

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD REGULAR MEETING
AND PUBLIC HEARING
APRIL 16, 2020**

A Regular Meeting and Public Hearing was held by the Planning Board on Thursday April 16, 2020 at 8:15 p.m. with Boardmembers participating via Zoom, live-streamed via WWhoH-TV (Channel 75) and online at WWhoH-TV.org

PRESENT Chairperson William O'Reilly, Boardmember Kathleen Sullivan,
(via Zoom): Boardmember Eva Alligood, Boardmember Kerry Gould-Schmidt,
Boardmember Richard Bass, Boardmember Emily Goldman, Boardmember
Thomas Speyer, Alternate Boardmember Richard Martin, Village Attorney
Linda Whitehead, Building Inspector Charles Minozzi, Jr., Planning
Consultant Patrick Cleary, and Planning Board Secretary Mary Ellen
Ballantine

I. ROLL CALL

Chairman O'Reilly: Do we have a roll call, please?

Village Attorney Whitehead: Emily, you're muted.

Chairman O'Reilly: Unmute yourself, Emily.

Attorney Whitehead: Okay, she's here.

Chairman O'Reilly: Fine, one thing we can probably take care of is the approval of minutes for previous meetings.

Attorney Whitehead: Before you do that, let me give the little spiel on how we're going to run the meeting.

Chairman O'Reilly: Okay, sure.

Attorney Whitehead: As everybody knows and as said on the agenda, this meeting is being held virtually, pursuant to executive order 202.1 which suspended certain provisions of the open meetings law to allow us to hold the meeting by video conference. This is the first meeting that we're holding in this manner. The Village is still working out some kinks on the system.

The way we have noticed this meeting for the public comment, since it is a public hearing, is

to provide for public comment by e-mail. Buddy will be checking his e-mails during the meeting in case any comments come in during the meeting and he will read them. The chairman will reference, when we get to the application, that we have already receive a couple of comments by e-mail. Given the current circumstances and the fact that we were not able to set this up for live comments – and considering where we are in this application, it's really a new application – we are, just so the public knows for anybody watching, going to continue this matter. The board is not going to be taking a vote tonight. We are going to give the applicant comment and then continue the matter to a subsequent meeting. So there will be another opportunity for comment in the future. We just want to make sure that everybody understands that: no decision is going to be made tonight.

And I think that was everything. Eva, was there anything else we wanted to ... that was it, right?

Boardmember Alligood: I thought we were going to review sort of where this is in the process. Maybe you?

Village Attorney Whitehead: Well, let's do the minutes and then when we get to the application.

Boardmember Alligood: Okay.

Chairman O'Reilly: Yes, because that relates to the hearing.

II. APPROVAL OF MINUTES

Chairman O'Reilly: We do have three outstanding minutes that are yet to be approved. But since we have everybody here and we couldn't have any more if we tried, we should have the opportunity to approve the minutes of, first, October 17th, 2019. I know I was there.

Meeting of October 17, 2019

Chairman O'Reilly: Mary Ellen, do you have a list of attendees for the October 17th meeting, just so we can be sure that we know who was there?

Dep. Village Clerk Ballantine: Yourself, and it was Eva, Kerry, Richard Bass, and Richard Martin. That was it.

Chairman O'Reilly: That was fine, that's what we need. And we have a quorum here, so do

we have any comments on the minutes of October 17th, 2019? If not, then I'll ask for a motion to approve the minutes, as written.

On MOTION of Boardmember Martin, SECONDED by Boardmember Gould-Schmit, with a voice vote of all in favor, the Minutes of the Regular Meeting and Public Hearing of October 17, 2019 were approved as presented.

Meeting of January 16, 2020

Chairman O'Reilly: I'm sure I was there. Mary Ellen, do you have that list?

Dep. Village Clerk Ballantine: Yes. In addition, it was Kathy Sullivan, Kerry Gould-Schmidt, Emily Goldman. And that was it.

Chairman O'Reilly: That was four. We had a quorum, and we have those attending now. Any comments on the minutes of January 16th, 2020? I have none.

Boardmember Gould-Schmit: I have none.

Chairman O'Reilly: That being the case, therefore I ask for a motion to approve the minutes of January 16, 2020.

On MOTION of Boardmember Sullivan, SECONDED by Boardmember Goldman, with a voice vote of all in favor, the Minutes of the Regular Meeting and Public Hearing of January 16, 2020 were approved as presented.

Chairman O'Reilly: Approved as written.

Meeting of February 20, 2020

Chairman O'Reilly: And finally, February 20th – which was our last face-to-face meeting. I know I was there.

Dep. Village Clerk Ballantine: And Kathy Sullivan, Eva Alligood, Richard Bass, Emily Goldman, and Thomas Speyer.

Chairman O'Reilly: Okay. We had a quorum there, attending now, so can therefore ask for a motion to approve. Any comments on the minutes of February 20th, 2020? If not, I think I'll ask for a motion to approve the minutes of February 20th, 2020 as written.

On MOTION of Boardmember Alligood, **SECONDED** by Boardmember Sullivan, with a voice vote of all in favor, the Minutes of the Regular Meeting and Public Hearing of February 20, 2020 were approved as presented.

Chairman O'Reilly: Unanimous, okay. Therefore we will move on to the old public hearings, of which we had one. Others have been deferred to future meetings. I'll introduce it, and then we can do a process review.

III. OLD PUBLIC HEARINGS

- 1. View Preservation Advisory and Steep Slopes Approval Application of William Hanauer, Executor, Estate of Elizabeth F. Derow, 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: Before we ask for Mr. Steinschneider's presentation on the project, Linda?

Attorney Whitehead: We wanted to just remind the board and the public where we have been, and we are, on this application. This really is, for all intents and purposes, a new application; it's a completely different house. The board has reviewed, for a couple of meetings, a proposed house for this property. The board had given the applicant a number of comments. The plan had actually gone to Hahn Engineering, and you received their comments. The prior application, in addition to the steep slopes and view preservation, would have also required a number of variances.

The board expressed their concerns with the plan. The applicant has now come back. It's actually a different applicant. Before, it was a contract vendee. It is now the property owner, as the applicant, has come back with a new plan. They've not submitted all the engineering and all the drainage and such to go to Hahn yet which is why, as we indicated, it will be continued tonight with the board. And this would have been on your agenda last month, so you've had it now since March.

Your last meeting, you'll recall, was canceled so we have put this on tonight. And this is really – at this point, for the board – to provide the applicant with comments on the new, revised plan. Then the applicant asks any questions of the board, or responds to any comments that he might want to respond to. But then he would have to go away and do all the engineering and some of those other things that are not yet done.

Planning Consultant Cleary: And I would just add to that that the plan that Paddy's presenting to you tonight is conceptual. So there are assumptions built into that with regards to the building heights and so forth that have not been confirmed because we don't have full grading plans, for example. So bear that in mind as you process Paddy's presentation this evening.

Bldg. Inspector Minozzi: Also, I believe that Paddy's looking forward to going to the Zoning Board next week for view preservation and the one variance that he's going to have, which we can do simultaneously if it gets that far tonight.

Attorney Whitehead: That would only be if this board is ready to recommend view preservation. I think that's a little premature to know if we are ready to do that yet.

Bldg. Inspector Minozzi: Of course.

Boardmember Goldman: I have a quick question. I don't know if this really matters in terms of our work tonight, but I'm just curious. When you say that the applicant is now the owner rather than the "contract vendee," I think was the word ...

Chairman O'Reilly: Vendee.

Boardmember Goldman: Does that mean that the applicant whom we saw at the previous two meetings is ... again, I don't know if this is relevant to the conversation. But just out of sheer curiosity, is that applicant out of this situation? Is this a proposal for a house that has no potential owner at this point?

Attorney Whitehead: Well, the owner of the property is the one making the application.

Boardmember Goldman: Okay.

Attorney Whitehead: So yes, the person who was looking to buy it and build the original house is no longer involved.

Planner Cleary: If you remember, Emily, they had to go hard on that deal – like the day after the last Planning Board meeting – and he just decided to move on.

Boardmember Goldman: Okay, thank you.

Planner Cleary: By the way, just to follow up on Emily's point, it's a fair question. Because if what you are seeing tonight is a speculative building, that might change when a building permit is filed. You should be aware of that. If this is, in fact, the building that would be built on that site, that may influence your decision in some way or another.

Chairman O'Reilly: Very good.

Attorney Whitehead: So with that, Bill, do you want to have the applicant go ahead and do their presentation?

Chairman O'Reilly: Yes. And I don't know he's in a position to address that last question, but ...

Padraic Steinschneider, Gotham Design: Sure.

Chairman O'Reilly: ... it really is immaterial at this point. But we will find out. So, Patrick?

Mr. Steinschneider: Yeah, if it's helpful to you I can certainly fill you in, as you noted. The contract vendee had, effectively, one day after that meeting to either say I'm going to put my money at risk, or not. And as I presented – which I think you guys understood and you were very good about it – they had specific design ideas, and all of the illustrations they gave us that we were working from were on flat lots. This is not a flat lot. So we did the best we could, I thought, to get their concept to work on that site. But the feeling that I think they had, and I certainly had, was we had not gotten to the point that made the board comfortable, and additional adjustments, cuts, would be necessary.

I think the biggest concern they had was they wanted a very traditional house, which they felt fit well with the older houses on Pinecrest. What I pointed out to them is there are two new houses being built that are certainly not traditional houses. There's a direction that's been taken, and one of the best comments I think the board gave in terms of what your feeling about this site was that because of view preservation, because of the way the Village measures height, trying to fit a very traditional house on this site was a bit of a square peg in a round hole. And to do it successfully you needed to have the greater flexibility of different levels, lower-pitched roofs, which works to a much more modern-looking house. That's the direction we've taken.

The thing first we did was, we identified that grouping of concerns that had been expressed

both by boardmembers and by the neighbors. And we just said, "Look, this isn't something we're trying to fight for. We want to fit in with what works for the community." So our goal is to accomplish the things that were identified as preferences by the board and the neighbors. An example of a neighbor concern is, the owner of 179 was very unhappy with the idea that we would be re-grading the easement to make our garage work. So we have come up with a scheme that doesn't necessitate that.

The neighbor to the south was very concerned about how close this house was going to be if we got a variance for that south yard, so we dropped that. In fact, what we did – which I'll present in a minute – is, we accepted the existing building envelope, which is actually more restrictive than what the code has. Because not only do we do the 30-foot setback for the front yard and the 30-foot setback for the rear yard, we have got the easement on one side that gives us a 32-foot setback there. We wanted to be at least 30 feet from the Aqueduct property line to the house itself so we effectively have a building envelope that's got four 30-foot setbacks.

We took that as a given, and we took a look at what we could accomplish with that parameter with one other concern: the owner of 177, I think, felt almost that any house that was in front of him was an unfortunate thing for what they're doing. We tried to figure out how we could absolutely minimize the east façade of the house to make it as inconsequential as possible. We certainly didn't think it was going to be good to have a garage backing out in that area, or cars parked there. Even the idea of large windows or something looking out that we felt would be intrusive to their privacy and the character of the house that they have.

Those were parameters we took, and what we've come up we think addresses them well. But that's for you guys to figure out and let me know.

Chairman O'Reilly: Right. Question: how far can we go with what you describe as a "conceptual design"? I guess this is a question for Linda.

Mr. Steinschneider: Well, there are a lot of ranges when people are designing things. I would describe our conceptual as we haven't picked the ... actually, we have picked the fixtures in the bathrooms. We're specific on this. This is not a sketch plan, this is a hard-line dimension set of drawings that have floor plans, elevations; the structures have been worked out. A comment earlier was the grading hasn't been done. That is a good comment because the grading has been done but it's been done by us, in our side of it. Laura Wakefield, who's the architect working on this, we recognized that when this goes into the hands of Thomas – who's on here tonight – he might have some comments about things we have to do differently with the grading, specifically because of the drainage. But we did ... one of the other concerns was – that you've got, actually, in your code – how do we deal with water coming down those sides.

A 30-foot setback helps a lot just in itself, but we made sure that there was a swale on both sides of the property so that any water coming down would be controlled; going down on our property, not shed to a neighbor's property. So that level of detail is there. The other side of whether it's conceptual or not is a matter of how the marketplace works. We have taken into consideration what we think is a desirable house for somebody to want to buy. This isn't something where we throw something up, a concept, and then somebody comes in and wants to do something different. We're hoping, having put the time into the design, that somebody will say, "We love it. We might want this tweaked or this changed or something like that, but we want to build the house that you've designed."

Our hope is that we will be marketing the lot with the house for sale, and that ideally somebody wants to have us complete the construction documents and go ahead and build the house.

Chairman O'Reilly: Okay. Paddy, I know you have a presentation. You've also given us two versions of a cover letter. The cover letter has been revised.

Mr. Steinschneider: Right.

Chairman O'Reilly: It speaks to a lot of the changes, but maybe perhaps first you want to do your presentation and sort of tie them in as you go through. Because that was quite a lengthy letter, couple of letters.

Mr. Steinschneider: Yeah, I suffer from that. Tom Speyer has had to read things that I've written in the past. He knows I can take three pages to say what many others would be able to say in three sentences. The first one was very lengthy. The second one, I think, was more on point for what your interests were. And perhaps one of the most important items in that second letter was, we went into the detail about steep slopes. One of the things we have done in this redesign is not quite cut it in half, but we are significantly lower in the disturbance to the steep slopes. You know, we're in the 37 percent and 42 percent – when 25- and 35- is permitted – whereas before we were up in numbers like 70 percent.

Chairman O'Reilly: Okay. So I guess what we have to do is forget about the old one and just concentrate on this one.

Mr. Steinschneider: Yeah. And the old one ... I don't think they contradict each other. The old one was written after the Kimbers had pulled out, and probably I was paying far more attention than needed to why that happened. If anybody's interested in why the Kimbers made the decision, it gives enough information. But the reality right now is, the owner is the applicant and the Kimbers are happily moving on to a parcel of land that we actually

subdivided in Irvington. So hopefully everybody in the end ends up happy.

Chairman O'Reilly: Good for you.

Mr. Steinschneider: It'll be a first for me, but [laughter] ...

Chairman O'Reilly: Okay. So the presentation.

Mr. Steinschneider: Let me see if I can get this up. Okay, are you seeing something?

Chairman O'Reilly: Just you.

Mr. Steinschneider: Okay, I don't know what I did the last time that made this come on. So you're not seeing that at this point.

Chairman O'Reilly: Not at this point. "Share Screen," is that the one at the bottom?

Mr. Steinschneider: This is what I started with, then I went to desktop, and then I went ...

Chairman O'Reilly: There you go.

Mr. Steinschneider: I didn't click twice.

Chairman O'Reilly: There we go.

Mr. Steinschneider: Okay, good. Then I'll go to slide ... yeah, this a first for me, doing this. So that looks like the front page?

Chairman O'Reilly: Yes.

Mr. Steinschneider: Okay, cool. These are two drawings that you've seen before, just locating the site. In this one, reiterating that whole idea that, you know, this is kind of a unique property in this neighborhood. It's at the end of a street, it doesn't have frontage on the street in the traditional way, which has made it a little bit interesting. Here's the survey of the property, which shows you how steep those slopes are, dropping down. But one point I tried to make in some of the things I wrote is, you know, this lot is actually very consistent with the character of the other lots that are on that side of Pinecrest.

Here we are, we're looking at the site plan. Can you see my cursor as I move it?

Chairman O'Reilly: Yes. I'm going to mute myself for a moment.

Mr. Steinschneider: Okay. So this area here is the easement. It's 32 feet wide, which I don't know why the owner of this property ever would've agreed to such a huge easement. But that's what it is, and that's what we're having to deal with. So what we've done is, we're coming off the end of Pinecrest. And as quickly as we can, we're pulling off of the easement into the property, the parcel of the property that's in front of the garage. The two garage doors are right here. We're planning to have fairly substantial planting in this area so that if you were standing on Pinecrest the courtyard will be something that is well screened.

One of the things the owner of 179 was concerned about was before, we were doing a lot of grading in here. We're still doing a little bit, but it's just enough to get it down to where we feel that Hahn will find that these slopes are acceptable. They're less than 10 percent so it's like a 1-1/2 foot contour cut, which is not ... before, we were cutting like 5, 6 feet.

Other ideas here. Here's the edge of the house, here's where we're disturbing some things alongside the house with our drainage. But the house is way back here; it's 30 feet from the property line. Here's the north side of the house, again 30 feet from the property line. This is that 32 feet of the easement, so we're basically right up against that with the garage. But the garage width here is only 24 feet. In fact, I think it's actually 22 feet now with a small overhang. So the frontal view of this from above, which you'll see in a minute, is very compact and narrow. Again, from the Aqueduct, similar. Before, we were 50-something feet wide and now we're down to 30 feet wide. So it makes a real difference in how that's perceived.

We have a terrace that wraps around at the bottom that provides a wall here that kind of gives some screening and sense of privacy off of the Aqueduct. I think this actually helps the sense of privacy. This is coming back, I think it's 27 feet, to where that wall is. Then we have two small decks on that. The only portion of this that's paved is the area that's within the required setbacks. On the sides, this is just where the grass kind of levels out so you'll be able to walk onto that terrace.

Any questions about this site plan at this point? Okay, so here are the floor plans. We're coming in the front entrance. It's a split-level house, which helps us a lot with the height and getting under the sky plane. So when you come in the front door you go down a half-flight to the first floor and up a half-flight to the second floor. If somebody for some reason wanted to do it as an upside down house that would be possible to do in this footprint, but we thought it works better to have the living area be the half-flight down because that then can connect down to a portion of the basement. Which gives you additional living space, really, for the way this house works.

Another thing we have done in this is – I'm saying it's 2,850 square feet, I think in reality it's

probably closer to 28-hundred – where we were actually almost 33-hundred square feet before. So we have cut, you know, 500 square feet out of the house. Which is, we've tried to make the square footage that makes the most difference, which is the width of the house as it's perceived from above where it would most affect the views. So two-car garage, door into the entrance hall, half-flight down, galley, kitchen kind of all opened to the living-dining area. And there's only one real enclosed room on the first floor, which can be a study: big barn door that closes, I guess that idea of how conceptual something is. Obviously we're thinking about it'd be cool to have this be a barn door that's slid across. We're going past, you know, just concepts and sketchiness.

We have provided a three-fixture bathroom on the first floor for that so if somebody wanted to use that as a guest room they'd be able to. Going upstairs – actually I jumped too many – you come to the top of the stairs. You've got two hall bathrooms, laundry, and shared bathroom. At the end of the house, on the west side, you've got the master suite, sleeping area, closets, and generous master bathroom. It is possible to go up a half-flight and get to the attic above the garage, which at this point we'd be saying is like a bonus room. It's a couple of hundred square feet, but it's under the roofline. It does have some windows so it would be usable, and I think when you see the elevations you'll feel that it's small enough that it's not adding to the sense of mass.

This is the basement floor plan. This will be fine-tuned when we get it worked out more with the grading. What we're looking at now is a full basement in this section, utility room – part of this might actually not be full basement – crawl space up to slab on grade. The next drawing shows the elevations. You can see how the grade is stepping down along that. This is where that room is in the basement. The garage doors. The front entrance: this is covered so you can get out of the rain. The elevation up here is the side that's facing east, which I think is small and understated.

This is one of those houses when you do a two-dimensional elevation of it just looks like a great big huge box. It doesn't really look like that. This form here is significantly further out than this form here; they're jogged. There are elements on the side of the house that are going in and out. These are bays that kind of project out around the fireplace. On the other side, this bay projects out, this bay cuts in to eliminate some of the square footage. So there are elements that are doing things on this that I think help. The budget hopefully would give us the ability that where we've taken stone on the façade facing east and we have the stone base here, I'd love to get that kind of come-along in this and have some of this base also be stone because I think that will help break down the apparent mass on this.

Here is the elevation facing towards the Aqueduct. You've got the terrace here, the two levels of deck – one off the master, one off the main room on the first floor – and then we've got ... this is a comparison I did. This is the elevation we're proposing now, and this was the

elevation we had previously. These are lined up so they're the same elevation height and they're in the same scale. So I think it demonstrates that we have *significantly* reduced what the residents in 177 are going to be looking out at. This is that existing ... you know, we've graded this a little bit so this works better to the entrance. But this is all existing, so we're not coming anywhere near the 179 house with any grading that would affect how their house will work.

These are the sections. One of your concerns with steep slopes is how we're tucking into this and kind of being ... you know, we're being consistent with how the grading works. We're following the slope down. I think we have a net gain of fill on the site of 130 cubic yards, which on a house is pretty good. It's not a lot of trucks. And the idea that we're bringing fill to here instead of trucking a lot out I think is indicative of us being softer in our touch on how this site works.

This was prepared by Thomas. This is Hahn Engineering's putting our plan onto the grades. The light green is the 15 to 25; the dark green is the steeper slopes. And this is kind of ... you can get a real good sense of the difference between the two houses as I toggle back and forth between these. One of the things I think is worth noticing is it's much narrower. But also if you kind of look where, say, the west end of the house is, and you see where our decks were before, we're pretty much in the same location. And we're pretty much in the same location on ... we're a little bit further to the east than we were before with the garage because we are bringing that garage up and setting off from it. But I think it basically works. I think you can see how they relate and how much smaller that actually feels on the site.

This was just a direct comparison of the previous and the current grading. Before, we were looking at disturbing 4,993 square feet of the 25 percent and greater. Now we're down to 2,647 square feet; 3,018 before with the 15 to 25, we're down to the 1,710. I think that gets us in a better direction as far as the concerns that were expressed during the meetings with your board.

I don't know if there's anything else. I mean, this is the old landscaping. We're going to have ... if this is a plan that you think merits us taking it further we would be having Hahn Engineering doing all their stuff with the engineering. We'd have Susan [Janchell] XXX update the landscaping plan to the same level of detail and specificity with the intent of a really well-landscaped parcel so those two sides are well-screened and don't feel like they're a great big box sitting in the middle of an open field.

I think that's everything you really need to look at. One of the things I would love for you guys to decide is that since the view preservation before showed that the impacts on view were relatively small, the fact that we're much smaller than we were before means we're pretty good with that. Obviously there's a lot of work that goes into creating the view

preservation report. I'm hoping we don't have to do as complete a report as we did last time, but that's your call decision and we'll do whatever it is that you want.

And I don't think we need to go through any of this stuff, that's all just lots and lots of writing. And we've responded to the Hahn Engineering report, or memo, and we've updated our narrative for the steep slopes. We'll submit that as soon as Hudson has had their chance to really go to town and making sure everything works.

So questions, and whatever you want to do.

Chairman O'Reilly: Good, thank you. That's a start, and seeing the difference in the comparison. One question I have, because I was expecting to see – not until I saw this, but when I heard that the other people had withdrawn – and thinking one of the things we would be likely to see would be a small house. Well, this doesn't seem like a small house, but it does seem to be dug into the hillside in a better way than the other one. What is the lot coverage ratio?

Mr. Steinschneider: The house has ... here, let me get the numbers on this because I think I gave you that stuff. The house is between 16- and 17 percent site coverage for the house; and we're around 28 percent site coverage for the impervious where 35 is permitted, not including the paving that is in the easement. With the paving in the easement we're above what we're permitted. So that's what we need to go to Zoning Board for the variance for.

Chairman O'Reilly: Okay.

Boardmember Speyer: But that easement serves multiple houses.

Mr. Steinschneider: Actually, that easement really only serves 179; 177 does not have access to it. It's why my comment earlier that I can't understand why that was so extensively paved. The portion of that we need if we were going to have just a driveway to serve this house would put us at about 31 percent total site coverage. And I don't know if we have the rights to say, you know, We don't care, we're going to a removal out of that asphalt. I think that would be something we have to work out with the owner of 179, and they seemed very adamant about not wanting us to do anything on that easement. It's just the reality: this is the best way, I think, for us to handle the cars because we get the cars ... if people don't put their cars away they're going to park them here instead of out here someplace.

Chairman O'Reilly: Right.

Mr. Steinschneider: And the idea of cars parked here, I think, would be awful.

Chairman O'Reilly: And above the garage you have a second story, or a half-story, right?

Mr. Steinschneider: We have a half-story. We wanted to have a pitched roof on that. We wanted to tie that across. It's a lower ridge than the main ridge on the house, but we felt that was kind of important: that this not feel like it was a combination of things. If we were going to do this very kind of linear modern house we felt it really needed to kind of have a unity where everything was tied together – the roof pitches are all the same, the materials, the standing seam metal roof – and holds that all together as a composition.

Chairman O'Reilly: Okay. I have finished with the questions I had, at the present anyway. But the way I'll do this is the way I would normally do it at a meeting: imagine who's on my left or who's on my right and use the same format, go to my left. Usually sitting on my left, first, would be Eva. So, Eva, I might go to you first for questions, comment. Eva, are you muted? Are you there? Yes, good.

Boardmember Alligood: Yes. Sorry about that. Can you hear me now?

Chairman O'Reilly: Yes, I can hear you.

Boardmember Alligood: Sorry about that. I was just going to say I'm going to let others ... after all that, I'm going to let others speak first.

Chairman O'Reilly: You don't want to speak first, or you want to ...

Boardmember Alligood: Yes, I'm going to pass it along and come back to me later.

Chairman O'Reilly: Okay, then next would be Kerry. Kerry, you want to be next?

Boardmember Gould-Schmit: Sorry, I'm muting. I guess I'll start with Paddy. I think you did listen to our comments and the concerns we have. And I feel, as Bill said, the house is probably bigger than I thought it would come back. But certainly the design is much friendlier to the environment and I think you really listened on those fronts.

I still feel like that east elevation, which will ... you know, the neighbors across the street have been quite active in this. It's not the prettiest elevation, I will say. I mean, it is a garage. There's a window, but I don't know, I'm still a little ...

Chairman O'Reilly: Paddy, can you bring up the east elevation ?

Mr. Steinschneider: Sure. Well, here, let me go to that one where you get the comparison. Kerry, did you have more you wanted to say?

Boardmember Gould-Schmit: No, I'd like to hear you just speak to this a little bit.

Mr. Steinschneider: Sure. I mean, what we're trying to do there is intentionally have it a very quiet façade. I don't think it's wreathing as far as the people who would be living in this house as the front of their house. I think they'll feel the front is the entrance that's between the main volume of the house and the garage. They'll be viewing that when they pull in their courtyard, where they're getting out of their cars. I'm picturing this with some fairly good-size half-shrub/half tree kind of feel, where it really feels like it's planted out. Which is one of the reasons we went with the idea of this being stone. And the idea that the windows are small is very intentional.

I think, if I was going to think of a criticism people could have on this house, we have some other windows that are very, very large. So the idea of having this façade not be one that the people who live in 177 would feel is putting them on display – or in the view of – people in this house, we're trying to orient the whole house, effectively, to the west primarily. But also, unless other properties are subdivided or something in the future and other houses are built somewhere, this has the pretty nice view to the north across the backyards of 179 and, I guess, one or two other houses there, until you get to the condos.

That's where we're taking advantage of the views. We figured keeping this façade, and very calm, would be a gesture, a positive gesture, to the neighbor.

Boardmember Gould-Schmit: Okay. I do like the fact that it's articulated because honestly if it wasn't there and you just ... you know, the roofline's a little flat. I wouldn't like that either.

You brought it up. I will say, on the Aqueduct side of the house there's a lot of windows, which I understand you want to maximize the views. But I guess that's ... I mean, I will say I think it's like a far-improved design. I would like to listen to other members. I will say steep slopes is not necessarily my specialty so I want to hear a little bit more about that because again, as we've mentioned in the past, it's a really difficult building site. I'm just interested in hearing what other boardmembers have to say about that.

Chairman O'Reilly: When it comes to the steep slopes, obviously the presentation from Hahn and others from the previous one will have to be redone because it's a different application. That is something we'll have to be looking at.

Richard, you're up if you're ready, if you want. Richard Bass?

Boardmember Bass: Sure. Can you hear me?

Chairman O'Reilly: Yes.

Boardmember Bass: So, Paddy, thank you for hearing our previous comments. Just as an aside, in other similar applications the applicant's architect, just for comparison, looked at other properties in the neighborhood in terms of lot coverage and height so we have a comparison of apples-to-apples. I think that would be helpful right now.

Mr. Steinschneider: Right.

Boardmember Bass: Because when I reviewed the neighborhood, many of those buildings are noncomplying and wouldn't be able to be built under our existing regulations. So I'd like to have that comparison. Also it would be consistent with how the board previously reached decisions, and I think it will also help the Zoning Board.

Mr. Steinschneider: Sure.

Bldg. Inspector Minozzi: Could you just repeat what you asked him, one more time please?

Boardmember Bass: Sure. Am I talking too fast?

Bldg. Inspector Minozzi: No, I'm doing multiple tasks; I have e-mails coming in.

Boardmember Bass: Okay. Sorry, I had coffee with dinner so I'm flying on that.

Before I get into comments about the specific site plan, in previous applications – similar applications with view corridor, with view preservation, and with steep slopes – especially when there is a request for a variance, there was a comparison between the proposed property and contiguous properties so we had an apples-to-apples comparison. It'd be really interesting to know that the house to the south is 15 feet taller – I'm making up a number. I think that will help us and help the Zoning Board. Is that okay, Paddy?

Mr. Steinschneider: I think that's great that we often do that as well. We did have a little conversation about it, but you're right. We have not done what we often will do, which is actually a quantification of heights, square footages, and coverages so you can understand is this house bigger than the neighborhood, smaller than the neighborhood, or it fits in. Quite candidly, we're trying to create this sense of a house that perhaps will lead to a potential purchaser as larger than what the actual house is. With the idea that this is going to be used in trying to sell this lot and, we're hoping, go ahead with this house.

Our anticipation of what the numbers need to be is, this needs to be a house that somebody

would be thinking they're spending a-million-five or something like that to own. That supports the lot width. So the house has to have a certain size to it. That's why it's the way it is. It's still, really, a three-bedroom, three-bath house.

Boardmember Bass: No, I appreciate that. Look, I think this is a much more sensitive design. The previous design, with the contract vendees interest to having a more traditional house, pumped up the volume. They objected to our suggestions of having a flatter roof.

I'd like to also, just for comparison's sake, if the house was reduced, as Bill was alluding, would that still impact the same in terms of the steep slopes analysis? I don't want to lead the witness, and you don't have to give me an answer right now. I think this is for the next hearing. But even if you sliced off the upper floor, the steep slopes analysis would be the same.

Mr. Steinschneider: Yeah.

Boardmember Bass: So again, something to lead on. Also, with a landscaping plan I appreciate the width of the eastern façade. I think with a landscaping plan showing how that would also be addressed, or covered or screened, would be helpful in our next discussions.

I agree with you that easement for 32 feet is excessive in terms of access to the building to the northeast. It would be really interesting to know the history. I don't know if, at this point, it's worth it – or you're able to – change that easement because that would remove the variance request that you're making.

But all in all, I think it's a much better design. It fits in with the landscaping, with the topography, and I'm comfortable with it as a design. I'd like to see the next phase and the additional information I requested. Thank you.

Mr. Steinschneider: Thank you.

Chairman O'Reilly: Okay, good. You know, the east elevation is ... sorry, I'm looking at the west elevation. That's quite an imposing façade, but it's still probably consistent with other houses along Pinecrest there.

Mr. Steinschneider: Yeah.

Chairman O'Reilly: Okay, starting on the other side then. I'll go out to the outside. Well, let me start with Tom Speyer.

Boardmember Speyer: Thank you. Can you hear me?

Mr. Steinschneider: Yes.

Boardmember Speyer: First, I'd just like to echo the comments of all my other colleagues and say that's it apparent that you listened to our comments at the previous hearings. This is much closer. It shows that you're responsive to the concerns that I heard expressed at our previous meeting.

One question I have is, the original plan that we looked at had some quite elaborate provisions for stormwater control. I was wondering if you're using the same here, or if that's something that isn't necessary or hasn't been gotten to in this.

Mr. Steinschneider: You know, we're working with the same engineering firm and they're very good at that stuff. So I'm anticipating they're going to be as aggressive in handling that as they were before. The fact that we have significantly reduced how much of the site we're covering and how much we're affecting I think simplifies the task, but the reality stays the same.

If you look at this globally, we're a very large ridge with lots of water coming down, basically from Andrus, coming across Broadway, coming down the hillside, washing down to Warburton getting to the river. So this piece of property can't be looked at as just a piece unto itself; it has to be understood in the larger scale. I think Michael Stein and Thomas at Hudson Engineering have a really good grasp on that. My expectation is they will go full out on it and do as good a job, if not better, with this.

Boardmember Speyer: Good. So your answer is it's not a part of a plan that you have now, but you anticipate getting that.

Thomas Culhane, Hudson Engineering: This is Tommy, from Hudson. Do you mind if I jump in?

Boardmember Speyer: Yes?

Mr. Culhane: It's going to be a very similar system to what we previously designed, more or less in the same location. The size might change a little bit because of the change in footprint, but more or less it's going to be the same type of design.

Boardmember Speyer: Okay. My only other comment is mainly in accord with what others have said about the elevations. You know, it does look big from the west and it looks fairly large from the sides. I do suspect that if you just put in, or represent, some plantings along those elevations, a representative screening, it appears to me to be some spots in all the

elevations that are almost designed to have a shrub or a tree in front of them.

Mr. Steinschneider: Totally.

Boardmember Speyer: It'll look a lot nicer in terms of addressing the concerns of my colleagues if you had some of those things. I think Richard said the same.

Mr. Steinschneider: Yeah, I think that's a great suggestion and you are exactly right. When we looked at where these elements would be, that gave ins and outs on the two long façades. We specifically thought this would be where you put the tree so that breaks what could be kind of a little bit almost relentless line of the north side. You've got some specific spots there that just would be ideal with a really nice tree breaking it up.

Boardmember Speyer: Yes. So that's all I have.

Chairman O'Reilly: Okay, fine. Moving on, and coming in from that side ... by the way, Dick Martin, if you're hearing me – since this is just a hearing and we're not voting tonight – I think you're perfectly entitled to make comments since you are sitting in on the presentation. So I'll get back to you at a certain point. I didn't want to jump on you because you may have thought you were skating along with it.

But next would be Emily, Emily Goldman.

Boardmember Goldman: Hi, everyone. Yes, this is quite the different house. And yes, I agree with most of the other members of the board about various things that have been said already. Certainly that east elevation is really striking in its difference and the way it just sort of settles into the landscape without any to-do about it. While the west elevation is a little imposing, that's true, there's a lot of houses on the Aqueduct that are pretty grand. So that sort of seems all right. It is bigger than I expected it to be, but I guess that's fine, too.

Then maybe just one question and maybe one comment. When you said that over 35 percent of the lot is covered once you take into account the easement, I'm not 100 percent sure what you were saying about that. But that that's why you need the variance?

Mr. Steinschneider: Right.

Boardmember Goldman: I was wondering like what percentage – just to mollify the concerns of people who are going to be dealing with this variance – how much more than 35 percent, is that coverage?

Mr. Steinschneider: I'm having trouble trying to find where I have that information.

Planner Cleary: Paddy, it's 43 percent.

Mr. Steinschneider: Okay, thank you. So 43 percent is the total. What, we were around 28 percent without the easement?

Planner Cleary: That's right: 43's all in, with everything in the easement.

Mr. Steinschneider: Yes.

Boardmember Goldman: That's 28-12 without the easement.

Mr. Steinschneider: Yeah. Which I think is pretty reasonable with a 35 percent permitted.

Boardmember Goldman: Right.

Mr. Steinschneider: I mean, you guys can tell the owner of 179 he has to use his regular driveway [laughter]. I'm not going to do that.

Boardmember Goldman: Okay. And just because this is something I am still kind of trying to wrap my mind around, I've never really looked so closely at a situation with this unusual easement situation personally. So I'm sort of just still trying to understand it a little bit more. Like what about this easement situation? How would you justify saying it's reasonable? Could you just explain that a little bit more?

Mr. Steinschneider: Well, I guess I'm trying not to say things I should say. So I'm accepting that the easement that is paved is just what it is. I'm not saying that it's unreasonable that a huge easement like that is totally paved. I have not had any conversation with the owners of 179; if they've got any interest in reducing the amount of asphalt that's on that. I don't know if that was for parties or what the concept was. And I know parking can be a little tricky down on Pinecrest, and I can imagine if you live in 179 and you said let's have – you know, these are different times than during COVID-19 – let's have 30 people over, what do you do with cars.

My guess is they got this easement, they paved it, they can park a lot of cars there. I've never seen it being in use in any way that makes sense to have that area paved. But again, I haven't had any conversations about that. If we had to have a driveway that goes from Pinecrest and comes into the courtyard – which is still what I would ... you know, if there was no easement there I think this is still the right direction of getting the house to the west, not putting it so it occupies the end of the street.

We would be under that 35 percent. In fact, what I can do is I can superimpose what the driveway would be and include that in our calculation to show that everything that's of use to this property is less than the 35 percent limit. And that what's skewing it is the fact that so much of this easement that's not within our control has been paved. The footprint of the house, at 16 percent, is really not ... you know, that's reasonable with this size of parcel. I know you guys are each saying the house is bigger than you thought it would be. Maybe that's because we've been successful in making it look a bit more grand than the normal 28-hundred square foot house looks.

But it's not a big house. Cutting square feet out of it, square footage out of it, also because of the topography and how much of this is really getting you down the hill, I don't know that it would look smaller. I mean, if we cut 4 feet out of the length of this house – which would be cutting the house down by 250 square feet – I don't know that it would look any different.

Boardmember Goldman: Okay, that makes sense. All right, great. Well, thank you, that kind of solves some of my questions. The 179, that house is kind of modern-ish, as well, right? Kind of like flat roof-ish, right?

Mr. Steinschneider: Again trying to be very careful in my selection of words, I do not totally understand that house. And I know the owners did not build it. And I also know they've talked a lot about doing some things with it. So they seem to be people who have excellent taste. Everything they talk about with the house seems like it would be taking their house in a good direction. I personally do not understand that incredibly mini mansard that wraps around the top of what could've just been a very classic, modern box house. I can't think of any of Korb's houses, or Guam's or Meyer's houses, that ended up with a very small little mansard wrapping around the top of the flat roof. It's basically a flat-roofed house.

Boardmember Goldman: Right. Okay, all right, great. Thank you.

Chairman O'Reilly: Okay, thanks Emily. Kathy, Kathleen Sullivan?

Boardmember Sullivan: Hello. Echoing what others have said about listening to what we were worried about and trying to come up with a solution, I think there's been a lot of attention given to the east elevation. And I believe the south elevation needs some more care now, as that will impact the neighbors to the south in a way we haven't had any conversation about.

This house is better fit into the topography, the split-level nature of it and staggering of floors. This does help drop the mass down, but at the end of the day you end up with what will be perceived as a sort of three-story house from the south side as well as from the Aqueduct. There's, I believe, a fair amount of fill that still will be added to the site. The

section you showed was not misleading, but it was taken from the south side of the house, which that elevation where the house hits the grade is about 6 feet higher than on the other side. So I believe there's room to drop this more, which I think would be helpful to the people on the southern side.

I think I'd recommend – and I know the question was brought up is this being done for a particular owner, and it isn't – that this is really a modern house. And whether you call it upside down – I've not really heard that expression until now – or not, it's really set up more for an entrance that leads directly into public spaces which are the higher point of the house and have the view. I think the homes that are around this – the two that flank this on the east and on the north – are set up in that fashion. That's the prototype for a home that steps down the hill the way this has.

I guess the only comment I would have is that there's been a lot of concern by neighbors about the view preservation. Linda prefaced the meeting saying we weren't able to necessarily make a decision, and I echo that. Also I'd like to make sure the neighbors have a chance to see a full view preservation presentation. I'd like to see options, if possible, to drop the westernmost section down some number of feet to try to make that southern façade less imposing.

Another thing you've done is put all of sort of the things that will have windows will have views towards the south, which makes sense from your perspective because you're going to try to capture the southern light. But that actually is going to be looking down towards this neighbor that I think will be impacted significantly by the house and size. I wonder if you could potentially flip that and have those spaces look to the north where there's a bit more of an expansive view. There would be some revisioning, reworking things in the plans, but I think it would be accomplished.

Last, you have some bay windows and whatnot that you're showing on the elevation that I would love to see in a plan when you come back to us. So that's it.

Mr. Steinschneider: Yeah. Actually, we do show those bays in the plan. If you look at the plan, the bays are flanking the fireplace, they're popping out in that study, and then it pops out opposite the kitchen. If you can imagine people are over and they could actually sit on the window seat opposite the kitchen counter.

Boardmember Sullivan: I don't have that on my plan. I'm sorry, the plans I have don't show that.

Mr. Steinschneider: Oh, okay.

Boardmember Sullivan: Those are more developed, but ours don't show that.

Mr. Steinschneider: Oh, okay. So I'll make sure ... because that was something that evolved. Maybe there was an in between when we had that. That's how those work, and I'll make sure you get these plans. I mean, I don't know that I agree that the south has more windows than the north. If you're including the windows above the garage, yeah, but we actually have more windows on the north side than the south.

Also, it's 30 feet away from that property line and I think that's where it would make sense to have a lot of heavy growth. I think that's a real opportunity for, you know, like a mini-forest area that's along there that would give that privacy. I think that's going to be as important as it is to the house to the south so they don't feel they've lost their privacy. Because they were very candid about that concern when they came to the meeting. I think it's also going to be incredibly important for this house.

I think people are going to be interested in this house because they feel they've come to the end of a street, kind of in the old days being on the cul-de-sac. You're at the end, and there's nobody really going by you except 179 driving to the easement. But it's only one house going by you, and you've got this great view out to the north. I think that view to the north is actually something we are trying to feature as well, but we'll definitely take a look if there are things we can do to soften that south view. I don't know how successful we would be trying to step things down more. Obviously there can be some adjustments made to ... right now we have it almost split evenly between coming in, going up, and going down. So I can take a look at what happens if we're 7 feet down and 4 feet up; if that helps get that massing to feel like it's just a little bit lower. So we'll definitely take a look at that.

Boardmember Sullivan: Thank you.

Chairman O'Reilly: Thank you, Kathy. Richard, are you there?

Boardmember Bass: Yes, why?

Mr. Steinschneider: You've already spoke.

Chairman O'Reilly: I mean Richard Martin.

Boardmember Bass: Oh, okay.

Boardmember Martin: Yes, I'm here. I was just curious where cars would park if they weren't in the garage.

Mr. Steinschneider: The idea is they'd park ... ideally, they'll be in the garage. If they're not in the garage they can park in the courtyard. The easement is also fully usable by this house, provided they don't block the access to get to 179.

Boardmember Martin: Yes, because I know parking is tough there. I was just curious. So they do have use of the easement.

Mr. Steinschneider: Right.

Boardmember Martin: Okay, thank you. That's about all I was curious about.

Chairman O'Reilly: And Patrick, you've listened to all the comments and you mentioned at the outset a couple of points. Anything else you wanted to raise that we need to consider going forward with this?

Planner Cleary: Just to bring you back to context, first of all Paddy's done a very good job with modifying that plan. In fact, if you look at the numbers the building is really not that much smaller than the other building. They're relatively close in square footage, but the impact on the site has been nearly reduced in half. So that's a significant improvement, there's no doubt about it. Your task, however, in this particular instance is really view preservation and steep slopes.

As we started this application, there is no way to develop this site without steep slope impacts. The question is, has Paddy minimized those steep slope impacts to the maximum extent? Can he do better, or is this the best he can do? That's really the steep slope impact question. And view preservation is a relevant comment. The notion of whether or not you need to see renderings, as Paddy indicated earlier – you saw what he believes is the worst case – if you need to see refinements of that, that's your task. It's view preservation, so gaining a good understanding of that is essential.

Chairman O'Reilly: Right, that sets the table well. Obviously we still want to get a sense of what it's going to look like really. I mean, we see the elevations here, we see below the level it was before. The impact of the neighbors to the east is still a concern. We just want to be sure of what's happening there. And also the neighbor to the south. Obviously their concern is their view to the north, which is obviously an issue. And to the west and to the south there is no impact for the house next door, at 115.

Boardmember Bass: Why is the view to the north part of our review? That may be their concern, but that doesn't address view preservation.

Chairman O'Reilly: No. I just mention it because it's mentioned in the letter. Maybe I

should mention the fact that we did receive two letters. Paddy, have you had the opportunity to review these, or are they coming new to you?

Mr. Steinschneider: Yeah, coming new to me. I haven't seen them yet.

Chairman O'Reilly: Okay, we do have a submission from Leah Rosner and Priscilla Prutzman, owners of 115 Pinecrest Parkway.

Bldg. Inspector Minozzi: I have many e-mails from them that I have to read to the board when you're ready for public comment.

Chairman O'Reilly: Okay. And we also have another one from the owner at 179, in which their concern ... I don't know whether I have to read these out in detail. The other members have received these as well, I assume.

Boardmember Alligood: Bill, before you go on to that part because that's really the public comment, please, I did have a question.

Chairman O'Reilly: Oh, okay.

Boardmember Alligood: I have a question about what's there is around here where it's flat, or outdoor space that the owners do this house. Maybe we could go back to the site plan. I'll tell you where my question's coming from. I think with the thought about being careful about disturbance to the steep slope I want to make sure there's enough ... I mean, there's terraces here that they can use as their outdoor space. But my guess is probably a young family would want to buy this house and they'd want to have a place for their kids to play. My concern would be the temptation to kind of re-grade some of the property to do that because that's what happens on a very steep lot. Often the people try to carve out some space for the playset or whatever. I'm just curious, Paddy, how do you ... where do you see that happening?

Mr. Steinschneider: Well, given the ... I'm trying to reduce disturbance to the site as much as possible. You've obviously uncovered the tradeoff on that. At the same time, it all depends on what they're trying to do in the yard. What we gave thought to is, when you come off that terrace on the north side you've actually got a fairly reasonable, not too steeply-sloped, area where kids running around and stuff would be able to find all kinds of things. If they were playing hide-and-seek they'd probably have a very good time. There is enough room on the south side right off that terrace that you could have like a playset or something like that.

The biggest concern we get with this kind of a house is that the parents, if they're on the first

floor, are quite a distance from the kids playing outside. You know, it's like if you're going to have your kids play here you're probably going down to the basement level to be there and be closer by. It's the nature of this kind of a site. What I would say is let's figure, okay, maybe they move in. If the Kimbers had bought this house, they've got one kid, they're planning to have more. So about four or five years it wouldn't be perfect for them. But if you imagine 8-year-olds, 9-year-olds, 10-year-olds being able to go down and maybe there's a gate there in the fence to the Aqueduct. They're able to run around the neighborhood. So I think people are going to find you don't have that big open flat yard, but you've got the Aqueduct which is remarkably wonderful as a place for kids and stuff.

Maybe there's something we can do from their sides, the owners of 179, because they have young kids. I could see families getting friendly, and kids play in the backyard so there are signs. But I can't really social engineer it quite that extensively.

Boardmember Alligood: Yes. I mean, my question ... it's out of concern that somebody would say, yeah, this great. Once we get it we're going to go create that space that we want that we think every kid should have. That would really disturb more than what you're showing here. So that's my concern.

Planner Cleary: And, Eva, that's the rub with this application. Paddy is presenting a speculative building. He's designed it sensitively and he has some realistic approaches to dealing with design issues, and he may be willing to concede things to gain an approval. However, is that realistic? That's the challenge that you have, to decide if a family that actually lives in this property can limit themselves to the restrictions that you would place on this. If you ever get to the point of an approval with this I would suggest you would have a host of limitations, conditions and restrictions on this site. But Paddy's got to live with that and he's got to sell this property to somebody who would have to live with that. What you don't want to do is approve this and then have the next owner step in a month later and seek modifications to everything that you've just worked on. So that's the challenge.

Mr. Steinschneider: That is, and that really, truly is a challenge. We just completed a house in Scarsdale, a very tight site, lots of concerns, lots of things worked out just in detail. It's been on the market now for three months, and they've got a really strong interest from somebody moving from California. He said he's willing to pay the asking price if we can put a pool in the backyard. Well, we have no extra square feet [laughter] for any other improvements. We have explained that that would be a variance.

We are willing to go ask Scarsdale, but we have to be very careful to not misrepresent that we think ... we don't want to lead them to think that this is easy, because it's not. You know, we're getting more and more careful these days with how we treat the environment, with really good reason. So ideally it would be somebody who appreciates those things, which I

think this house would work. That said, let's say somebody's bought the house and lived there for two years. If they wanted to do that they'd be coming back to you.

I sat through one of the presentations you had where somebody's doing like a little arbored area in a yard or something. If somebody came in to you and said, "Listen, we'd like to expand that terrace and we'd like to bring that out further so we level that off." I think you guys would look at the merits of it and if it didn't cause injury or have adverse impacts it would be something you would consider.

I'm obviously trying to make this as straightforward as possible so we're able to get this done, as Patrick said – nice wording – you know, if we ever get to a point of this being approved [laughter] obviously we are hoping that we eventually will get to that point. You know, we're trying to make it easier for you to approve this, and if there's a concern like that and you want us to address it we certainly will.

Boardmember Alligood: The only thing I can say just to respond to that is maybe in the design showing how a play area could be incorporated into what you have here. Just so people can say, "Okay, I could see my kid playing outside," and just kind of make that part of ... just so it's not marketed as something where somebody's already kind of penciling something in addition to what you have here.

Mr. Steinschneider: Sure.

Boardmember Alligood: Their dream.

Boardmember Bass: Sorry to interrupt but, Linda and Patrick, couldn't we put a restrictive declaration on any approval we grant, if we grant one, that would put these questions to bed?

Planner Cleary: I think that's exactly the point, Rich. You absolutely can do that, but the point is it would have to be realistic: are you placing a restriction that someone can actually live with if they were to purchase the house? You don't want to just restrict for the sake of restriction.

Boardmember Bass: Right. But by putting a restrictive declaration on, if someone wanted to change it they just couldn't do it carte blanche.

Planner Cleary: Right, willy-nilly. And have it come back to you.

Boardmember Bass: Right, right.

Bldg. Inspector Minozzi: Richard, no matter what they'd have to come back ...

Boardmember Gould-Schmit: Not to us.

Bldg. Inspector Minozzi: ... to the board for any change to this site anyway because of the steep slopes.

Boardmember Bass: Okay.

Boardmember Speyer: Yes, but I think it's pretty straightforward: our job is to protect steep slopes under the law. If we should approve, we'll be granting a slight exception to steep slopes and we'll say, "Look, that's it. That's it." I think that's reasonable and should be expected and realistic to anybody.

Mr. Steinschneider: Tom, I think that's exactly right. And the other thing, it's always hard to guess what somebody's going to want. If I had a couple of kids – if I can remember back [laughter] when I did have a couple of kids – my son would be really enticed with this location because he's got a whole bunch of paved surfaces to skateboard on. So if it's somebody moving up from Brooklyn and the kids are used to playing on paved playgrounds, they're going to feel right at home.

Planner Cleary: Well, just to offer that the way you can deal – *a* way to deal – with this for future modifications is to leave a trail of breadcrumbs on how you reached your decision so it's very clear the limitations are established. So that when this comes back to you three years from now you have a record to go back to, say, Oh, that's why we limited it in a particular way.

Mr. Steinschneider: Right.

Planner Cleary: So a good record is going to be essential here.

Chairman O'Reilly: We're not looking to approve anything tonight, I take it. Are we in a position to move on to public input?

Bldg. Inspector Minozzi: I'm ready when you are.

Chairman O'Reilly: Okay. I referred back to the two letters that were provided. They will be a part of the record. I think that's the best way to approach it. The folks at 115 Pinecrest Parkway sort of reiterating pretty well what they said in relation to the other property, and that they believe it will have an impact on their privacy, believe it'll have an impact on their view, in one respect, to the north. And it will have an impact on the value of their property. Which of course is always a concern, but always ... I don't know if you can actually ... no

one can ever prove that.

Boardmember Bass: Bill, can you just read and not editorialize?

Chairman O'Reilly: I could.

Boardmember Bass: I think that would be better for the public hearing.

Chairman O'Reilly: Okay. So you want me to read the letter?

Boardmember Bass: That would be public ...

Bldg. Inspector Minozzi: We should get Linda's advice because usually she doesn't read the letters into the record.

Attorney Whitehead: Typically, letters that are received in advance are not read. At least one of these, I think, is pretty long. Bill, is it pretty ...

Chairman O'Reilly: Well, they're both pretty long.

Attorney Whitehead: Buddy also has some e-mails that have come in during this meeting that should and will be read.

Boardmember Goldman: Right.

Attorney Whitehead: I think those letters, if Bill wants to summarize them ... again, you're not making any decision tonight. You all have them, you can review them, they'll be given to the applicant so he can review them. And if he feels it's appropriate, respond as part of his next submission. But I do think the e-mails that have come in during the hearing that you have not all had should be read.

Chairman O'Reilly: Okay. One thing that is in this question from 179 – just to refer to that – they'd already mentioned in their previous application about the work that was done sort of on their property; that was done in preparing for the previous cut-through. In fact, it was done without their approval, and that they were looking for some ...

Bldg. Inspector Minozzi: Yes, I gave them a verbal response on that. I spoke to the contractor that did disturb their property. We stopped them that day. And the agreement was, right on the spot, that their property will be put back to the way it was in order for the owner to get a CO on the new house.

Chairman O'Reilly: Okay.

Bldg. Inspector Minozzi: So that's already been verbally established. We didn't go to writing. They refer to, in this e-mail we got today, that there was nothing said or done. I spoke to them personally, I spoke to the contractor personally, and Paddy knows well that I will be sticking to my word that no CO will ever be issued until that portion of the property is restored to its originality.

Mr. Steinschneider: If I could just respond on that, I'm a little surprised. I should check with them and make sure they've gotten what we've been sending them. We had Susan [Janchell] XXX come out to the site, she's the landscape architect. Mr. Hassan was at the site when we were there, we talked about what needed to be done, she prepared a report and suggestions. We prepared a written agreement which is intended to be signed by all parties, myself included, the contractor, the Kimbers, the Hassans, and the owner of the property. In it, what we have done is, the owner ... basically the contractor and I have said we will do it and we will pay for it. And we've put numbers on that and we've proposed it to the Hassans. We have not gotten a response back from them.

Bldg. Inspector Minozzi: I forwarded you the e-mail, Paddy.

Mr. Steinschneider: Okay, great.

Chairman O'Reilly: Okay, and you will receive a copy of these most recent ones which arrived.

Mr. Steinschneider: Yeah, and I don't think there's any reason I can't share what we've proposed. That would be appropriate anyway I think, Buddy, so you could see what it is that we have talked about being willing to do.

Bldg. Inspector Minozzi: That's fine. If you send it to me, I'll send it to the board.

Mr. Steinschneider: Right, I appreciate it.

Chairman O'Reilly: So, Buddy, you have some e-mails which have come in?

Bldg. Inspector Minozzi: Yes, sir. Let me start here. So I got a bunch of e-mails from ... Priscilla Prutzman and Leah Rosner are the property directly to the south.

Chairman O'Reilly: 115.

Bldg. Inspector Minozzi: First, they want to thank Kathy for voicing some of their

concerns. The e-mails started with the driveway. They feel it's too close to the property line and it's going to – hold on one second – be intrusive. They're concerned about the big tulip tree. I did respond to their e-mail and I did explain to them that, in our code, it is allowed for it to come down. But they are concerned about it.

They are concerned about ... the proposal is 500 square feet more than the house to the south; it seems to be too big. They also said the parking situation also seems problematic for both them and the neighbors to the north. Again they thank Kathy because they feel the southern exposure plantings to the southern exposure will affect light on their property – let me just get to that e-mail. Also, adding more trees would take away from their light and views and it impact their property value. Let's see, I think that is about it from them.

So if, Paddy, you want to respond to any of that before I go on.

Mr. Steinschneider: I'd rather read it first, and we'll definitely address it. I've never heard of trees reducing property values and I've never perceived trees planted to the north of a property blocking light.

Bldg. Inspector Minozzi: Okay, I think she's talking about trees planted to the south blocking light coming into her windows.

Mr. Steinschneider: That would be light coming from the north.

Bldg. Inspector Minozzi: Yes.

Chairman O'Reilly: Yep.

Bldg. Inspector Minozzi: Okay, then I got another e-mail. And I'll just read it because it's in a little bit different form. This is from Christopher Tague:

"Good evening. I will start by saying that I find this being deemed essential at the time – at a time when all construction and building is paused, as my house currently – highly irregular and strange. I want to say that I appreciate the changes we see here. I would offer the following notes:

"1) I believe that the bonus room above the garage is, by its own description, extraneous. It adds an additional story at the closest point to all of our houses, and I think that removing it would further reduce the impact of views for both our property as well as 179 and 167.

"2) Site coverage remains problematic to me, as the easement still should count in

steep slopes. Again, we removed coverage to get our coverage under the statutory limit. We share a driveway with 167 and still counted it as part of our coverage, as the issue of runoff and water management is a collective one.

"3) I am still unclear as to what elevation the height measurement is taken, as I stated in the previous meeting. We conform to ours to the lowest elevation from the side of our house to ensure we are under the height restriction.

"Once again, we appreciate the changes but we want to ensure that the house conforms to the same regulations we are held to.

"Thank you for consideration."

And I would just like to add that of course this project would be held to the same considerations, for the record.

Chairman O'Reilly: Buddy, that last one you read was from the owner of 177, was it?

Bldg. Inspector Minozzi: That is – let's see – Christopher Tague, owner of 177.

Chairman O'Reilly: Yes, okay.

Bldg. Inspector Minozzi: And I just got another one in from the Hassans, from Katey and Tamer Hassan:

"We want to confirm that we have not received any documents from Paddy about the property damage via e-mail, mail or any other means. This is news to us."

Mr. Steinschneider: Okay, yeah, it may be something ... I've been getting very little mail at my own office. I know we sent it last week, but I'll drop it off to their house myself tomorrow.

Mr. Steinschneider: And I'll provide it to you, Buddy, so you can share it with the board.

Bldg. Inspector Minozzi: Okay. Do you have any comments to Mr. Tague's concerns?

Mr. Steinschneider: I mean, we'll take a look at what happens if we eliminate the attic above the garage. In a way, I thought one of the concerns – the comments earlier – was that it seems so inconsequential, too inconsequential, it doesn't feel like it's part of the front of the

house. So we're trying to hit a balance there. Again, we'll take a look at it. I don't know if eliminating that makes any real change in terms of anything that's affecting 177. The house to the west would still be there, but we'll take a look.

Bldg. Inspector Minozzi: Okay. That's all that came in so far.

Chairman O'Reilly: Okay, any further questions, any other comments? So we're at the point where ...

Boardmember Sullivan: I have one question. I think it may be helpful to get a stakeout again of the ridge at some point for people to take a look at like the initial house was staked out.

Attorney Whitehead: It's going to be tough to do now with those limitations that you can't really have multiple people out there. So let's maybe hold that and see where it goes in another month.

Boardmember Sullivan: That's fair.

Mr. Steinschneider: We are ... I think we're 7 feet shorter than we were. And one of the things I realized later about the way we did that is we didn't get to demonstrate that we weren't doing a great big box. Obviously we put two posts up that were the top height of the ridge and then we did a line across, but at no point did we actually have that filled in with the house. That was like the outside limits so you would've been seeing through a lot of that.

Trying to do this one I think would be pretty tricky. And that was so much harder than we anticipated, doing it. I think the fact that this house is so much smaller it should, you know, kind of speak for itself that it just doesn't ... I mean, this house is 30 feet wide. Again, maybe when we do this analysis of the other houses on the street, where you can see how few of the houses are as narrow as this house actually is and as low as this house is, we're much shorter, at this point, than 115.

Chairman O'Reilly: Okay. Well generally, if I could just sum out at this point, I think the general feeling of the board is that it's a vast improvement on what you had before. We're not at the point of doing anything in terms of approval, but you have the comments as to what would help in terms of approaching ... the biggest issue, obviously, is the treatment of the slopes and the stormwater treatment, which is still to come from engineering.

Mr. Steinschneider: Right.

Chairman O'Reilly: I mean, if I was the owner of 179 – who owns the property to the north

of this as well, down to the Aqueduct – I would be interested to know, or concerned to know, the extent to which the building of this house is going to sort of divert the runoff onto that piece of property as opposed to this one. You're adding a new house onto a footprint, which I think would be a concern when we're talking about the stormwater.

Given that, you have what you obviously need to think about. We're not talking about this going to zoning at any point as a result of that because we're not ready to do that. We're not ready to grant any approvals, whether it be view preservation or steep slopes.

Attorney Whitehead: Right. So I think since you're not even ready to do view preservation then I think you can just continue your matter to your next meeting and ask the applicant to provide the additional information.

Chairman O'Reilly: Which is where we are.

Mr. Steinschneider: Good.

Chairman O'Reilly: Given that ...

Bldg. Inspector Minozzi: We will take the applicant off of the agenda for Zoning Board for next week at this point.

Chairman O'Reilly: Okay, makes sense.

2. **Site Plan Approval and View Preservation Advisory – Application of 15 Spring Street Realty, LLC, for 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.**

**** This Public Hearing has been Deferred to Future Meeting ****

3. **View Preservation Advisory and Site Plan Approval – Application of River Road, LLC, for 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 ****

- 4. 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 ****

- 5. Steep Slopes Approval – Application of Gabriel and Katalin Ce for retaining walls and patio at their 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 Future Meeting ****

IV. NEW PUBLIC HEARINGS – None

V. DISCUSSION ITEMS – None

VI. ANNOUNCEMENTS

Next Meeting Date – May 21, 2020

Chairman O'Reilly: Our next meeting will probably be another Zoom meeting the way we're going. What would be our next date?

Boardmember Alligood: May 21st. So we will convene at that point. Therefore, I ask for a motion to adjourn.

VII. ADJOURNMENT

On MOTION of Boardmember Alligood, SECONDED by Boardmember Gould-Schmit, with a voice vote of all in favor Chairman O'Reilly adjourned the Regular Meeting.