

**HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
REGULAR MEETING AND PUBLIC HEARING
FEBRUARY 20, 2020**

A Regular Meeting and Public Hearing was held by the Planning Board on Thursday, February 20, 2020 at 8:15 p.m. in the Municipal Building Meeting Room, 7 Maple Avenue, Hastings-on-Hudson, New York, 10706.

PRESENT: Chairperson William O'Reilly, Boardmember Kathleen Sullivan, Boardmember Eva Alligood, Boardmember Richard Bass, Boardmember Emily Goldman, Boardmember Thomas Speyer, Village Attorney Linda Whitehead, Building Inspector Charles Minozzi, Jr., Planning Consultant Patrick Cleary, and Planning Board Secretary Mary Ellen Ballantine

Chairman O'Reilly: Good evening. This is the public hearing and regular meeting of the Planning Board of Hastings-on-Hudson, Thursday, February 20, 2020. Could I have the roll call, please?

I. ROLL CALL

Chairman O'Reilly: Very good. Thank you.

II. APPROVAL OF MINUTES

Chairman O'Reilly: Now, we have some minutes to approve that go back to October. We have a good showing tonight, so chances are we have enough people to make a quorum that's necessary of the meetings that were there.

Regular Meeting of October 17, 2019

Chairman O'Reilly: Do we have attendance for that meeting? I think we've probably got the people that were there.

Boardmember Sullivan: Please remind me.

Chairman O'Reilly: You were there?

Planning Board Secretary Ballantine: Bill, you were here, Eva was here, Richard was here.

Chairman O'Reilly: No Kathleen?

Planning Board Secretary Ballantine: No, Kathy was not ...

Chairman O'Reilly: We can't do that one. Can we do November 21?

Bldg. Inspector Minozzi: We're looking at October, November and December that has to be approved.

Chairman O'Reilly: What about January 16?

Village Attorney Whitehead: October can't 'cause there's only three of them here.

Planning Board Secretary Ballantine: Okay, so for November it was Bill and Eva and Richard and Emily.

Chairman O'Reilly: Good.

Regular Meeting of November 21, 2019

Chairman O'Reilly: Any comments on the minutes of November 19th (sic)? I have none.

Village Attorney Whitehead: November 21st.

Chairman O'Reilly: Any comments, any of them? We have a chance to have read them.

On MOTION of Boardmember Alligood, SECONDED by Boardmember Bass, with a voice vote of all in favor the Minutes of the Regular Meeting and Public Hearing of November 21, 2020 were approved as presented.

Regular Meeting of December 19, 2019

Chairman O'Reilly: December 19th who was here? I was not.

Planning Board Secretary Ballantine: I think Eva, Kathy, Emily, Thomas.

Boardmember Sullivan: Should we do it, folks?

Chairman O'Reilly: We can therefore ask for a motion to approve the minutes of December 19th.

On MOTION of Boardmember Speyer, SECONDED by Boardmember Sullivan, with a voice vote of all in favor the Minutes of the Regular Meeting and Public Hearing of December 19, 2020 were approved as presented.

Chairman O'Reilly: Unanimous.

Regular Meeting of January 16, 2020

Boardmember Bass: I wasn't there.

Chairman O'Reilly: I know I was here.

Planning Board Secretary Ballantine: Kathy, Kerry, Emily. So no, you can't do January.

Chairman O'Reilly: Okay, you were right. We can't to it.

Bldg. Inspector Minozzi: So October and January are deferred?

Chairman O'Reilly: Yes, deferred.

III. OLD PUBLIC HEARINGS

View Preservation Advisory and Site Plan Approval
Application of River Road, LLC for the creation of a new greenhouse
and exterior renovation at their property located at 100 River Street
Said property is located in the MW Zoning District and is known as SBL: 4.30-
19-4 on the Village Tax Maps.
[This Public Hearing has been Deferred to Future Meeting]

View Preservation Advisory, Steep Slopes Approval and Site Plan Approval
Application of Riverton Lofts West, LLC for the construction of a
new seven-dwelling multi-family unit on an existing lot, with
associated parking, located at 10 West Main Street
Said property is in the CC Zoning District and is known as SBL: 4.70-48-13

on the Village Tax Maps.
[This Public Hearing has been Deferred to Future Meeting]

View Preservation Advisory & Steep Slopes Approval
Application of Gabriel & Katalin Ce for a rear addition and retaining walls
on the two-family dwelling located at 280 Warburton Avenue
Said property is located in the R-7.5 Zoning District and is known as
SBL: 4.100-96-11 on the Village Tax Maps.
[This Public Hearing has been Deferred to March 2020 Meeting]

Chairman O'Reilly: Okay, to our public hearings. We have two old public hearings, and just to indicate that the public hearings related to River Road for view preservation and site plan approval and for Riverton Lofts, LLC at 10 West Main Street have been deferred to future meetings, and view preservation and steep slopes approval for 280 Warburton Avenue has been deferred to the March meeting.

Village Attorney Whitehead: That's actually coming back as a different application that got a view preservation waiver.

Bldg. Inspector Minozzi: They just weren't prepared for tonight.

Village Attorney Whitehead: So it'll be back just steep slopes.

Bldg. Inspector Minozzi: Yes, steep slopes only.

Chairman O'Reilly: So if anybody came to attend any of that they have been deferred. We should mention, by the way, somebody asked me about meetings that are deferred. It's not us who are deferring them; it's the applicants who are not prepared to come back in time. So I think that's worth pointing out. Somebody mentioned to me, "Why are you deferring all those meetings?" So there.

First item of our first public hearing is the application for 15 Spring Street Realty, LLC.

1. Site Plan Approval & View Preservation Advisory
Application of 15 Spring Street Realty, LLC for the demolition of the existing
building and construction of a new structure, creating a mixed-use occupancy
to include 10 parking spaces in the basement, two retail spaces on the first level,
and six dwelling units on the second and third levels at their commercial

property located at 15 Spring Street.
Said property is in the CC Zoning District and is known as SBL: 4.30-22-34
on the Village Tax Maps.

Chairman O'Reilly: I can see the applicant's architect.

Boardmember Sullivan: May I ask, just for clarification, where are we in the process with this application? I mean, where have they gone, what approvals have they gotten? Because I missed the meeting when this got sent on.

Bldg. Inspector Minozzi: They've addressed Doug Hahn's notes, and with this updated presentation they've been approved by the ARB.

Chairman O'Reilly: Right. At the first meeting ... it was one meeting, right?

Bldg. Inspector Minozzi: The only thing that hasn't been approved is the signage for the stores.

Chairman O'Reilly: Right.

Boardmember Bass: Could I also ask a question?

Chairman O'Reilly: Well, let me just mention that when it first came up there were a number of design issues related to design guidelines. So rather than get in too much detail we agreed to refer it to the Architectural Review Board for review rather than us discussing it and then coming back to us. That's why then again it went to the Architectural Review Board, and after Mr. Weinstein has made his presentation I can ask Charles Minozzi, Building Inspector, to report on some of the items that were discussed at that meeting.

Bldg. Inspector Minozzi: No problem.

Boardmember Sullivan: Was there a liaison from our board to the ARB who attended the meeting?

Chairman O'Reilly: There is. It hasn't been formalized at this point, but Emily Goldman has been intended enough to be taking on that assignment.

Village Attorney Whitehead: And I think it was after they might have already gone there. I'm not sure.

Chairman O'Reilly: Actually, we went to that meeting. And I went, too, because I was interested since I was one of those ...

Boardmember Alligood: No. I think if any Planning Board members were there it's still helpful to hear from the Planning Board members and any feedback.

Chairman O'Reilly: Okay, that's good. We shall.

Boardmember Alligood: Just as a process.

Chairman O'Reilly: Very good.

Edward Weinstein, project architect: Okay.

Boardmember Bass: Before you go on, Ed ...

Chairman O'Reilly: Oh, yes. Sorry.

Boardmember Bass: ... I have a question. I should've known this years ago, but the Architectural Review Board gives their opinion, their approval, and we don't like it and we ...

Village Attorney Whitehead: They're advisory.

Boardmember Bass: They're advisory, that's the answer I wanted.

Chairman O'Reilly: They're an advisory to the Planning Board.

Boardmember Bass: Thank you.

Village Attorney Whitehead: You have the ultimate say.

Boardmember Sullivan: I think this was their advisory to us, but then the CC district they actually have some ability to review things separate from us, as well. So it's sort of like this case was an advisory to us.

Boardmember Alligood: So the term "approve" doesn't really apply because they review and provide comments. But they don't approve, so we shouldn't use that term.

Chairman O'Reilly: Right. Actually, that's why it's good to have a liaison to the ARB ...

Boardmember Sullivan: Oh, yes.

Chairman O'Reilly: ... because they *do* advise us for our approval. And I'm glad. I

thought I mentioned it at the last meeting, but anyway I'm glad that Emily – and thanks to Emily for volunteering to be our liaison to the Architectural Review Board. No further questions?

Mr. Weinstein, you can introduce yourself.

Mr. Weinstein: I am principal of Edward Weinstein Architecture and Planning. Just to bring everybody up to speed, this is the third time we're at this planning board. We were here in July, we were here in October. And it was at the October meeting that the Planning Board suggested we meet with the ARB, which we did. I think we had a very productive meeting.

What you're seeing on the screen there is actually a third iteration: the first one is on a board – I don't know if you can see it – by the railing. I could put it up on the easel if you like.

Chairman O'Reilly: Yes, please.

Mr. Weinstein: That was our presentation in October. There were quite a few comments: people didn't like the mansard roof, didn't like the stucco. So we reworked it and had a second scheme for the ARB. They had some very helpful comments, and what you're seeing on the screen is the result of what we have done after the meeting with the ARB. Tonight, we are seeking site plan approval and referral to the Zoning Board for view preservation. There's a very minor sliver, maybe which may be in the view preservation, but we could get to that a little bit later.

We have thoroughly considered the comments of the Planning Board and the ARB. What you have before you is, we think, a plan that for the most part is responsive to the comments we heard at this board and the comments at the ARB. Just to remind you, the project is as-of-right from a zoning perspective. There are no variances required. The program is to retail spaces and six apartments, four two-bedrooms and two one-bedrooms. If you like, I could certainly go through the comments of the Planning Board at the October meeting and talk about how we addressed them.

Chairman O'Reilly: That would be useful.

Mr. Weinstein: Okay. There was a couple of comments regarding access to the building. The initial plan had one – actually one way – into the building. I mean, this is actually the second plan. It had access at the eastern end of the building. This doesn't work on the screen.

Village Attorney Whitehead: It doesn't work on the screen.

Chairman O'Reilly: Works everywhere else but on the screen.

Bldg. Inspector Minozzi: If you want to walk up to the screen, here, just use this. Thank you.

Mr. Weinstein: Working?

Bldg. Inspector Minozzi: Yes.

Mr. Weinstein: Okay, so what we've done is, you know, created two means of access to the space. This one here at the eastern end of the building provides ADA-compliant access to all of the space; to the lobby of the residential portion of the building and to the two retail spaces. At the October Planning Board meeting it was also suggested that we add stairs near the western end of the building to provide pedestrian access to both of the retail spaces.

We have addressed some of the issues regarding the garage door by adding mirrors and audible notification. There are actually quite a few similar kinds of driveways that enter onto pedestrian streets in the Village. I think this would be probably the safety one because of the features we're asking. It was requested that the windows be more clearly double-hung, and they are. The building, ARB liked. The building, they did request that the stucco portion be made brick so it's harmonious with the predominate style of material in the Village, and we've done that.

We've simplified the cornice so it's a row of soldier course brick and a recast concrete cap on that. As you may recall, we have set back the building from 7 Spring Street voluntarily. They have windows on their lot line, and although we probably didn't have to we moved our building 10 feet away so they could have reasonable light and air through their windows from their building. The ARB asked, and we provided for you, a rendering of what the rear of the building would look like from the bank parking lot, and that's what it is. You know, there are couple of outdoor spaces for the residents of the building.

Other comments we heard were, one, the viability of the two retail spaces. It was questioned, and one is 680 square feet, the other 12-hundred square feet. We've discussed that viability with both Arthur Riolo, who's a long-time real estate consultant and broker in the Village, and with Downtown Advocate. I believe I can say they felt the retail spaces would be viable.

I think those with comments I've addressed what we've heard from both the Planning Board and the ARB, and we respectfully request approval tonight.

Chairman O'Reilly: All right. Well, I'm glad you ... Buddy, did you have anything to add to the comments from the ARB?

Bldg. Inspector Minozzi: Yes. It looks like they've addressed all the ARB's comments.

The only discussions they had were moving the storefronts out to the streetscape which, for ADA accessibility virtually impossible. Get rid of the stucco, which they did. They still have to come back for signage, which we all know. I don't see a mezzanine level anymore.

Mr. Weinstein: It's in the plan.

Village Attorney Whitehead: It's there.

Mr. Weinstein: We felt it was compliant. If it's not compliant the mezzanines disappear. It doesn't change the exterior of the building.

Village Attorney Whitehead: It's the top floor on the rear.

Chairman O'Reilly: Well, that was one of my questions.

Bldg. Inspector Minozzi: The mezzanine doesn't count as a story, so ...

Mr. Weinstein: The mezzanine is out.

Bldg. Inspector Minozzi: It's going to have to go. They had questioned the mezzanine as far as is it allowed or is it not, but other than that they approved it unanimously.

Mr. Weinstein: Right. The mezzanine was a very small area, more like a loft. But if it's determined that is, indeed, a story we know we can't have four stories. We're compliant on height.

Bldg. Inspector Minozzi: It's going to be a story, so ...

Mr. Weinstein: We will eliminate the mezzanine.

Chairman O'Reilly: That was going to be one of my questions because on some of the drawings it looked like, obviously, it's been higher at the back than it is at the front.

Mr. Weinstein: Well, that's allowed because the topography of the site is higher at the back than it is at the front.

Village Attorney Whitehead: So all that's going to go is the floor ...

Chairman O'Reilly: The floor, right.

Village Attorney Whitehead: ... inside. The exterior of the building isn't going to change.

Chairman O'Reilly: I wondered what was in there.

Mr. Weinstein: The envelope of the building won't change.

Boardmember Sullivan: Could you explain the height diagrams? Because they don't ... I'm a little confused on them.

Mr. Weinstein: Sure. Let me get to that, it's further back. The site is like a warped surface. It's lower on the west end, higher on the east end; lower on the south end, higher on the north end. At any point in that plane we are no higher than 40 feet above the grade of the site. I guess that's the simplest way I can expressed it. You know, the calculations are all there, Buddy certainly is welcome to review the geometry and the math. But we're comfortable that's it's fully compliant.

Bldg. Inspector Minozzi: We didn't have any questions with the height calculation of the building. It was just the floor's calculation.

Boardmember Sullivan: What confused me was the division of the lot from the front lot line to the back because that's something I haven't seen when we've done this before. I mean, we've set up the plane of the street and the plane at the back.

Mr. Weinstein: Right.

Boardmember Sullivan: Then I know when we did the one project on Washington, Buddy, it was ... Jamie was ...

Bldg. Inspector Minozzi: We have to do both corrections. It's got to come north and south and east to west.

Boardmember Sullivan: I think the issue was looking at the area being the same of the places the way you break it down. I was just not sure that happened here because it looked like the lot lines were going straight back from the front line.

Mr. Weinstein: They are straight back in terms of looking at it in plain view, but they're sloped in both directions. It slopes up from Spring Street, and as you go from Maple to Warburton it's also sloping up.

Boardmember Sullivan: So where do you set your plane B on this diagram?

Mr. Weinstein: Well, the plane is always 40 feet above ...

Boardmember Sullivan: But where is it when I'm looking at the plan itself? Like for the

section that's closest to the building to the right, on the east side, where ...

Mr. Weinstein: 555 Warburton?

Boardmember Sullivan: Yes, where do you put your plane? I guess you say your average height is 76 at that point. Where is that taken from?

Mr. Weinstein: That's the topography elevation. I mean, I think it makes it simpler if you just look at it as 40 feet above.

Boardmember Sullivan: I know. I'm just saying where did you measure your 40 feet? Because if you take that plane and you draw a line to the front ...

Mr. Weinstein: Well, say, take the southwest corner and go 40 feet above that. We are – and I'll go back to the elevation with the rendering – no more than 40 feet from the ...

Boardmember Sullivan: No, I'd like to just stick ... I'm really sorry.

Mr. Weinstein: Is there some diagram that you're looking at?

Boardmember Sullivan: I'm looking at your diagram [laughter].

Mr. Weinstein: Okay, which one?

Boardmember Sullivan: I'm looking at the one you had up on the screen.

Mr. Weinstein: This one?

Boardmember Sullivan: Yes. So on the plan in the middle ...

Mr. Weinstein: Right.

Boardmember Sullivan: ... you have 76 and 76 as the two average grades in the back, correct?

Mr. Weinstein: Right.

Boardmember Sullivan: Then you have 77, right?

Mr. Weinstein: Right.

Boardmember Sullivan: So where do you put the plane B to measure the 40 feet?

Mr. Weinstein: Okay, so plane B is 40 feet above ...

Boardmember Sullivan: I know that, but where in the plan?

Mr. Weinstein: ... and then it extends in a westerly direction ...

Boardmember Sullivan: Right.

Mr. Weinstein: ... so that it intersects the lot line of 7 Spring Street, 40 feet above that corner.

Boardmember Sullivan: Okay. So is it along the average grade at section 7, or is it someplace ... where do you measure it? Where do you put that plane B?

Mr. Weinstein: Well, I think the zoning calls for dividing the building into thirds, and we've done that. But what I can tell you is that any way you slice this we are less than or equal to 40 feet above.

Boardmember Sullivan: If I put the plane at the back, where the red line is, it's at 116 feet, right? That's 40 feet above. And when I put ...

Mr. Weinstein: Where are you seeing the 116?

Boardmember Sullivan: If I use the average grade in section 3, and I put plane B at the back of that property line where the red line is, and I put plane A at the street line, I find there are elements of your building that are too high.

Village Attorney Whitehead: The back piece?

Boardmember Sullivan: Yes, the elevator bulkhead as well. That's why I'm confused, though. I understand how we have to measure 40 feet up, that's pretty evident, but ...

Mr. Weinstein: I'd be happy to explain that further. I think that if, indeed, the Building Inspector finds it is too high, now that we don't have a mezzanine we can lower it.

Boardmember Sullivan: We're the Planning Board, so it would be helpful to just run through the other calculation.

Mr. Weinstein: I understand. What I'm telling you is that it's not an issue because we think the calculations are correct. If they're not correct, and the Building Inspector says they're not correct, we'll lower the building.

Boardmember Alligood: But you're asking for approval from us.

Mr. Weinstein: Yes, I am.

Boardmember Alligood: So Kathy is asking a very simple question. She's asking you to explain how you came up the dimensions. And if there's a problem with it ...

Mr. Weinstein: I can't go through those calculations with you right now.

Boardmember Alligood: Then if there's a problem with it we need to see that rectified.

Mr. Weinstein: But I can tell you ... I mean, I'm not asking you for a building permit. I'm asking you for site plan approval.

Boardmember Sullivan: And this is part of it.

Mr. Weinstein: And the Building Inspector will ... part of his job is to look at that compliance with the zoning. What I'm telling you is that either it's compliant as it is, or it can be lowered if it's a smidgen higher than it should be.

Boardmember Sullivan: I don't find that acceptable, I'm sorry.

Boardmember Alligood: That's not acceptable ...

Planning Consultant Cleary: If you are going to approve a plan, it's the plan that would be built that would be approved not subject to some further adjustment.

Chairman O'Reilly: Building Inspector.

Boardmember Alligood: Correct.

Village Attorney Whitehead: Or it would have to come back to you if the Building Inspector ultimately found it wasn't, and you don't want it to have to come back.

Bldg. Inspector Minozzi: In this project I did not see an issue with the calculations on the height.

Boardmember Sullivan: No, and I appreciate that, Buddy. I just would like to have an explanation for that.

Bldg. Inspector Minozzi: (Background mic noise).

Boardmember Sullivan: I'm not challenging ...

Chairman O'Reilly: But it doesn't sound like we're going to get the answer tonight.

Mr. Weinstein: I can't go through those calculations right now. I'm not prepared to do that.

Chairman O'Reilly: Okay, so we take that under advisement.

Boardmember Sullivan: Yes.

Chairman O'Reilly: We can't get that answer.

A question on the retail space, if you don't mind. Since there's no one owner of this building, who owns the retail space? Is somebody going to buy it and then rent it?

Mr. Weinstein: It's not established yet whether it will be a condominium or rental. That is to be determined. All I could say at this point is that it may be rental and it may be for sale.

Chairman O'Reilly: It has to be rented from somebody.

Mr. Weinstein: Well, if it's a rental the owner is 15 Spring Street Realty. It's currently owned by Frank Sinatra, Jr.

Chairman O'Reilly: *He* will own the building, okay.

Questions? Eva, Kathy?

Boardmember Sullivan: Well, I think the only thing I focused in on was trying to understand the height diagram. The other comment I had was interest in what kind of plants would grow on the back of the building. There's quite a lot of planters and whatnot, and I just see that space as not really viable, per se, for sort of what it was planned for. I just would like that clarification on that. Also on the items that are going to be on the roof, as well. That's really my comments, for now.

Chairman O'Reilly: As well as the solar panels you're planning up there.

Mr. Weinstein: Yes. The solar panels and a portion of green roof, we'll do that to the extent we can. As far as the planting and geometry of the rear of the building, that's pretty much established by the zoning setbacks.

Boardmember Sullivan: But what I'm interested in is knowing what plants are going to be

planted in those areas.

Mr. Weinstein: Exactly the plants? We will certainly consult with a horticulturist. It's a shady area so we'll have to use ... we're going to try to use native plants are shade-tolerant.

Boardmember Sullivan: I'd just like to see a landscape plan at some point.

Chairman O'Reilly: That would be necessary at a certain point, the landscape plan would be needed.

Okay, Richard. Let's go to our left again. Eva, you had started.

Boardmember Alligood: I have a question. It was very helpful to get this elevation of the back of the building, but my question is where ... I see cars parked next to a portion of the rear recreational space, if you want to call it that. I don't understand where that wall that is the edge of the recreational space is. Where did that align with the current building that's on the corner?

Mr. Weinstein: All right, let me go back to the survey. See, this shows you our lot. The cars in that parking area, that parking area actually belongs to 555 Warburton although I think they have cooperative arrangement with the bank so bank customers park there. But the brick wall you see on the rendering, this brick wall is on our property line. There's a wall perpendicular to it. So those walls are no our property line.

Boardmember Alligood: Okay, so I guess what I want to understand is, is it taking away parking spots that are used now, or are you now ...

Mr. Weinstein: We are not taking away any parking spaces from anybody.

Boardmember Alligood: So the lot, the parking lot for the bank, that ... wait, go back to the picture. I just want to understand because everybody who lives in this town knows that lot pretty well. Those two cars that you're showing pictured, are they simply ... they're going to be parked closer to your building, or do they ... because right now there's a row of cars, and I don't understand how the existing lot is laid out.

Mr. Weinstein: Those cars will be parking, you know, where they're parked now. It's not changing the parking configuration.

Boardmember Alligood: But next to that there's more parking.

Mr. Weinstein: Yeah, there's parking here perpendicular to those spaces. But right now this is open.

Boardmember Alligood: So that section you're showing us, is that ... because that seems fairly narrow, as I've seen it. Yes, okay. So are you saying this is ...

Village Attorney Whitehead: Those aren't actually parking spaces now.

Boardmember Alligood: Right, but then this wall can go here.

Village Attorney Whitehead: It's where you can cut through.

Boardmember Alligood: I understand that's your property, and I'm not saying you can't build on it.

Mr. Weinstein: Right.

Boardmember Alligood: I just want to understand if it's going to affect how the parking is laid out in the existing bank parking lot in any way.

Mr. Weinstein: In no way at all.

Village Attorney Whitehead: Because that's where the driveway connects through?

Bldg. Inspector Minozzi: No, that's where the cut-through is and where the funeral home parking lot is now. The way it's shown, the way he has it drawn, is not affecting the bank parking at all.

Village Attorney Whitehead: This is the cut-through.

Boardmember Alligood: I know, but now you have a corner coming out that's not ... there's an obstruction there now that isn't there ...

Bldg. Inspector Minozzi: Right, but there's no parking right now anyway.

Boardmember Alligood: I mean, there's an obstruction there in that drive that isn't there now. I know that's their property, but the fact that there's going to be a squared-off section is that going to affect the circulation of parking?

Bldg. Inspector Minozzi: There's a different obstruction there.

Boardmember Alligood: Let me just finish my question. Is it going to affect the layout and use of that parking lot? Even though it's your property, we need to understand if it's going to affect ...

Mr. Weinstein: Well, what it will eliminate is sort of that cut-through that people sometimes use.

Boardmember Alligood: I understand.

Mr. Weinstein: It'll eliminate that. If anything, the bank might be able to have more parking because they won't have to leave that opening that's used for circulation between the bank parking lot and Spring Street.

Boardmember Bass: I think the answer to your question goes back to the previous site plan review for the rehab of the corner building. They didn't utilize parking on property they didn't own or control. We would have to look at that site plan to give you the facts, but I don't ...

Boardmember Alligood: I understand they weren't counting on using that piece of property that's now going to be walled off. I get that, I just want to be confident that the fact that now this is going to be built out in that fashion that that will ... and I'm not saying that's not your right to put that there. What I'm asking is, is it going to affect the layout and use of the parking lot. From the information right in front of me I'm not sure about that.

Village Attorney Whitehead: And this doesn't help you? I mean, it looks like it would come out with that line, and then here.

Boardmember Alligood: Well, no because that's not showing ... you're showing me an aerial photo and you're not showing me ... I don't understand how that translates to what you're saying.

Village Attorney Whitehead: It's right here.

Boardmember Alligood: No, understand.

Village Attorney Whitehead: It's this, and this.

Boardmember Alligood: But I don't know exactly where the wall coming down on the other side is going to ...

Boardmember Bass: I think we would have to review the previous site plan to see how this could mesh together. Because doing it that way and doing it this way he's not responsible for their parking.

Boardmember Alligood: No, he's not. I'm just saying ...

Boardmember Bass: But I think we need to look at ...

Boardmember Alligood: ... the information here doesn't answer my question.

Boardmember Bass: Right, but I think the only way we can answer your question is by looking at the other site plan.

Boardmember Alligood: Mm-hmm.

Mr. Weinstein: Yes. I can tell you definitively we're not ... since we didn't interfere with their parking before this plan, and we're solely on our property, we wouldn't impact their parking at all.

Boardmember Alligood: Okay.

Chairman O'Reilly: Richard.

Boardmember Bass: I still have difficulties with the front façade. I think the retail, with the windows pushed back, doesn't work. And that there are solutions to bring the front of the façade to so it's not cave-like and still be ADA compliant. I'd like to work on that.

Chairman O'Reilly: Is that the frontage on-street?

Boardmember Bass: Could we go to A-100? Sorry, I'm going to get up and show what I mean.

Chairman O'Reilly: You may. Here you go.

Boardmember Bass: Can I have that microphone?

Boardmember Sullivan: Of course you may.

Boardmember Bass: By bringing this down here you still have ADA access to this retail spot and this retail spot. It just brings this window closer to the street wall. I'm sorry, can you see this?

Chairman O'Reilly: Yes.

Boardmember Bass: So I would bring this wall down so it's closer. I would also probably bring this all the way down.

Village Attorney Whitehead: Talk into the mic. Is it on?

Chairman O'Reilly: Maybe the mic's not on, Richard.

Bldg. Inspector Minozzi: No, that mic's on.

Boardmember Bass: Okay, sorry. How about now?

Bldg. Inspector Minozzi: Thank you. Yes, she's on.

Boardmember Bass: Okay, sorry about that. So by bringing this window down here, it ... again, by bringing both the windows closer to the street it creates more light and air, or light spillage onto the sidewalk. It doesn't make it so difficult to find this retail. It is almost an obligation from a design point of view that it has to be a destination retail as opposed to you're walking past, look in the window, and you shop. Because that's how most people shop these days.

By bringing this down, it still allows the ADA compliance, and the entrance to this retail can either be here or here. But I think that front façade could be better improved.

Mr. Weinstein: My response to that, respectfully, is this has been reviewed by experts in real estate who market these properties and they think it's fine the way it is. I understand you think it should be closer, but our original plan didn't have the stairs. It only had the access from the ADA access, and there were comments from this board that it wasn't very welcoming. Which is why the stairs were added. And once we add the stairs, you know, we have to have building code compliance. So there needs to be an adequate landing at the top of the stairs. That's what this does. We clearly would like to move the building and create more square footage for rent, but it didn't work out that way.

Boardmember Sullivan: But the stairs you have are large and decorative. They could be reconfigured and still give people access and have that landing.

Mr. Weinstein: It absolutely could be slightly different. Again, we think this works, we think it's welcoming, we think the retail spaces are highly marketable.

Boardmember Bass: You know, you and I have been doing this too long. I just know too many examples where for retail you either can't see from the street or you make it difficult for the consumer to get in, and they fail.

Mr. Weinstein: Well, look, all I can do is point to two new stores in the Village – Mossy Fern and the waffle store at Movie House Mews – and they're both doing very well with

absolutely no visibility from the street. So I think part of retail is being a destination and creating a product that people will get to, and this is visible from the street.

Boardmember Sullivan: Yes, but our town has more of a tradition of what Richard's talking about, with storefronts are centered and visible from the sidewalk. That's a very unique piece of property; it's an old movie theater so it's not on the street from the get-go. There's only one shop up there that has a street view.

Boardmember Bass: And even in the 14 years I've lived here most of those stores have been vacant or they've turned over because of the pedestrian difficulty in getting in there. So right now we have two stores that are destination stores and I hope they survive, but it makes it really hard in this retail environment to be successful.

Mr. Weinstein: Well again, although I disagree I would say we could fiddle with the geometry and reduce the amount of open space and reduce the width of the stairs, and create a little more rentable square footage. But it still has to have stairs at the western end.

Boardmember Bass: No, I fully understand. If you could play with that a little bit.

Mr. Weinstein: I would require that if it becomes one of the issues I would consider it a minor issue, and I'd still request you approve it subject to our making that modification.

Chairman O'Reilly: Well, that means we've got two things you're asking us to approve with two minor modifications after the fact.

Mr. Weinstein: Well, one is the calculation on the height.

Chairman O'Reilly: Get the calculations.

Mr. Weinstein: Which, again with all due respect, that's the Building Inspector's job.

Planning Consultant Cleary: You've also indicated removal of the mezzanine on the plan.

Chairman O'Reilly: And the mezzanine.

Mr. Weinstein: That doesn't affect the appearance of the building, and I've already stated we will remove that.

Boardmember Sullivan: I guess I want to just go back to the height. It's definitely the Building Inspector's judgment, but I was asking for an explanation.

Mr. Weinstein: And you know what? We work in a team, I didn't do those calculations ...

Boardmember Sullivan: No, I understand.

Mr. Weinstein: ... but they were done very carefully and I reviewed that at the time. But I couldn't walk you through the calculations right now. I'm certain they're compliant.

Chairman O'Reilly: Richard, anything else?

Boardmember Bass: No, I'm done.

Chairman O'Reilly: Okay, I'll go to the other end. Tom Speyer?

Boardmember Bass: Just one, and this is nitpicking. Sorry, I can't help myself, Ed. On the façade, the cornices look like overdone eyebrows. I know the Architectural Review Board reviewed that.

Mr. Weinstein: You're talking about the sunshades.

Boardmember Bass: Yes. I think they don't add to the façade treatment. They ultimately retain more debris and garbage and dirt. I think they should be more traditional in their depth, but that's nitpicking.

Chairman O'Reilly: Thank you. Tom?

Boardmember Speyer: Just a quick comment. I'm new on the board so I won't go into any of the details. Whenever I look at a proposal I like to compare it to the status quo. The status quo is a hideous building with parking, a bit of pavement next to it. This proposal is a vast improvement, in my view, over what's there now. And having listened to my colleague's comment, I'll say something that I'll probably repeat many times in my tenure here, which is let's not make the perfect the enemy of the good. There are always ways you can tweak a design to make it better, but I think it's pretty good.

Mr. Weinstein: Thank you.

Chairman O'Reilly: Emily?

Boardmember Goldman: I guess I would Richard Bass' opinion about the sunshades over the windows. They're a little much, I would think. Also the recess, especially in this view here it's like a little cavernous. That's a very public part of town, by the library and Village Hall and train station.

Mr. Weinstein: You know, I wouldn't take their ... renderings are renderings. It show it a

lot darker than it would be. That's a side of the street that gets light all day long, a south-facing wall.

Boardmember Sullivan: But you were talking more about the depth, right?

Mr. Weinstein: It would be light. But I said we could move it forward as much as we legally can while still providing the stairs and a proper code-compliant landing.

Boardmember Bass: Can I ask one out-of-train question? The wine bar across the street, when they put luminaries outside their façade, it really is a nice effect. I see you have luminaires on the side of your building.

Mr. Weinstein: Yes.

Boardmember Bass: Can you just go into a little detail on what they're like and will they be comparable to Boro6?

Mr. Weinstein: Sure. I think we have an example of that fixture.

Boardmember Bass: Again, working with Barbara when we did the Downtown Walk there are places where the downtown has such lighting and it's inviting and friendly. And where there isn't such lighting it's not inviting. We're trying to make the whole downtown similar.

Mr. Weinstein: These sconces will be on the pilasters. This is the fixture we're looking at and correct me if I'm wrong, we will go back to the ARB with all these details. But yes, we are lighting up the front of the building.

Boardmember Bass: Great, thank you.

Mr. Weinstein: And to address your comment about the sunshades collecting debris, first of all it's a green element that is going to eliminate the solar heat gain in the summertime and pretty much allow more of it to come in in the wintertime. And it doesn't have to be a solid surface in order to serve that purpose. You can see the shade second from the left is open, but it will still provide the shade.

Boardmember Bass: Thank you for that explanation.

Chairman O'Reilly: The only other comment I have is that since we're talking about the front of the building, look at the back of the building, if you put that previous photo up, the rendering of it. It looks a little factory-like, that's all I can say. It sort of doesn't appeal. The front of the building, okay, with the heavy eyebrows, do something about that. But the back of the building, is there anything that can be done there?

Boardmember Alligood: I had the opposite reaction.

Chairman O'Reilly: You liked it.

Boardmember Alligood: If the front looked like the back I'd be okay with it. I really don't like the eyebrows, sorry.

Bldg. Inspector Minozzi: If you have a mansard, then he may have changed it. Then you have a façade, then you made him take the façade off and now it's too factory. I think you're being very redundant in your questioning. I mean, I think you need to make a decision on what you want the building to look like. If you give them three directions to go in, which he's gone in, now you're going backwards.

Chairman O'Reilly: I'm talking about the back of the building.

Boardmember Goldman: There's no such thing as perfection.

Chairman O'Reilly: But anyway, that's my opinion. Then I have a colleague who disagrees with it and goes in exactly the opposite direction. Fine.

Boardmember Sullivan: I have one other comment. I agree with the issue on the front façade, I don't think it's quite there yet. I mean, I look at this and it's a very large opening at the bottom and these very thin pilasters coming down. So just proportionately it's different. I mean, I think it could be improved but the Architectural Review Board is where we had them jump in so I'll just make that as a comment: I'm not satisfied with it, perfect in the way of the good perhaps.

I think what really bothers me about this plan is the setback. I think as people planning for downtown I don't think we would understand they, by right, could have gone up to the property line. However, that wouldn't have been very good planning for the downtown. But now that we have this dimension – 10 feet, wherever that came from – I wondered if there's a way to maybe make some of the materials that are in that sort of court be a lighter color perhaps for some light reflectance for the neighboring building. I don't know if that's actually is a good strategy or not, but it may be a nice neighborly thing to do and come up with maybe a brick that's white or something that would be permanently able to sort of get some reflective value. I don't know, and Richard I'm look at you.

Boardmember Bass: You were thinking of the western wall that's next to the ...

Boardmember Sullivan: Western wall, yes. I don't know if that's maybe a strategy that you've seen in New York to help kind of make that court be more reflective.

Chairman O'Reilly: Well, I know the Architectural Review Board was hoping there would be some consistency between this new building and the one on the corner, the big one, since it was brick. Which is why they were into brick.

Boardmember Bass: But Kathy's concern is more on the western wall that's facing the ...

Chairman O'Reilly: River.

Boardmember Sullivan: Food For Thought.

Boardmember Bass: ... where they generously gave a 10-foot wall. So stuccoing that white is, I think, what ...

Boardmember Goldman: Is this the wall you're talking about?

Boardmember Bass: No, no.

Village Attorney Whitehead: The side.

Boardmember Bass: The side wall, the wall between this building and this building.

Boardmember Sullivan: Richard, in the other photo sort of you can see kind of from the back.

Boardmember Bass: So this wall here. Again, Kathy's point – and not to nitpick – if it's red brick it will be really dark. And a white stucco, which will only be viewed by the people looking out their window at the 10-foot ... it might be a nice ...

Mr. Weinstein: Yeah, certainly we're not committed to having brick on that wall. Stucco would be acceptable, I'm pretty sure.

Boardmember Bass: That's a good point, Kathy.

Boardmember Sullivan: Well, it's just one of those things. I think also, too, in that same perspective, the back patios – which I understand there's one area that's pretty sizeable, the other appears to be a walkway – there's one little section that we have the sloped green roof on top of your garage. There's sort of a little part that's just sort of paved. Maybe if you could just make that whole area grass.

Mr. Weinstein: You mean more green.

Boardmember Sullivan: More green, because I don't think that's really needed.

Mr. Weinstein: We did the green over that sloped area sort of to make it a more pleasant view from next door.

Boardmember Sullivan: I appreciate it, I just think that paving is a small bit of paving that would be nice if it was also part of that, and kind of square off the patio in back that is usable. So that's my last comment.

Chairman O'Reilly: Thank you. I then open it to the public for their comments. Thank you, Mr. Weinstein. And also, while I'm talking to the public I see our Downtown Advocate in the back there, who obviously has been consulted on the retail space. We've had opinion back and forth about the question of the entryway. Was there anything you wanted to pile in on to help us in that direction? You'll need to introduce yourself, I'm sorry.

Downtown Advocate Prisament: I'm a Hastings resident – can you hear me? I have nothing to add, I came to learn. I have been consulted and I corroborate what was said, what Mr. Weinstein said. That we certainly have a demand for retail space. There are multiple people looking for spaces that still haven't found the right space that are contemplating businesses. I think retail would be terrific.

There are even people with limited food use kind of concepts, like salad bar/smoothie restaurants and things which wouldn't require the full restaurant. I don't know if that's viable for this space. There are people looking occasionally to start businesses like that. I don't think we would have trouble filling the spaces. I mean, the Building Department also hears from a lot of people that are looking to start businesses. I don't know if you agree, but I think it's not an issue in terms of filling those two spaces.

Chairman O'Reilly: Okay, thank you.

Downtown Advocate Prisament: In terms of the look of the front, I'm not the expert on that, per se. He's right that people are finding the spaces that are more hidden, but as attractive and welcoming as they can be, of course. And they may be already in this drawing just fine. It's hard for me to tell. But I do think they would be in demand. Okay, thanks. Do you have any other questions for me? Okay.

Chairman O'Reilly: So anyone from the public care to speak on this? We've done it two or three times and we've heard early comments. We kind of hope it's new, based upon what you see here tonight.

Ann Marie Ross, 24 Maple Avenue: I'm one of the neighbors in the community to this space. My main concerns have to do with traffic and safety so I had a couple questions

regarding this. I've been kind of paying attention because it's so close to where I live and affects my quality of life and that area's to such an extent.

One of the questions I had is, I know the corner right where the library is – the juncture of Spring and Maple and Southside – is being looked at for traffic and safety because it's such an awkward corner: the slope up from the train, the traffic pattern coming up, pedestrian concerns. My concern with this size and scope of a building is, again, with the driveway. You have opposing driveways. You know, the renderings that are here don't really give you a view of the street. And the fact that immediately across from the driveway that's being proposed there is another driveway that's an egress onto the street. It's also only four parking spots from that driveway down to the juncture with the library, where the two roads meet.

With trains coming and going, with other traffic patterns, that street gets blocked and clogged very quickly. As a resident that turns from Maple onto Spring it's not uncommon for me to be a few cars back on Maple and there's a few cars down the road towards Maud's, and all the way up the street to Warburton traffic is backed up. So my concern is, if you add a busy driveway that has six residences and commercial aspects to it that it's really going to just increase the safety needs and the traffic pattern substantially.

I know that this new proposal, that there was some aspect looked at as far as the parking needs and things like that. I believe the summation was that currently there are 11 spots available for parking and this would be 10 so there would be minimal change. Unfortunately, you're talking about a virtually unused parking lot. You know, it's an annex site. I have lived in the Village for 15 years. It's very occasional that it's used; almost not at all. It would go from that to a residence that's 24/7, with commercial space. There certainly would be an uptick in traffic.

So my question is, when is this considered? You know, this is the Planning Board, and those sort of things should be taken into account proactively and not retroactively to be dealt with. Maybe Barbara could speak better to this. There's been a plan in place for a restaurant on the corner with Hastings House. My understanding is that they have been granted a valet option for drop-off. How does that happen, where would that happen? They have, as was mentioned previously, a cooperative arrangement with Chase Bank for a few spots, but that is not meant for persons going to the restaurant or the facility. So where does valet drop-off happen? It can't happen on Warburton, there's bus stops there. It can't happen in the Chase parking lot. So it would happen on Spring Street, and how does that impact things?

You know, this is our causeway into town, and when planning has been done for our town that's what has been looked at. Like making that entryway more appealing. And if you cause a traffic jam it's going to be rerouted down my road, which the town has already taken into consideration family needs on that road. On Saturdays, with the Farmers' Market, they reroute traffic because there were many issues with cars double-parking, cars backing up,

cars driving around one another, and substantial dangers. This feels like you're going to be creating more of that. So that certainly is a concern of mine, never mind just pedestrians going along the street. I think having just a light or a sound – and this was discussed previously, the slope of the driveway – exiting that building would not be significant enough.

Then just from sitting here, I do wonder about the back end of the building. I think it was a very good point to ask about the wall enclosure because currently there's a chain that goes across and is cater-corner. So it's a diagonal, whereas the new rendering shows a 90-degree wall. In addition to that, you're going for something that's blacktop which cars can easily circumvent around and, I'm sure, regularly drive onto Mr. Sinatra's property as they're navigating in the parking lot, unknowingly, to a solid wall.

My question then becomes the Chase parking lot is quite busy, there is lots of traffic. So cars, how are they doing that circular? We couldn't see Chase on the rendering so we don't really know what the width of the passageway is for cars. That becomes another point of concern. Those were my main concerns, thank you.

Chairman O'Reilly: Well, thank you.

Bldg. Inspector Minozzi: Mr. Chairman, I recommend Mr. Weinstein go back to the ARB once he's addressed 10 major items, then maybe come and see us again next month.

Chairman O'Reilly: Mm-hmm.

Village Attorney Whitehead: The public?

Chairman O'Reilly: We'll have to get that when we hear from the public.

Bldg. Inspector Minozzi: Go ahead, sir.

Suzannah Kane: I'm the owner and resident of 7 Spring Street, which is the building that abuts this proposed plan. I wanted to thank Mr. Weinstein for creating that rear rendering in this new submission. It's very helpful, and that area of the plan was hard to understand given the varied slopes in the back of the property.

One of the areas I would like some clarification on is that of the shared property line. I don't know if you can ... where did that go? Put it up high, Ed. Put up the images again, and that area on the western wall that we share, specifically the slanted green roof. You were discussing it with Kathleen in a different context. What's hard to see in what I could read of the plans is exactly how that is drawn up with respect to does that go right up to the property line and my building. And if not, is there a separation? Can you perhaps, in your next drawing, detail those a little bit greater so we could have some understanding.

Specifically my area of concern is drainage and any type of water damage with the green planted roof, how that may affect my property. How will that be mitigated? Is that something ... is there some kind of seal, how do the drains work, how is that going to be maintained, how can we move forward with that? Similarly, I couldn't really see a clear rendering at the portion in the farthest rear – which would be the northernmost piece – where the parking lot sticks out. Currently, there exists kind of a short retaining wall that protects my backyard from the higher elevation. That, I would like to see kind of how that's worked up because it's not really clear in what they're showing right now; kind of how that will be addressed.

Similarly, in that general area, underneath the slanted roof there are three existing store windows below kind of what is now the current grade level, right at the parking lot. It's hard to see in these drawings because of that area where the slanted roof is. Are those completely sealed off in your plan? Is there some kind of space in between your westernmost wall and our wall? You have to see that rear drawing. I can see there's some dotted lines where the windows are. What I can't tell is kind of what that treatment is.

Mr. Weinstein: This is the view you're looking for.

Ms. Kane: Correct. There are three windows at the lower level. You can kind of see them underneath the trees and then underneath where that brick wall is. My tenant, Dwight, who's here, has an air conditioning unit in one of them just for general air circulation and ventilation. Will those be usable windows? I can't really tell right now from the drawing kind of how that's addressed, and that would be helpful to get that information and see.

Also I was curious about the subsequent steps of this process, but you all were kind of addressing that earlier. That's the information that would be helpful. I share the concerns of Ann Marie in terms of traffic, and I know you all will look at that as well. Thank you.

Chairman O'Reilly: We shall, we shall.

Anyone else?

Female Voice: One very small comment.

Chairman O'Reilly: You saw me look at my watch, I know. I'm sorry.

[laughter]

Isabelle Hidalgo, 7 Spring Street: Ooh, there's so many renderings. Here we go. Just a tiny comment on traffic and safety. I live right next door.

Chairman O'Reilly: You need a hand mic.

Ms. Hidalgo: There we go. Sorry, I just wanted the photo. Just to show you guys a point in traffic and safety that I think wasn't addressed is that we have deliveries on our street very frequently. There's a semi-truck that parks here, and also semi-trucks that frequently park right here. So if you're turning the corner you'll be turning, then going into the opposing traffic's lane. The moment you swing back, that's where the parking lot is. Then the same thing here. The semi-trucks are here so you have to swing out into opposing traffic.

I can't imagine that won't cause a problem because you already have traffic coming up here, and then the parking lot directly across the street is right there. That just seems like a lot of traffic and like a large lack of visibility. I would consider that parking in terms of the safety. That's it, thank you.

Chairman O'Reilly: Thank you. Was there anyone else?

Michael Ross, 24 Maple Avenue: I just want to also reiterate or reinforce the concerns about traffic and also pedestrian flow. I know, luckily, there are some measures that are being explored to improve safety with cars coming out, but it's one of the busiest pedestrian-ways (ph) in the Village, with flow to and from the train station and other amenities in the Village there. So I just would hate for somebody to get hurt with a car coming out of that garage quickly across the sidewalk and taking somebody out on their way to and from the train.

I have kids that walk to and from school every day and going right by that building, and the thought of a car popping out of that garage without proper safety measures it's really important.

Chairman O'Reilly: Good point, thank you.

I know, Mr. Weinstein, that you actually want to get an opinion from us tonight, but I don't think we're at the point where we want to vote on site plan approval. Am I incorrect in that? Because I sensed three things we're looking at. The Building Inspector, I think ... we would like the Building Inspector to look again at the height issue that was raised, with the explanation which was unsatisfactory. I mean, there was no answer we could look at, and I think it was a legitimate question that was asked and an important one. We appreciate that you've taken the ... I'll get to the good points in a minute. That there is a need for that.

That there is need for clarification on that's line that I think Eva was describing, when it comes to the car park, and that point there. But also the work on the front, again, from the point of view of access to the building raised by Richard. I think that's also of considerable importance. We haven't yet got to even site plan review. Or sorry, we've gotten to site plan

review, we haven't got to SEQRA. And there are other things which I think we have to do. I think from the point of view of what was raised before, again, in terms of the frontage and the façade it would be useful to get it back to the ARB. Sorry to keep pushing back and forth, but I think it's important we do that.

Does anyone disagree with me on that?

Boardmember Bass: No. I would just add our request that when it does come back we also have the site plan that was approved for the Chase parking lot so we can look at both and see how the two interface. I'm assuming they work, but there's questions we should have.

Boardmember Sullivan: I think also, to add to Eva's concerns about how the back area is now impacting the parking area, the woman who spoke with property adjacent and her concerns about not really having information about how her building's being impacted. It'd be helpful to have a little bit more information on that elevation, as well, just to have that as a point of record and be known.

Boardmember Alligood: I have a question about the safety issues that have been raised. It's a question for our planner. I don't remember if you gave guidance as to what you recommended for that part of the review.

Planning Consultant Cleary: Which safety issue?

Boardmember Alligood: The safety issues around the driveway and the cars coming out. Can you refresh our memories?

Planning Consultant Cleary: Right. We did raise the issue, and I think Mr. Weinstein's response were those modifications to the driveway, with the alerts and the lighting and so forth. That was his attempt to address that issue.

Boardmember Alligood: Okay. But there is a possibility of having it further reviewed by a safety expert, right?

Planning Consultant Cleary: Sure. I mean, access to the site has to be provided so eliminating that would be a challenge. I think we have to find a way to make that as safe as possible.

Boardmember Alligood: Right, right.

Planning Consultant Cleary: So yes, as much support and information.

Boardmember Alligood: Not talking about eliminating it, but having somebody who's an

expert at driveway access, safety and visibility, and just to make sure the concerns raised by the public ...

Boardmember Bass: I know Sam Schwartz was retained to study and propose an improvement for Spring and Maple. I don't know if they're still on retainer.

Village Attorney Whitehead: They're not currently doing that. The only thing I think they're working on right now is the south corridor.

Boardmember Sullivan: The thing about 555 Hastings House, when we looked at that current site plan and gave approval we were working off a very rigorous parking study that was done before the owners changed and they came to us with a more moderate proposal. There's was a lot of research and looking at how the valet parking and that kind of proposal worked. I don't remember off the top of my head that there were different triggers that they would go to valet. We also took note of deliveries that were coming there, and made points of where they see them. Like all the businesses need to supply themselves with what they need.

Planning Consultant Cleary: Yes, you've been helped by the public's input with respect to how Spring Street is being used in terms of deliveries and so forth. That's helpful information.

Boardmember Sullivan: No, really a lot of planning went into that. We reused when we gave our approvals for that revised plan. So just to share that, it's available on the Web site I'm sure someplace.

Village Attorney Whitehead: I know there was a comment made about you can't look at traffic based on the number of parking spaces; just because the parking spaces are there doesn't mean that's how much traffic there is. And you're right, that's not the way this board would look at the traffic impacts. They would look at traffic from six residential units ...

Planning Consultant Cleary: And two retail spaces.

Village Attorney Whitehead: ... and two retail spaces, not there's 11 parking spaces now and there's only going to be 10 so it's going to be less. That's not the way parking is looked at.

Chairman O'Reilly: And I think the safety issue is of concern, obviously, with the in and out of that building; with, as was raised, the driveway on the opposite side of people coming out from whatever that lot is.

Planning Consultant Cleary: And when you get to that point all of these issues will be

addressed in your SEQRA evaluation. So you'll be determining if these are impacts that need to be mitigated.

Chairman O'Reilly: Yes, we have your completed SEQRA but we don't have enough to go to that at this point.

Planning Consultant Cleary: So if you recall, we requested that additional information. It's been submitted, and we'll move in that direction.

Boardmember Bass: So we'll see you next month.

Mr. Weinstein: Well, in fact, to answer a few of the questions that were raised, Suzannah raised the issue of drainage. Obviously, we are required to keep all stormwater on our property, and we will. So there'll be no stormwater or any kind of drainage going over our property lines.

Village Attorney Whitehead: And I think Hahn has already ...

Planning Consultant Cleary: Right, you have Hahn's comments.

Village Attorney Whitehead: They've already responded to Hahn's comments.

Mr. Weinstein: In fact, we have a site now that's 100 percent impermeable, and we're reducing that. We should be reducing the runoff because we're mitigating it with at least a portion of the roof as a green roof. If anything, we're reducing the amount of stormwater.

As far as the safety of access, it's an existing curb cut with an existing driveway. When the funeral home was busy – of course, it hasn't been busy lately – they had 100 or maybe 200 people sometimes coming to a funeral, and that was a lot of cars. The amount of cars generated by the residential and by the retail is very minor, certainly under the threshold of a type one action.

I'd also like to just make the point to this board that every time we have to redo this presentation, and every time we have to do new renderings, it's costing Mr. Sinatra a lot of money. I would like to think this village is friendlier to small business than it would appear to be.

Chairman O'Reilly: Well, we do like to avoid too many comings and goings to the board, there's no doubt about that. But this is a large property in the downtown area and I think that's one of the things which makes it that much more important.

Mr. Weinstein: And I think replacing what's there now with a building that's going to

contribute both from the tax base to the employment base, and to the life of Spring Street, is going to be a big plus. And I could certainly address these few items you've mentioned. I would've hoped we could've gotten the approval, but we'll come back. You know, I would like to just clarify them with you before I leave. I know one was verifying the calculations on the height.

Boardmember Alligood: Well, not just verifying them, but coming with the information so it can be reviewed and we understand. So not just come back, but yes we've got it.

Mr. Weinstein: As they used to say in high school algebra, show your work.

Boardmember Alligood: Yes, correct.

Mr. Weinstein: We will show our work.

Chairman O'Reilly: That would be helpful.

Mr. Weinstein: Okay. And is there something specific you wanted the ARB to look at?

Bldg. Inspector Minozzi: I have to look.

Mr. Weinstein: Okay. Then I thank you for your time.

Bldg. Inspector Minozzi: I have a list.

Boardmember Alligood: You have a list of items, okay.

Chairman O'Reilly: A list, yes.

Mr. Weinstein: Okay. I'd like to say we're looking forward to coming back, but ...

Chairman O'Reilly: You can.

Mr. Weinstein: ... we will come back.

Boardmember Bass: Okay, thank you.

Chairman O'Reilly: Thank you.

Boardmember Sullivan: Thank you.

Chairman O'Reilly: The next public hearing is the second to last. I'm sorry, it's the last

public hearing for tonight.

2. View Preservation Advisory & Steep Slopes Approval
Application of Ryan Kimber & Meghan Golden (Contract Vendee) for a new
single-family dwelling on their prospective property at 0 Pinecrest Parkway.
Said property is located in the R-10 Zoning District and is known as
SBL: 4.100-95-41 on the Village Tax Maps.

Chairman O'Reilly: We're ready for your presentation.

Padraic Steinschneider, Gotham Design and Community Development: See if I can get it to work. This is long and intense. We are working with the Kimbers, who are considering purchasing a piece of property to build their dream house on. We're hoping that it'll be more than a dream, but that's why we're here.

I think last time we gave you a lot of information, but I notice there are some new members. So I'm not going to go through all of it, but just maybe some quick things. This is the property that's at the very end of Pinecrest Parkway. So you drive up Pinecrest Parkway, you've got houses on the east side and the west side that are all fronting Pinecrest. You get down to this site, which is a little bit larger than most of the other properties on that street, and you end up with a kind of unusual situation. The only portion of the property that fronts on asphalt is the south property line, which in every other house is the side yard.

We have a situation where the front is the south side of the property, the back is the north side of the property, and then we have two side yards – one being the Aqueduct and the other being our neighbors to the east. This kind of shows that a little bit more in context. So this just gives you a work understanding of that. This is the survey of the property, which is relatively steep. I don't think anybody here thinks it is not steep. I think one of the people at the last meeting actually commented it was one of the steeper properties they've looked at. At the same time, it's a very nice location, it's got great views. I can imagine kids being able to walk into town or to school on the Aqueduct, so I can understand the interest in this.

I'm not going to show the last design at this point, but I've got it here in case people have questions about what the comparison is. What we were asked at the last meeting was to address a number of issues and concerns, one of which is this entire property is steep sloped. The only portion of this that's not is the east-most portion which is completely taken by an easement. The easement's actually a total of 34 feet. There's a 24-foot easement that starts after a 10-foot easement so on this drawing the right side, all of that is an easement so we can't build in that location. It pushes us to where the site drops off dramatically, and I've got some photos at some point in here that'll show that a little bit better.

One of the concerns in the previous design was a courtyard. So you'd pull up the street, you'd make a left into the courtyard, and be able to pull directly into the garage which was located to the north. That would put all of our cars off the easement, which I still think is preferable. But what that meant was, we were increasing the area we were building steep slopes on top of – on top of the steep slopes – with the fact that we had that courtyard.

So what we've looked at is an alternative plan which relocates the garage so we don't have a courtyard and we're backing out into the easement. That's this design here. The gray area you see there, the larger rectangle, that's actually the distance from the easement to the front of the garage. So that if somebody parked a car temporarily in front of the garage they wouldn't be blocking the easement, they'd be fully off it. That's a 10-foot setback. Previously, the garage was almost all the way up to the easement. But that meant we were coming out towards the south with the garage doors.

The house has gotten narrower, and we basically brought a lot of the square footage up into what was previously the courtyard. I don't think there's a need to walk you through the plans themselves in terms of bedrooms and bathrooms and how we're going to do the powder room. Okay, I didn't think so.

Chairman O'Reilly: We're not there yet.

Mr. Steinschneider: One of the issues I do want to address though is the lower right-hand corner here. We have done the calculations necessary to determine that we have a two-story building and that the basement is considered a third story. That was one of the questions that came up at the last meeting, and we looked at that.

These are just massing elevations. We put some windows on the front, but we haven't gotten into all the design. We're really looking at tonight is if you are thinking this is a better direction to go and we'll further develop this, or if you felt there were benefits to the other. Now, a couple things we've done since the last meeting. We did complete the narrative and that has been submitted, which is one of the requirements of the Village, detailing specifically how we're dealing with steep slopes; one of the main things we're here for – view preservation, but also building on the steep slopes. That goes into a lot of detail about site stabilization, how we're handling the stormwater runoff, and all the things that can be exacerbated by having a steeply-sloped site.

We gave you the narrative. I know there's an engineer's statement which is required, I believe. I don't know if that's been given yet to the Village. I know the engineer's representative is here tonight with a copy of that, signed by Michael Stein, the engineer. So I think we're good on that side of it. We submitted several different things, including this different design. We also submitted a response to the Hahn memo. We've also gotten a new Hahn memo. I'm very familiar with working with them, we've worked with them a lot in the

different villages. I know I will always get a new memo until we've gotten the answers done.

So we are working on their concerns. I think we're in pretty good shape with it. I didn't find anything on it that was something that made me concerned. I think I've already mentioned the alternative design shifts more of the house east which occupies the provide courtyard. We increased both side yards. Previously we had 15.83 as the side yards to the south. The front yards and the backyards that we're treating as the side yards, we have 15.83. We have now increased that to 19.87 on the two. We also increased the setbacks that are technically the side yards, but function on this lot more as the front and the back. They weren't dramatic, but they're substantial. One of them went from 34.67 to 43.2 feet, and the other went from 35.9 to 40.22.

One thing, I know this isn't a calculation that has any legitimacy or has any basis of anything. But I think it demonstrates what we're trying to do. If you add up the requirements right now – front, side, rear, the other side – the requirements are 90 feet. What we're proposing right now is 123.16 feet. So it's not as though the variance we're looking for front and back is so we can build something bigger. It's really because of the configuration of the lot and how it sits relative to the street.

We lowered the west half of the house in the alternative plan, so it drops down 4 feet from the east side of the house. That helps us get under more of the sky-plane set at 35 feet. And I'm realizing that we may have done something ... I know Ed was referring to splitting a building into thirds or something, so I'm not familiar with that section of the code. What we did is ...

Chairman O'Reilly: (Unintelligible).

Mr. Steinschneider: I'm glad because that could be I've done it wrong. What we have done is create it as though you take the survey and you lift the survey up 35 feet. So is there any portion of that that we're penetrating through, and we have determined there's a small area we're penetrating through. But if I can go back to the site plan and grab the other microphone ...

Bldg. Inspector Minozzi: Yes, sir.

Mr. Steinschneider: Thank you much. What I want to point out – and I think you'll be able to see it easier on your drawings – is that the contours ... on the neighboring properties, the contours kind of move the height here. This is actually a hole. I represented that at the last meeting. But what I really want to point out is how much specifically this one spot is a hole. So you get the contour here which sweeps up to here, and what you're basically getting with that is that this one area it isn't that the roof is taller. It's that we effectively have a hole in the site.

So if we're measuring up 35 feet to our limit, that one area is where we are higher than we're permitted to be. But if we look at how the house sits with the elevations we're significantly under. I think I've got some larger ones in here someplace. I mean, this is the south façade. You see that line at the top, that's the height limit. So we're under that height limit fairly well. We don't really have them on those. And here's where you're seeing where that encroachment is. That's where the hole is. And it's not the edge of the house, it's only up on that one section about a third of the way back up into the house where we're actually hitting that area where it drops down.

The other thing I'd like to point out is, we're thinking it's good to pull this back the extra 10 feet so we kind of make the parking work better when traffic's coming by. If we took this design and moved it up so this was at the easement setback, we would then be under that line. We wouldn't have to make any adjustments to the design, we would just no longer be penetrating in that one spot. That's one of the things I know we're looking for a variance on. And I understand the oxymoron of seeking a height variance in the view preservation zone, but there could always be a first time when it made some sense. Which I think there's some merit to this.

Some other almost like housekeeping. I believe the applicant's attorney has submitted a letter with copies of the easement to the Village Attorney.

Village Attorney Whitehead: Yes.

Mr. Steinschneider: I don't interpret that, so that's up to you guys to tell me if there's a problem. It looks to me like there's not, but I'll leave that to what everybody else is thinking.

Planning Consultant Cleary: Is the attorney here with you tonight?

Mr. Steinschneider: No.

Some issues I think we need to note are that this will now have cars backing out into the easement. But it's an easement serving only one house. It's not that that's not important, but it's not as though we were going to have a tremendous amount of traffic. We will need to do more re-grading within the easement to do this alternative because the other design we had actually worked with the existing grade. To make this work we have to re-grade a portion of it, which is what we've shown on the drawings.

We also – an I'm hoping that you give me the answer that I'm seeking – set up two posts with a rope across it. I never head whether anybody went to see it, and I'm just thinking ...

Boardmember Alligood: I did.

Mr. Steinschneider: Okay, great. It was very hard to do. It snapped several times. So it was a terrible experience.

Boardmember Alligood: It's very helpful. It's very, very helpful, and we do take the time to go and look.

Mr. Steinschneider: I appreciate it. It's just when I didn't hear anything I'm thinking, My God, we went through all this stuff and it's not going to be looked at.

Chairman O'Reilly: No.

Mr. Steinschneider: So that's great. I don't think we have to talk about landscaping. We have a very extensive landscaping plan that has been coordinated now with the engineer so the drainage systems and stabilization, and the appearance and screening, I think all work fairly well. I don't think we need to go through the narrative, but let me know if you want to talk about that. We're going to skip through all this. Actually, I'll show one thing just for the people who are new.

This was the previous design. The dark area is the courtyard, and that's what was serving the garage, facing south instead of facing east. But what I want to get to is some stuff in the view preservation. Actually this is also good. This is showing what portion of the site is steep slopes; it's the green. The two greens are the steep slopes, so there's like two spots – I guess three – west of the easement that are not steep slopes. So it's a challenging thing. Of course Michael Stein from Hudson Engineering & Consulting, they've done a very careful job figuring out how to make everything work with the steep slopes.

So now we're into the view preservation thing we showed last time. What I'm going to do here, this was a drawing we provided last time that's in the set. I don't know if I did it perfectly, in fact I know I didn't. But I tried to get the basic same location so you could see this is the column, the one post, the other post is obscured. But when you overlay these it demonstrates that what we're showing in those images is accurate. So the heights are commensurate. This is zooming in on that this. This is the one between Hassan's house and the 177 house that's in construction.

Same thing here. We showed the house down below and then took photographs of that, again showing the height is basically what we represented it to be in those images. If you lay one over the other the ridge we've shown with the rope between the two posts is consistent with what we showed before. There's a (cross-talk) ...

Boardmember Sullivan: Where are those posts in relationship to the ridge of the house?

Mr. Steinschneider: There's one thing that's misleading, which is good and I should point out. The two posts come up at the corners of the house; not corners, but where the ridgeline comes across. So if you drew a straight line coming across from side to side those are where the two posts are. But we don't actually have a ridge that goes across there. So what that does is, it hits the section ridge. We then slope down from that on the sides. So what happens is, it gives you ... there's a triangle on both sides that's not actually there.

Boardmember Sullivan: So those are at the exterior walls.

Mr. Steinschneider: Those are the exterior walls at the highest point of the house, in the ridge. Which one of the comments last time was could we set up two sets of posts – two in the front, two in the back. I think that would've really been misleading because I think what we would have been able to do at that point is show what those heights were. And those are much lower than the ridge. So what we figured is, go to the ridge – highest point of the house, side to side – with the unfortunate thing that there was no real way for us to angle that rope so it would show what portion of that we're actually not blocking.

Boardmember Sullivan: Were they surveyed? .

Mr. Steinschneider: Yeah. The locations for the posts were set by the surveyor. He gave a grade elevation of exactly where that was. Then what they did is, they dug the holes and measured on the posts so once the post was in the hole the rope would be at the right location. One thing that's thrown it off a little bit – you can kind of see it in this photo – is, this one has kind of bent. There seems to be something that's crimping the rope up at that point. So this was straight when it first went up, but it's been up now several weeks and I'd actually like to get it down at some point if we have one of those windy storms.

So we looked at those. The other thing we'll do here – if I get to the end of this – is, the Hassans were nice enough to invite us in and what we were able to do is walk through their whole house and take photographs from inside the house of where those two posts are and where the rope is from various rooms inside the house. I'm not going to remember what the rooms are at this point, but if you want to, at some point, point it out.

Boardmember Speyer: That's the top story with the terrace, right? Because you can see the railing.

Mr. Steinschneider: Yep. Well, there's several rails on the house. It's pretty interesting when you get inside – it's pretty cool.

So this is looking to the southwest. At this point I'm all the way up against the glass, facing towards where the house will be. One other thing I think you can see here, the ridge of the existing house that's to the south is approximately the same elevation of the ridge that we're

proposing in the alternate. The proposed house original was about 1 foot taller. So we've dropped it, I think, a dramatic 6 inches. I think Cleary's report noted that it was a 6-inch. But we are trying to get it down and make it work.

So these are showing the posts again. This is looking up there: the post that you see there to the left is the northern post: the southern one is not in the frame. Views looking out from the house towards the Hudson. We kind of did that as we went through the different levels in the house. Here you can see the two posts. I know it's hard to see, but it is down, you are looking over it, you're seeing the water. You will see the house no doubt, but I don't think there's any way to build a house there that you wouldn't see.

Tamar Hassan, 179 New Broadway: We did this through the whole house. I think we're in the lower level at this point. Is it the lowest, or is this the middle?

Mr. Steinschneider: It's unclear what this is. It still looks pretty (off-mic). This is the middle pole. Yeah, I can see the courtyard now, down to the left there. Then we worked our way down to the courtyard.

Mr. Hassan: This is the bedroom on the main floor.

Mr. Steinschneider: Right. So this is looking ... the big tree is the one that has to come down. Basically you see where the two posts are; you can just see the one on the right-hand side inside the frame, the window. Then this is the courtyard that I think you guys are thinking of making something that would be more visible.

Male Voice: This is the side of the house. That's a garden that's not (off-mic).

Boardmember Speyer: South side.

Mr. Steinschneider: Right, it's not the terrace at the front but it's a place you said you were thinking of doing something there that would make it a more usable space, more family-oriented.

Mr. Hassan: No, that would be the patio ...

Bldg. Inspector Minozzi: He has to speak into the microphone.

Mr. Steinschneider: Okay.

Mr. Hassan: And identify. No, this is the side of the house so ...

Bldg. Inspector Minozzi: Could you identify yourself, sir?

Mr. Hassan: This is my home. So no, where you saw that bedroom window on the bottom floor, that whole area we're considering patio and deck. This is the side, yeah.

Mr. Steinschneider: I got as much as I could. We were there moving quickly.

Now, this is outside on that terrace, right?

Mr. Hassan: This is the top floor.

Mr. Steinschneider: Okay.

Mr. Hassan: Oh, I see. Yes.

Mr. Steinschneider: Yeah.

Mr. Hassan: Yes, that's right.

Mr. Steinschneider: So those are what we have to show you, and I guess if you guys have any questions.

Chairman O'Reilly: Yes, thank you. Well, it's a thorough presentation. No doubt you do a great presentation. I mean, you've got a Herculean task to build on this piece of land, there's no doubt about that, and the design that you have. We did go – I did go – and I'll let the others who went speak for themselves on what those visits showed. We thank you for putting up those posts and putting a marker across the top which gave us a very good idea of what the proposed height of the house is.

I mean, I also found my way into to 177, which is the house to the south that is under construction. I wouldn't recommend to anybody else to go in there unprepared. I was there while the workmen were there and was able to (cross-talk) ...

Boardmember Sullivan: Is this the house to the east?

Village Attorney Whitehead: Mitch left.

Mr. Steinschneider: Oh. In fact I think that was the owner that was with Mitch.

Female Voice: Yeah, he just stepped out.

Mr. Steinschneider: Oh, just stepped out?

Chairman O'Reilly: Anyway, I found my way into it. He had written a submission. We've had submissions both from Mr. Hassan, and I think his name is Missoumi. He would introduce himself. There, the view preservation is much more seriously impacted than even Mr. Hassan's property because he's directly facing the building which is proposed. I think I went there a couple of times actually. I went with another couple of people.

I'll let Emily and Tom speak – they were there at the same time – as well as the representative from the Zoning Board who took the opportunity to go as well. It's a problem, no doubt about it. I mean, I'd like the others to speak but I want to get to your point at the bottom here where you say the applicant, who's a contractor MB is subject to the approval of the house; the agreement is subject to approval. Appreciate getting a sense of the board as to whether this is moving in a positive direction. We want to get to that point before we finish tonight, so I want to be able to get to that.

So anybody else who was there. Tom, I could start on my right.

Boardmember Speyer: I just wanted to ... there's going to be a lot of discussion of view preservation because that's the most visible. But I wanted to raise a little different point just because part our responsibility is to enforce the steep slopes provisions of the code and I want to make sure I understand them and understand what our standard of review is.

As I read the code and I look at this plan, the plan is most out of ... you're close on the height requirements, but you can tweak those. But you're nowhere near close, as I read it, to the steep slope requirements.

Mr. Steinschneider: The limitation.

Boardmember Speyer: The steep slopes basically are a coverage requirement that say you shall not build and cover more than X percent of a steep slope. I don't have the numbers – and I wish someone had the code – but I think you're covering roughly 75 percent of Steep Slopes, as your plan showed.

Mr. Steinschneider: I don't think we're ... we have an area that we're impacting with the construction process ...

Boardmember Speyer: Yes.

Mr. Steinschneider: ... and that might be close to 70. I don't think it's that high, but it's about that. When we get done with the construction and we've re-stabilized the site and replanted and all that I think we're much closer to like a 40 percent.

Bldg. Inspector Minozzi: We don't want to know what your impact is during construction.

Mr. Steinschneider: Okay.

Bldg. Inspector Minozzi: We want to know – because there's always impact during construction – what is the final impact of (off-mic).

Mr. Steinschneider: Right.

Bldg. Inspector Minozzi: (Off-mic) the numbers.

Mr. Steinschneider: Yeah, we have not given you the numbers that way. If I look at what Michael's done is, he's really given you the calculations for the limits of disturbance. I think that might make it look like a much bigger impact than we'll end up with. I mean, we're building on steep slopes. And whether we're compliant or not compliant with an area, in my perspective it doesn't matter. If I'm disturbing 100 square feet of steep slopes and I do it wrong that can cause a problem so it has to be handled exactly right.

One of the things about the Village is requiring that narrative. Because I think that really forces anyone who's looking at this to look at every component. So I'm confident we'll be able today to do that. The process we're in also is one that's specific – and obviously others should talk to this because you're much more familiar with it than I am – and my understanding is we're actually applying through a process the Village has specifically for when you're exceeding that limit.

Boardmember Speyer: This is what I want to understand, and I'd appreciate Linda's input on this. As I read the provision it says you shall not cover more than this percentage of a slope that's this steep or that percentage of a slope that's that steep; you shall not do that. But if you build on a property that is that sloped you shall mitigate all the impacts of it.

I think you've done a really nice job. The drainage provisions and mitigation of effects of what you *have* built look like they're well thought through. But I'm just concerned about the upfront provisions that say you're not supposed to do this at all.

(Cross-talk)

And now I'd kind of like to hear from Linda and from our client.

Mr. Hassan: I'll give you the context before Linda speaks: 15- to 25 percent, no more than 35 percent, and slopes above 25 percent no more than 25 percent. In this case, 15- to 25- is 73 percent, and above 25- is 70. So more than double the allowable level of impact.

Boardmember Speyer: Yes, so that to me seems like a major hurdle. If we're to take this

provision seriously and enforce it, I just don't see how this plan can fly.

Village Attorney Whitehead: Two things to address your issue and to get at what Buddy was referring to. What counts in that number, that percentage, is areas of steep slopes that shall be developed, paved, re-graded or stripped of vegetation without appropriate measures to prevent erosion. So anything that's going to strip the vegetation you're going to make sure has appropriate measures.

So it's anything that's going to be developed, paved or re-graded. And I'm assuming that's how your numbers were done, I'm assuming that ...

Mr. Steinschneider: I'm not sure.

Village Attorney Whitehead: ... Hahn Engineering read the code and ...

Mr. Steinschneider: Yeah, perfect. This is Tom.

Thomas Culhane, Hudson Engineering: Yes, that's how our numbers were calculated.

Village Attorney Whitehead: Okay, so it's not just areas that are, quote, "disturbed." It's they're re-graded, they're paved, or the houses on them are being developed.

Mr. Culhane: Right, exactly.

Village Attorney Whitehead: Then you go back to the end of the section, section 249-8, which is the special hardship exception.

Mr. Hassan: Right, so ...

Village Attorney Whitehead: So this is what you have to approve if they are going over those percentages. And it sets forth the criteria the applicant has to demonstrate: a) *"the lot cannot be developed without disturbing more than the percentage limits"* – which might very well be the case here because pretty much the whole lot ...

Mr. Hassan: That's my problem, right.

Village Attorney Whitehead: And the board has granted these hardship exceptions before on a lot that is a lot of steep slopes and cannot be developed without that.

Boardmember Bass: I think ...

Village Attorney Whitehead: Could I just finish, Richard? Then it says, "*The proposed construction or disturbance is not contrary to the objections this chapter.*" So that's a little more subjective. The next one I think is important in this case. "*Steep slope area or areas will be disturbed to the minimum extent consistent with the objections of this chapter.*" So I think to give the hardship exception – which could be appropriate on this property – the question is, is it appropriate to this plan. Has it been, are you comfortable that it's been, minimized.

Mr. Hassan: And the only way to minimize it that I can see is to build a much smaller house, which is not your client's dream house.

Boardmember Alligood: How many square feet is the house?

Mr. Steinschneider: In total, 32-hundred square feet.

Boardmember Alligood: Okay, so it's a large house. It doesn't need to be a large house.

Mr. Steinschneider: Not disagreeing.

Boardmember Alligood: It doesn't have to be 32-hundred square feet. That's one of the things that we consider.

Mr. Steinschneider: That's why we came in contact vendee. If they can have the house they are looking to have – and Ryan is here so he can speak for himself – they're interested in moving forward. If the idea was, well, why don't you cut the house to 24-hundred square feet I'll let him decide whether that would be something that would change it. One thing I do want to point out is that our building coverage is 19.85 percent so what we're covering of the site when we're done with the building is, in my opinion, relatively consistent with the other houses in the neighborhood. It's not like it's out of scale with it. This is a larger lot.

Mr. Hassan: Right.

Mr. Steinschneider: The challenge, I think, is that if you go in and do the construction properly, given thought to the steep slopes you are doing things like creating some retaining walls. That's disturbing a larger portion of the site with re-grading, but the reason you're doing that re-grading is you're eliminating ... because the code actually goes into detail about their concern with creating a situation where you'd be a steep slope projected towards the neighbor's yard.

Boardmember Speyer: Right.

Mr. Steinschneider: So what we've done is, we've captured everything coming in so we're treating all that, we're controlling and that increases the area we're disturbing with re-grading.

Boardmember Speyer: But going back to the steep slope, the steep slope requirement is not a coverage of the whole lot.

Mr. Steinschneider: Right.

Boardmember Speyer: It's a coverage that's on the steep slope. And the whole lot is a steep slope ...

Mr. Steinschneider: Exactly.

Boardmember Speyer: ... so you can't ...

Chairman O'Reilly: Can't avoid it.

Boardmember Speyer: I'm just trying to be logical and saying I don't see a way around that.

Chairman O'Reilly: Right.

Boardmember Speyer: Unless we grant a hardship exemption.

Boardmember Bass: Well, that's why the hardship exception is in the regulations. If you have an administrative rule that prohibits someone from using their property, that's an administrative taking of their property rights. That's why we have this relief mechanism to allow us to, you know, evaluate site-by-site based on the facts. I'm not there yet.

Boardmember Speyer: And if there an existing owner of this property ... these are people who are buying the property ...

Boardmember Alligood: Right.

Boardmember Speyer: ... knowing that ...

Boardmember Bass: But case law – and Linda, correct me ... that is not a factor in case law. The rules apply whether you own it or I'm a contact vendee. There are property rights. There are problems with the site plan and we shouldn't minimize those, and I have lots of questions.

Boardmember Speyer: I mean, I think I've learned enough ...

Boardmember Bass: There's a property rights issue here that we have to balance.

Boardmember Speyer: Yes, understood. And I thank everybody for educating on this.

Boardmember Sullivan: Oh, it's great questions.

Chairman O'Reilly: Good questions.

Boardmember Sullivan: Great questions. Good to have a recap, really good.

Boardmember Speyer: Thank you.

Chairman O'Reilly: So can I continue coming from right to left? Emily?

Boardmember Goldman: Just a question. You said that ... did you say that the developed portion of this lot is less than 20 percent of the lot?

Mr. Steinschneider: The building itself covers ...

Boardmember Goldman: The footprint.

Mr. Steinschneider: ... less than 20 percent of the site.

Boardmember Goldman: That's just interesting. Because I did visit, and I couldn't quite wrap my mind around that. But, okay.

Mr. Steinschneider: And one of the things we've done with the alternative plan is, we've eliminated that courtyard. Which, of course, was additional disturbance and grading and paving. So we have gotten it to where we're now up using more of easement that's already paved that also is, wonderfully, relatively level. And the other thing, you know, we do have the variances. This has a number of variances the Zoning Board would have to issue for this to be a buildable lot. And one of them is the paved area of the site. The easement is almost entirely paved and it's, I don't know, maybe almost 25 percent, maybe 20 percent of the site. So when you put that calculation in, while we're 20 percent – or 19-point-whatever – our development coverage without the easement there we're at 28.79. So that's including our decks and our walkways and anything else.

So we're less than 30 percent with everything we're doing on the site, as long as we're not counting the easement. With the easement in the equation we're at 43 percent, and that exceeds the coverage which necessitates the variance.

Male Voice: The easement is your driveway though, right?

Mr. Steinschneider: Yeah.

Village Attorney Whitehead: I don't think the issue is coverage. The issue is the steep slopes.

Chairman O'Reilly: Steep slopes.

Mr. Steinschneider: I was hoping we could convince everyone that the percentages are so low, but ...

Boardmember Bass: Nice try.

Boardmember Alligood: I did want to share with Emily a metric we use the code points out, that we're looking at development coverage not just building coverage.

Mr. Steinschneider: Right.

Boardmember Alligood: That's something we look at in site plan review. Development coverage includes all the paved surfaces and all those other things.

Mr. Steinschneider: It's a realistic understanding of the impact you're having on the site in terms of water. You go by just a house, and you could be misled and not realize that by the time we're done we've significantly increased the amount of runoff from the site.

Boardmember Alligood: Exactly.

Chairman O'Reilly: One thing, you're talking about the variances, which are numerous and large. One of the things we have to convince ourselves of is that in a position would we approve, or recommend to the Zoning Board, approval of the lot on the basis of those variances and the size of them.

Mr. Steinschneider: We're hoping you'll give us an answer.

Chairman O'Reilly: I think we'll get to the point where we'll give you the answer.

Kathy?

Boardmember Sullivan: Well, that's a big point. I mean, my sense is that the best way to minimize the impact on this site is to build the house within the code-required setback. So I personally don't want to make a decision necessarily on coverage until we know those words come back from the Zoning Board.

I have a question. I looked at the plan and the current plan ...

Mr. Steinschneider: Sure.

Boardmember Sullivan: ... and it looks like originally it was 58 feet wide by 38 feet deep.

Mr. Steinschneider: Okay.

Boardmember Sullivan: And now it's gone to 50 feet wide and 68 feet deep. Even though you pushed it up, you've increased the width. I'm thinking there's something ...

Mr. Steinschneider: We reduced the width.

Boardmember Sullivan: The length from east to west.

Mr. Steinschneider: Okay.

Boardmember Sullivan: And I mentioned that there's some neighbors who I didn't get the chance to see their property. You actually now are in the ... this current plan projecting further towards the Aqueduct, definitely impacting their ...

Mr. Steinschneider: Okay. I'm not sure because the retaining wall we have here, that's the exact same in both plans.

Boardmember Sullivan: Right. I'm looking at the back of the building.

Mr. Steinschneider: Right. This is deck which, obviously, counts. But I don't think we're further this way with that mass. The main thing we've done is, we have taken out the width ...

Boardmember Sullivan: Do you have the previous plan?

Mr. Steinschneider: Yeah.

Boardmember Sullivan: That would be helpful. I was looking to try to compare them on my iPad.

Mr. Steinschneider: You want me to bring them up?

Bldg. Inspector Minozzi: You just have to use the handheld.

Village Attorney Whitehead: By chance, do you have them on the ...

Mr. Steinschneider: Yeah, I can try. But I'm going to be 70 this year and I didn't grow up with a computer. I kind of lose all this somehow.

Boardmember Goldman: (Cross-talk) most of us.

Mr. Steinschneider: Okay, so if I go back a ways ... okay, so this again is the ... this shows where those steep slopes are located.

Boardmember Sullivan: So looking at the back, below you can sort of see the shaded area that I think's the profile of the house that's to the south.

Mr. Steinschneider: Right. Right here is where we're going with the house. This is the deck on the back of the house, here's the edge of the house.

Boardmember Sullivan: The dark line's the edge of the house.

Mr. Steinschneider: Is the habitable part of the house, the deck is the lighter.

Boardmember Sullivan: And this is a previous plan.

Mr. Steinschneider: This is the previous plan.

Boardmember Sullivan: Okay.

Mr. Steinschneider: Then if I go ... nope, I'm going the wrong way.

Mr. Hassan: It's actually a couple of feet less in the current plan than it was in that prior plan.

Boardmember Sullivan: It'd be great to know that. It's hard to tell.

Mr. Steinschneider: Well, I'll take your word for it.

Mr. Hassan: I'm looking at the two side-by-side.

Boardmember Sullivan: I'd just like to see it so I understand.

Mr. Steinschneider: So here was the one before. We've got that, and now let me catch up to the one that's now.

Boardmember Sullivan: Okay, so where is the house?

Mr. Steinschneider: So the house is back here, and this is the deck on that corner where we're close to this. Here, I think this is probably almost at the same point. I don't think we've moved it this way. In fact, we're 40.22 feet with that dimension now, and I'm going by memory which is never a good idea for me ...

Boardmember Sullivan: No, never trust that.

Mr. Steinschneider: Well, it always works to my advantage, which is the problem. Previously we were going 34 – that's the 40.22? – before we were 35.9. So we're further by about 4 feet from the Aqueduct than we were before. And similarly, because we've moved the garage further to the west, we before were 34.67 and now we're 43.2.

Boardmember Sullivan: Well, I did appreciate the effort to step the building down. I don't understand why it's increasing the amount of disturbance – I think you mentioned that – because you are bringing just a lot ...

Mr. Steinschneider: I don't think we have more disturbance than we had before.

Boardmember Sullivan: No, you mentioned that the stepping was causing you to disturb the site more than the other plan, if I heard you correctly.

Mr. Steinschneider: Oh, no, just the fact that we were introducing those retaining walls. We could misrepresent – we can't, but *one* could – misrepresent and just kind of make it seem like we weren't doing anything much here. And that would reduce ... you know, we could say, Well, our building envelope – our disturbance envelope – is way over here and we're only going to dig about 3 feet wider than the foundation, put the foundation in. But what we're recommending here is creating three retaining walls so we step this down, control that so it's not pitched towards the neighbor's yard.

Village Attorney Whitehead: But that counts as steep slopes to be disturbed because it's being re-graded.

Boardmember Sullivan: So I appreciate the stepping-down. I've looked at some those impacts, I think, visually and I'm very concerned on the impact to both neighbors on this building being so close to their lot lines. I think you can change a roof and drop it – there's ways to do it ...

Mr. Steinschneider: Yeah, there might be. I mean, we've kept it ... the house, I think, is 23 feet tall on the front?

Boardmember Sullivan: Well, the front ridge could be dropped down without impacting

the design tremendously. But the point is I think it's out of scale for this area. It's a longer building. The homes on either side of Pinecrest are maybe 30 or 40 feet deep, and this one's quite a bit more. So that's really not a site plan issue because we don't do site plan, it's not really steep slopes, but I think the size of the house and the variances are my concern and hat impacts to the amount of steep slopes.

I still would like also to address the issue of this being sort of a very unique geographic shape. We should look at the watershed and what kind of water's coming down from Andrus, and that this site is sort of the funnel that seems to be handling it. And you can handle the site, the stormwater you're planning for from your site, but this is potentially a conduit ...

Mr. Steinschneider: We never limit it to the delta. What I'm always doing is, I'm saying what's the total water that's coming out of the site. And you're right. You've got all the water coming from, like, 177 up the hill that's washing onto this property and continuing down towards the Aqueduct. We had to deal with all of that and make sure ... you can come in.

Boardmember Sullivan: But there's visible erosion happening on the site, and we've heard ...

Mr. Steinschneider: Well, the house to ...

Boardmember Sullivan: We've heard from some people ...

Mr. Steinschneider: Well, the house to the south I think is a major problem that's happening right now because of the catch basin. It doesn't seem to me that the catch basin's working correctly.

Boardmember Sullivan: Well, I'm saying we've heard from neighbors on either side that there are issues from the site.

Mr. Steinschneider: Sure.

Boardmember Sullivan: And I think some clearing had happened also that's causing some erosion.

Chairman O'Reilly: Yes, the erosion is on the north side of 115, very close to the house actually.

Mr. Steinschneider: Right.

Chairman O'Reilly: That's what we're talking about when you stand on their porch.

Mr. Steinschneider: No clearing there, but I think the clearing was on the north side; the over-energetic person with a big piece of equipment. And he is responsible for restoring it. We have had conversations, but I haven't gotten the answer you want. But we will get that.

The erosion I saw on the south line, that ...

Chairman O'Reilly: Your south line.

Mr. Steinschneider: Right, our south line – the neighbor to the south's north line – we were at the site when there was, I mean, a puddle that was huge. I mean, it looked to me like the catch basin wasn't functioning properly. So it looked to me what's happening is that that's not accomplishing what it's supposed to do.

Chairman O'Reilly: Right.

Mr. Steinschneider: Allowing water to build up, jump the curb, and run down that person's property. In fact, I came in, I did ... you know, Mr. Minozzi wasn't there, but I saw Steven and he showed me the photographs you guys had taken.

Bldg. Inspector Minozzi: No, I saw them.

Mr. Steinschneider: Yeah. So, you know, one of the things we've talked about is, obviously we don't want to have that problem either. Getting that fixed, if there's something we can do – if we could ... you know, maybe it's a crushed pipe or something like that. But investigating that, making sure it's right.

Bldg. Inspector Minozzi: The erosion to the house to the south was not caused by anything that's been done on the site so far. That is old erosion.

Chairman O'Reilly: Old erosion, yes, there's no doubt.

Boardmember Sullivan: But just give me a sense of the kind of water volume that might be potentially coming down. That's my concern more, that this flow is handled properly that comes to your site.

Mr. Steinschneider: Right.

Boardmember Sullivan: I'm not sure Hahn has seen the information. We had this done before, Buddy.

Mr. Steinschneider: It's hard for me to give up a microphone.

Boardmember Sullivan: No, we've had people ... we've asked people to look upstream more than once when it comes to steep slopes.

Mr. Culhane: Yeah, so we're willing to look upstream. A lot of the existing driveway does go to that catch basin that is not functioning there apparently. But we will look upstream and take that into our account in our design.

Boardmember Sullivan: Thank you.

Mr. Steinschneider: Some people are much less wordy than I. Thank you, Tom.

Chairman O'Reilly: Okay, to my left. Eva. You went to the site, right?

Boardmember Alligood: Yes, I did go to the site. So my overall comment is that I want to start off by saying – it's kind of philosophical – I am for developing sites in places, in suburbs, where there's the potential for more housing. I think we can't as a suburb, as a region, reject all development. I just want to say that. And I think we have a responsibility because there's huge pressure on New York City in terms of not having enough housing and the suburbs have to be looking to address that, as well. So that's my starting point.

At the same time, I think there are a lot of reasons to be concerned about protecting the environmental qualities of this property. I think the way I look at this is that absolutely I'm supportive of developing this site, but in looking at hardship I am looking at does the development need to be at the scale that's being proposed. And I'm troubled by the scale of it while, at the same time, I know everybody wants their dream home. I understand there's things you want in your dream home, but I think with this site in my view there's going to have to be more of a cutting back from what's being asked. That's just my overall assessment.

I wasn't at the meeting last time, but I did go to the site and have now listened to a very good presentation. I think it's thoughtful and a lot has gone into this, but it does seem ... and I guess the only one other thing I want to say is I am very concerned about the view preservation impacts.

Mr. Steinschneider: Mm-hmm.

Boardmember Alligood: We often review things that in the view preservation district and the impacts are minimal and there's a little bit of tweaking and everything's fine. This is ... there's a lot of impact here and I think we should be fair in our application of that consideration to the neighbors in terms of ... it doesn't mean that there's no impact, and that's how we always arrive at some sort of compromise and some sliver or some portion of somebody's view – some part of the Hudson may be obstructed – can't be a large amount just

because the applicant is trying to go the maximum of what they want.

Mr. Steinschneider: Should I respond to any of this now, or ...

Chairman O'Reilly: No, let's finish comments because I've still got a couple.

Richard?

Boardmember Bass: I have a lot of questions, I'm sorry. And I wasn't here last time. What is the width of the easement?

Mr. Steinschneider: There's actually four easements on the property.

Boardmember Bass: Right. I'm talking about just the paved road, how it functions as a street.

Mr. Steinschneider: 24 feet for our drywall, plus 10 feet for a driveway, plus 15 feet for a sewer. The 15-foot overlaps onto the 24, but the 24 starts at the 10. So it's basically 34 feet of easement.

Boardmember Bass: Right.

Boardmember Sullivan: And it's for a drywall access, not ...

Boardmember Bass: Right. No, I understand that. I know you're not the lawyer and I haven't reviewed the easement.

Mr. Steinschneider: But I trust Linda.

Village Attorney Whitehead: You're not the lawyer either.

[laughter]

Mr. Steinschneider: That's why I trust Linda.

Boardmember Bass: But I know how to read easements. Do you have any knowledge of the history of the easement?

Mr. Steinschneider: I mean, we've got all the easement agreements, we've submitted those to the Village. It looks like it was done back in the era like the end of the '60s when these things were done in a very much more relaxed ... we just did an easement that I don't think will affect anything and it was 30 pages long. These easements are two pages and they don't

really go into any detail like who's responsible for if this happens or that happens.

Boardmember Bass: Right, but the easement was granted by the current property owner to the benefit of the house that ...

Mr. Steinschneider: To the north, 179.

Village Attorney Whitehead: Actually it was 1971 and it's more than two pages.

Mr. Steinschneider: Okay.

[laughter]

I stopped reading at two pages.

Boardmember Bass: And this may be a question to you and to Buddy and to Linda. Was there any consideration of extending the street to the northern property line of the development site so it's no longer an easement but is a proper street, which would then reorient your side- and front yard issues?

Mr. Steinschneider: I am going to not opine on that because I think the people who should be answering that question, if they want to do it, are the potential purchaser and the people who live in 179, as well as the people who live in 177. I mean, it's the first thing we looked at. In fact, when I came in and met with Mr. Minozzi I said is there any chance we could just extend this and do that.

I think that opens a whole bunch of other issues, not the least of which is that we are converting a piece of property that currently is responsible for maintaining itself and we're handing that over to the Village. The old, you know, gift of the developers when they do a subdivision: Here, we're going to give you all the roads, we're going to give you all the things, and we're just not going to tell you that in about 25 years you're going to need to repave and replace pipes and all that stuff.

Boardmember Bass: But there's ways to dedicate the road as a private road but functions as a road so your orientation is more in keeping with the housing on Pinecrest. Because that would then eliminate some of your variances. Your front yard then becomes your side yard and you no longer need a variance. Because when you look at the variances – which I didn't really understand – on one, the minimum lot width ...

Village Attorney Whitehead: You don't need a variance for that. That's existing; it's an existing nonconforming lot. You don't need variances for those. I was looking at the chart today.

Boardmember Bass: Thank you.

Village Attorney Whitehead: Yes, the items that are existing nonconformities for the lot you don't need to get variances for now. I think it's the setbacks and the building height.

Mr. Steinschneider: And coverage.

Village Attorney Whitehead: And coverage.

Boardmember Bass: So if we readjust the orientation of the site your setback variances go away.

Mr. Steinschneider: Right.

Village Attorney Whitehead: It's an existing lot.

Bldg. Inspector Minozzi: You're putting a house on it, now it's frontage. But we'll talk about it.

Mr. Steinschneider: I'll let you guys do that. I don't want to be anywhere near that. I understand what you're saying. I mean, if I think about it in a different way I think I'm actually making it turn out to be more of an imposition on the neighbors – those three neighbors particularly – if we were to do. Even if it's just a private street, right now the easement serving one house, if they can work everything out and make it nice it's very little problem.

I don't speak for zoning boards, I don't speak for planning boards either, but this is a situation where I think most people they see the logic, just as you've pointed out. All the other houses have side yards on their south and north. This one's the next property on the street, and we're actually proposing being more similar to the other houses and respecting that setback that would be to our side yard so that it's not too close to the Aqueduct and not too close to the neighbors. The original design we liked because when you looked up Pinecrest our house itself was actually lining up with the other houses so you felt like it was just the next house on the street. Extending the street, I think that would be something others would figure out.

Village Attorney Whitehead: I think the setback variances are probably the least – because of that are probably the least – of all the things I think you need to focus on and give them feedback on. I think it's the height variance, it's view preservation, and it's steep slopes impacts. I think what you were asking was tell us if this can work or not, and I think the board does have concerns. I think those are the concerns this board needs to focus on passing along.

Boardmember Bass: My two concerns on the lot coverage: again, I think you can design the building so the actual footprint ... and I know lot coverage is different here than how I'm used to dealing with it. But the actual physical lot coverage could be reduced, and have a cantilever for the first- or second floor. So you have, basically, a smaller pod with the shoebox sitting on top of it.

Additionally, by reducing the pitch of the roof – making it more of a flat roof or a different design – you then reduce the impact from view preservation, from the height variance. I know it's a very different building then ...

Mr. Steinschneider: Right.

Boardmember Bass: ... than the vendees may want, but that should be considered. The last thing, with these other changes I think the building is excessively large for the site, for all the asks, and for the sensitivity of the site. And I heard you earlier saying 32-hundred square feet was the make it or break for the contact vendee.

Mr. Steinschneider: Well, no, it's what they've asked us to do.

Boardmember Bass: Right. And you may have to go back to them and say if we come up with a building that's 27-hundred or 3-thousand do you walk. But I think that's a conversation you have to have in terms of the design. Wait.

Mr. Steinschneider: I'm not talking.

Boardmember Bass: In terms of a design change, and a discussion with your client.

Mr. Steinschneider: The only question I'd ask is, if the difference would be to get to 3,000 I could imagine that working. What I wouldn't want to do is start down a road where we try 3,000, then we're trying 27- and then maybe it's 25-.

Boardmember Bass: I don't know what the magic number is ...

Mr. Steinschneider: I don't know that there is one.

Boardmember Bass: ... and I don't know what it is either, but I think the current design needs to be significantly tweaked. Maybe by tweaking it you come up with 32-hundred square feet, but you're hearing from my colleagues they're troubled by ...

Mr. Steinschneider: Sure.

Boardmember Bass: ... the massiveness of the building. You can mitigate that massiveness by reducing the square footage, by reducing the height, by changing the design. There's multiple ways and I'm spit balling at you, but ...

Mr. Steinschneider: No, I'm aware and I agree. And that's exactly right. I mean, we've done some very modern house in Irvington that have very low-pitched roofs or flat roofs. This client came to us ... I mean, the thing I didn't show, it's all the way to the end but I don't know if I'm going to get there before tomorrow. Too many images. Really, somebody did all this work? This freaks me out.

Boardmember Bass: As long as you get paid for it.

Mr. Steinschneider: Well, I don't like to charge for my services.

This is what the client came to us with. So they walked in at the beginning of it saying this is the kind of a house that we would like. And one of things in our first conversations was that's all showing a house sitting on a flat lot.

Boardmember Bass: Right. That would be perfect in Irvington.

Boardmember Alligood: They need a different lot if they want that, but that explains it all right there. That's just not the house for the building lot.

Mr. Steinschneider: That's why I included it. That's the issue. And we have tried to find that balance to get those concepts into a house that works stepping down the hillside.

Boardmember Bass: Right. I think you have a major problem with your client because that doesn't fit this. So you've heard the board's concerns, go make something out of that.

Boardmember Alligood: I think the way to look at that is to say how do you design for the lot. And you can do that through a process if your client is willing to design for the lot, but you can't start with that and say shoehorn that into the lot.

Chairman O'Reilly: Yeah, if that's the house.

Boardmember Alligood: No, you tried your best but it's too much for the lot.

Mr. Steinschneider: And we've explained that that's not how we work. We don't shoehorn. You don't come to us and say here's the house I want, we stick it on the property. At the same time, I try to be very respectful that this is a visual that resonates for them, and ...

Boardmember Alligood: You did your best as a designer.

Mr. Steinschneider: Balancing the two ...

Chairman O'Reilly: And you've made a great ...

Boardmember Alligood: I understand why you did it, but I think now your clients need to hear from our standpoint about the considerations we make for a lot like this.

[laughter]

Mr. Steinschneider: I mean, I don't need to be an interpreter ...

[laughter]

...for the client. So are there more comments, or should I let him ask questions?

Chairman O'Reilly: Well, I think we're getting to the point where ... I mean, I would say fairly definitely the house you've designed is a fine house. It's just not the location for that sort of house. And I can see myself coming to a point where I could say I could vote yes on the variances, give the approval on the variances, which are so large and so numerous. Especially when you look at the size of the house and the impact on the people to the ... 179 and particularly ...

Mr. Steinschneider: 177. But don't forget, our ridge is now lower than their basement floor.

Chairman O'Reilly: Yes, but still a significant impact on their view, whichever way you look at it, down the hill.

Mr. Steinschneider: You can see it, but it's below the tree lines, it's blocking some of your view.

Chairman O'Reilly: Yes, but I know what you did and what you're saying. But I'm saying no matter where you put that house you're going to see it and it's going to have a major impact.

Village Attorney Whitehead: And did all visit.

Chairman O'Reilly: And the size of the variances, the steep slopes impact. I mean, it's all steep slope, there's no doubt about it. But as I say, it's a buildable lot as long as you build a house that's going to fit on that lot and not impact as much as it does on the neighbors to the north or even on the lot itself. I think you've done your best and you've made a great case.

And I know from the point of view of the purchaser he'd love to get an idea of what we're thinking. We're trying to give you the idea of what we're thinking.

Mr. Steinschneider: And I appreciate that.

Chairman O'Reilly: You can persist and you can redesign, but it's going to take time. I mean, it's already been six months, I think, since the offer was made and the contact was signed. It's six months already for your client so that's why ...

Mr. Steinschneider: But only our second meeting with the Planning Board.

Chairman O'Reilly: That's right.

Mr. Steinschneider: It hasn't been because of you.

Chairman O'Reilly: We've done our best to tell you the answer. Does anyone disagree, though? I mean, that's my opinion.

Boardmember Bass: You know, the view preservation and steep slopes are there for a reason. And our charge is to balance the facts and the regulations. My concern over the years is how close we get to a taking issue. We're not there yet.

Village Attorney Whitehead: You're playing lawyer again.

[laughter]

Boardmember Bass: We're not there yet because he's not giving us what we need. We talk philosophically; that's one of my philosophical issues: where is that line where these rules become a taking. When we turn something down because they didn't do enough. But that's for a larger philosophical discussion.

Chairman O'Reilly: My line is on the variances. The size of the variances is where I would put the line. When you've got height, width, depth and view ...

Village Attorney Whitehead: I think the view preservation is probably the biggest ...

Boardmember Bass: But the variances, I think, can be addressed.

Chairman O'Reilly: Right, but ...

Boardmember Bass: I think they can go away with a different design.

Chairman O'Reilly: But they're there now.

Boardmember Bass: The steep slope is a concern, but we have a mechanism to deal with that. View preservation is a concern, we have a way to deal with that. How we deal with that is my concern.

Boardmember Sullivan: I think I won't say it's subjective, but you know we are the Zoning Board. We are looking at percentages and amounts of deviation from it. So it's tricky. The site has some environmental issues. I think the watershed issue I brought up is the one that jumps up. It has the steepness of the slopes, and we're trying to ways of mitigating that. If your point about coming up with sort of an architectural solution that sort of stacks the floors in a different way, and takes up less of an impact, it would be interesting to pursue. That's more a guidance, I guess, and looking to mitigate the impacts.

Village Attorney Whitehead: And that could also mitigate the view preservation impacts.

Boardmember Bass: And Bill's statement is really important. This is a buildable site, it's really an issue with the degree. And not to play lawyer, but that goes to the Penn Central case. It reduces your property rights, but doesn't take them all.

Boardmember Alligood: Yes, but Richard we're nowhere near that.

Village Attorney Whitehead: He's asked us if this is an approval house.

Boardmember Alligood: And I think what we're saying is show us something closer to what fits within the requirements of the zoning and the other regulations on this lot. I think I stated very clearly I would be happy to approve a house on this lot, I don't have a problem with building on this lot. It's just this particular size and the way it's configured and the impact it has is problematic.

Mr. Steinschneider: Okay. I mean, the one point I would make quick is that the height of this house is consistent with the house next door, which I would say is a relatively compact, small house. It does have the same thing. You can go down the Aqueduct, you can see three stories in the back; we're actually breaking that down. So I think we've gone a lot of steps to try and de-massify (ph) it.

Village Attorney Whitehead: It was also built before there was a view preservation ordinance.

Mr. Steinschneider: But we're always looking at context. I mean, that street has a very nice context on it. I think the older houses on that street are really what should be being looked at in what happens.

Boardmember Sullivan: This house is much, much bigger than the other houses on Pinecrest.

Mr. Steinschneider: There are houses on that street that are bigger than this house.

Chairman O'Reilly: A couple.

Boardmember Alligood: There are big houses on that street. You are correct.

Mr. Steinschneider: And those houses on bigger on lots that are smaller. So again, it's not an unreasonable thing for somebody to think ... and I would love to say that a 32-hundred square foot house is an exception in our world. In some of the places in these Rivertowns we're dealing with that's perceived by the realtors and everyone else as kind of the bottom of what their buyers are now expecting. Which is kind of crazy. I don't know if you know Dearman Park that we did in Irvington. I mean, those are houses that are 5,000 square foot, not including completely finished basements.

Chairman O'Reilly: Big enough for hotels.

Boardmember Sullivan: But they're not located with a steep slope.

Mr. Steinschneider: They're not on Pinecrest, yeah.

Boardmember Sullivan: I appreciate your argument, but ...

Mr. Steinschneider: Oh, I'm not making an argument. I'm recognizing the issue. I mean, we've done houses that are smaller than 500 square feet. In fact, we've been involved in working with Andreas Duwanie and some others on these mobile houses that are like tiny houses, and it's very cool. He's come out actually where they're going to mass produce these. And I'm also a member of the Not So Big House Club, which I think are great books. So far, every client that's come to me and said that's what I want they keep saying can I have a little more room here? So it's a challenge.

The only other thing I'll say, then I'll hand the mic to Ryan, is we became aware of 177 and this property three years ago when they were trying to sell and were having difficulty with it. It's a weird kind of a state situation. Luckily, the people who came along and took 177 understood they had to rebuild the house; there was no way that house could be lived in the way ... it was structurally unsound. So they're doing the right thing with that.

Boardmember Alligood: That's the one up the hill?

Mr. Steinschneider: Yeah, that's the one right up the hill from this. I mean, it's coming out nice.

Boardmember Alligood: That is a very nice-looking house.

Mr. Steinschneider: And the builder on that, Bob Marinkovic, is the person we often work with and he's the builder that would be doing this. He's anxious because he's getting that one done and he can move right down the hill. It's interesting what pushes things.

Chairman O'Reilly: If I could make a distinction though, 177 is building into the hill. Which is the sort of thing that we're almost saying that's the way in which you'd almost have to do it on this lot. But that's a modern house.

Mr. Steinschneider: It's also sitting ...

Boardmember Alligood: And it has a flat roof.

Mr. Steinschneider: A lower-pitched roof.

Chairman O'Reilly: May not want a modern house.

Ryan Kimber, applicant: Thanks. Maybe I can help take a lot of what sounds like is just guesswork at this point out of it so, hopefully, we can move this along for everyone. We worked with Paddy to potentially buy this land and build this house.

Just to address a couple of the issues that have been brought up, 1) upside down house or flat-roof house, rightly or wrongly is not ... we're not going to build that kind of house. So if you're telling me that's a non-starter to have a peaked roof house – a lot like a lot of the other houses on that street – again to Paddy's point, to the naked eye if you look at the house we're trying to build next to the one to the left I mean it's almost the same height. If you've been at the site you'd seen that with the string drawn.

I think, Mr. O'Reilly, at last month's meeting that was your exact question. And I think that's why you asked for the string because you want to get some context for the house next door.

Chairman O'Reilly: I did, yes.

Mr. Kimber: Then in terms of absolute size, we do have flexibility there. This is the absolute biggest we went for. And to be honest, we wanted to get it to a point where it would be the biggest and the probably the final design would be shrunk a bit anyways. Because candidly, we anticipated most of your responses here. We don't need to pretend like we're trying to sneak a fast one by anyone here.

That's important because that bogie is sort of the crux of what we're trying to understand here. If you're telling me that the biggest house is 2,000 square feet that can be built on that lot, let's take shape and orientation and all that out of it, we're probably done. Because I think it feels like 2,750 is probably about as low as we would go. And another point of context, I think the house that is being built down the street on Pinecrest ... I looked at the plans, I think, from the Planning Board. I think it's targeted to be like 26-hundredish square feet. Again, on a much smaller lot than the lot we're building on, notwithstanding the steep slopes issues and all these other things.

Again, our view – and obviously Paddy's quantified this in a number of different ways in his presentation – is that actually it's not that crazy of an idea relative to the other houses on the street. Again, there's houses on the street closer to the other end of the street that are in excess of 32-hundred square feet, again on smaller lots with steep slopes. So again, I think just contextually in our view it's not like we're asking for 180 degrees different than what's already been done. Granted, the building codes probably weren't in place when a lot of those houses were built, but we would just make that point.

I think Mr. O'Reilly brought this up earlier. We are under a tight time frame with the sellers of that lot. In fact, after this meeting we need to let them know tomorrow whether or not we're to continue to kind of trudge through this process and try to get this done or we'll effectively be in default of our contract. So it doesn't feel like we're going the right direction tonight. Unfortunately, it seems like we will be backing out. But for what it's worth, if we come out of here tonight at least we'll get a shot with steep slopes which ... okay, the whole lot is steep slopes. As far as the building code that we've read, the degree to which you go in excess of the limits isn't necessarily the crux. It's just when you actually have a hardship exception it's just more subjective things you just described.

If the number that gets you comfortable with steep slopes is 2,750 square feet then that's fair. Or if it's something less than that, we just need to understand what kind of ball park we're looking at so we can, within the next 24 hours, basically decide whether or not we can move forward. Then the other bit is the orientation of ... so how he's sort of shifted the house to the east in this version two. That, we don't think, is actually good for anybody.

One of the things we would do from version two is, if a narrower house makes it more palatable for the side yard variances, totally fine with that. You know, we'll have to redo a lot of the interior room layout and stuff, but that's fine. We're willing to do that work. But shifting the house – and I want you to picture that you're sort of coming down Pinecrest – you've got all the houses on the left sort of in line. Keep in mind, the version one that was presented last month would've have sort of our front ... the front of our house would've been in line with the front of all the other houses on that street.

So what we're talking about is, really, moving that east. So if you're walking or driving down Pinecrest, you're going to see house, house, house, house, house on your left and then you're going to see our house on the end, which is offset and sort of just blocking almost as if it's a cul-de-sac but facing the wrong direction, basically. We actually don't think that design, or that movement, really solves anything. We're still impacting a lot of steep slopes; it doesn't really solve that issue. And it puts the house higher, which negatively impacts the 177 view. Obviously, I think the neighbors in 179 right now have nice, directly due south-facing views down Pinecrest. If we're shifted over such that we're effectively ... you know, we're almost like – hunched over the easement, if you can picture how that would look, we're more like in their business. And traffic in the easement because now we're using that as the driveway versus the version one plan, which is a courtyard driveway facing south. Almost like turning our back in the house to give them the privacy basically. Which is why we designed it that way to begin with.

If you're telling us it has to be 2,000 square feet we're probably done. If there's some middle ground we can get to, or if you can give us some sort of approval subject to these couple of things for view preservation and for steep slopes tonight, then there's a good chance we can show that as progress to the seller of the land and say, Look, give us one more month or one more shot at it for the next Planning Board meeting to try to get this wrapped up one more time and get them comfortable.

But they are nervous. We actually asked the seller to come here tonight and speak on our behalf. He wouldn't. So they're really sort of in fire sale mode and getting concerned about selling it. It's a tough situation for them. But what I would make clear to you is we're not going to risk losing a deposit or paying for a house then not being able to get something closer to this than not closer to this, basically. At that point, I'm certain that we would be out. That's really the guidance we were hoping to come here to get tonight. So any sort of detailed feedback or really quantitative feedback you can give us around that would be helpful.

Obviously, I don't think there's much Paddy can actually do. He's two months' of great presentations and, obviously, a lot of really good work here. I don't think we would expect him to do anything more on our behalf. I think the style we want is clear. And like I said, contextually, in our opinion, it's not that different than a lot of the other houses on the street. That's the feedback, so hopefully at least that lets you focus in so we're not spinning wheels, going back and forth in all this stuff.

Village Attorney Whitehead: I don't think this board can redesign your house and come up with a magic number here. They need to see a plan and react to it. But I think what you've heard, as you acknowledge, the size is too big. But also that there are significant view preservation issues. Something would have to change to sort of take it out of the view from 177, in particular, I think and 179. You guys can help me here.

Chairman O'Reilly: Yes, 179. 177 is the one directly behind, which would be impacted the most at some cost to the value of their property. That's why we pay so much attention to view preservation.

Mr. Kimber: Right.

Chairman O'Reilly: Because view is important, not of Pinecrest Parkway but of the river and the Palisades.

Village Attorney Whitehead: And Hastings is one of the few municipalities, as Paddy knows, that has an actual view preservation ordinance.

Mr. Kimber: Sure.

Village Attorney Whitehead: That actually protects it in its code and by statute. So it's something that's taken very seriously here.

Mr. Kimber: Sure, and that's all fair. So if I'm understanding correctly – and I think this would piggyback on what Richard was saying – if a flat-top house is the only way to get past view preservation then that's a data point that would be helpful knowing tonight. It sounds like that's basically what you're saying without exactly saying it. But if that's fair, that would be helpful for you guys.

Boardmember Sullivan: I personally don't think so. I mean, I think you could drop your front ... you have sort of a couple of eaves, and you could drop your ridgeline down to match some of the other lower levels that are towards the river. I mean, the roof itself is not that tall, but the front part is higher than it needs to be. So I don't think you need to stylistically change it, but I think you can modify it.

Unfortunately, I didn't go to 177 but I've looked at the others and I think the view preservation can be dealt with this style of house. Because the attic itself is maybe 4 foot, right, at the very top?

Mr. Steinschneider: It's about 4 feet from the attic floor to the ridge.

Mr. Kimber: And I just want to understand that more, if I could. Again, assuming the math is solid – which I'm certain that it is ...

Boardmember Sullivan: What I could say is even though you have the dip and the hole I think there's ways you could meet the requirements for the height per code. And by doing so you would also ...

Mr. Kimber: But keep in mind, the peaks on the front of the house are not the part that's violating the code. It's the point in the middle. So if you're just saying, Hey, shave a couple feet off that – and we're compliant, which we would be – then we don't even need the variance, right? It's not the height variance that I'm concerned with. That, I think we can deal with. It's that even if we get under the line are we still going to have view preservation issues. That's really the question we need to answer, you know what I mean?

Boardmember Alligood: How this is usually worked out in the past is to kind of explain the process. Usually when there are serious concerns about view preservation or things like steep slopes, there's an iterative process where, especially, we get feedback from the neighbors, we address their concerns. And there's usually some design tweaks that happen. Over time, both sides sort of ... you give up a bit, the neighbors give up something, and through the feedback process we get to something that everyone can live with.

The problem in this situation is, you're asking us to kind of give you a definitive answer about like where we think we're going to end up and it's really hard to do that without kind of going through that process. I'm confident that we could get there, but I understand the urgency of your situation. Which is, you want a go-or-no-go answer tonight. I mean, I just don't know what we can give you tonight because it takes that process.

I'll say I'm not looking at this saying we can't get there. It's just sort of hard to tell you. And it doesn't mean ... I'm not sitting here saying it has to be a flat roof either. I think through the process sometimes something you never thought of at the beginning becomes acceptable to all parties.

Mr. Kimber: Sure, yeah.

Boardmember Alligood: From my perspective, that's the best way to explain our guidance here.

Chairman O'Reilly: I don't want to say something's going to happen and then it doesn't happen and you're coming back in three months and it's still going on as we come to an accommodation.

Mr. Kimber: I certainly won't be there, I'm certain of that.

Chairman O'Reilly: Which is what bothers me about the situation you're in. I hate to jeopardize a deposit, I hate to say a thing's going to happen and it doesn't happen because you're coming up with a house of a size you're not happy with. You're going to walk away at that point because we're sort of saying it *could* happen. There's no reassurance there.

Boardmember Bass: You should tell the seller that whether it's you or the next buyer they're going to have the same issues.

Chairman O'Reilly: Yes, they are.

Boardmember Bass: So they should ...

Village Attorney Whitehead: They should give you more time.

Boardmember Bass: They should give you more time.

Mr. Kimber: You are preaching to the choir is what I would say there.

Mr. Steinschneider: And why is the next one negotiating.

Boardmember Sullivan: Don't they really have a bigger issue with the Zoning Board, though?

Chairman O'Reilly: I think they're going to have a bigger issue, yes.

Boardmember Sullivan: Shouldn't that be a stop first?

Village Attorney Whitehead: Honestly, especially if you get rid of the height variance, I don't think the variances are as significant as the steep slopes and view preservation.

Boardmember Sullivan: Okay.

Mr. Kimber: Yeah, I mean that's the same take we had. Which is why we did the Planning Board first because we didn't think there'd be a point ...

Village Attorney Whitehead: I mean, that's my sense.

Boardmember Sullivan: Okay, thank you. I appreciate that.

Chairman O'Reilly: I mean, we'd love to welcome you to the Village of Hastings.

Village Attorney Whitehead: If you got rid of the height variance.

Mr. Kimber: I appreciate that.

Chairman O'Reilly: It's a problem. I don't want to sit here saying there's any assurance of anything in that regard. Okay, it doesn't have to be a flat roof. If you look at the one along

67 Pinecrest, which is being ... that is a flat roof.

Boardmember Sullivan: But there are ways to keep the style.

Chairman O'Reilly: There is a way to do it. I'm not the architect.

Mr. Steinschneider: More than 60 percent of the roof is less than a 4-in-12. That's as low as I would go and come really flat. Unless I'm getting use of my flat roof I wouldn't ever build a flat roof. We're in the place that gets a lot of rain and stuff.

Village Attorney Whitehead: We get snow.

[laughter]

Mr. Steinschneider: That puts it all in Alabama.

Boardmember Speyer: Did I hear that you have 10-foot ceilings in the interior?

Bldg. Inspector Minozzi: Paddy, you have to go to talk into a microphone.

Mr. Steinschneider: We have a 10-foot ceiling on the first floor, an 8-foot ceiling on the second floor, and the attic is 4 feet tall.

Boardmember Speyer: Okay, just to understand.

Mr. Steinschneider: And one of the ways we're getting the 10-foot ceiling is, that's the section of the house that steps down 4 feet.

Boardmember Speyer: Right, I understand.

Mr. Steinschneider: I would love to say, you know, Geez, I haven't really thought about this. Unfortunately I've spent tremendous amounts of time thinking about it. It would appear that going with a 12-in-12 pitch would mean that, well, we'll just reduce that to an 8-in-12 and bring it down. The sneakiness of the 12-in-12 is we're creating the illusion of a pitched roof while we're blending in all these 4-in-12s. So it's really very flat except for this cosmetic treatment on the front. Again, the height from the attic floor to the ridge is 4 feet.

Boardmember Speyer: While we're kind of talking about numbers and what you want as a potential homeowner, I know everybody likes 20-foot ceilings now. But a way to save yourself 2 feet of height overall is to use 8 feet.

Mr. Steinschneider: Yeah, but it wouldn't lower ...

Boardmember Speyer: I'm just asking if that's ...

Chairman O'Reilly: But it's not up to us to tell you what sort of house you're going to like. You know what sort of house you want.

Boardmember Speyer: I'm asking.

Mr. Steinschneider: Well, yeah, we've got 10 foot on first- and second floor. How about we go 9 foot and then we take the 2 feet out, where the ridge is above the sections of the house that are not 12. It's like we get that in the back, we've dropped it down so we can do it, the challenge with the roof pitch is if you start doing this you're lowering that but the pivot point is such that we're bringing the eaves up much faster. So we actually make the house look bigger if we try and reduce those pitches on the front.

Boardmember Speyer: Okay. I'll never suggest, I'm just asking. I'm trying to understand the variables.

Mr. Steinschneider: Yeah, and it is tricky. I really appreciate all the input we've gotten. I think all of you are giving really serious thought to this, and I don't always get that from every board I appear before.

Mr. Kimber: Again, I want to be conscious of everyone's time. If we can summarize the two sort of requests it sounds like I'm hearing, one is in order to get through steep slopes the house has to be smaller. Fair point, right? Everyone would agree with that. In terms of the exact number, hard to say.

Bldg. Inspector Minozzi: Disturbance has to be small.

Mr. Kimber: Disturbance has to be smaller, right. But you don't have in mind a certain percentage over the code limit we have to sort of target, right? So however that shakes out in terms of square feet of the house is one thing, but the disturbance – to your point and to the presentation's point – the 15- to 25 band is whatever it is, 68 percent, and the 25- and up band is whatever it is, 70 percent. So you don't have a number in mind that we can hit.

What would be hard is to come back and let's say we're at 50 and 50 and you still say no, that house would be considerably smaller, I'm sure, than the one we're looking at because the whole lot is steep slope. You're still going to be over. So if we come back then and you say 50- and 50- is still not acceptable, then that would be hard to stomach essentially. If we could get some guidance there as to however it shakes out in terms of square footage, if you're hitting the right amount in the bands that you pass it through with a variance. That would be a helpful number to have. That's one.

Then two, I just want to understand what are the specific elements of the view preservation you want us to address. It sounds like there's really just two houses that are impacted, 179 and 177. I think we've done as much work as we can with 177 in terms of the roofline of our house will be at or below their basement, right? So in terms of the height of our house impacting their views – aside from, again, making it a one-story house which is not what we're interested in, or an upside down house which we're not interested in – it sounds like you're saying that's really a non-starter if I'm understanding correctly.

Again, just trying to get some sort of bogie to hit in terms of the relativity of the roof of our house to the house being built on 177. The math is sound on it that we've shown you. The string that's laid out on the property now is at the basement of that house. So in terms of looking out to the Hudson you're not blocked at all. It's only if you look down the hill where you could see some Aqueduct previously, now you're going to see our house.

Village Attorney Whitehead: Well, I think they felt it did block the view of the river.

Chairman O'Reilly: Yes.

Mr. Kimber: It's at the basement ...

Village Attorney Whitehead: Because you're looking down towards the river.

Chairman O'Reilly: Yes, you're looking down. I mean, the house can be below one level but you can still have an impact on the view. And I felt there was significant impact on the view of 177.

Mr. Kimber: Okay.

Chairman O'Reilly: 179 has a view impact there, not as substantial as 177 because they still have a view to the north.

Mr. Steinschneider: Or to the west.

Boardmember Sullivan: What about the house to the south?

Mr. Steinschneider: Uninterrupted.

Chairman O'Reilly: The house to the south, I didn't get into 175. Is 175 here? I know 177 is not even there.

Village Attorney Whitehead: He is here, the owner of 177.

Chairman O'Reilly: Would you care to ... I mean, do you have any comments beyond what you ... I know you've written to us. I haven't read the letter, but my opinion is that if you're looking from your middle floor in particular ... I have to say you were out when I said before I walked in when the construction people were there. You're looking directly into it, and you're still seeing the Palisades but your impact on your view of the river is substantially impacted.

Mr. Steinschneider: That's not what the view preservation really shows, in my opinion. We checked, and those are correct. You're blocking views of the Aqueduct, you're blocking views of the houses down the hill, you're blocking views of the trees. You're not blocking views of the water.

Boardmember Alligood: If we go back to the picture, it showed what views are being blocked. I mean, there are trees there but there's water that you see through the trees. I think we should just look at the image because you have it there.

Mr. Steinschneider: So this one we're not. This is from 177, inside, and you can see we're below the tree line so we're not blocking water. Again, this is tucked in pretty nifty.

Boardmember Speyer: There's nothing in our provisions that say the view to be preserved is the Palisades.

Village Attorney Whitehead: It's the Palisades and the river.

Boardmember Speyer: And the river. It is, okay. Because trees and Aqueduct are nice, too.

Mr. Steinschneider: Yeah, but again it's that idea that if you want to have a house ...

Boardmember Speyer: Okay, that's not what we're ...

Mr. Steinschneider: ... if you're below ground, you're going to have some impact on the view. And if it's beautifully done ...

Chairman O'Reilly: Yes, some impact is not an issue.

Mr. Steinschneider: Right. The challenge we're having is understanding where that line is.

Village Attorney Whitehead: I was going to say, if we're going to keep talking about the view preservation we should let them speak.

Chairman O'Reilly: If we could.

Christopher Tague, 177 Pinecrest: My wife Lucy and I own 177. I actually want to start by addressing Mr. Kimber. I understand how stressful this is. I actually went through a process of building and starting a house in Irvington in the aforementioned place, where I actually met Paddy and had to walk away from it after six months and digging a foundation and all that. So I understand totally, there, and I'm not trying to be just a "no" for no's sake in this.

Both my wife and I feel strongly that there is a view preservation issue at work here. While I appreciate your rendering, they are at summertime when the trees are full, which is about half of year. The other thing is, they're only from the top floor. Which we'll acknowledge we see cleanly out over the top of the house. The bigger issue for us is actually the other two floors, which are living floors. This is actually the view from our master bedroom, or what would be our master bedroom. As you can see, the bulk of the house there and the width of it versus what you see, represented by the two poles ...

Chairman O'Reilly: Could I ask you to keep facing this way and not turn to Paddy? Just talk to use.

Mr. Tague: Oh, sure.

Chairman O'Reilly: I know he's a nice guy, but talk to us.

Mr. Tague: I was just trying to acknowledge that I appreciated the poles. But it shows pretty clearly that the river is obstructed. Again, this is true across all the bedrooms that sit on that floor. This now drops down to our basement floor, which are also bedroom-level floors for us. This is the view out of one of the guest houses, and there again you can see there's pretty significant impact to what you can see of the river as well as the Palisades.

I want to echo Ms. Alligood's statement. I don't want to say you can't build on that lot. When we in fact bought 177, the owner owned both lots. And we had a conversation about should we buy the lot down below. We talked to our lawyers, we talked to our builder, Bob, who's currently building our house. The consensus decision was you already have enough challenges with 177, and hence us tearing the house down. You don't want any more challenges, that's a really hard lot to build on. The steep slopes thing immediately was raised to use. Even in our rebuilding of 177, we're very aware and conscious of how hard it is to do steep slopes. We've tried to keep everything within the existing bounds.

Finally, I think the question here for me is one of choice. I acknowledge they want to build the house they want to build. I don't want to tell them not to build that house. But it is a really small lot, relatively speaking. This is a massive house for it. For perspective, our

house is 27-hundred square feet. Again, we kept it all within the bounds of the existing house when we rebuilt because we were thinking about our neighbors as we were rebuilding, saying what are the effects there and how much do we want to really do there and do we want to run into the same issues they're talking about: view preservation and height limits and coverage.

Our choice was to build in the existing structure that was there. My feeling is we'd welcome anybody down there as a neighbor, but that they show the same consideration for our dream that we would show for theirs. And that they consider sizing down and appropriately conforming the codes that exist in the Village. Because that's what we did when we chose to come here.

Chairman O'Reilly: Thank you.

Mr. Steinschneider: Can you bring that up just one more time? I just wanted to make sure that we're accurate with one thing, which is ...

Bldg. Inspector Minozzi: Paddy, you have to use the microphone.

Mr. Steinschneider: I will. Can you get the image you just had?

Bldg. Inspector Minozzi: Can you make sure it's on?

Mr. Steinschneider: It's a green light.

Mr. Tague: Sorry, my computer's a little feisty.

Mr. Steinschneider: This is the height of the house, so this orange is bigger. It doesn't mean it obviates your concern, but if we're matching this height this is probably, in scale, 5 feet taller than what we're proposing. The line would be closer to here.

Mr. Tague: That orange box is literally drawn between the top of the two poles.

Mr. Steinschneider: I can't see the poles, but I'm sure what you're saying is right.

Male Voice: It's a matter of perspective. If the house is closer it's going to fill up more ...

Mr. Tague: It fills up more space.

Mr. Steinschneider: Right. I think the height ... I mean, there's a line so the orange is going higher than ...

Mr. Tague: But the line goes whoosh.

Mr. Steinschneider: Well, here's the right one, except where it nips down. Basically, you picked that one and I can't quantify it. But I know there's part of this, if we're the same height as the house next door, that is higher than what it is. It doesn't mean it's acceptable to you, it just means that it's different.

Mr. Tague: Yeah. I'm just trying to show the potential area between the two poles. That's all. And we feel that the house, particularly in its variances of width/depth/height makes it more massive than any of the neighboring houses. And it does impinge significantly on our view. We rebuilt our house, as I noted in my letter, and the western exposure is almost entirely glass because that was literally why we bought the property in the first place.

Chairman O'Reilly: We don't need to read that letter, do we? Everybody got a copy? Okay.

Mr. Steinschneider: I have not, so if I could at some point that would be great.

Chairman O'Reilly: Well, thank you. Is there anyone else?

Mr. Steinschneider: You guys bring a laptop?

Chairman O'Reilly: I think we've given it a fair hearing, we've given our opinion.

Boardmember Sullivan: Is that everybody that wanted to?

Leah Rosner, 115 Pinecrest: This is a letter from the tenants in our accessory apartment, who just left the meeting. I guess I just also want to stress that very little has been said about 115 Pinecrest Parkway. The way that pole exists, if you all have looked at the property, it's so alarmingly close to my house it just defies words. We're looking right in their windows and they're looking right in ours.

Chairman O'Reilly: I did come around to the house and 115 Pinecrest doesn't really have a view preservation issue, but it is the degree of proximity.

Ms. Rosner: And our view to the north.

Village Attorney Whitehead: Were those poles set from the revised plan, or the original plan?

Mr. Steinschneider: Original.

Village Attorney Whitehead: So just to clarify, because I know the house got narrower.

Mr. Steinschneider: It would be approximately 5 feet further away at the closest point, then the house steps another 6 feet. So the house would be about 11 feet further from her property line than the current location of the post.

Village Attorney Whitehead: So that post was set from the original plan? They've revised the plan, it's actually about 11 feet further away from your house.

Ms. Rosner: My understanding was that it was only 5 feet further over, so maybe if you're counting the distance from the north side of my house to my property line right now the post sits literally on my property line.

Mr. Steinschneider: The post is 15 feet from your property line. Your house is almost on your property line. It's about 4 feet?

Ms. Rosner: No, it's further.

Mr. Steinschneider: Okay, we're just going by the survey and maybe there's a mistake in it. But the distance between your house and this house, we were concerned with it only being about 20 feet with the 15. Which is one of the reasons when we did the alternative we increased the setback. The 5-foot is to one small section where the stairs are, but then the rest of the house steps back further. So the idea is that it would be further from your house, and that's just answering the attorney's question of is that where it is or would be the alternative be further away.

Ms. Rosner: Okay. We understand the alternative is further away, but from our point of view it's still very, very, very close and totally blocking our view to the north.

Chairman O'Reilly: Okay, thank you. Did I get the only copy of this? Maybe it should go into the record, Buddy?

Bldg. Inspector Minozzi: Yes, sir.

Chairman O'Reilly: It's a letter from the tenants. Of course the other thing you have to consider, too, is that even if we voted to approve variances and such things then you're dealing with the Zoning Board. We have no assurance as to what the Zoning Board is going to say, of course, as you know. So you've still got that to contend with. I can't think of any other way to say what I've already said, and I appreciate the position you may be in. But I still say that it is, from my point of view, a lot that is buildable, with some difficulty. As long as it's built within the limitations of what the property will afford in terms of the variances and the height restrictions and the front setback.

Village Attorney Whitehead: Did you want to speak?

Mr. Hassan: I live at 179 with my wife, Katy, and our three kids. Resident of Hastings for three years. We just purchased the home in July. I'll be brief because it's been along evening. I'll just put a voice to the letter. Most of our points are spelled out in our letter so I'll leave it mostly at that.

We did raise some real concerns with the view preservations and impact of the slopes. We don't feel those have really been addressed in the updated design. The updated design also requires a re-grading along the easement and our drywall. About half of our driveway is under the easement, the other half of our drywall is not under easement. We've consulted with our legal counsel and we will not be re-grading the easement or the rest of our driveway.

If there's any questions on the letter, happy to answer them not. Otherwise, I'll just leave all the points to what we've written.

Chairman O'Reilly: I don't have any questions.

Mr. Hassan: Thank you.

Chairman O'Reilly: Therefore, are we in a position to give guidance to the extent we have in terms of voting on this?

Village Attorney Whitehead: I think you've given guidance.

Boardmember Alligood: I don't know if there's a vote.

Village Attorney Whitehead: You could only vote on the plan that's before you.

Chairman O'Reilly: Yes, we can only vote on that plan.

Boardmember Sullivan: But our points are, look at the height.

Chairman O'Reilly: Look at the height, look at the extent of the coverage, and the view preservation.

Village Attorney Whitehead: Coverage in the context of steep slopes.

Chairman O'Reilly: Steep slope disturbance.

Boardmember Bass: And good luck.

Chairman O'Reilly: So we're saying you have that to consider. That's about as good as we can do at this point.

Boardmember Sullivan: I think the coverage issue, the amount of area that's disturbed with the steep slopes, ties in very much with the height and the view impacts people are having. I think that would get solved if the building gets smaller and placed in different ways. You can probably accomplish what you need to accomplish, so it's hard to give a number to how much to change.

Village Attorney Whitehead: It's impossible to give a number.

Boardmember Sullivan: But the two together, you're getting closer by stepping the building down. That was a big change in the right direction.

Bldg. Inspector Minozzi: And I really think you need to rethink the steep slopes.

Mr. Steinschneider: That it's less than what we're saying. I agree. I'm just going to sit here for the rest of the night.

Village Attorney Whitehead: We're *not* going to sit here for the rest of the night.

Chairman O'Reilly: Therefore a motion to adjourn.

On MOTION of Boardmember Bass, SECONDED by Boardmember Speyer, with a voice vote of all in favor Chairman O'Reilly adjourned the Regular Meeting.

Mr. Steinschneider: Thank you very much.