

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
PLANNING BOARD  
REGULAR MEETING AND PUBLIC HEARING  
MAY 21, 2020**

*A Regular Meeting and Public Hearing was held by the Planning Board on Thursday, May 21, 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**

**(via Zoom):** Chairperson William O'Reilly, Boardmember Kathleen Sullivan, Boardmember Eva Alligood, Boardmember Emily Goldman, Boardmember Richard Bass, 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 meeting of the Hastings Planning Board – public hearing and regular meeting – of Thursday, May 21, 2020. We have a long agenda and I hope we can get through it in good time. So we'll be making sure we do make every effort to get through the items with due process and with a certain amount of focus.

Could we have a roll call, please?

**I. ROLL CALL**

**Attorney Whitehead:** Emily is just coming on, I think.

**Boardmember Goldman:** Hi, Linda. I'm here, and I don't know why my video isn't working right now.

**Chairman O'Reilly:** As long as you can hear us, that's important. Good evening, Emily. You will now be marked as present.

**II. APPROVAL OF MINUTES**

**Meeting of April 23, 2020**

**Chairman O'Reilly:** We have the minutes of the meeting of April 23; last month, April 23rd, 2020. I have reviewed the minutes and have no questions on any item, any part of it. Does anybody have any question or comments regarding the minutes of April 23rd? If not, I'll ask for a motion to approve the minutes.

On MOTION of Boardmember Bass, SECONDED by Boardmember Speyer, with a voice vote of all in favor the Minutes of the Regular Meeting and Public Hearing of April 23, 2020 were approved as presented.

**Chairman O'Reilly:** Unanimous, the minutes are approved.

### **III. PUBLIC HEARINGS**

**Chairman O'Reilly:** We have three old public hearings and one new public hearing.

**Attorney Whitehead:** Bill, before you start let me just quickly – for anybody who's listening – give a little bit on the procedure with using Zoom. We, in each case, will have the applicant present. Then the chairman will ask each of the boardmembers to make their comments. After the board comments, he'll indicate that we are ready to take public comment. If you are on the Zoom you can raise your hand if you wish to comment, then one at a time we will allow for the public to speak, to make their comments.

I think that was everything. I know I went through it in a little more detail last month, but that's how the process is going to work with using Zoom.

**Chairman O'Reilly:** And as happens with live meetings, we'll be recorded and on the Web site.

**Attorney Whitehead:** Yes, then there will be a live recording. It's available now, both through the Zoom as well as on cable and on WHoH. And it will be available after, and there will be transcription after, as well. And this is all pursuant to governor's executive order 202.1.

- 1. View Preservation Advisory & 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: .100-95-41 on the Village Tax Maps**

**Chairman O'Reilly:** This is one which has gone ... this is coming up for its third hearing. I know that Patrick (sic) Steinschneider is here and will be presenting on that. We've had opportunity to review much of what has been put before us, and we have some comments which have been provided in review by our consultant, Patrick Cleary. So Patrick, have you had the opportunity to review those comments?

**Padraic Steinschneider, Gotham Design:** Me, or Patrick?

**Attorney Whitehead:** He's asking if you had a chance to review Patrick Cleary's comments.

**Mr. Steinschneider:** No, I haven't. I haven't seen that. And probably because we have a Patrick, call me Paddy because that's what I usually go by.

**Chairman O'Reilly:** Yes, I meant to say "Paddy."

**Mr. Steinschneider:** I haven't seen them, but you know ...

**Chairman O'Reilly:** We'll get to them.

**Mr. Steinschneider:** Yeah, we'll get to them.

**Chairman O'Reilly:** So basically what it is, you've obviously made some major attempts to comply with a lot of the issues which have been raised. And it would probably be best if we focused on those items which you have done because we still come up against the question of the steep slope approval necessity which requires some degree ... some of which are regarded as excessive. And you have an application, therefore, for consideration of hardship. So if you can go through those, and then we'll have some comments after you've presented what you can do. But you can concentrate on those items, I think, because ...

**Mr. Steinschneider:** Sure.

**Chairman O'Reilly:** ... we've looked at the other. Okay?

**Mr. Steinschneider:** Yeah. Should I take the screen?

**Chairman O'Reilly:** Yes.

**Attorney Whitehead:** Yes. We can let him share the screen, Raf.

**Mr. Steinschneider:** Are you able to see it?

**Chairman O'Reilly:** No, I'm looking at you at the moment still. I'm going to mute for a moment.

**Attorney Whitehead:** Raf, can you let Paddy share his screen?

**Village Technology Director Zaratzian:** I did.

**Attorney Whitehead:** So, Paddy, the problem seems to be on your end.

**Mr. Steinschneider:** Yeah, I've pressed "share screen." I just took a long time to get there. Let's see if this opens.

**Chairman O'Reilly:** Okay, we're starting to see it.

**Mr. Steinschneider:** So here we are. We won't spend any time on this sheet. You know where it is, we can move through. That's the survey. This was a submission we made this time. This is the new site plan and, as you can see, we've tightened some things up trying to minimize the amount of steep slope area we're affecting. But the engineer has better information about that, further down.

These are just the plans; you know, slight changes here and there but nothing substantive. We did drop the house in elevation. I think it was maybe a little bit less than a foot, but we got it down another riser so we're further below things. And we're down pretty low now. If I look at the house that we're showing from the east, basically what you see is this 22-foot wide stone wall that's about 14 feet high at this point. It's actually quite small.

There was some conversation last time about eliminating the space that's the attic over the garage. Not that that's such a wonderful space, but it could be useful. More of my concern is that I think without that you could be on Pinecrest and not realize where the house was.

This is the back of the house, which is facing the Aqueduct. We know that's a concern. We've also done a comparison of this house with the size of the others in the neighborhood which, I think ... you know, I've got some information here shortly. This is the section going through. I think this is pertinent from the standpoint of concerns about how we're anchoring into the steep slope. We've stepped the house very specifically down the slope so we're catching the grade of the steep slopes. It minimizes the amount we have to cut-and-fill. We're basically following the topography down.

This is the section we had before that goes through all the way from the house that's up the

hill to the house we're proposing down here. Here's the paved easement. You know, we're coming in from this elevation of the paved easement down to the garage. This is the entrance, and this is going down to the first floor. The first floor is fully above the street level, or the easement level. What's really just the bedrooms upstairs and the room above the garage, it appears very much as a one-story structure. I did show this – if I go back to that – and this is a line even with the basement of the house up the hill. You can see that the basement is about 6 feet higher than the highest point of the roof on the house that we're proposing. The ability to be in these spaces, and look out without being terribly affected by this, I think is pretty clear.

This is the engineer's drawing. One of the concerns that came up at the last meeting was whether they would be doing as extensive a job for this application that they did for the earlier one for the Kimbers. And of course, working with the same firm we got very similar work. It's very thorough. They did careful evaluations, figured out how to do things that will really control the water on the site; keeping the water going in the direction it is, catching any water coming off the roof, coming off the courtyard. Taking that into a basin where it basically goes into the ground.

One of the advantages – and I think we probably mentioned it the last time, with the building itself less than 30 feet wide going down the slope – obviously not only does it affect less of the slope, it also means we have a lot more room over on this side. One of the concerns before was there's actually a sewer line in this easement. The comments from Hahn Engineering was the concern with having these pipes in the vicinity of those pipes. But now that we've reduced the width of the building so much, we're fully out of the easement with our storm sewer system.

Actually one thing: this area here, where we actually come over that, this is not in the easement. The easement actually ends there, and I think this is the pipe where it comes down and comes across the back of the house to the south. We're fully away from that. These are the engineer's details for all that stuff. This was their steep slopes analysis. What I'm going to show now, this is what I would consider our application. This is the one that minimizes, to the extent possible, the site disturbance. There was a comment at the last meeting about what would happen if somebody wanted a play area or something like that. We did look at two different ways somebody could do that, but that's really perhaps only to show that something relatively minor could be accomplished. We're not proposing doing that for this application, but I think it might still answer that concern.

This scheme, we are 42 percent with a 15-to-25, which is 7 percent over what's permitted. And we're 43 percent with the over-25, which means we're 18 percent over. As you can see, almost the entire area we could build in is steep slope. The house is a little over 28-hundred square feet, which I know there was a concern that that sounded like a big house. I think

we'll be able to show that, compared to the neighborhood, it's really not. So I think we're kind of in the right target with this.

This is just showing those numbers I was just talking about. And this is an alternative plan which would grade out this area of the site, adjacent to the basement level. If there was a concern with the play area, this would increase the area of steep slopes by 490 square feet, which would mean we're 12 percent over with the 15-to-25 and 22 percent. Figure you're about 4 percent more with the steeper slopes. That's the analysis the engineers did of that. The other one went ... you know, this would be kind of like somebody said, "Well, my children can't survive without a really great playset," where we would actually have to build a retaining wall. They'd have a swing set, all those kinds of things. This is much more of an extensive intrusion, but it's much less than where we were when we were with Kimber. This would be 28 percent over. I think this answers the question.

As I say, I don't think we need to do it. The important thing is, even with this much of an effort, to put something down there we still worked out the drainage so it would stay on this property, not go to the neighbors, and not be adversely affecting anyone else in the neighborhood. We also had Susan Janchel update all the landscaping plans for this; again, all native species, indigenous materials, fairly extensive specifically-spaced trees to soften the appearance of the house either from the south and north. We already have trees down here to the west so we didn't feel the need to add any there. We have done some significant screening along the east side so when you see that stone wall it will be behind shrubbery. I think that helps soften it for the neighbors.

We put in this report, which is a neighborhood context. I was trying to figure a way of how I would compare sizes of houses. What I decided to do was use the floor area ratio, since that seems to give us a balance of how big a house is relative to the size of the lot. We took a look at this: this is the subject property here – we included 179, 177 – then we did everything that's along both sides of Pinecrest down to where Pinecrest splits into two ways. This is the house down at 67 Pinecrest, which is the new house that's being built. What we did is, we looked at what the lot area for each one of those parcels was and then what the floor area for each one of those houses is.

We basically then calculated what the FAR was for each one of those. The average ... well, before I get to that, this is the subject property – 14,057. Significantly larger, almost 40 percent larger than the average lot in the neighborhood. The average size house is 27-hundred square feet, we're proposing 2,833. You notice there's some houses that are actually really much bigger. This house at 80 Pinecrest – which is actually a slightly smaller lot – is 4,374. I think 67 Pinecrest, which is the one that's being built – that's a larger lot, at 3,774. So it seems like we're in the right ballpark with this.

The FAR ranges from 0.4 down to 0.12, but the average is in the mid-20s. We're basically at 0.20, so I think we can safely say we're smaller than half the houses on the street. I understand there are other ways to think about size. So the idea of height and how it relates to the Aqueduct and perhaps to Pinecrest itself, we went down, we looked at each of the houses that are on the west side of the street and photographed that from the Aqueduct. You know, they're all dealing with the same topography. They all have two stories above an exposed basement. In some cases, that exposed basement doesn't seem to be of use. In other cases, like 67, it seems to be a primary part of the house. Even the house next door, at 115, seems like it's got windows in the basement. We didn't go and intrude in anybody's home so I don't know how many of them have actually finished it off.

We did the same thing walking down Pinecrest, basically came down the street. This is that large house up at 80 Pinecrest. Coming down, there's a lot of trees in the way of this. But you can see again, even though this is on the east side of Pinecrest, they're all effectively three-story structures facing towards the west. This is the house that's being built now at 177. Because of the retaining wall you really can't see it, but this is really a three-level-living home that's going to be great, I think, when it's done. This is the house at 179, to our north, which is one of the larger houses but understandably so. I think it's the largest plot in the area. It's quite substantial.

We also put in the steep slopes narrative, which we amended to reflect all the changes we have made to the design. And of course we responded to Hahn Engineering's comments and gave them responses to all of those. That's basically it, unless you have something you want me to go back to.

**Attorney Whitehead:** Does the board want him to go through the view preservation?

**Boardmember Bass:** Before he does that, can you just go back to the elevation for the eastern façade?

**Mr. Steinschneider:** Sure. Maybe. There we go.

**Boardmember Bass:** That roof pitch, is there any way to make that a flat roof to reduce it even a little bit further?

**Mr. Steinschneider:** I mean, I'd rather not from the standpoint that with our snow loads and the rain storms we get I have a lot more confidence with a very ... I mean, 3-in-12 is almost a flat roof. It's the lowest you can go and call it a pitched roof. I think this, given our weather conditions and what we're dealing with, is the safest way for it. And I don't really know which ... you know, the height of this is maybe 3 feet. Even if I did a flat roof I'd probably have a 1-1/2 foot pitch going back on it. So I don't know that this makes a big



difference. This is a hip so you're really just seeing this eave, and then the roof recedes back from that.

**Boardmember Bass:** Okay, thank you.

**Chairman O'Reilly:** Then do you want to look at issues of view preservation first? Because I think the one that's most pressing for this piece of property still remains the steep slopes approval, which is the more telling one. And Paddy, the one thing I would say about your comparison with the other properties along the west side of Pinecrest is that one of the charms of that part of the west side of Pinecrest from, I would say, 67 down to this end is that they're all small properties. This one becomes a much larger one, obviously on a larger property. But none of the other properties have the steep slopes approval that this one requires.

So in a way, that kind of discounts the comparison to some extent. It's hard to compare a property here on this side with the ones on the east side because they were built much later and tend to be much larger. It's the west side where they're smaller.

**Mr. Steinschneider:** Well, 67 is a new house.

**Chairman O'Reilly:** 67 is; it's still in construction. And that was a large piece of property. It's a third of an acre, same as what you're talking about here where you are.

**Mr. Steinschneider:** Yeah.

**Chairman O'Reilly:** Except it doesn't have the same requirements for such a large variance on a steep slope as what's being asked for here at 0 Pinecrest.

**Mr. Steinschneider:** Yeah, I tried to figure that out. But I must not have had some of the information they had because when I looked at the slopes it seemed very comparable to this. They actually come in ... they're very low to the street and they still come out of the ground three stories on the west side. They're closer, you know. They're in that section thanks to being a little bit closer to the Aqueduct. You know, the lot is shallower but much wider.

**Chairman O'Reilly:** Right.

**Boardmember Sullivan:** Paddy, it looks like ... I read in your report it looks like you've excluded some things from your FAR calculations for this property.

**Mr. Steinschneider:** I did, I identified those. What I did is, I tried to make it apples-to-apples because I didn't include the areas that were in basements on the property. The



numbers I took were from the property cards. I didn't go in and measure anyone's home. So what I tried to do was do the comparison. Though I did give the numbers, if you look at that sheet, on the side there is – it's probably hard to read 'cause it's probably pretty small – down here, what I did is I did include all of the spaces. And at that, my FAR of this house is 0.243, which is still less than the average in the neighborhood.

**Boardmember Sullivan:** So that's bringing back the garage and the basement that you excluded.

**Mr. Steinschneider:** The basement, I don't remember. I don't think I included anyone's garage in the FAR.

**Chairman O'Reilly:** No. Generally you just count the floor area. The floor areas you've got listed there are consistent with what are on the property cards of those properties. I looked them up myself.

**Boardmember Sullivan:** I think this is a good try, but I'm not sure the data is equalized. I'm not sure how to use it as a comparison at this point.

**Mr. Steinschneider:** Is there one that you think would be a better one to do? Because the advantage of an FAR is that it relates the size of the house to the size of the lot. But then I'd also point out that these are the floor areas, and the average in the neighborhood is 27-hundred. You know, that's significantly smaller than a number of these other houses that are up in the 3s or up over 4. And we're at 2,833, so whether it's FAR or the actual number of square feet itself we're still in the middle of the neighborhood with one of the larger lots.

**Boardmember Sullivan:** In another area that's much more dense we've had the same problem when there's different size lots. So it's hard to compare house sizes on a small lot to a large lot when you have the option, the ability, to build something much bigger. You kind of started this out by saying there's a lot of different ways of looking at size, and I think we're still looking at that.

**Mr. Steinschneider:** I think that is a purpose of the FAR because that's exactly why many communities are using it. I should mention I'm not a fan of FARs. I think they can be ... they can create numbers that satisfy as opposed to what you might like. You know, we're trying to narrow the house as much as possible, obviously, to fit into the footprint of 30 feet. Which is rather narrow when you've got a 90-foot lot. The size of the house is three bedrooms. I don't think it would be consistent ... I don't even think it's like kind of in the high end of the middle in terms of market.

And of course, right now what this is a property that's somebody's trying to sell. And the

idea is to have something that would meet a certain market interest. I think going smaller than three bedrooms, if you look at the first floor we've got a good-sized living/dining common space with a kitchen as part of it. We don't have multiple rooms; we really only have one other room on the first floor.

**Chairman O'Reilly:** Okay, I've got just one other ... Kathy, did you have any other follow-up on that?

**Boardmember Sullivan:** I have some other things, but I'm not sure. I guess when you ask around I'll share them, but I just wanted to make a comment about this.

**Chairman O'Reilly:** I just had one other comment, not so much on your presentation now. But in one of your letters – I did get three letters, all dated May 5th, Paddy, where you had done updates – and of course I cannot find it now. I thought I'd marked it. But you made a comment I thought was a little strange, which was that you indicated that even by reducing the footprint of the house on this lot it would not have a major impact on the degree to which you would disturb the slopes.

**Mr. Steinschneider:** Yes.

**Chairman O'Reilly:** Can you just sort of clarify that for me?

**Mr. Steinschneider:** I mean, we have a site which is all steep slopes and we're all running one direction. So if I were to ... the only thing I think that would really affect ... and when I'm thinking steep slopes, I'm thinking water patterns and site stability. So the only thing that would really make a difference is if I made the house narrower. Making the house shorter in terms of the length on the lot it doesn't really change what ... we'd have to do exactly the same thing, and we wouldn't end up leaving some piece of property in a pristine state that could achieve those goals that are listed in the steep slope ordinance.

As you know, the steep slopes, I'm talking about drainage, I'm talking about site stability. But it also goes – and actually waxes eloquent – to talking about the characteristics of steep slopes, the aesthetics and all of that. I don't think any ... if we were to reduce the size of this house, say, by 10 percent or something like that I don't think we'd be making any difference to any of those kinds of issues of concern. I don't think I would be less intrusive, I don't think we'd be able to keep something of aesthetic value. I think it would just be 10 percent smaller.

**Chairman O'Reilly:** So just to finish my point, if I came to you as an architect saying I've got this piece of property here, it's a difficult lot to build on – I don't want to argue with the Village and counter their steep slopes ordinance – and I need a big variance, what sort of a

house could you build me on that lot without me interfering with those guidelines which they have in their steep slopes? Could you do it?

**Mr. Steinschneider:** Well first, I'm not an architect. I don't want anybody getting confused to think I am. I'm a planner. There's an architect on this project, Laura Wakefield. So asking the architect, I'd have to ask that. But I think I can still answer the question pretty well.

I think the first design we had for the Kimbers was the kind of general way you would build on a lot like this if you weren't dealing with the sensitivities Hastings has identified and codified and required. What we've done now is doing what I think the goal is of that ordinance. And it's working very tight on the site, specifically so the house kind of rests on the site and doesn't necessitate disturbance of site areas except for what we're building on.

**Chairman O'Reilly:** Paddy, one more question.

**Boardmember Speyer:** Can I just ask Bill's question one more time? Because, Paddy, you've waxed kind of eloquent on the qualitative aspects of complying with steep slopes. We'd like to know – just your opinion – if you had to, could you get it below the percentages in the statute?

**Mr. Steinschneider:** No. I think we'd have to cut ... I mean, we're 18 percent over on the steep slopes. We'd be cutting ... what we're doing here is, we're dealing with the impact on the site. So if we start thinking in terms of the size of the house, if we were to get under that we'd be having to reduce about 25 percent, which would be on two floors. So we'd actually be making a pretty big adjustment; we'd be probably less than 2,000 square feet. There are people ... we did a wonderful house in West Hampton that was on Dune Road that was a thousand square feet. But most people ... well, maybe that was because of Dune Road. But you know, right now, the marketplace, I think the expectation – not the lowest end, but the relatively low end – is a 2,000 to 3,000 square foot house.

I think if we got much smaller than what we are now we are reducing it without a positive gain, but something that makes it less attractive to a purchaser. I mean, we're not proposing an inexpensive house to build because I think the expectation in Hastings is for a high-quality house that's got great materials and is built really well. We pride ourselves on being involved in those kinds of projects. So I really do feel we've come up with a design that meets all of those interests and needs and would be one that would work well with its neighbors and would actually, I believe, increase the value of everyone around us in terms of their property value.

**Boardmember Speyer:** Okay.

**Boardmember Bass:** Can I ask a question first? Sorry, I'm not seeing how I can raise my hand so I'm being rude. I apologize. Paddy, at the last meeting I asked if you could do a similar chart on lot coverage percentage. Did you also do that?

**Mr. Steinschneider:** I didn't. I guess I probably could do that because most of the property cards had the footprints of the house. So I'd be able to, you know, do the calculations on that and figure out what their actual footprints were. Which would be, you know, another number we could add to this chart.

**Boardmember Bass:** Okay, thank you.

**Chairman O'Reilly:** Okay, Kathy I see you down there.

**Boardmember Sullivan:** Thank you. I'm concerned about the impact on the site with this particular house. I believe you've minimized the footprint well and you're within the setbacks. But my statement from last time I'd like to share again, which is I believe this house is almost ... I guess I'll step back for a second. We have this case, and one coming up, where we sort of have an idea of what the house should be like that's put on a site that might not suit. Your first client, your first project, was definitely in that category; it belonged on a flat site.

This house is very much like the other homes you've pointed out that are up closer to Broadway. I just don't understand why there's the insistence that the top floor is not the public floor and that the lower floors have the bedrooms and whatnot. That seems to be just a decision, and I think it's driving some things that concern me. I'm focusing on the amount of fill that has to be brought in, the kind of level of access you're going to have to have. It looks like the only place you're going to be accessing the site, really, will be from where the proposed driveway is. I just am concerned. I've looked at the elevations, and when you look not at the sections – which are taken looking north – but when you look on the north elevation, you can really see how high these floors are above the natural grade.

I don't know if dropping the floor, leveling out, say, on your 180 – which is your entrance level – and making that be the same as the first floor level, it certainly isn't a view preservation issue. It may help the people to the south who would not have such a massive façade, but I'd like to know if that would potentially simplify the construction on the site. Because there's not a lot of ... you're not going to access from the Aqueduct, and you're going to be coming in just from the top. I don't know if you've done a cut-and-fill calculation, but we should make sure that thing is as close to leveled out as we can.

**Mr. Steinschneider:** Yeah, we have that. The engineer did it, and we are very close to even cut-and-fill.

**Boardmember Sullivan:** Where is that?

**Mr. Steinschneider:** It's on the engineer's drawings. Since I'm on this page, let me try and answer some of the questions you had first since we're here. The garage we've dropped down so it's lower than the paved easement. We've actually taken this down sufficiently that I would suspect if I drop this another foot either Hahn Engineering or perhaps Patrick would question the idea that we're coming down a driveway that's too steep where we could have a safety issue.

So we've set this down, we've come in the entrance at that same level. And I guess what you're suggesting is, if we came in and went straight across at this upper level it would drop this portion of the house. Obviously it would do that. I think what it does, though, is it really commits to a very specific type of house. Which I do understand that Hastings has been successful, but it's not the most common arrangement. This house is trying to find that place in the marketplace that we do what you basically ask, which was to get one of the floors below the street. And yet we've also still kept the bedrooms upstairs.

Also, if I drop this that amount I think at that point I'm bearing ... basically, the main floor becomes, you know, partially basement. And really, if I look at all the houses in the neighborhood none of them have done that. They all have ...

**Boardmember Sullivan:** But when you look at the north elevation you can see that if you dropped that ... say you leveled out the garage level and made that the same as the second floor level. So you took the second floor, which is at 186, and dropped it 5 feet so they're equal. Everything scoops down 5 feet, you're still way out of daylight on the north side.

**Mr. Steinschneider:** No, you've got good daylight no doubt.

**Boardmember Sullivan:** My concern is that I think it's ... I'd like to know more about how ... tell me where the fill things are and I can look at it with any other questions. But I am concerned about the kind of impact this may have if you are so far out of daylight. Your basement is still, for the most part, above grade when you go down to that (cross-talk) ...

**Mr. Steinschneider:** This one end of it is. Everything else is ... I mean, we don't have any basement under this portion of the house. Putting the garage under this portion, that's crawl space.

**Boardmember Sullivan:** Right.

**Mr. Steinschneider:** So the only place we have basement is this end. And one of the

reasons I prefer the idea that the bedrooms are on this level, the living is on that middle level, is – given the fact that this is a relatively small house – I think we're creating additional value by having a very usable lower level for a playroom. And I would rather have that be something that works off the main living area as opposed to having a situation where it's the upstairs, the sleeping level, then the playroom down to get out onto the site.

As was commented at the last meeting, if this is a three-family house – anticipating, probably, kids – having the ability for kids to be playing in the level and walk out onto the site I think is something that's of value and ideally would be protected. Let me see if I can find where ... it's hard for me to see on this because it's obviously small and I can't enlarge it. So I can't see if he's got it in any of these notes.

**Thomas Mahoney, Hudson Engineering:** Paddy, it's 95 cubic yards.

**Mr. Steinschneider:** Is that Tom?

**Mr. Mahoney:** Yes.

**Mr. Steinschneider:** Hey. Why am I sweating this, Tom? *You* answer these questions. Tom is from the engineer's office. So Tom, if you can explain what the cut-and-fill and what 95 cubic yards means I think that'd be helpful.

**Mr. Mahoney:** Sure. Can you go back to the north elevation? Great. A lot of that fill is that area underneath the garage; like Paddy was saying, not a full basement. There's a shallow crawl space. So underneath that crawl space they will need to import fill. Some of that fill is underneath the footprint of the house. The other location, where it is, is to make a usable driveway. If you look, part of the driveway is around 180 elevation. That part is existing grade, at 172. So you have to build that driveway up to be able to have it usable.

The last location is that narrow terrace on the basement. That also has a little bit of impact to the fill just to provide a level area. But that's one of the minor locations, as grade's only changing about 2- to 2-1/2 feet at most places.

**Mr. Steinschneider:** Sounds to me like Hudson Engineering's done a great job.

**Boardmember Sullivan:** Well, the impact it would be potentially looking at not making the entranceway as flat as it is. I mean, you basically have ... you know, you're going from about 81 to 80, if I'm not mistaken, across that. I'm just saying I'll take a look. I don't think I received Hahn's letter, but I am curious if there's a way to minimize this. I'm not sure, and I apologize, if this amount of fill you need to bring in is substantial enough and is something the site can handle easily. That would just be my concern.

**Chairman O'Reilly:** Okay, who haven't we had? Eva, can you hear me? Hello, Eva.

**Boardmember Alligood:** Yes. Can you hear me now?

**Chairman O'Reilly:** Yes, okay good.

**Boardmember Alligood:** I'm just taking it in. I'm not sure I have any comments yet. You can move on to the next person.

**Chairman O'Reilly:** I'm sorry, I can't hear you.

**Boardmember Alligood:** You can't hear me? I don't know why.

**Chairman O'Reilly:** That's good. I can hear you.

**Boardmember Alligood:** Oh, I was just simply saying you can move on to somebody else for their comments. Sorry about that.

**Chairman O'Reilly:** Okay, then our next one would be Emily.

**Boardmember Goldman:** I think it's a decent plan for this site, especially with the visual showing the line from 179 across the top of this house. So I think it's okay, I like it.

**Chairman O'Reilly:** And did Dick Martin join us? I don't think so.

We've covered a lot of ground here. The obvious question is the two items of view preservation, which we seem to have come to terms with. Have we?

**Attorney Whitehead:** Well, did you want to have Pat go through his memo?

**Chairman O'Reilly:** Oh, I'm sorry. Yes, that was what I did intend to do, sorry. Patrick?

**Planner Cleary:** So a couple of relatively minor comments. The play area that Paddy referenced earlier – those two different options – they would affect the extent of the steep slope permit. It would be useful if that were to be discussed and determined if that were an issue. That relates to the landscaping plan, as well. Paddy, if you could flip that landscaping plan, a lot of the landscaping on the north side of the building would be in the area that's the play area and would have to be eliminated if the play area were to be proposed. Those are consequential if it is reasonable to assume the future homeowner is going to want that play area. All of that landscaping in the middle of the north side of the house would be eliminated



if the play area's there.

One other fairly minor point. On the river side of the home there's a lot of seed mixes in three or four different designated areas. It doesn't appear as though there's a delineation between those. And often times, once planted and turned over, for the landscapers those boundaries become sloppy and the lawnmowers go where the lawnmowers go. Sometimes if, in fact, you find it's important to separate the wildflower area from the low-mow area. For example, the installation of a border or a barrier or a low wall or something like that might be a useful way to keep the lawnmowers where they're supposed to be.

**Mr. Steinschneider:** That's a great idea.

**Planner Cleary:** And Paddy touched on all the issues, so no other major points from me.

**Chairman O'Reilly:** Okay. Do we have any questions or comments from the public, Buddy, on e-mail?

**Bldg. Inspector Minozzi:** It's from Leah Rosner of 115. I believe it's a reiteration. It says: *"We were told by market analysis that this house would reduce the value of 115."* And they submitted a letter from Ann Milit stating this. I believe that was last month.

And I just got another one in now, this is from Chris Tague. It says: *"Good evening. I would like to start by saying that the Zoom seminar is far superior. But this still doesn't quite constitute a balanced public hearing, as the applicant gets unlimited time. And the ability to rebut any questions will arise, while we are limited to what we can send in. I appreciate the continuing evolution of the design and the effort to reduce the massing of the proposed house."*

*"Here are my concerns. Site coverage remains above 35 percent, and the continuing argument about the preexisting paving – which is a shared driveway – not counting it is speculious (ph) at best. Water doesn't care who built something or when it was built, and water management is a collective responsibility. I would note that we counted all the shared driveways with 167 when we did our assessment and under the 35 percent requirement. From another viewpoint, the inability to see the house from the street could be seen as a benefit ..."*

**Attorney Whitehead:** I'm sorry, Buddy. Just for one second, we can let people who are on as attendees speak.

**Bldg. Inspector Minozzi:** Yes, I let them know but they still e-mailed me.

**Attorney Whitehead:** Okay.

**Bldg. Inspector Minozzi:** If Chris Tague wants to jump in he's more than welcome to if he's listening to this right now, which I'm sure he is.

**Attorney Whitehead:** Raf has to let him. He's got to give him permission to speak.

**Chris Tague, 177 Broadway:** I just did.

**Bldg. Inspector Minozzi:** Right, and I did share that with the last person that I read the e-mail from.

**Attorney Whitehead:** Chris, do you want to speak for yourself instead of Buddy read now?

**Mr. Tague:** Sure, sure. I really appreciate it, and I didn't realize that Zoom allowed for this.

**Bldg. Inspector Minozzi:** Is that Chris?

**Mr. Tague:** Yes. So thank you all very much. Again, I really do appreciate the effort made to reduce the mass and continuing to go there. I think ...

**Chairman O'Reilly:** Excuse me, Chris. Can I butt in for one minute?

**Mr. Tague:** Sure.

**Chairman O'Reilly:** Are you a Pinecrest resident?

**Mr. Tague:** I own 177 Broadway.

**Chairman O'Reilly:** Oh, 177. Okay, fine.

**Mr. Tague:** No worries. I think the points I raised, most critical to me is site coverage. I think we all share a responsibility, you know, being on the steep slopes that we are, to make sure the waters can go somewhere. And this sort of continuing like, "Well, that is a driveway, doesn't really count" is a frustrating argument to me. I think it is a collective responsibility because flooding – if there is flooding – goes everywhere. That is truly something that is part of being a neighbor.

Second, I think the concern expressed that you couldn't see the house from the road – both in response and here in the meeting – that might be seen as a benefit, to be honest. All of the houses along Broadway sit well below the grade, and I think the removal of that bonus room

above the garage would improve view preservation for my neighbors as well as I think for any pedestrian on Pinecrest.

And finally, I think the continuing debate about the marketplace or potential buyers is a little bit overblown, if you will. All you need to do is look at the most recent sales of 167 – myself, our house – and 179. We are all young families who moved into houses that have upside down configurations, and chose to do so. The new house being built on Pinecrest itself has an upside down layout. So this sort of idea that, you know, most buyers don't recognize the sort of uniqueness of this or would choose not to do that I think isn't borne out by the actual reality of who's buying in Hastings right now.

So that's what I submitted in a letter, and thank you all for allowing me a chance to speak.

**Chairman O'Reilly:** Well, thank you for joining us.

**Bldg. Inspector Minozzi:** I have one more e-mail. It's from Leah Rosner again. It says: *"Paddy just stated that this would increase the value of properties in the neighborhood. We, and others, disagree."* That's all I have.

**Chairman O'Reilly:** Wasn't there another letter also? I thought I saw one earlier with a name I did not recognize.

**Attorney Whitehead:** There was a letter on behalf of the Hassans.

**Chairman O'Reilly:** No, I saw that one. He's indicating he's not objecting per se to the property, just a question of the easement and the driveway, et cetera. I'm sorry. Okay, I thought there was another one but I may be mistaken.

**Mr. Steinschneider:** Well, the one from Tamer and Katey, that actually came from David Steinmetz, their attorney.

**Chairman O'Reilly:** I saw that one. That's not the one I'm thinking of. I saw that one, that was clear. There may not be.

**Bldg. Inspector Minozzi:** Yes, I sent you everything that I got.

**Attorney Whitehead:** But if anybody is on and listening, and at any point wants to speak, you can either use the "raise hand" function or type into the Q&A box and we'll see you wanted to speak. Because I know there are some people on, listening.

**Chairman O'Reilly:** I guess we don't have anybody else. Do we want to wait a few

minutes to find out?

**Mr. Steinschneider:** In the interim, would it help if I asked Tom to talk about the stormwater? Because we're capturing everything that's coming off of this. We're not being nonchalant about the pavement on this site. You know, what we've said is there's nothing ... one of the agreements is that we're trying to, as minimally as possible, affect the Hassans' easement. So where before we were doing significant re-grading in that area, we're not doing that anymore. That already has its own water pattern. But once we get to what we're building we're collecting all that water.

**Attorney Whitehead:** So Hahn is going to review the stormwater. We don't have their comments yet. In terms of the coverage, that is the one thing that's going to require a variance that the Zoning Board is going to be looking at. That's really more within the Zoning Board's purview. Just a reminder: this board, you are looking at this for steep slopes approval and view preservation.

**Boardmember Speyer:** So I just have a question. Have we had as much steep slopes discussion as we're going to have, or is there going to be a more inclusive section?

**Attorney Whitehead:** That's up to you.

**Chairman O'Reilly:** Are we at that point where we've asked enough questions, we have enough opinions, that we think we can state an opinion as to what we think on steep slopes. Because we're asking for two variances, right, on steep slopes?

**Attorney Whitehead:** They need the hardship exception. They are over in both of the categories, but what you really need to look at is some of the things that are being discussed when it changed that.

**Chairman O'Reilly:** Yes, the hardship. May need your opinion on this obviously, Linda, because what I read in this, when it refers to a hardship special exemption, or a special hardship exemption, that "the Planning Board may grant a special hardship exemption to an applicant who cannot meet the requirements of 249.5 of this chapter, provided that the applicant demonstrates that the lot cannot be developed without disturbing more than the percentage limits of 249.5."

That's where I keep tripping up because that was the point of my question as to whether ... it's not a question as to whether this can be developed or not. The question is, can it be developed with a house that is asking for such large variances on steep slopes. In other words, a smaller, more modest house in that location can still be a viable property. I mean,

you look at the properties along Pinecrest Parkway, and I'm only talking about the west side of Pinecrest at this point because that's the comparable side we're talking about, I think.

**Attorney Whitehead:** The entire site is steep slopes. I think that's pretty much been established.

**Chairman O'Reilly:** You mean the whole Pinecrest Parkway, or the whole of this site is steep slope? That's why I'm asking the question as to whether it could be done with a modest house that didn't require such a large steep slopes variance.

**Boardmember Alligood:** Bill, I think you're making a really good point. I've been back and forth on this one because I think something can and should be built there. I think there's no reason not to find a way to build a decent house there. But you know, with the way you laid out the actual case we have to consider here it's that definition of a hardship and what can be done with this lot. Certainly something can be built without asking as much as what his proposal is asking for. That's what I'm struggling with.

I think a more modest house could be built and would be economically feasible. I think the neighbor made a very powerful argument. Just going with average size doesn't mean this lot needs to be sort of average taste and average size for the neighborhood. It's a matter of particular context of this lot. I didn't want to weigh in until I'd kind of heard a lot of different thoughts on this, but I have to say that's where I'm landing with it.

**Chairman O'Reilly:** I think Paddy has done a remarkable job of trying to make a property that is accommodating a lot of what we ask for each time. But I think at the last meeting I also said that when the other proposal was not approved, when they were coming back with a second proposal, I kind of thought it would come back as a smaller project. And I'm still stuck on that one because if we believe that it is a lot that has so much difficulty then I think the more modest the house the safer the project. That's my opinion.

**Boardmember Bass:** Could I weigh in for a second, Paddy?

**Mr. Steinschneider:** Yeah, I'm in it right now. Let me give you a call when it's over.

**Boardmember Bass:** Bill, I'm kind of convinced, based on the topography of the site, that any building would require the hardship relief that our zoning code permits. Because otherwise, if that relief wasn't there it'd be a taking of property rights. I understand you're trying to find some smaller house, but I don't think that based on the conditions of this lot you're going to be successful. Setting aside the market conditions, I don't think you can build anything on this particular lot without violating the steep slopes condition that requires this relief.

I think the building adequately fits the site. I'd like to know before I vote how this building compares to other buildings in terms of lot coverage. Because based on the criteria that you and Eva are raising, probably none of the buildings on the west side of Pinecrest could be built. And just because they were built before this ordinance was put in place doesn't deny this property owner the property rights to building something on the property.

**Chairman O'Reilly:** Yes, I get your point.

**Mr. Steinschneider:** And I agree.

**Chairman O'Reilly:** Yeah, of course you do.

**Mr. Steinschneider:** One quick point I want to make is, we've kind of got two things that we're dealing with here. If we were trying to build on the east side of Pinecrest we would have the same issue with the steep slopes but we probably wouldn't have the same issue with the view preservation. What we've done is, we've set this in that we're trying to accomplish both. And what that's meant is that we've had to have the garage and the house not one above the other.

Obviously the owner of 177 has already opined that we should eliminate the attic above the garage. I don't think we would be going in the right direction for the concerns of view preservation if we said, Well, you know what we could do? We could probably take maybe 250 square feet out of the footprint if we fully developed the second floor above the garage because that would make that a larger area and it would make it bigger from the side the neighbors at 177 and 179 would actually be seeing. So it would be making it worse for view preservation to disturb a little bit less of the steep slope.

If somebody was being very cynical they would look at this drawing that I've got up right now and say, With the exception of that one area where it says "proposed single-family residence" we have avoided building on any of the flat areas; we've only chosen to build on the steep slopes. But of course the reality there is, we also – and this was very important when we were at the first two meetings with other house – have eliminated the need for the variances to be allowed to build a wider house on this site. We're fitting into the footprint that I think is a very quirky condition.

If Pinecrest was built one parcel longer, our front yard setback would be to the east, not to the south. But we also heard the concerns that 115 had, which I thought were really valid, that where we're building – whether we were building in compliance, getting a variance or anything else – the closer we were to her house the more of an adverse impact we were having. So we're now 30 feet – a little bit more than 30 feet – away from her property line.

So I think we've accomplished some important things.

**Boardmember Speyer:** If you made the flip you talked about before, and utilized the bonus room aggressively and reduced that square footage, would that bring you below those 35 percent, 25 percent thresholds?

**Mr. Steinschneider:** No.

**Mr. Mahoney:** Can I jump in here? Basically, if you took the house and cut it to where the garage is so it was essentially just the driveway and the garage you would have about, an estimate, 150 square feet of additional allowable disturbance to the 25-and-over slopes. And again, the garage is 24 feet with the walkway. So the footprint of the garage and the driveway covers 15-hundred square feet of that excessively steep area. I don't know if that cleared anything up for you guys.

**Boardmember Bass:** Could I ask a couple questions to Paddy?

**Planner Cleary:** I'm sorry. Thomas, the total area of that excessively steep slope, in total, is nearly 5,000 square feet. Is that correct? Just to put that percentage in perspective.

**Mr. Mahoney:** Yes, I believe so. The total of the excessive is 7,000 square feet on-site.

**Mr. Steinschneider:** Yeah, it's 50 percent of the site.

**Mr. Mahoney:** But it's about 18-hundred. And we would be, just for the garage and the driveway, cutting the house essentially off. We would be at around 15- to 16-hundred square feet.

**Chairman O'Reilly:** Anything else, Patrick?

**Planner Cleary:** Thank you, Bill. No.

**Mr. Steinschneider:** Just one quick point on that, too. With the second design we did for the Kimbers we had looked at specifically trying to reduce the amount of the square footage we were affecting with steep slopes by eliminating the courtyard. What that necessitated doing was significantly re-grading the easement. Which would make it difficult – I don't think impossible, but difficult enough – that I can assure you from the conversations I've had with the Hassans they would not be supportive of us changing that grading.

We would also then have the garage facing 177, with the cars likely parked in the position where you'd be seeing the cars from both Pinecrest and from the houses around. Everything



we do here affects something else. We have tried to make this house designed to have the least impact with all of the components: steep slopes, view preservation. But also when you're looking out, maybe you're not looking at the river but you're looking up Pinecrest. I think seeing cars parked out there to try and reduce some of that coverage, I don't think we would be accomplishing something in the public's interest to do that.

**Boardmember Sullivan:** I'd like to propose what if you removed the terrace on the lowest level that's actually a lot of the steeper slopes, the over 25 percent. And why not look at the area over the driveway and just sort of see if that could be tightened up somehow. I mean, these were also areas where there was fill brought in to handle those two: raising the elevations on those two places. That would be an interesting exercise.

**Mr. Steinschneider:** Just for our understanding of scale, the fill is like a little bit more than two large containers.

**Boardmember Sullivan:** 95 cubic yards, right?

**Mr. Steinschneider:** Yeah.

**Boardmember Sullivan:** So how much in the dump truck?

**Mr. Steinschneider:** Well, we'd probably get it in a 40-yard container. So we'd probably get two containers of 80, and then we'd have some additional dirt. If the goal was to limit us to two containers of dirt I'm sure we'd be able to make that work on the site. Eliminating the terrace, I mean I guess we're reducing a number. I don't know that we're accomplishing anything, though, that achieves anything other than changing the number. All the comments I've heard from all the boardmembers have been very much on point of actual issue, not caught up in what the number itself is.

**Boardmember Sullivan:** When we were talking about trying to lessen the slopes, and there being two areas that possibly could be eliminated.

**Mr. Steinschneider:** I'm interpreting that meaning reducing the impacts on the slope, not just the number of the slope.

**Boardmember Sullivan:** Right, that would help the impact as well.

**Mr. Steinschneider:** I guess that's the part of it that I'm not sure I get. Because what we're doing with that terrace is, we're actually slowing down. Any water that's going down there (cross-talk) ...

**Boardmember Sullivan:** No, you're not, you're not. You're soft to the other side. I think it's something to consider. I don't know what the other boardmembers think about it, but it's definitely an area that we could help minimize the disturbance of some slopes. I mean, you've been very good and very tight to the building outline so I think it's worth considering.

**Mr. Steinschneider:** If it's just a matter of not touching the slope itself, that could be a deck instead of a terrace. At which point the deck would simply be over the existing grade and that could be left intact.

**Chairman O'Reilly:** Well, that's a possibility. But in the interest of time, since we have three other submissions to look at tonight, I'd like to see where we are in terms of ... we still need the Hahn report, engineering report. We have the stormwater report that your folks have presented, Paddy.

**Mr. Steinschneider:** Yeah.

**Chairman O'Reilly:** Which obviously somebody would need to explain to me in English. What I would ask, in the interest of moving something forward, is the feeling of the boardmembers that we are prepared to move forward on the issue of view preservation?

**Boardmember Speyer:** I'm ready.

**Boardmember Sullivan:** I'm comfortable with that.

**Chairman O'Reilly:** I am. Eva?

**Boardmember Alligood:** Yes, I'm fine.

**Chairman O'Reilly:** Emily?

**Boardmember Goldman:** Yes.

**Chairman O'Reilly:** Richard?

**Boardmember Bass:** Yes.

**Chairman O'Reilly:** Yes, so am I. I'm not going to stand on that one. I have less concern about the issue of view preservation because I think you've made adequate adjustments, good adjustments, to what was presented initially. And I think we can indicate that there is a minimal impact, or the least obtrusive impact on view preservation as its designed, that we could have. That's number one. At some point I'll ask for a motion on that. Are we prepared

to move forward and vote on the issue of steep slope?

**Boardmember Sullivan:** I'd like to ask Hahn the question about minimizing the fill and if they think the site and the access they will have, how disruptive will that be and how practical will it be for construction. I understand the criteria, I understand the constraints because the site's so steep, but I am concerned about constructability (ph). And I'd like to make sure that makes sense given what they're proposing with what they're intending to bring to the site.

**Attorney Whitehead:** Bill, you don't have the final memo back from Hahn on the revised plan and their responses to the comments.

**Chairman O'Reilly:** So would Kathy's point be included in the request to Hahn at this point?

**Boardmember Sullivan:** I would appreciate if it could be asked. It would be helpful, I think.

**Planner Cleary:** And Bill, does the rest of the board want to see the coverage comparisons that Richard raised?

**Boardmember Sullivan:** Yes.

**Chairman O'Reilly:** From my point of view, I suppose yes because that comes to the point I'm thinking about, I suppose. That would be useful.

**Mr. Steinschneider:** If I'm coming back for another meeting anyway, yes, I'll certainly do the math. That's not a problem at all.

**Chairman O'Reilly:** Because I'm still torn. I'm listening to what Richard said about the fact that he doubts anything could be built on this property that would make a different impact than what has been presented; that nothing could be built without having major impact on steep slopes. I get that. I'm still sort of knowing what the property prices are along Pinecrest. In the interest of full disclosure, I've sold, as an agent, two properties along Pinecrest on the south side, both of which sold very nicely. And they're small houses on small lots.

**Boardmember Bass:** But that is not a criteria under our zoning code.

**Chairman O'Reilly:** It's not a criteria, no. I'm just throwing that out.

**Boardmember Bass:** I understand that. But again, you're opening us up for litigation if you're making a decision on a value of property at a time when who knows what property values are. We can only evaluate the application on the steep slopes, not on what people are saying that it's going to affect the values or not affect the values.

**Chairman O'Reilly:** Right. But the question is, is it a viable lot? That's what it comes down to. Nobody knows what anything's going to sell for. I'm not trying to say that. I'm just saying is it a viable lot with a smaller house on it. That's the thing I'm going back and forth about.

**Boardmember Speyer:** I'm much on the same page with Richard. The thing I'm struggling with is translating that feeling or that judgment that he has into something a little more concrete. I have the same feeling, but I'm just wondering what data we could use, or get, that would tell us whether it really is ... kind of what the base level of investment needs to be in this property to build anything viable and how different is this.

We've had qualitative discussions about a more modest house – meaning a somewhat smaller house – but there's some base level of work you need to do on this site to put any house on it or to build anything that would sell in Hastings. And at a certain point it becomes not economically viable to make that investment if you can't get a return. So we've had the qualitative discussions. And I feel one way, but I'm not sure I have the data to really say I could decide that.

**Boardmember Bass:** I think what you're asking Paddy for is, if he designed a building that didn't require the lot coverage variance what that would translate out into a steep slopes application. So that would be an apples-to-apples comparison. Paddy, could you do that?

**Boardmember Speyer:** Yes, that's what I was asking.

**Mr. Steinschneider:** I don't want to go through the whole house, but I could certainly take a look at what that would really mean. And as I said, I think we're going to find that the garage and the courtyard, as Tom has laid out, we're going to find we're already so high with that. We're about 14-hundred square feet in the footprint of the house itself. So if you think about what that is on a lot it's actually quite small, and it's way under what the numbers are, what really pushes it is the garage and the courtyard. But I will certainly take a look at that and see what that means.

**Planner Cleary:** Tom, you wouldn't want to say I don't believe it's an economically viable project. That's not your decision to make, that's a market decision. You should be limiting that to the physical impacts on the site.

**Boardmember Speyer:** But we're determining hardship, right? And the hardship criteria is can he develop something or not. Ultimately, can he develop, to me, translates to is it viable. I'm not going to add up the numbers, but I just want data that gives me a sense of it because to me that goes to can he develop.

**Boardmember Sullivan:** We're looking at the impact on the steep slope so it gets to be a little bit looking at the numbers and trying to decrease it. What Richard's asking is a very good point because there is a coverage issue which is separate from the steep slopes and, yes, would probably be less of an impact. Another suggestion, and this would be in the scheme of asking him to look at another option, is what if you entered the garage off the easement area and didn't have, on-site, a fairly large turnaround. That would maybe shift the garage to the south, where you could access it directly from the easement.

Those are the types of things like does he even mention things can be built here. But now we're just trying to figure out the impact. How we can lessen the impact of his request for the over-development of steep slopes.

**Bldg. Inspector Minozzi:** Bill, we really need to follow the five points of section 249.8. I think everybody needs to brush up on that chapter, and we really need to stick to that chapter. We seem to be digressing an awful lot off of some of the points that are in this chapter. I just want us to be careful of how we digress from the written text.

**Chairman O'Reilly:** I guess, just to roll back for a moment, what I was saying earlier about asking Paddy if he was an architect, could he put something on this lot that was a reasonable house that did not contravene or have such an impact on the variances required for steep slopes, could he do it. And I think, in a way, that relates to what Richard was asking about the lot coverage and the way in which ...

**Bldg. Inspector Minozzi:** Right. And his engineer said pretty much a garage and a driveway and with the easement, that's going to take us over.

**Chairman O'Reilly:** Okay, so where does that leave us with a determination now on steep slopes? Do we feel we know where we are and can make a determination?

**Attorney Whitehead:** I thought you were going to wait for Hahn.

**Chairman O'Reilly:** Oh, that's right. Let me go back on that one. We are, we can't do anything until we get Hahn. So we can move forward on the issue of view preservation. Do we have a motion to approve ...

**Attorney Whitehead:** To make a recommendation.

**Chairman O'Reilly:** To make a recommendation to approve the application.

**Boardmember Sullivan:** No, no. Approve.

**Attorney Whitehead:** You don't approve it, you recommend it. So you make a recommendation to the Zoning Board on steep slopes.

**Chairman O'Reilly:** So we recommend to the Zoning Board that we have no objection to this design in terms of view preservation. If we make that the motion do we have it?

On MOTION of Boardmember Bass, SECONDED by Boardmember Sullivan, with a voice vote of all in favor the Board resolved to recommend to the Zoning Board that there is no objection to design in terms of view preservation.

**Chairman O'Reilly:** Very good. Okay, you got that one. Then we will convene on this one again when we have the Hahn report on the issue of steep slopes. Thank you, Paddy.

**Mr. Steinschneider:** Thank you very much. I will surrender the screen.

**Chairman O'Reilly:** Okay, our next site plan approval and view preservation advisory is the application of 15 Spring Street Realty LLC.

- 2. Site Plan Approval & 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, one retail space 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:** This one has already gone to the Architectural Review Board a couple times, and Ed Weinstein, you are here to bring us up to date on where you are with the recommendations with the papers you presented. Ed, you there?

**Ed Weinstein, project architect:** I'm here. I will, before I share my screen, just briefly fill you in. We've been to the ARB. The ARB has approved the conceptual design subject to

their reviewing some of the architectural details such as the materials, the brick color, the color of the concrete cap. And they wanted to see some more details on the window and door schedule. My understanding is that it was an approval subject to those items.

There are, I guess, a few things I will present once I share my screen. One is the comments of the Planning Board, the second, is the height calculations which Kathleen had requested some clarification on. The third is, I would like to talk a little bit about view preservation. I just have to get to my screen.

**Bldg. Inspector Minozzi:** Bill, they got approval from the ARB for the primary design of the building. Basically what they would have to go back for is all the fit and finishes.

**Mr. Weinstein:** Okay, can you see my screen?

**Chairman O'Reilly:** Not yet.

**Mr. Weinstein:** I'm sorry.

**Bldg. Inspector Minozzi:** Raf, does Ed have permission to take over the screen?

**Village Technology Director Zaratzian:** Yes, he does.

**Bldg. Inspector Minozzi:** Thanks, pal.

**Mr. Weinstein:** All right, it's loading. But slowly, I think.

**Chairman O'Reilly:** Starting to come through, Edward.

**Mr. Weinstein:** Still no screen, huh?

**Chairman O'Reilly:** No, but it says you've started screen-sharing.

**Mr. Weinstein:** Here we go. Is it loading? It says I'm sharing.

**Chairman O'Reilly:** It's loading, but it's got a little thing that's rolling around still like it's loading up. But I can see 15 Spring Street.

**Mr. Weinstein:** I can begin to explain some of the things, and we'll look at the images when it comes up. I guess there were several key recommendations I heard at the last Planning Board meeting. One I think that was stressed mostly was that the storefronts be brought forward and that the stairs be eliminated. We have done that. There is now just one entrance



from the street which accesses the residential lobby as well as the one retail space on the ground floor which is 19-hundred square feet. So the stairs have been eliminated and I think we've pretty much complied with that. Are you seeing my screen now?

**Attorney Whitehead:** Yes.

**Planner Cleary:** Yes, Ed, the screen's up. You're good.

**Mr. Weinstein:** Okay. You can see on the front façade that the storefronts have been brought to the street line. This door is access to the retail space, and you can see on the front elevation this is also where the residential is accessed. The stairs have been eliminated.

Let me talk a little bit about the height calculation. I should, first of all, say that now that the mezzanine we had was eliminated we're now significantly below the maximum height limitation. The zoning calls for defining a plane A and a plane B. Plane B – and this is section B that relates to commercial districts – in our case, we're sloping up from the street line. So plane A starts at the street line and plane B, in this case, is 40 feet above plane A. So that 40 feet above defines plane B.

You can see this is the diagram showing Spring Street up to the Chase parking lot. Plane A is the blue line here, plane B is the blue line here. The average grade of the front line is 71 feet, so we add 40 to that and we're at 111 feet; the average grade at the rear line is 76 feet. Which means the limit is 116.33, and our elevation at the street and the rear lot line is 4 feet below the maximum height. You can see this is the cross-section from front to rear. That's it. So any questions on the height calculation?

**Boardmember Sullivan:** Why are you using an average grade on the side of the lot? When you look at the front lot line on your plan it has three different average grades: section one, section two, and section three.

**Mr. Weinstein:** That's where zoning requires you to subdivide it so that no section is greater than, I think, 35 feet.

**Boardmember Sullivan:** Yes. So when you do your calculations, why aren't you going from the front lot line to the rear lot line? You're picking an average grade on the site.

**Mr. Weinstein:** Well, the average grade along the front lot line and, let's see, if we go to this diagram here the average grade is from 69.5, 71, 72.5 and the average is 71. So that is our average grade along the front lot line.

**Boardmember Sullivan:** When I look at the code it appears to ... and this actually is maybe

only consequential at one point.

**Mr. Weinstein:** We're now significantly below.

**Boardmember Sullivan:** But your point is that you're going from the street to the rear lot line. That seems to be what the code says. And the diagram would have you starting at the 69.5, any of those three areas on Spring Street going towards the rear. So plane A is going to go from the street to the rear, and plane B is going to go from the street to the rear using the average grades within those ...

**Mr. Weinstein:** No. Plane A is the average along the street line and along the rear lot line. So it's from 71 to 76.33. Plane B, as you can see in this diagram, is 40 feet above plane A, the allowable number of feet.

**Boardmember Sullivan:** But you're looking at sections one, two and three.

**Mr. Weinstein:** This is a cross-section. I took the average grade along the street line and the average grade along the rear lot line. And along the front it was 71 feet, to which I add 40. And that brings me to 111 feet. The rear lot line was 76, which brings my maximum height at the rear lot line to 116. It was a lot closer in the previous scheme where our building was a little higher. Our building is now significantly below the maximum height; roughly 4 feet, which I think is significant.

**Boardmember Sullivan:** This isn't how I've seen it done so I'll just explain. And Buddy's the determiner (ph) on this one, that's the case. But how I've seen it done in other areas is that you start from the street and you go to the back, divide up the lot if it's over a certain size into equal sections. You've clearly done that. So I would read that you would start from 40 feet above 69.5, going back to the average grade at the rear section to 77 plus 40. And you do the same for the next two sections – sections two and three – and call it a day. That sets the plane that your building has to fall within. But right now the highest point in your building, I believe, is at 112. Which is falling well below (cross-talk) ...

**Mr. Weinstein:** Well below the 116, yes.

**Boardmember Sullivan:** Well, well below ... the bulkhead you're talking about actually goes between – it's in section two and three when you look at the front lot line – and it will most likely fall below that. So it really has become less of an issue. Thank you very, very much for responding, I appreciate it. And I think at this point we can leave it to Buddy's determination on how this goes. But I am confused on the side-to-side ...

**Mr. Weinstein:** It's not in a very clearly-written section.

**Boardmember Sullivan:** Well, we looked at a complicated site a few years ago and it's actually pretty clear. But thank you again. I don't think it's going to come into play here.

**Mr. Weinstein:** Okay. Another question that came up was the impact of our proposed development at 15 Spring Street on the adjacent property to the north. I prepared this diagram, and this is actually based on the site plan that was submitted with the 555 Warburton application. Our site is highlighted in yellow, and I added some dotted lines to it to make it clear. The property owned by 555 Warburton includes the building and this area, which physically appears to be part of the Chase lot but is actually owned by 555 Warburton.

Our development has a wall along the property line, so we're really not impacting the Chase parking lot at all. Whatever they proposed in the 555 Warburton site plan which was approved will be implementable (ph). We won't be interfering with that at all. Any questions on that item?

**Chairman O'Reilly:** All these parking spaces back here are 555.

**Mr. Weinstein:** Everything in blue is 555, everything that's not colored in is the Chase property. And we are the yellow property.

**Chairman O'Reilly:** Okay.

**Mr. Weinstein:** So let's see, I'll go back to the Planning Board drawings. I might have lost that. Let me move on. Okay, are there any questions on the basic design, the site plan approval questions?

**Boardmember Sullivan:** You made a change on the first floor. You want to discuss that?

**Mr. Weinstein:** The first, we created one retail space of 19-hundred square feet. And there's a one-bedroom apartment on the first floor. The second floor has two 2-bedroom apartments. The third floor has a three-bedroom apartment. So we still have the six units, the parking requirement has not changed.

**Boardmember Sullivan:** Why did you make that change?

**Mr. Weinstein:** It just seemed to work out better as we moved the entrance and the storefronts forward. It made more sense to have one space than two. We didn't need two separate entrances and we came to that conclusion when we were developing the plan to move the storefronts closer.

**Boardmember Sullivan:** Doesn't this necessitate a request for approval for that space?

**Mr. Weinstein:** I'm not sure of that question. As long as we're on the 2,500 square feet on the commercial spaces there is no parking requirement.

**Bldg. Inspector Minozzi:** That's correct.

**Boardmember Sullivan:** But I don't believe you're permitted, in the CC district, to have residential on the first floor.

**Mr. Weinstein:** There is an exception that allows it to be in the rear. It can't be on the storefront.

**Boardmember Sullivan:** But it needs approval.

**Attorney Whitehead:** Approval from the Planning Board. So you can approve that as part of your site plan approval.

**Mr. Weinstein:** Yes.

**Attorney Whitehead:** It's nothing more than a specific approval from the Planning Board acknowledging essentially that you're allowing a residential space on the first floor.

**Boardmember Sullivan:** I think it has to be noticed.

**Attorney Whitehead:** It's part of the public hearing.

**Boardmember Sullivan:** I think there's a notice requirement for residential. I looked at the code today.

**Bldg. Inspector Minozzi:** There was a change in site plan as was asked by this board to make a change because the store spaces were kind of funky where they were. When they come back for final site plan approval after ARB, all notices will be properly documented once this board makes a determination on what it's going to allow him to do.

**Attorney Whitehead:** Buddy, the issue is that the agenda, which serves as the notice, says dwelling units on second and third levels. It doesn't point to that dwelling unit on the first level.

**Bldg. Inspector Minozzi:** Yes, I'm aware of that and that's why I said when he comes back it will be noticed properly.

**Attorney Whitehead:** Isn't he back? Didn't he go to the ARB?

**Bldg. Inspector Minozzi:** He still needs ARB approval before we can give him final site plan.

**Mr. Weinstein:** Yeah, they have to give me final approval. That's based on just looking at some of the fine details of the project.

**Attorney Whitehead:** Okay, so after that you'll have to come back here again and it will have to be renoticed, specifically citing that there is a residential unit on the first floor in the back.

**Chairman O'Reilly:** That requires a variance, right?

**Attorney Whitehead:** No, it's not a variance.

**Chairman O'Reilly:** Not a variance.

**Boardmember Speyer:** Just our okay.

**Boardmember Sullivan:** Well, we have the opportunity to discuss this unit and if it's appropriate for this location. I'm not judging it at this point, but it's the next conversation we can have.

**Mr. Weinstein:** Are there any concerns about it? I know this is not for approval tonight, so is there any concerns about that one-bedroom unit?

**Chairman O'Reilly:** I don't have any question about it.

**Boardmember Alligood:** I don't have a problem with it. I just want to say I think this is an improvement on the first floor and I appreciate what you did with the retail space. And that you addressed our concerns about the layout you previously had, which I was concerned that there'd be difficulty finding tenants. So I think this is an improvement.

**Mr. Weinstein:** Thank you. I guess the last thing I would like to just talk about is view preservation. We are in the view preservation district, however this is our proposed building in these photographs. If you look at it, this sort of superimposes our front wall on this photograph. This is the same thing. Really, we're blocking some sky. But from what we saw we really weren't blocking any view. Buddy did see a sliver of view that was blocked. Maybe if the tree weren't there, there might be a small piece of sky and the Palisades.

**Bldg. Inspector Minozzi:** That's why it didn't go for a waiver. There was just a slight sliver of a view impact so that's why he's here for a full approval.

**Mr. Weinstein:** And you can see from the rear, from the Chase parking lot, we're really not serving any views of the river or the Palisades.

**Chairman O'Reilly:** Where is the Chase view?

**Mr. Weinstein:** That's this. This is the rear of the existing funeral home. This is Ms. Kane's ...

**Chairman O'Reilly:** Oh, yes, got it. I didn't see this down here.

**Mr. Weinstein:** We would like to request a recommendation to the ZBA so we can appear before that board.

**Chairman O'Reilly:** Okay, I have no problem with view preservation. I have no question about that. The rest of the board?

**Boardmember Speyer:** No questions.

**Boardmember Alligood:** I'm fine with the view preservation issue.

**Boardmember Bass:** Good.

**Boardmember Goldman:** Me, too.

**Chairman O'Reilly:** Kathleen, Emily? Okay, so we're happy to provide the recommendation to the Zoning Board for view preservation.

On MOTION of Boardmember Bass, SECONDED by Boardmember Alligood, with a voice vote of all in favor the Board resolved to provide a recommendation to the Zoning Board for view preservation.

**Chairman O'Reilly:** So we're done. What else can we move on tonight?

**Mr. Weinstein:** To clarify, you mean I will go to the ARB for final approval? And if we need to notice before we come back for site plan approval I'll work with Buddy to make that happen.

**Chairman O'Reilly:** Right. Also, there were some comments from Patrick Cleary which if you haven't received you will.

**Mr. Weinstein:** I have not received them.

**Chairman O'Reilly:** Nice compliments on the rear view, I think. The appearance of the rear has been modified. And I would say, from the look of it, improved with the double windows. And then also questions about the green roof. Patrick?

**Planner Cleary:** A couple things, Mr. Chairman. Just, Ed, if you could clarify the green roof. The primary issue is you provided a detail of plantings below the solar panels, and that's a challenge. So we'd like to know a little bit more information about the liability of that.

**Mr. Weinstein:** Yeah, I think that may be a misstatement. Obviously, where the solar panels are there will be no green roof. The green roof will be in, and I'll make that adjustment when we come back.

**Planner Cleary:** And there were two other elements. One was a green roof on a sloping portion of the roof, which again may have some challenges associated with it. And then the third component was the roof borders. I'm curious if those are just planters.

**Mr. Weinstein:** Yes.

**Planner Cleary:** Effectively, this is probably not – quote, unquote – a green roof. It probably is a roof that has some landscaping on it.

**Mr. Weinstein:** Yeah, that's what it is. It's some planting. We did submit a planting plan, and we'll use appropriate native planting. There is one tree that's getting replaced in the front of the building, and that'll also be among the types of trees recommended.

**Planner Cleary:** And one final point, Ed. You mentioned that you would be submitting a traffic study?

**Mr. Weinstein:** If this board ... tell me what you want this traffic study to address because I'm not quite ...



**Chairman O'Reilly:** It was raised at the last meeting about the impact of the traffic exiting the garage and the impact on Spring Street, considering that there's traffic exiting the parking lot at the opposite side.

**Mr. Weinstein:** It's a study looking at the safety of the driveway exiting and entering from Spring Street. You'd like a traffic consultant to comment on what we are presenting.

**Chairman O'Reilly:** The two driveways. The driveways opposite each other, and the entrance into Spring Street, yes.

**Mr. Weinstein:** You mean you're talking about the driveway into the Village parking lot?

**Chairman O'Reilly:** Yes, well, you have traffic exiting there. That was the thing that was raised the last time we met. At the same time as you're exiting you've got cars coming out of (cross-talk) ...

**Mr. Weinstein:** I just want to get a clear sense, Patrick, of what scope you would like our traffic consultant to address so we don't shoot wider than we need to.

**Planner Cleary:** Right, Ed. That's it, and the other piece related to the operational characteristics of Spring Street when there's a delivery. When a truck's there, how does that affect circulation access in and out of the site.

**Mr. Weinstein:** Okay, to answer that, I mean there's no parking on ...

**Planner Cleary:** Ed, I don't think we need the answer now. I think you had committed to provide some documentation, so put it together in a package and that will be part of our determination.

**Mr. Weinstein:** So it's the delivery and the traffic from the parking lots.

**Chairman O'Reilly:** Yes.

**Mr. Weinstein:** Yes.

**Attorney Whitehead:** And pedestrian safety, I think. That's part of it.

**Mr. Weinstein:** Address pedestrian safety, sure.

**Bldg. Inspector Minozzi:** Bill, did we make a decision on the approval of the first floor apartment?

**Attorney Whitehead:** It needs to be noticed. They can't make an actual decision, but I think if anybody has any questions or comments or anything else they would like to see the applicant bring back for the next meeting we should identify any of those issues now.

**Boardmember Sullivan:** I have one concern which I'd just like to mention. The roof is being shown as a flat elevation of 103. There's really no elevation that's shown on the parapet, which is going to be kind of a fixed element on the façade. So I'd like to know – especially now that it's changing from having mainly a green roof – to really know, what these elevations are going to be like. And how high the solar panels are going to be. I'm kind of sorry we're losing the green roof. I'm not sure what sustainable benefits were happening with the green roof helping with the stormwater, or the solar panels actually producing (cross-talk) ...

**Mr. Weinstein:** The green roof is really not necessary because we're not changing the net amount of stormwater. The site is currently 100 percent impermeable so if anything the green roof might lessen the amount of stormwater. But we're going into the stormwater sewer on Spring Street. We just are trying to be green and add some features that will be environmentally positive.

**Boardmember Sullivan:** When you first started the project you mentioned some of the green sustainable things you were attempting to do. My question is, are the solar panels more advantageous?

**Mr. Weinstein:** There are solar panels and a green roof. I mean, I guess there are some ... that's really not correct. We'll clarify that in the next submission. We're going to have some solar panels and some green roof. I'm not sure exactly how much, but I'll come back at the next meeting and tell you how much, how many square feet of each.

**Boardmember Sullivan:** Well, I'd like us also to know kind of what the height of the parapet is, and then I'd be assured that the solar panels will not be higher than those things; just kind of get a sense of where those heights are.

**Mr. Weinstein:** Sure, we can give you a little cross-section of that.

**Boardmember Sullivan:** Well, you have them but just with ...

**Mr. Weinstein:** I don't think they'll be visible from the street because the parapet's about 42 inches high. If you're looking from the street you're looking up at a pretty sharp angle because Spring Street ...

**Boardmember Sullivan:** It's pretty visible from the side, too, when you walk up and down Spring. Again, it would just be nice to know the heights of these things.

**Mr. Weinstein:** Sure, absolutely.

**Boardmember Sullivan:** Thank you.

**Chairman O'Reilly:** Ed, the only question I have about the first floor apartment is what sort of natural light does it have and does it have a rear exit?

**Mr. Weinstein:** If you look at the rear, it has a little outdoor patio in addition. So that's a patio with plenty of light. It will have sufficient light and air to comply with the code.

**Chairman O'Reilly:** Okay.

**Mr. Weinstein:** And a little private outdoor space which will be kind of nice.

**Chairman O'Reilly:** Okay. That's the only thing I had about the first floor apartment. You've answered it. Very good.

**Mr. Weinstein:** Thank you. We will be back.

**Attorney Whitehead:** Wait. You didn't actually vote on view preservation. You said you were going to do it, but I don't know. Did you actually do it?

**Chairman O'Reilly:** We didn't?

**Bldg. Inspector Minozzi:** Yes, they did it.

**Chairman O'Reilly:** I thought we did.

**Attorney Whitehead:** Okay, sorry.

**Chairman O'Reilly:** And we passed on a recommendation to the Zoning Board on that. That's it.

**Mr. Weinstein:** Well, thank you. Stay well.

**Chairman O'Reilly:** You can take your screen back.

**Mr. Weinstein:** Okay.

**Boardmember Alligood:** Bill, did you want to see if anybody was going to have a comment from the public?

**Village Technology Director Zaratzian:** Yes, you have somebody who wants to talk.

**Chairman O'Reilly:** Thank you, Eva.

**Village Technology Director Zaratzian:** Go ahead, Ms. Kane.

**Suzannah Kane, 7 Spring Street:** Oh, hi Charles. How are you? I am the owner and resident at 7 Spring. How are you all?

**Chairman O'Reilly:** Fine, thank you.

**Ms. Kane:** So yes, I know the images have been taken down but I had a few follow-up questions for Ed, beginning with the retaining wall. No, actually what I'd like to start with is the property line. It looks like the page number is 301 in that drawing. That includes the cross-sections. It's a little difficult to see the detail in the way these drawings are lined up. I would like to know what the distance is between our building and the new retaining wall that is drawn. There's a drawing that's labeled AA near window well number one. We have a lot of concerns over the windows that are on our first floor for the tenant, for the Food For Thought store. We've raised those issues.

In one of the drawings – in this particular one – it looks like the new retaining wall that will be built will essentially be touching or abutting the existing air conditioning that's in one of the store windows.

**Mr. Weinstein:** That's right. That's a window unit, and frankly we might have to find another way to air condition that space. I mean, we're on our property line, we've stepped back where we could step back to give your building 10 feet of space. But our retaining wall is probably about 18 inches from your building, and that's sort of an old-fashioned window unit that projects outside your window and probably very close to our property line. But I think that's something that you and he will have to work out. I don't think we have a solution to move our building further back from our property line, further than what we've already offered to do.

**Ms. Kane:** I think it's a reasonable concern in terms of having a viable retail space.

**Mr. Weinstein:** I'm sure it is a reasonable concern, but they're (cross-talk) ...

**Ms. Kane:** Well, I was still speaking. I'm so sorry.

**Mr. Weinstein:** Oh, I apologize.

**Ms. Kane:** I think it's a reasonable concern to raise for the tenant that there is airflow and working windows. I have appreciated from the beginning the accommodations that you've made in terms of creating that 10-foot setback. But the plans in terms of how I would just like to see greater detail so we know ... he's an operational store, he's in existence, he needs to be able to maintain his business. He needs airflow, he needs light too. You know, we need to say you're just going to have to install a new air conditioning internal system. Which for him, a local businessman, is a great investment. That's one of my concerns.

**Mr. Weinstein:** Well, number one, a commercial space – and I don't want to advise you on code issues – doesn't require light. And I think there are other options. If the air conditioner doesn't work with that sort of 18 inches of space that's available, then I'm afraid that you and Dwight will have to come up with another solution. I'm very sensitive to local businesses. I am one myself, right across the street. We've bent over backwards to accommodate your property even though we're staying on our property. Whatever impact we have we're trying to minimize, and I think we have minimized.

**Ms. Kane:** So in looking at that space one of the issues that had come up in the past meeting – which was in February, on the 20th – and one of the issue you had said you would look at was a suggestion made by one of the boardmembers, my Ms. Sullivan, to address the western-facing wall at the setback area. To replace the brick facing with possibly white stucco to increase the reflective surface for our view across from the windows. I don't see that that change has been addressed.

**Mr. Weinstein:** We did actually go to the Architectural Review Board with that. They didn't like it, they thought that having a stucco façade would not look good and we should maintain the integrity of the building by having it all brick.

**Ms. Kane:** But no one else is going to see that but our view.

**Mr. Weinstein:** Well, there's (inaudible) on the Chase parking lot, as well.

**Ms. Kane:** If you were standing in the corner of the lot, I guess, against that cottage building. That's where cars will be parked. With all due respect, the only people looking at that façade is us.

**Mr. Weinstein:** And I'm deferring to the Architectural Review Board. As I said last time, we didn't have a strong preference for that. The ARB did have a strong preference that that

wall not be stucco but that it be masonry.

**Boardmember Sullivan:** Aren't they advisory to us in this case, as well, so we could take that recommendation under advisement.

**Bldg. Inspector Minozzi:** That is correct, Kathy. They are the advisement board to us.

**Boardmember Sullivan:** Okay, thank you for bringing that point back up.

**Ms. Kane:** I really appreciate it and I appreciate all the efforts you've made. But I do feel like we ... yes, I have another point after that. But we are greatly impacted by this construction and we are the ones who will face that wall and lose the light. It's fairly small, as you were saying. You're happy to make accommodations, that's a fairly small one.

The other thing I was hoping we could look at is, in the back area – in your rendering of the rear view, Ed, it's labeled T-001 – I was hoping you could explain how the treatment of the retaining wall is handled. Because in some areas you said there is, I believe you said, an 18-inch space between your creation of a new retaining wall and our property line, right? But in the back, it appears to be adjacent; one abutting the other. Currently there is a retaining wall that is, I don't know, about knee height above ground at the edge of the parking lot and my yard. In the drawing, it's hard to decipher what's happening in that mockup. It appears that there may be a new wall on one side of the glass pane and another one. Could you explain that a little further please?

**Mr. Weinstein:** There will be a wall along your property line on our property, yes.

**Ms. Kane:** That's clear. My question is, are there two walls or is the intention to keep the existing retaining wall that protects my yard? What is your plan?

**Mr. Weinstein:** The existing retaining wall I think would be ... right now, it's just a small wall. I don't know that it's retaining a whole lot, but we will certainly protect your property to the greatest ... you know, protect it in all ways; when we excavate, whatever, we're responsible for protecting it.

**Ms. Kane:** I understand. Addressing the actual detail, there is a current wall. As you know, there is a difference of elevation between 15 Spring Street and 7. There is a wall that is approximately 6 feet tall that retains the earth underneath the parking lot at the funeral home from my yard that currently exists. On top of which there is what I always refer to as a "bumper," which is stone construct that is about knee height that protects the cars from driving over the retaining wall. They're two kind of different functions. They were built probably at two different times. I'm asking kind of how all of that is being handled during

the dig.

**Mr. Weinstein:** To get technical, it'll be an engineering issue. But there'll be temporary shoring. That existing will probably be replaced by a new, more substantial retaining wall. And during that ...

**Ms. Kane:** That's my question. Because there is a plan, and I'm asking you to share it.

**Mr. Weinstein:** We don't have a construction plan yet, but I can tell you that we will work with you and with our engineers and contractors to protect your property in every way we should.

**Boardmember Bass:** Ed, won't you have to have a construction easement with Ms. Kane?

**Mr. Weinstein:** I don't think we're going to need to get on to that property at all.

**Boardmember Bass:** But in terms of shoring up her property and protecting her property, wouldn't you have to have one?

**Mr. Weinstein:** We will certainly comply with every requirement. I mean, I'm not sure we're required to have Ms. Kane review our engineering, but if that's the requirement we will.

**Bldg. Inspector Minozzi:** We'll check the engineering at the time when it comes in, and if there's going to be any kind of access onto Ms. Kane's property of course that agreement's going to have to be made at that time.

**Mr. Weinstein:** Absolutely.

**Ms. Kane:** It seems unlikely that you wouldn't need to, given the variance of height and grade in those areas.

**Mr. Weinstein:** As I said, when the existing wall is removed it'll be removed carefully and there will be temporary shoring. And I don't think we'll need access to your property to construct that wall.

**Chairman O'Reilly:** Suzannah, do you have any other questions. Because I'm looking at the time here and we have things we have to get to.

**Ms. Kane:** Yeah, I understand.



**Chairman O'Reilly:** Obviously we haven't finished with this. They'll be coming back again, at which point you can get continued clarification on such things. And Ed, you're obviously going to mention this when you're at the Architectural Review Board. I don't know whether you have to mention it to them, but the issue of the stucco. You had no objection to that so I take it you have no objection to this.

**Mr. Weinstein:** I think the ARB actually recommended we go with a brick that's a little lighter, and that may accomplish the same thing. I agree with the ARB, I think that was a very helpful comment that stucco on that wall just would look out of place. It would look strange.

**Bldg. Inspector Minozzi:** Yes, they want to carry brick around the entire building.

**Chairman O'Reilly:** Okay. By the way, there was another issue on the traffic up on the Q&A. Did you see this one, the Ross family? Just to include commuters in the traffic study, that was the other thing.

**Mr. Weinstein:** You mean pedestrians. Okay.

**Ms. Kane:** No, I think one of the things that had come up in the past – and I'm sorry to step in – was actual vehicular commuters. As you know, this is one of the main thoroughfares for the train every 20 to 30 minutes throughout the day, in addition to the deliveries and the access and egress of the parking lot across the way. The proposed driveway, and deliveries, there are cars that come constantly throughout the day and back up.

**Chairman O'Reilly:** As well as pedestrians, okay.

**Ms. Kane:** Yes, of course.

**Chairman O'Reilly:** Okay, so that should be included as well.

**Mr. Weinstein:** I assume we can come up with the traffic counts based on the proposed architectural development. It's really rather relatively minor, the peak period increase in traffic. There's probably less traffic than there was when it was a funeral home.

**Boardmember Bass:** Ed, Sam Schwartz studied the intersection of Maple and Spring so you may want to reach out to Sam to see if they can share they data or they're retainable for you.

**Mr. Weinstein:** Okay. It wouldn't be a conflict? They're not working for the Village on this?

**Boardmember Bass:** They are, but I don't think that would be a problem.

**Planner Cleary:** The issue is that it's impossible to do traffic counts today. Traffic volumes are just different because of the pause. So any source of existing traffic data is being shared freely among folks these days.

**Mr. Weinstein:** Okay, I'll talk to Sam. Sam's an old friend.

**Boardmember Bass:** Say hi for me.

**Mr. Weinstein:** I will.

**Chairman O'Reilly:** All right, thank you Suzannah.

**Ms. Kane:** Thank *you*.

**Chairman O'Reilly:** And to you, Ed. That was our public input. Nobody else? In that case, we'll move on to the next item.

**3. Steep Slopes Approval – Application of Gabriel & 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**

**Chairman O'Reilly:** This has been out for a while and is coming back to us. I understand the owner is with us.

**Gabriel Ce, applicant:** Right. Good evening. Let me know if I can start sharing my screen to go over the presentation. Can everyone hear me?

**Chairman O'Reilly:** I can hear you, yes. You're loud and clear, though you haven't shared your screen yet. It's starting now. Yes, you're in.

**Mr. Ce:** All right. So thank the board for reviewing our revised application. Last time we spoke, our project was a little bit different than what we are proposing now. Back then we were proposing an addition to our house. We went to the Zoning Board and switched gears to not add to our house, but instead extend our rear patio that serves our second floor unit.

This application, again, is not for an addition. It's for a patio extension that has steep slope implications and building coverage and lot coverage that I'm here to show we're keeping everything within our allowable square footages.

This is the code section, an excerpt from what we require in our property. It's R-75, 30 percent for building coverage and 40 percent for development coverage. The steep slopes in excess of 25 percent, that's the maximum disturbance. This is a survey of the property which you've seen before. I just brought it back here just to show the odd shape of the property. Warburton Avenue is on the left side, the property extends in an odd shape all the way to the Old Croton Aqueduct. It's about 132 feet long by 80, and has this corner cut out on the back.

This is the existing patio we are proposing to remove. It's about 326 square feet. I have a few photos here that shows, from this past winter, the condition of this patio. It's an old concrete slab from God knows how old. There is an old concrete that is bulging already. And you can see from the back of the house some of the views we have of the river. Other photos, if you are standing at our upper landing here – the patio looking towards north and I believe it's 331 Warburton, our neighbor on the north – this is if you are looking south towards 1 Pinecrest. This is if you are looking towards Warburton, and this is the view as you are entering our house from the stairs off Warburton, what that area looks like.

I want to say that what we are proposing is an extension of the work we started doing about four years ago when we first moved in to the house. We're basically building walls. Every year we have a new wall. So that's our third and last phase. In terms of materials, we are keeping with the urban context of what we have around, which is stone masonry with stone pavers. So we're not using any prefab material.

This is the proposed patio. The patio is roughly 20 feet by 43 feet 8 inches. We had a conversation with the Zoning Board where we got an approval as we were encroaching into our rear yard and side yard requirements. That's the area hatched in red. A few things we discussed during our meetings with the Zoning Board is why we chose that location. It's mainly because of the proximity and the straightforward connection to our apartment. We remind the board that our is a two-family. We have a rentable space on the first floor, myself and my family live on the second floor. The access to our second floor unit where we live is to the back of the house.

One of the goals of having this patio is really to create an extension of our house. Our apartment is about 700 net square feet so at least during the warmer months of the year we can have a little bit more space as our family is growing. This is the existing conditions in terms of building coverage and development coverage. We are 16 percent with building, which is the diagonal hatch. Development coverage we are 25 percent, which includes the building coverage in the gray hatch. And the steep slopes issue, we have known that's

between zero and 15. Sorry, we have a little bit that's between zero and 15 percent, which is this less dense green hatch here. And between 15 and 25, pretty much everything else is 25 percent and beyond. That's about 58.82 square feet.

As part of the project we will also be building two session of railroad tie terraces. Each of those lines will be about 3 foot 6. The combined set will be 7 feet, and there's 4 feet in between. There will be a set here and another set in the back. This is the extent we would be excavating in addition to what has been already excavated of our existing patio.

Here's what we are proposing. For building coverage, we are adding very minimally. This is really accounting for the square footage of the walls themselves. They are a stone masonry retaining wall in the back of the patio and sets of railroad ties. We are still within the 30 percent code allowable. Then development coverage we are increasing from 25 percent up to 33 percent, and still maintaining our development coverage within our limitations.

Steep slopes disturbance, we are permanently touching 12 percent of what we have. There will be some work in this area to install our stormwater mitigation system, but once that's installed the dirt will be put back. Talking about stormwater mitigation, this is what our engineer came up. His number is about 13-hundred gallons of water in a 100-year storm event. To mitigate that we will be installing two CULTEC rechargers in addition to a smaller catch basin. That will address the additional load of stormwater in the 100-year storm even. The patio will have two sets of floor drains that would connect to that system. So all the water would be kept within our property.

This is the existing south elevation of the house. This elevation, with the added wall in the back in yellow; existing west elevation from Warburton Avenue showing the yellow wall all the way in the back and the two sets of railroad retaining walls. North elevation, same thing with the wall in the back. Then the east elevation really doesn't change as we're going to be on grade. This is an old photo coming down from Pinecrest Drive. That's before our house was built, and I think I shared this with the board previously. I was looking on public experiences around our house to see if our project would impact any of those experiences. I tried to match the view from the top of Pinecrest Drive with an existing photo. This is from last fall and it's existing how the house is now. Then you see just a little corner of the wall. It's really not impactable (sic) from this view.

Then a view from Warburton Avenue showing our house, then the retaining wall in the back, the sets of railroad ties on the side of the property. Again, this is really to treat as a landscape feature, respecting the hill but creating a little bit more space, outdoor space, that our family could use and our tenants could use as well. The view from the south. This is on top of the 1 Pinecrest retaining wall looking down. That's a photo montage of what the wall would look like, not impacting river views. This is the view from the Old Croton Aqueduct looking

towards the house in the winter. You can see how much you actually see of the river from the Aqueduct in the winter. Again, the wall doesn't really impact those river views.

That's what I have to present. I think there's more material in the drawings I submitted to the board, and I'm happy to flip back to any page any boardmember would like.

**Bldg. Inspector Minozzi:** Bill, can I just interrupt for one second? They did receive a view preservation waiver on this project. I'm acting as the Village engineer on this project, and the only thing I would recommend to Mr. Ce is that he put a sediment trap between the patio and the drywells. Other than that, everything seems to clear out quite fine.

**Chairman O'Reilly:** So you're doing the engineering report.

**Attorney Whitehead:** He's reviewing it.

**Chairman O'Reilly:** Reviewing it, I'm sorry. Yes.

**Bldg. Inspector Minozzi:** Yes, I'm doing the review on this one because it's pretty simple.

**Chairman O'Reilly:** I don't have any questions. I think you're actually doing a nice job and making the most of the landscape. Are you planting anything in there?

**Mr. Ce:** Well, we put ground cover and tried to make a garden out of this slope to help beautify the street.

**Chairman O'Reilly:** Is this about where it's the limit of your property or something?

**Mr. Ce:** Sorry, say that again?

**Chairman O'Reilly:** This is the limit of your property?

**Mr. Ce:** Right. You're extending here right on our eastern edge.

**Chairman O'Reilly:** Okay. I don't have any problem with this one.

**Boardmember Speyer:** What is the paving material on the patio? Is it flagstone?

**Mr. Ce:** The patios we have right now, they're all flagstone. We are planning to go that route here again. If it's flagstone or a brick paver it will be set in a bed of concrete. We will try to do flagstone so everything keeps consistent and more historically-looking. But there is a budget involved so we'll make that decision when we start receiving pricing.

**Boardmember Speyer:** Thank you.

**Boardmember Bass:** I have an unrelated question.

**Attorney Whitehead:** Not allowed at this hour, Richard [laughter].

**Boardmember Bass:** I'm going to ask it anyway. Since you live at the corner of Pinecrest and Warburton, what would you think of a stop sign on Warburton so people wouldn't speed through your area?

**Mr. Ce:** I have been to Board of Trustees meetings more than three times asking for that stop sign. The last I spoke, which I believe was September 21, my birthday, I was promised they would push that with the county. The issue for Warburton is that it's a county road so it has to come from the county and not from the Village. I think the Village wants it, but the county traffic engineer had some issues. Apparently, and it's weird, you cannot use a stop sign and a pedestrian crossing to reduce traffic. You need to have other measures to reduce traffic before you get a stop sign, which doesn't make sense to me. But that's what I was told.

**Boardmember Bass:** No, that's what I was told too. It doesn't make sense, but that's what the rule is. But my suggestion is to reach out to the state senator and see if she can convince the county and the state DOT to change their mind.

**Mr. Ce:** I will try that.

**Chairman O'Reilly:** Anyone else, any questions? Tom?

**Boardmember Speyer:** No questions.

**Chairman O'Reilly:** Emily?

**Boardmember Goldman:** Sorry, no questions. I was just unmuting.

**Chairman O'Reilly:** Eva?

**Boardmember Alligood:** I don't have any questions.

**Chairman O'Reilly:** And Kathy?

**Boardmember Sullivan:** None.

**Chairman O'Reilly:** There we go. Therefore do I have a motion?

**Boardmember Bass:** Public.

**Chairman O'Reilly:** I always forget the public when I'm not looking at them. Okay, any public comment?

**Planner Cleary:** You don't have any public left.

**Chairman O'Reilly:** There's no public here.

**Attorney Whitehead:** I was just going to say there's no public left.

**Boardmember Bass:** Yes, we wore them out.

**Chairman O'Reilly:** Therefore this goes to the Zoning Board with recommendation?

**Attorney Whitehead:** No, there is no view preservation here. Got a waiver and they've already gotten the variances required. All you have to do is steep slope approval.

**Chairman O'Reilly:** Okay. And that goes in the form of a motion.

On MOTION of Boardmember Bass, SECONDED by Boardmember Alligood, with a voice vote of all in favor the Board resolved to grant steep slopes approval.

**Chairman O'Reilly:** I heard Eva again.

**Boardmember Alligood:** I beat you to it, Kathy.

**Boardmember Speyer:** I didn't even try that time.

**Chairman O'Reilly:** You think Kathy won, do you? Okay.

**Boardmember Sullivan:** I think so, this time.

**Chairman O'Reilly:** Unanimous. Thank you.

**Bldg. Inspector Minozzi:** Well, Mr. Ce will just have to come in when he submits the plan. He just needs to add the additional sediment trap.



**Chairman O'Reilly:** Not for us. He doesn't have to come back to us. All right, thank you.

**Mr. Ce:** Thank you, all.

**Chairman O'Reilly:** Bye-bye.

We have a new public hearing, steep slopes approval again.

#### IV. NEW PUBLIC HEARING

**Steep Slopes Approval – Application of Sean Connaughton for a  
new dwelling on his property located at 0 Cedar Street  
Said property is located in the R-10 Zoning District and is known as  
SBL: 4.140-147-26 & 27 on the Village Tax Maps**

**Chairman O'Reilly:** Mr. Connaughton, are you here?

**Ed Marron, Kevin Kelly Architects:** Sean, hit "unmute." I'll be representing Sean, and we have Thomas Mahoney from Hudson Engineering here as well.

**Chairman O'Reilly:** Thanks for waiting. Sean will figure it out eventually.

**Mr. Connaughton:** Here I am.

**Mr. Marron:** There he is. Can I get to the ...

**Chairman O'Reilly:** Could you introduce yourself again because I ...

**Mr. Marron:** My name is Ed Marron, I'm with Kevin Kelly Architects out of Rye. "Share screen."

**Chairman O'Reilly:** Okay, you're in.

**Mr. Marron:** I'm in, that was too easy. That means it's all going to fall apart fast.

**Attorney Whitehead:** You win the prize. You go it the fastest.

**Mr. Marron:** No, I was the most patient I think. Now I'm going to try to be quick, and I apologize for the late hour. We propose a new single-family home on a vacant lot on Cedar Street. Our building envelope and our property line is interesting. What we've done is

brought the house tight into the middle, and our final disturbance will be this line here that goes to here. What we've done is, we've done no grading along the outside edges of the property, to here.

What we've introduced is a drywell system here along a play yard, but also the level spreader to avoid surface water from running down into the lower property over here. It also will contain our drywell system. We've got a drainage system in the driveways to bring any sheet water that's coming down the driveway into the drainage system. We propose to grade from the existing stone wall in the front of the house to incorporate a propane tank. As you know, Con Edison has made a moratorium to get our energy efficiencies everybody wants. Propane is going to be the way to go. That's the only wall we're going to be taking down. Actually, we're just going to be using the wall as the grade and now we're going to be grading out to the proposed driveway.

The retaining walls in the back remain. We intentionally did not put patios back here; we put a raised deck so the walls can stay. We do have a landscape plan where we're using native plants to fill in the areas up here where the steep slopes are so we're not touching these here and we're not touching these here. Sorry if I'm going too fast. The existing grade is along the buildings. This is the front wall we were discussing, this is where the propane tank will go, and we'll bring this in to here. As you can see, the black line is the existing grade, the green line is the proposed grade. We're only planning on changing the grade from the front of the house to the back corner of the house to accommodate the driveway and entrance. Everything else will remain the same.

You can see our height lines, our height lines here and our height lines here and our height line way up here. All meet the code, they're above the roofline. Go back to the property, the driveway. We meet the code. We're hitting 108, almost 109, and we're going up 3 feet to the garage; giving it a little bit of etch. The retaining wall along this side here will create the level spreaders and swing set area. It's about 3 feet high.

**Chairman O'Reilly:** This is a 3-foot grade down here on the driveway, did you say?

**Mr. Marron:** Right here, to here?

**Chairman O'Reilly:** No, here.

**Mr. Marron:** Oh, from here to here?

**Chairman O'Reilly:** No, here to here. This is the driveway, right, out of the garage?

**Mr. Marron:** This is the garage right here.

**Chairman O'Reilly:** Oh, here's the garage. This is driveway.

**Mr. Marron:** This is the driveway right here, so you have a tracking pad. The only real excavation other than the house is going to be right here. All activities will be right in here. Except for landscaping there'll be very little activity here. Most of the trees stay. The basement, we show a full basement but our expectation is to not excavate or rock-hammer more than a week to get frost protection. Then we'll do a crawl space, which appears to be at least 30 percent to 40 of the basement, as existing. We'll just find that sweet spot, pour a slab over it, and call it a day.

There's not a lot of fill coming out, there's not a lot of fill coming in. I can get you a number next month that'll be on the high, not anticipate rock out of there just to be safe, if you like. But it won't be a hundred yards. Do you have any questions before I take the next step? Because the next step I want to discuss the steep slopes.

**Chairman O'Reilly:** No.

**Mr. Marron:** I'm mesmerizing you, huh, or it's that late?

**Chairman O'Reilly:** That's fine.

**Mr. Marron:** It is past my bedtime, too, so I'm sorry if it doesn't work. This one's probably not going to come out. Let me see if I can zoom out a little bit. We'll go to the color picture then.

**Mr. Mahoney:** Ed, if you like I have another color picture that's blown up.

**Mr. Marron:** Yeah, bring it up Tom because I want to show ... this is Thomas from Hudson Engineering. He was on with Paddy earlier, don't hold it against him. What you'll see here ... let me exit out, right Thomas?

**Mr. Mahoney:** Yeah, I'm trying to share right now.

**Mr. Marron:** Okay, let me exit out. Hold on. Now it's too hard – "new share." I knew this was going to be harder than I thought. It was going too easy.

**Mr. Mahoney:** All right, can everyone see my screen?

**Mr. Marron:** There you go, thank you. So if you look at Thomas' screen, the brown areas are the steeper slopes. The red line is the building envelope line. There is nowhere in the building envelope where we won't hit major square footages of the steep slopes. Is there any

chance, Thomas, you can bring up the rakeesh steep slopes map? It shows where the 25s are a little bit.

**Mr. Mahoney:** I don't have that in my ...

**Mr. Marron:** No, that's okay. If you go to the north 25 on the north lot, if you go to the brown section, that area over 25 percent is 457 square feet, all in the building envelope. If you go south from there you hit a little 400 square feet of 490, and then we get into two big areas that are over 25; that's 466 and 707. Therefore regardless of where we put this house in that building envelope – whether we slide it back, slide it forward, or even reduce it in half – we'll still have a significant overage in the 25 percent zone.

This lot is very interesting. We made a great effort to leave the 25 percent on the northeast side of the property. No, northwest side of the property, I'm sorry. Leave that section, and there's a bunch of nice gardens in the back corner so we wanted to leave that as well. It's difficult, and we will come up with some answers for you on the alternates that can be done, but I don't see any major significant changes that can be done to alter the disturbance within the steep slope because of the magnitude of the steep slope and the building envelope itself. Any questions?

**Boardmember Bass:** So in short, if we didn't have the relief mechanism in our zoning code this site could not be built upon, based on your description.

**Mr. Marron:** That's correct because our allowable square footage in the 25 is very small, so we're talking a house of less than half.

**Chairman O'Reilly:** One of the estimates you sent us ... are we looking at what's been revised because I understand there was an error in the percentage calculation?

**Mr. Mahoney:** Yes, this was revised. If you'd like I'll go over it briefly just to expand on what Ed said. The allowable disturbance for the 15 to 25 is 1,175, and of the 25 and greater it's 1,771. Within the building envelope, you could see there's almost no flat area. To expand on that, just to provide access and the foundation of the building, we're already over those two thresholds. For the 15 to 25, we're at 17 percent over. And for the 25 to vertical we're at 49 percent.

Then for the proposed disturbance – again, to bury the tank, to install our stormwater system, and grade out the right side of the property – that's where we get our 41- and 69 percent for the limited disturbance.

**Chairman O'Reilly:** So here's our second lot that could not be developed if we didn't have

our ... so you are looking for a hardship variance?

**Mr. Mahoney:** Yes.

**Mr. Marron:** Yes.

**Chairman O'Reilly:** Hmm, okay.

**Mr. Marron:** We added a deck, again just so we wouldn't be disturbing anything underneath.

**Chairman O'Reilly:** All right, I just had a couple of questions. The only thing being not related to steep slopes, but just the site. When you come out here, the driveway, this is where the street is narrow. It broadens out just past here. So you are coming out at the narrow point here. That was one thing I did notice about the site apart from the steep slopes issue.

**Mr. Marron:** You know, it's a public road, it's on public property. If you want to have DPW go out there and make a recommendation we're happy to listen if something can be done to better it while we're there.

**Chairman O'Reilly:** I have no suggestions as to how that might happen.

**Mr. Marron:** I don't either. When you look at it, that's when it starts picking up the slope. It's kind of like a logical place not to have it. Whether it's straight or it turns sooner I think the road will get steeper faster and create a hazard.

**Chairman O'Reilly:** Okay, that was my question. Anybody have any comments, questions? Obviously it's another difficult lot. Richard, Kathy?

**Boardmember Sullivan:** I wondered ...here was a statement made that there were other options that were looked at. I was wondering what those were.

**Mr. Marron:** We went through all the options, and maybe over-anticipated but we had a patio, we removed it; we had a bigger house, we made it smaller; we had it sitting higher, we lowered it. We've already hit a lot of the options that would just push it over the edge. We had more disturbance in the front yard; we removed it. We had more disturbance in the backyard, we removed it. If we could build a wall along the driveway to remove some steep slopes with that fill is, that's an option. But is it an option? It's a coverage issue, it's a maintenance issue, and quite frankly it's a hazard for the drivers of the car. So we graded it out and it's just another wall that nobody really wants to see.

We've done those options, but we will provide some options to show you a building-compliant house. I'll draw what we can do for compliance. It'll be one-third.

**Boardmember Sullivan:** Well, you picked an elevation of, say, 120 or 121 to set the first floor?

**Mr. Marron:** That's correct.

**Boardmember Sullivan:** About where the wall is on this site, the north side. By the time you get over to the southern side you're well above grade. And you've created out a whole area, flattened out a whole area, because of that choice. So I wondered if there was (cross-talk) ...

**Mr. Marron:** We're not flattening out that area.

**Boardmember Sullivan:** Huh?

**Mr. Marron:** We're leaving the grade. The whole back corner of the property stays existing grade from there north. The blue line is where we're going to be grading to put a level spreader in to stop the water from hitting the neighbors to the south. Then also we need this space to put the infiltrations in to have the proper soils for it to collect properly. And that's need for the wall. But at the same time, what it does is it gives what's called a level spreader. It stops the water from flowing down the property and then hitting that lower lot. So we can eliminate that wall, we can put different chambers in, but we wouldn't be doing a fair and just service to the house to the south.

**Boardmember Sullivan:** But you could still move the house over towards the south to lose setback and drop it down so you don't have the house be so high. And you could make the driveway not necessarily ... where your driveway naturally goes down, you're making it go up 3 feet. So you're doing a lot of that.

**Mr. Marron:** When you look at the brown lines on the plan, if we leave the house the same size and move it south 7 to 8 feet it will increase the encroachment into the 25-plus percent because of that big brown spot right to the south of the proposed house. So we will increase, not decrease the amount 25 percent will encroach.

**Boardmember Sullivan:** My thought would be, you would potentially have less fill righteous in because of doing that.

**Mr. Marron:** It's nominal, but yes.

**Boardmember Sullivan:** Another option is to take the house and rotate it 90 degrees so the short end is towards the street and the long end goes from front to back. That's a very standard house type in that area. If you drive up this nanny goat hill we have here, many of the homes have the short side facing the street and the long side facing the other way.

**Mr. Mahoney:** This is just an overview of the neighboring houses.

**Boardmember Sullivan:** Yes, but you're looking at the houses that are ... the ones I'm talking about are where you're at there.

**Mr. Mahoney:** The ones on the right side of the page.

**Boardmember Sullivan:** Right, and it's on both sides of the street for a ways once you get up that hill. It's not an uncommon thing. But that would allow you potentially not to even get into some of the larger slopes, and the wall you have to take down.

**Mr. Marron:** No, if we move the building south we're increasing the encroachments another 25 percent.

**Boardmember Sullivan:** But when you rotate it ...

**Mr. Marron:** I'm sorry. We can lower the driveway, as is, a foot. It's not a big deal. What's going to happen is, if I can get back to plan I'll show you.

**Mr. Mahoney:** I have your plans.

**Mr. Marron:** Oh, you do? There you go, keep going. One more plan.

**Mr. Mahoney:** This is all I have.

**Mr. Marron:** Oh, I'm sorry. That's it. So if you're looking at the proposed south elevation, we're putting the house right on grade; we're not doing any digging. It's been carefully thought out for economics and disturbance to the land. We don't want to rock-hammer, we don't want to blast, we don't want to dig any deeper than we have to. We've taken into consideration the neighbors, our plantings are all native plantings. We're really trying hard to make it as comfortable a house as possible without making it ... I think the housing stock in that area is a traditional Cape and ranch, and we're trying to keep that look.

**Boardmember Sullivan:** It would be very useful to see your options that you looked at.

**Mr. Marron:** Okay, I'll be more than happy to submit some. Any more questions?



**Chairman O'Reilly:** Patrick, you had a few items but nothing but just comments, right?

**Planner Cleary:** Actually Ed touched on all of those issues, so nothing else.

**Bldg. Inspector Minozzi:** We haven't received Hahn's comments yet, but I do know that Hahn has been working with the applicant. I spoke to Doug about a week ago so we're anxiously awaiting to see what he has to say.

**Mr. Marron:** Any other requests for the next submission?

**Chairman O'Reilly:** Anybody else?

**Mr. Marron:** Great.

**Boardmember Bass:** I'm good.

**Chairman O'Reilly:** Okay, anybody from the public commenting at all? Anyone there?

**Mr. Marron:** I don't think there's anybody left.

**Chairman O'Reilly:** I have to ask.

**Mr. Marron:** No, I understand fully.

**Chairman O'Reilly:** Otherwise I'll get picked up by members of the board.

**Mr. Marron:** I understand.

**Mr. Steinschneider:** I'm still here but I'm just watching. I don't have any comments.

[laughter]

**Mr. Marron:** See, Paddy's just going to get even with me later.

**Attorney Whitehead:** I can't figure out, Paddy, why you're still on.

**Mr. Steinschneider:** We can have cocktails and have that discussion.

**Chairman O'Reilly:** You forged the way, Paddy, on buildable lots.

**Mr. Marron:** No, no. See, Paddy, it's not about you all the time.

[laughter]

**Mr. Steinschneider:** That's for sure.

**Chairman O'Reilly:** All right.

**Mr. Marron:** I want to thank you very much for being patient. I apologize for being so late, even though it's not my fault. It's Paddy's.

**Boardmember Goldman:** I was just going to say it's not your fault.

**Chairman O'Reilly:** You have the benefit of being last, a short hearing.

**Mr. Marron:** Paddy, I texted you an e-mail twice while you were making your presentation: call me back.

**Chairman O'Reilly:** Okay, we'll be looking at site development but anyway the only thing we're waiting for is the Hahn report. That's all we can do for this evening.

**Mr. Marron:** Then that's fine. Once again, any more requests? I'm happy to provide them.

**Chairman O'Reilly:** None of us have any additional comments.

**Mr. Marron:** Great.

**Chairman O'Reilly:** I think that is a given.

**Mr. Marron:** Thank you.

**Chairman O'Reilly:** Very good.

**Mr. Marron:** Thank you very much for your time.

**Chairman O'Reilly:** And thank *you*. We're at the end of the hearing, and the next item would be just to notify about our next meeting, the third Thursday in June, 7 o'clock.

**V. DISCUSSION ITEMS – None**

**VI. ANNOUNCEMENTS**

**Next Meeting Date – June 18, 2020**

**VII. ADJOURNMENT**

Chairman O'Reilly adjourned the Regular Meeting.