looking down at the property. But on the first floor, you're looking more ... this is at the first – we're looking more into the buildings. I just want to point out that you can just about see the line of the evergreen trees we're keeping here, and the building is pretty much in line with that. All the other views we had provided before, and had discussed before.

This is the additional information that we provided for you. We would like to know if you have any other comments, and if you've been to the site and taken a look at the mockup that we provided. Do you have any questions?

Chairman Cameron: At our last meeting I asked whether you were going to provide us with a planting plan for this. In particular, these views from the back show you what your buildings look like from the back. Also, we have a row of trees running across the front which you are evidently going to keep but are really, in my view, critical to the visual of your buildings in our street on Warburton. I'm hoping you'll come up with a planting plan that you can show to us and we can include in our approved things because we'd like you to keep the trees in front of the buildings. I understand you're taking a bunch out to thin them out, but I think it's a good idea. I have the same problem with my hemlocks you have with yours. But it would be nice to see the planting plan. You did have one, and I have it here. But it's a little long in the tooth; it's 3-19-2015.

Ms. Griffin: I'll explain. That's because we did have an arborist go out there and tag the trees. We haven't had a chance to take readings and find out which ones he recommends thinning out. Also, since then we had a few other trees located. These are really significant. So yes, we can do that and will do that, submit a ...

Chairman Cameron: It would be useful on the backside, too. Now you seem to have put up fences indicating ... are those fences for each private lot back there? I anticipated them, but anyway if that's what they are. Or is it just to show how much plan there is?

Ms. Griffin: You know, I think these fences shouldn't just be straight ...

Chairman Cameron: I agree.

Ms. Griffin: ... and matching materials, necessarily. I thought perhaps we could have some fencing buried in hedges, or a combination of hedges and fences.

Chairman Cameron: But I think it would be nice to have some sort of foliage across your back line. Because people on the ground floor will just be looking at this huge building. I know it's not view preservation, but it's site plan.

Ms. Griffin: Yeah, and a lot of this is really wild and is going to have to be trimmed or re-landscaped.

Boardmember Bass: I actually have a question about the fences because that's a new element. What pops in the mind are the backyards of the townhouses in East Harlem that one can see from the Metro-North station. They're little postage stamps and you can't really get a lawnmower or anything into them so they become kind of these strange leftover spaces that are defined as "my space," but it's not really a great usable space. So I'm not enamored with fences in this type of setting.

Chairman Cameron: It could really become a coverage issue when they all get paved over.

Ms. Griffin: We haven't actually shown any fencing 'til now because we're very hesitant. We haven't decided how to handle that. You know, there's two families here and they share that open space. So we're not even sure if it's necessary.

Boardmember Bass: So my question – when you come back with a landscaping plan – to come back with either no fences or some other usable common open space for the area. Because the beauty of this concept is the townhouses in a row, sharing open space. And subdividing my little space kind of negates that.

Ms. Griffin: We'll put some thought into that.

Boardmember Bass: Thank you.

Boardmember Ambrozek: I had the same reaction as Richard when I saw the fences in this drawing. I had, up 'til now, certainly been expecting all of those different shades of green to be all open, common area.

Boardmember Bass: Then I'm going to confess something. I understand your analysis on all the lot coverage and comparing it to the neighborhood. I'm going back and forth in a self-debate. There is a side of you that thinks it's excessive lot coverage that the southern-most townhouse could be removed so there'd be greater side yard to the existing two-story residence. Then I argue with myself I'm OK with the site plan.

Also, the height of the building ... you know, your drawings show a better visual in terms of the impact to the view preservation. The pitched roof, also, I'm torn about. On one hand, I understand having the pitched roof gives an attic space that's usable. But on the other hand, having the pitched roof as a design that you can't see from Washington because of the trees, why have the pitched roof. If it's a flatter roof, then it ensures better view preservation.

I'm telling you my issues and my own debate. I don't have an answer so I'm kind of throwing the ball to my fellow Boardmembers to see what they think.

Boardmember Sullivan: I'd like to, if I could, pick up from that, Richard. Christina, thank you for all your help. I know you answered a lot of questions that I have given to you through Buddy, and I thank Buddy also for that. I sent something around to everyone this afternoon, and I have a few copies which I'd like to share. I don't know if you guys have it.

Boardmember O'Reilly: Oh, a density study. Yes, I did, but I'll still take them.

Boardmember Sullivan: I, like you, Richard, have struggled quite a bit with the density issue. I had a couple of shots at this and I tried to pull it all together today in a coherent form just to try to give you my concerns. To step back, this is a ... I sort of look at the building code – and I'm just going to say the zoning code – as the guideline from the community about how they want these lots to be developed. And that we need to understand what their intention is. The MR-1.5 zone is a very complicated one because it covers buildings that are 50-foot by 100 lots, to Cropsey, to some of the bigger multi-family apartment houses we have. So it's difficult to understand it. I appreciate what Christina has done in looking at the local area around the site. But what I did in the density study is to attempt to look at the whole zone, the whole MR zone this in.

So what you folks have is just a little reminder of all the different iterations we've gone through with this particular project. On page six you'll see the analysis that I did of the MR-1.5 zone. This is looking at taking just the footprint data from the Greenburgh GIS site and also the lot area from them. I have not included any of the coverage from parking lots or any of that kind of stuff. It's just out of my capabilities at this point to use Google Earth to go into every site. This is a volunteer position, you know.

This identifies, using the same color gradation system. So the density's in this zone. The gray areas are areas that I couldn't get any building data on. Usually, the property card has one or two different cards. Without making a call or going down you're not necessarily able to get those. That's what the gray is, and I have an arrow pointing at the site. The next sheet, on page seven, what I did is I took a look at each of the properties using the lot area and the building square footage and calculated the coverage. The first, on the left-hand side, what you'll see is the properties sorted by coverage. You can sort of get a sense of ... at the top, the dark green are the ones that are under 15 percent. And the next, light-green, are the ones that are 15 to 20, 20 to 25, 25 to 30, 35 to 40, and over 35. What you'll see is, I took a look at what the average is in this zone. This was very interesting. I took out of the overall area the ones that I didn't know. They include some of the bigger properties. There's some very large sites that are part of this zone. You go from lots that are 2,600 up to almost 171,000. The average in the zone is about 15 percent. If you take out the Cropsey, the coverage is about 19 percent.

That's interesting. I mean, we're not far off the 15 percent coverage when you look at this. Like I said, this is taking the small lots on Washington up to things like Cropsey and considering it. The next spread sheet, what I did – and this, I thought, was very interesting actually – is, I sorted it by lot size. What you can see is, the reds and yellows, the colors that indicate the highest lot coverage, are on the smallest lots. So the highest coverage is in the smallest lots in the zone. When we get down to Washington, which is actually this ... 32-34 Washington is actually one of the bigger lots in this zone, which is interesting. When you look at sort of the area, the lots that are around it, you can see many of them are under 15 percent, maybe over 20 percent, being 20 and 25. One is over 25 percent. That just gives you a sense of what might be sort of the density you can look at for some of the lots that are similar size.

Next, on sheet eight, what I did is added in the proposal and the square footage that's being requested. The applicant had shown that it's 28.47 percent. I'm not looking at the sidewalks or the parking lots ...

Ms. Griffin: I was going to point that out to you because ...

Boardmember Sullivan: ... at this point. But what it does do is, it does sort of give you a sense that especially when you sort things by size the percentage of 28 percent seems to be high, given the density of the other lots that are similar to it.

The next sheet, on sheet nine, is looking at different options for potential coverage choices for this particular lot. What I did, there's a spread sheet down in the corner. I took a look at the existing, which is at the bottom when it says [2(e)], what the building footprint is. Again, this is the existing building itself and what its coverage is; then looking at the proposal, which is two existing units and five new. And then looking at some of the options when you start ... as Richard was starting to consider, or one of the things he wonders about: what if we start taking away a unit, what might happen to the coverage. I'd like to come back to that.

The last ones are my stab at doing the figure ground analysis, which I tried to indicate, showing the zone just so we can be clear what lots are in the same zone and not get confused with the things that have another density or another coverage requirement. The first one just shows the lot, which is in blue, and the existing building. The next one shows approximately ... this is really what's being proposed. Then like I've shown in the past, something that's maybe a little bit smaller with a scale more appropriate for this neighborhood.

One of the concerns I have, and I know this personally from someone who is a property owner in MR-1.5, is the density that we ... if we allow an increase in density in this lot we

may expect to find other applicants coming in looking for that same density. I think we need to be cautious about what, and how, we choose to approach that question. We're seeing a lot of development in the Warburton area. As you know, we've had two properties come to us and maybe a third, and all of them are looking for density increases of some type.

Village Attorney Whitehead: I'm sorry, could I just clarify? It's not density, it's coverage.

Boardmember Sullivan: Thank you.

Village Attorney Whitehead: I want to make sure the record is ... the density complies, it's the coverage.

Boardmember Sullivan: Thank you, Linda.

Village Attorney Whitehead: I'm sorry.

Boardmember Sullivan: No, you're the lawyer. So you need to keep me straight. So thank you.

Village Attorney Whitehead: The wording is important.

Boardmember Sullivan: Anyways, that's the underlying point of my concern with this issue and why I've come back to it at every meeting that we've had. I wanted just to share this with you folks for a discussion. I put a lot of time into it, and I hope it's helpful, I hope it's of some value.

Chairman Cameron: Anybody have any comments on that?

Boardmember Ambrozek: I have had, always, concerns about lot coverage. But just as a minor point – because I've mentioned it previously in the Environmental Assessment Form on page 11, item D-2(h), which is surface water features – I've previously questioned why you say there are ... "*do any wetlands or other bodies adjoin the site?*" and you've said "yes." I've previously questioned as to why you're saying yes. Further down, where if you do say yes you're supposed to list the name of the stream, lake, ponds or wetland, there's nothing listed there.

Ms. Griffin: I'm afraid I'm not the author of that.

Boardmember Ambrozek: I'm just trying to bring it to your attention.

Ms. Griffin: That's with the engineers, and I thought they had corrected that because that doesn't make sense. I'll have to go back to them.

But I have some comments about the coverage. The reason why we put some color on this is because I didn't know, I thought it might have been difficult to see. It shows we have 3,752 square feet per unit, and we're required to 1,500 square feet. That's the density that Linda's talking about so we need the code for that. On each of these groupings of lots – of properties that add up to a similar amount of lot area – is the lot that we're proposing, the townhouses. We compared building coverage and development coverage. It's important to make a distinction. Because with building you can take ... it's actually easier to get that information off the property cards because you can see the shape of the building and size of the building, and you have the lot area. You can divide the building by the lot area, but to get the development coverage you actually have to look at the GIS maps and approximate the size of the walks and the driveways.

This property has only 25 percent building coverage but, of course, we're up to 40 percent because of the all the driveways, especially the new larger driveway we're adding to the two-family house and all the walks. If you look at just building coverage you get a percentage of 32 percent for this grouping, 26 percent for that grouping, 31 percent here, 48 percent. You get higher building coverage when you're on Warburton Avenue. And over here, on the other corner, we have 50 percent. And then on this corner we have 25 percent. Then when you go to development coverage, you get much higher numbers; so you have 40-, 56 percent, 52-, 46-. That is more of an approximation than the building coverage.

Boardmember Sullivan: I appreciate the effort that went into that. I had asked, and at some point would be very interested in seeing, how you came up with these calculations. Because like I mentioned, I have tried to verify them myself and have not been able to. So I'd appreciate them whenever you feel you can share them.

Chairman Cameron: One of the things we do get out of the newer buildings versus the older buildings is, with the new buildings we have the cars underneath. So we actually have something ... and we get them off the street, which I think is very important. The town made a decision – and I know they didn't change this building for that – that we wanted to have more density downtown. That would make the town survive better than if it had the lighter density it had previously.

I look at this building and, quite frankly, one of the reasons I bring up the planting plans is that I think visual is very important. I look at it, and I say to myself, well, we're getting five townhouses in there and it's fairly protected from visual from the street by the trees and the plantings. The buildings up the hill, some of them, are close together and have greater

density. I know they're smaller buildings, they're mostly smaller buildings up there. Certainly we can't expect to get something like Cropsey, but I think we got a pretty good compromise on this one. I'm actually, for one member of the Planning Board, kind of happy with what we have now. I think if we remove one unit – as I recall – we have some problems with parking in the basement and trying to get all the cars in. Anyway, that's where I come out.

Boardmember Alligood: I'd like to say – just going back to the beginning of this project – we've come a long way. I just really want to acknowledge that. I think the reason you don't have a crowd of neighbors here is because they spoke out loud and clear. None of us were happy, including the public, about the concept of destroying the existing building and taking away its character. The original design really would have obliterated what was there. What we have now preserves that and maintains it, and keeps that character. So I want to acknowledge that is one major reason why I've become much more comfortable with this project.

I think the design of the buildings you have here fit well with the neighborhood. I feel there is enough greenspace around it that I don't feel, as in other iterations, that it's just sort of hovering over the street in a way that would be very intrusive. I think the other big compromise that made me more comfortable is keeping the trees. I feel they are part of that site, as well. That's really important.

So while I share Kathy's concern that we should make sure we don't overdevelop the downtown sites, I think this project seems to be a good vision. I think it's well-designed so I don't have major problems with it. I guess "density" isn't the word.

Boardmember Sullivan: Mass-phalt.

Chairman Cameron: I will say one thing. I agree with Richard on these fences in the back and hiding off the piece. I think that, quite frankly, is a mistake. You want to have a community of people up there. I know everyone likes to have their own little piece and maybe you'll get more money for them with the fences, but I don't think the fence is a good idea. Richard mentioned bushes or something like that, which means pieces.

Ms. Griffin: I agree. I've been reluctant to put that on there, and I did that when I looked hard at the open space and whether you have some dedicated to the units. But I agree: find another way.

Boardmember Bass: It will allow kids to have a catch with a football and a baseball.

Chairman Cameron: Yeah, we want a bicycle trail around the whole thing.

Boardmember O'Reilly: I like throwing the ball over the fence.

Could I have a question of Kathy? If I understand your chart here correctly – page eight, the left side, I forget which one it was – according to that, you've got a coverage for this project of 28.47 percent?

Boardmember Sullivan: Right. What I did is look at just the footprint of the building. That's what the applicant has as the coverage for the building; not the 40 percent.

Boardmember O'Reilly: OK, developed coverage. There's a building coverage here, according to Christina, of 25 percent.

Boardmember Sullivan: If you look at the zoning chart, they identify what the coverage is of the building itself as well as the sidewalks and pavement and that kind of thing, like walls. So I just looked at the building itself. My opinion, looking at some leeway based on coverage because of ... I even mentioned the site plan's improved tremendously, you know. There's much less pavement than we've see in other iterations. I wanted to focus on the bulk, focus on the footprint, and thought that was probably a fair – and in my way easier – way to compare that building as being proposed to the other buildings in the zone itself. That's why it's the number for just the footprint of the building, or the two buildings together.

Boardmember O'Reilly: But it's not excessive.

Boardmember Sullivan: No, it's not crazy. What caught my eye is that when you looked at it in relationship to the other chart, which is on that same page ... but for me, when I look at how ... when it gets grouped by lot size, things start kind of coming out. The higher coverages, even the yellow which is over 20 percent, most of those are grouped on the smaller lots. Which are the very small lots on Washington before the 50 by 100; the ones that I think the 150 square foot unit size works to. There's something so small you can't put a building on it.

When you look at Washington, which I've identified, it's the fifth-largest lot in the zone. I mean, it's a huge lot in comparison to the others. It's got a density over 25 percent, and it makes me wonder if that's an appropriate density for that lot in this particular zone.

Boardmember Ambrozek: It's coverage.

Boardmember Sullivan: Coverage, coverage, coverage.

Mr. Gottlieb: If I could interject for one second, I was just looking at the map and this is something. You know, there's no secret here that we hope to go to the Zoning Board of Appeals and get an area variance for the lot coverage. You know, in looking at this project and looking at all the helpful comments the Planning Board has – and what a terrific job Christina's done in these redesigns – is, it really shows that this property is unique. It has that existing building on the property that we're now preserving and incorporating into the development. It's one of the larger parcels if not the largest parcel in this zone in the downtown area where you would seek to have this type of housing.

This is an issue we're going to bring up with the Zoning Board of Appeals when we go for the variance. One of things we'll be presenting to the Zoning Board is how unique this property is, and actually alleviate the concern of other future applicants coming in the door and seeking this increased coverage. Because this property is so unique that there's case law out there that says you don't have to ... the prior precedent that you would grant here is unique and would not apply to other properties in the area.

Boardmember Sullivan: Well, I agree with you that it's unique. I mean, part of the uniqueness is actually something the traffic analysis really didn't address. Which is the issues of access in and out of this site in the downtown area with the issues of the slope of Washington and also the busyness of Warburton. I was disappointed in the traffic study because of the traffic counts, which I guess, stupidly, I should have expected. Looking at the width of the driveway, particularly into this building, it's only 12 feet. Which from any kind of DOT highway standards it's a one-way driveway. That wasn't addressed. So again, that's not an issue of coverage. But there are concerns involved with this site because of how dense, how much the ... how big the lot coverage is.

Mr. Gottlieb: How much coverage, the density?

Boardmember Sullivan: And I think also, too, one thing I didn't bring up but it's evident in looking at the views from the apartment we all have been in, but this building's 100 feet long. The views from the apartment would be much less impacted if this building wasn't as long, so if it lost a unit or so and became a shorter building and people could see around the building and not so much have their whole view of the river taken away. I think there's a couple other elements. I think the coverage issue is very important. I just felt that this building's been too big from the get-go. So it's a new stance, but view preservation was another issue I saw, as well. And the graphics that were presented in this package proved it to me.

Chairman Cameron: I'm OK on coverage. But one of the things is, as you go in the

driveway of this building there's little stairs going up to the right. Quite candidly, what would make this site just so much more spectacular is if you just had a path going straight up the right-hand side, straight across the backside – you know, that back parking lot – and you're also coming down this side and coming over here. You actually could use and enjoy the site rather than be trapped in little boxes and the only thing they can do is walk down the stairs and go on Warburton. That sort of thing would make the place magical rather than make the place just five or six condos you're selling.

Boardmember Sullivan: The side on the south between the building and the existing retaining wall, I looked at the grading – and this was something that Christina was very helpful because she had some plans ...

Chairman Cameron: It's fairly steep.

Boardmember Sullivan: It actually undermines the wall. I mean, typically you'll see the grades that are at a wall be met by the new grades. In this case, the grades actually are all pushed back so there's like 2 to 3 feet worth of excavation going along. And that wall is gigantic. I mean, I went and looked at it. So my kind of question is, what's the intention? The other plans were more respectful of the grading at that particular point. So I'm not really that ... I mean, that's kind of a question, an engineering question, like what exactly is going on. Things get very squirrely down towards the driveway. I think it was elevation 86 at the corner, but then there's 84 going on here.

I tried to trace these things, and for the life of my I couldn't quite figure it out. So, Jamie, to you point about the pathway I'm not too sure ... I think they'll be climbing the hill.

Chairman Cameron: Well, no: 86, 88, 90. I can climb that kind of hill, 90.

Ms. Griffin: I think this is pretty gentle. This is an old retaining wall that seems to be ... it's pretty low. And then at some point we have that old foundation wall.

Boardmember Sullivan: Yeah, but you're undermining both of them. When you look at the elevations and how they hit, there are places where they're not meeting at the property line. That's one thing I look for in every project because just the one thing you do for the neighbor is make sure someone isn't trying to do something squirrely at the property line.

Ms. Griffin: Grades should meet the original point at the property line.

Boardmember Sullivan: They should, and that would be something someone should take a look at. I think I brought it up a couple meetings ago when you were here. But I'm very

concerned about that.

Boardmember Bass: Can we go to drawing A-11 on your screen? That's the one that took me towards less coverage. The distance, just visually, between the southern edge of the proposed building and the property line just seems to be too tight visually. I'm sorry that I am penulating (ph) before you, but this one argued in favor of less coverage because of that distance.

Chairman Cameron: Well, that's principally because the building on the next lot is on the lot line.

Boardmember Bass: Right.

Village Attorney Whitehead: You get punished for the existing nonconformity.

Ms. Griffin: And I think Jamie mentioned before that he knows the one reason why the building is this length is because it fits the amount of parking that we need. And this one unit is a little wider than it needs to be, the two-bedroom, just so we can cover the cars and bury them. I wanted to get as much greenspace as possible. But one reason why the building is located here, well, we meet the side yard setback. But it's also to get that greenspace between the original building and the new building.

Boardmember Sullivan: I hate to have parking, covering parking, determine that. I understand there are ways around it. I think it's an ancillary issue, but it shouldn't be the driving issue in a decision like this.

Boardmember Ambrozek: Well, I wanted to support what Eva said in how you have addressed, in the design of the buildings, the view preservation issues and comments from many of the other neighbors. Regarding the use of peaked roofs as opposed to flat roofs, I've previously said I prefer that. I think as you walk along in front of it you will be able to see through the trees. And having that kind of roof will make it blend in more with the neighborhood going up Washington Avenue where most of the houses also have pitched roofs. I think the gables in the pitched roof are also very attractive.

Boardmember O'Reilly: I'd agree with that. I think pitched roofs are much more attractive, even in this neighborhood. But as we've said from the start of this project to now, certainly a lot of adjustments have been made which I think are quite agreeable. I'm glad for the set of front steps back here, which I think is at least in my drawing, on Warburton Avenue. The fences: I think it's agreed the fences at the back dividing the properties would be a mistake, might sort of detract from what you've done in front; as long as maybe there were some short

fences or something out there, but still greenspace along the rest of it.

The coverage issue, I know Kathy's got this here but there doesn't seem to be – in my mind, from what I understand, from what has been described – that it is a major drawback to what's being designed here, given the size of the lot.

Boardmember Sullivan: I'm just going to ask if you could look at A-10, Christina. This was the second floor.

Ms. Griffin: This was the first floor.

Boardmember O'Reilly: There is an impact on the view from the first floor, definitely.

Ms. Griffin: It's the second floor.

Chairman Cameron: That's why I wanted trees in the backyard.

Boardmember Sullivan: This was the level we felt would be the most impacted.

Boardmember O'Reilly: Yeah, the first floor.

Boardmember Sullivan: Because Richard just went to A-11. I'm sorry to interrupt you, but I just wanted to point it out just as another visual of why this building might be too long.

Mr. Gottlieb: I also think it's important to go back to the site plan standards that are in the code. It says that there shall be no material adverse *effect*. So certainly, as you're going to develop a piece of property there's going to be *affect*. The question is, is it going to be a material adverse *effect*. As you're looking at these pictures, that's the standard, that's the question you have to keep in mind.

Boardmember Sullivan: What do you mean by that?

Mr. Gottlieb: No matter what happens on the property there's going to be an *affect*. The question is, it has to be a material adverse *effect*. As you're looking at this, of course you're going to see a picture. There is a new development on the property, so certainly you're going to see something there.

Boardmember Sullivan: But your applicant is asking for an increase over what the zoning code has in place for this property. So there's an effect right there.

Boardmember Bass: And if you use your own argument, removing this and making that a flat roof, it removes the *effect* of this development. I'm not sure your argument helps your cause.

Mr. Gottlieb: Well, understood, and I respectfully disagree. And from what I'm hearing, the consensus is that we have a consensus on the design. We are now at our third public hearing, we've gone through several iterations of this project. I'm hearing that the pitched roof is more in tune with the neighborhood. I think we're at a point now that this is the design of the project, and we'd like to see this process move forward.

Chairman Cameron: I see there's a couple members of the public here. Would either of you like to make a comment?

Greg Hall, 15 William Street: I'm one of the property owners at 15 William Street. Thanks for putting together the graphics, in particular this frame and the other one. We had a visit the other day with three of the Boardmembers, and we enjoyed these views out the window. I've seen the orange tags you put up, what appeared to be some sort of markers indicating the roof heights. To be perfectly honest, I found them a little random. I had anticipated seeing something not unlike a goal post with a taut piece of wire or something. Rather, to my observation, what I believe I've seen – I didn't really study it – but when I was at the property I saw two posts with a kind of straggly piece of dayglow orange tape literally kind of blowing in the breeze. I don't know how that ... I didn't quite understand how that was indicating the roof heights.

Sorry, I'll direct my comment to the Board. I didn't understand how that was indicating the roof heights for the buildings. I guess I still wonder, because if my memory serves me the design has, in fact, been altered, reducing the roof height by as much as possibly 3 feet which I think has made a measurable improvement on the lines. Because now the attic area is, in fact, not a livable space but a storage space, I still wonder if you could just bring down the roof heights a little more and if that would not negatively impact your design. I know a lot of hard work has been put into this project, and is that going to make your design weird if you take the roof height down just a little bit? I guess 15 William Street has a flat roof and I think it looks pretty good.

Boardmember Sullivan: You're a proud owner.

Mr. Hall: I guess I can understand those who like sloped roofs, but I think that particular screen that we were just looking at it's ... and I understand – we conversed at the meeting the other day – regarding the interpretation of the view preservation and that it's open to interpretation. Where you were once looking at a view of the Palisades and some nice

beautiful green trees, now you're looking at the Palisades and a roof and a big side of the building. I realize that's a judgment call. And again I will reiterate I am not meaning to be obstructionist. I'm a property owner and a developer myself so I do not mean to be an impediment to this project. But I am just wanted to voice a continued concern, and I just think the roof heights a little large. And I would just wonder if there's a possibility to bring the roof level down.

That's my comment. Thank you very much.

Ms. Griffin: I can address that. [off-mic] drop down the height of the [off-mic] reduce the size of each dormer. But we kept the roof slope of 5 and 12 ...

Dep. Bldg. Inspector Minozzi: Christina, into the microphone please. Could you use the other mic right now? Thanks.

Ms. Griffin: On the side of the building, we introduced a ... you see the sharper angle. That's more of a cosmetic way of breaking up the scale of the building. Because once you flatten out the roof it starts to become very boxy. So we created this sharp gable that is really a decorative piece on the ends. But the main roof is 5 in 12, and in a lot of traditional buildings you don't see flatter roofs than that. The next step would be to do a flat roof, and that would take it down probably another 4 feet, something like that.

We also thought that these units have no attic or basement storage because the garage is below the units. So it would be nice to give them that little bit of attic space.

Boardmember Sullivan: We're seeing, I have to say, other kinds of developments come in without that consideration, and they're similar in size. So the benefit of having an attic versus not ... because you don't have a basement, and that's what people buy into when they buy into a townhouse. So I don't think that's an interesting benefit to these, but if the roof issue could be changed and could be made flat it would maybe be good all around.

Mr. Hall: What's the floor-to-ceiling height in the attic?

Ms. Griffin: We have a section here somewhere.

Chairman Cameron: Eight feet at the peak, I think, and then 5 feet as you come out of the ... if I remember correctly.

Ms. Griffin: It's a possibility we could squeeze another foot or so by making this a shallower roofline; drop to 3-1/2 in 12.

Boardmember Sullivan: You have a section, right?

Ms. Griffin: I do, and I think it's towards the beginning. Hold on.

Boardmember Ambrozek: Aren't there issues ... I don't know what material you plan to make the pitched roof out of, but aren't there issues of backing up of water, especially in snow and ice conditions?

Ms. Griffin: Yes, I'm sorry. I thought it was 5 in 12, we dropped to 4 in 12. That's about as shallow as you can get.

Boardmember O'Reilly: That's pretty shallow, if this is consistent.

Boardmember Sullivan: So 6 foot 8 from underside of beam to underside of the ceiling to the attic level; 6 foot 8. In reality, there's so little of it that's going to be usable.

Boardmember Alligood: While I said earlier that I like the design I wouldn't have a problem with it having a flat roof either if that really helped with the view preservation issue.

Boardmember O'Reilly: I don't want to be a spoilsport, but I think the shallow peaked roof truly is more attractive, looking at it from the street. Truly.

Boardmember Sullivan: Well, we just talked about how nice it is because it's hidden from the street.

Chairman Cameron: No, but the top of it you see.

Boardmember Sullivan: No, no, the trees are [unintelligible] tall.

Boardmember Bass: But going back to last month, we were urging the applicant to lose 2,400 square feet of development because we were concerned about view preservation. Here we have an opportunity on a simple design that doesn't lost usable square footage that addresses the neighbors' concerns to the west. I think that's a decent compromise. A flat roof is found in the neighborhood, it's not going to affect their salability, it doesn't lose livable square footage. And I would give on the lot coverage for preserving the views of the neighbors if I was to offer a compromise.

Boardmember Sullivan: I feel some frustration from other members, but I think we need to sort this out right.

Village Attorney Whitehead: You need to figure out a consensus of the Board: either the existing plan with the flat roof, or ...

Boardmember Sullivan: Well, I raised some issues with their site grading and also with the size of the driveway. Having one way in on that street, and someone's got to take turns coming and going, doesn't make a bit of sense. So I'd like that ...

Chairman Cameron: Why don't we do one issue at a time, Kathy, and see if we can knock them off.

Boardmember Sullivan: That's orderly.

Boardmember O'Reilly: Yeah, let's be orderly.

Boardmember Sullivan: You might get to go home.

Boardmember Bass: Are you kidding? Before midnight?

Chairman Cameron: I'm still very fond of the sloped roof because I think it is a much nicer-looking building. But of course I'm not supposed to be able to see through the trees so I'm compromising. This is the view we're blocking from the first floor behind the buildings. But we're not really blocking anything from the second floor. Could you put the second floor one up?

Boardmember Bass: That's what it would look like without ...

Mr. Hall: The trees.

Boardmember Bass: So the river ...

Chairman Cameron: No, she's going to need 2 or 3 feet. You can't have a cutoff of the windows, so you'd be 2 or 3 feet up on that roof.

Ms. Griffin: Yeah, that's true.

Boardmember Bass: But right now that pitch is 12 feet.

Boardmember Sullivan: Seven-and-a-half.

Boardmember Bass: Seven-and-a-half, so there would be a savings of 5 or 6 feet.

Chairman Cameron: Maybe 4.

Boardmember Sullivan: No.

Boardmember Ambrozek: You still need a parapet around the flat roof.

Chairman Cameron: Yeah, right.

Dep. Bldg. Inspector Minozzi: You need a 3-foot parapet.

Boardmember Sullivan: You've lost some stuff.

Boardmember Ambrozek: And you would probably need some sort of covered entrance from inside the building onto the roof. There'd have to be some means of access from inside the building to the roof.

Village Attorney Whitehead: What do you think it is, 3 feet?

Boardmember Sullivan: A couple of feet, yeah.

Chairman Cameron: There's always a risk on a roof.

Boardmember Bass: Right, or shoveling the snow off the roof.

Ms. Griffin: And the white roof material.

Chairman Cameron: Well, let me tell you, the people on the second floor behind this building would be really angry about that.

Village Attorney Whitehead: A white roof.

Ms. Griffin: We have looked at flat roof, and I know we can still make it an attractive building. We could have a cornice. I'm not sure if you really need access. We might have a second roof hatch somewhere.

Boardmember Bass: You could have skylights with the flat roof. It could be very attractive inside.

Chairman Cameron: So will you just show us the one taken from the second floor behind the building, then we'll go back to this one? I think it's about 12, isn't it?

Boardmember Bass: Yeah, it's A-12.

Boardmember Ambrozek: No, A-11 isn't it?

Boardmember Bass: A-11, right.

Ms. Griffin: That's the second floor. It's a better view because you're looking down.

Boardmember O'Reilly: A definite impact from the first floor level, but far less from the second floor level.

Chairman Cameron: Yeah, now you're looking at the flat roof, by the way. Don't go up another floor, it'd be too much. Just kidding.

Boardmember Alligood: It's true that looking down on a flat roof won't be as attractive, even if a little bit of your view is blocked. A sloped roof is going to be more attractive.

Ms. Griffin: I always think that in a hilly town you have to think about the roofscape. It's another thing you look at.

Boardmember Alligood: I'm torn on that one. I see the pros and the cons of both.

Dep. Bldg. Inspector Minozzi: People from the second floor would be looking down at a flat roof.

Chairman Cameron: So maybe we just say who wants a sloped roof and who wants a flat roof.

Boardmember O'Reilly: Sloped.

Boardmember Bass: Sloped.

Boardmember Alligood: I haven't weighed in.

Chairman Cameron: Hate to force in on you, Eva.

Ms. Griffin: Flip a coin.

Boardmember Sullivan: It's still a tie.

Village Attorney Whitehead: It could be 3-3.

Chairman Cameron: OK, who's happy with the entrance to the garage? We got four on the garage. All right, get rid of the garage.

Boardmember Sullivan: What did you mean by that?

Chairman Cameron: Well, you brought up that it was only 12 feet wide. That's what I was ...

Boardmember Sullivan: To be honest with you, if you're driving in and out of that driveway I don't think it's a votable (ph) thing. I think it's a safety thing.

Chairman Cameron: We're going to have to refer it our friends at the county anyway. This is a county road, so we'll see if they say something about it.

Boardmember Sullivan: Well, I'm not happy with the garage, then that's the way I vote. I didn't vote because I didn't know your question.

Chairman Cameron: We just had four yeses.

Boardmember Sullivan: I want to be on the record as against. No.

Chairman Cameron: I was the one who got hit at that intersection.

Boardmember Alligood: What was the third one?

Boardmember Bass: Lot coverage.

Village Attorney Whitehead: Who's OK with that?

Chairman Cameron: Who's OK with lot coverage? OK, we got lot coverage

Boardmember Bass: I'll go with the coverage.

Boardmember Sullivan: I'm against it.

Village Attorney Whitehead: So in direction ...

Boardmember Sullivan: So what did we end up with?

Chairman Cameron: We will have one more member at our next meeting probably. You can consider that good or bad.

Village Attorney Whitehead: What we really need to do is give direction to the applicant.

Boardmember Sullivan: We've settled on the coverage, we've settled on the roof. We're not going to talk any more about the driveway.

Chairman Cameron: Well, we haven't settled on the roof.

Boardmember Alligood: No, we haven't because I didn't ever ...

Village Attorney Whitehead: The roof was 3-2-question mark.

Boardmember Sullivan: Oh, I'm sorry.

Boardmember Bass: Can you, for the next meeting, come back?

Chairman Cameron: Please come back.

Village Attorney Whitehead: Because, Greg, your people are going to be the ones looking down on it.

Mr. Hall: Yeah, maybe I can help break the deadlock. As much as I like a flat roof, I think looking down on a ... because I know flat roofs are frequently painted that very reflective silver and I think that would make for a bit of an eyesore, so to speak. Literally, looking out the window at a very highly-reflective surface it might look like a glint at all times. So I'm willing to acquiesce on the roof and the site line. I still think it's probably a tad too high and a tad too large, but I can see all the energy and time that's going into making this decision and I don't want to further delay the project.

Chairman Cameron: We're going to prohibit them from having a shiny roof or it to be flat, by the way. We've been through that once already.

Mr. Hall: Got it.

Chairman Cameron: It's just we didn't think of that. You know, it's not anybody's fault, but we have one of those and we're not going to have another one.

Mr. Hall: I appreciate all the good thinking and energy that's gone into addressing this. But I can see where this is going, so I'll table the issue. Fine.

Boardmember Alligood: OK, so I'll vote for the ... thank you.

Chairman Cameron: This is democracy at work.

Boardmember Sullivan: This is how we operate.

Village Attorney Whitehead: So we're sticking, basically, with this layout. Kathy, you do want them to look at that grading on the side?

Boardmember Sullivan: It's a mess. It's a mess so it'd be nice for someone to look at it and see what they can do. I think they can resolve it, but it's right now looking like it's causing some trouble.

Boardmember Bass: And we want a superior landscape plan to push this over the goal line.

Chairman Cameron: Yes.

Village Attorney Whitehead: A real landscape plan.

Chairman Cameron: Yeah, I think you can give them some of the property off the backside of their house to put their bloody barbecue. But if you have a way for people to walk around it, to me – that scenario.

Village Attorney Whitehead: And a couple other things. There's still that one thing on the EAF. We have not – because we kept getting new EAFs and we thought if it had been on the original application ... we need to circulate so the Board can just declare its intent to be lead agency.

Chairman Cameron: Yes. Could I have a vote on declaring us lead agency? We've never done that.

On MOTION of Boardmember Alligood, SECONDED by Boardmember Ambrozek with a voice vote of all in favor, the Board resolved to declare themselves lead agency under

SEQRA for the application of CCI Properties, LLC for the construction of an additional building containing 5 townhouse units on its property at 32-34 Washington Avenue.

Village Attorney Whitehead: And the other thing we discovered today is that we don't have a SWPPP – we have just some preliminary stormwater stuff – and we need that to send to our engineer. I think now that you're building is set they should ...

Chairman Cameron: Now we know where the water is.

Thank you very much, Greg.

Mr. Hall: You're very welcome.

Village Attorney Whitehead: So we need that. I think what you've heard tonight is, your plan is pretty much set now so we need that additional.

Dep. Bldg. Inspector Minozzi: To the Zoning Board, so they can move forward?

Village Attorney Whitehead: No, because this board has to do SEQRA. But I think at the next meeting we'll get the lead agency circulated.

Mr. Gottlieb: I just had one request, and maybe the Board might entertain it: if you direct staff to possibly draft a negative declaration, if at the next meeting they might be able to adopt it if they feel it's appropriate. That way, we could make our way to the Zoning Board of Appeals.

Chairman Cameron: Please do not refer to our attorney as "staff."

Mr. Gottlieb: Oh, apologies. I didn't realize that ...

Village Attorney Whitehead: That I'm the one who's going to have to draft it?

Mr. Gottlieb: I apologize.

Dep. Bldg. Inspector Minozzi: You're not making a very good impression, young man.

Mr. Gottlieb: Well, I'm hoping there'll be more so I can make it up.

Village Attorney Whitehead: That's OK. I know how to deal with that. I know who to

talk to now. I'm actually not here at the next meeting, but someone will be here in my place. I'm on vacation that week.

Chairman Cameron: So first of all, I want to see how many of us are going to be here for the August meeting. Do we have anybody who's not going to be here?

Boardmember Alligood: I think I'm going to be here.

Chairman Cameron: That was useful.

Boardmember O'Reilly: I'm going to be here.

Chairman Cameron: Are you going to be here?

Boardmember Ambrozek: Yes.

Boardmember Sullivan: I think so.

Chairman Cameron: My wife doesn't want me to be here.

Boardmember Ambrozek: You can appoint an alternate.

Chairman Cameron: Oh, yes, I can.

Village Attorney Whitehead: Someone else from my office will be here.

Chairman Cameron: OK. So we have a meeting the third Thursday in August. Can I ask for a vote for ...

Boardmember Alligood: I think it's not the third Thursday. It's a different date.

Village Attorney Whitehead: No, it's the 20th. It's the third Thursday.

Dep. Bldg. Inspector Minozzi: September it's different.

Boardmember Bass: I have it for the 27th.

Boardmember Ambrozek: We adjusted it for September, I think.

Boardmember Alligood: It says "next meeting date August 27." That's not the third

Thursday.

Village Attorney Whitehead: Did you move it?

Boardmember Bass: That's what I have in my calendar, the 27th.

Boardmember Alligood: Yeah, that's what's in here.

Chairman Cameron: Well, I could do that.

Village Attorney Whitehead: Then I can be here.

Boardmember Alligood: That's what it says.

Chairman Cameron: Yep, I can do that.

Boardmember Ambrozek: I can do that.

Dep. Bldg. Inspector Minozzi: I have to look at the calendar. Hold on, guys.

Village Attorney Whitehead: OK, hold on. We're trying to finalize the next meeting date. The regular meeting date would be the 20th.

Boardmember Alligood: Yeah, but for some reason it's recorded as the 27th.

Dep. Bldg. Inspector Minozzi: That's the fourth Thursday.

Boardmember Bass: I think at the last meeting maybe, Jamie, you may have made a motion – someone made a motion – to move it to the 27th.

Boardmember Alligood: Yeah, I thought it was purposely moved.

Boardmember Bass: I wouldn't put in my calendar wrong.

Chairman Cameron: That was very cleverly done, but I don't have it recorded. I'd be good with that.

Village Attorney Whitehead: Then I will be here. Buddy, is there a problem? The Zoning Board's not meeting.

Dep. Bldg. Inspector Minozzi: No, the Zoning Board's not meeting next month. Can we move the meeting?

Village Attorney Whitehead: Yes.

Chairman Cameron: Of course we can.

Dep. Bldg. Inspector Minozzi: OK, so move it.

Village Attorney Whitehead: You just have to notice it.

Boardmember Sullivan: So the 27th.

Chairman Cameron: The 27th.

Boardmember Sullivan: OK, good.

Chairman Cameron: So thank you all for being here.

Village Attorney Whitehead: Oh, and I thought I got out of a meeting.

VI. ADJOURNMENT

On MOTION of Boardmember Ambrozek, SECONDED by Boardmember Alligood with a voice vote of all in favor, Chairman Cameron adjourned the Regular Meeting at 11:10 p.m.

Chairman Cameron: Thank you very much.