

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
REGULAR MEETING AND PUBLIC HEARING
SEPTEMBER 28, 2017**

A Regular Meeting and Public Hearing was held by the Planning Board on Thursday, September 28, 2017 at 8:15 p.m. in the Municipal Building Meeting Room, 7 Maple Avenue, Hastings-on-Hudson, New York, 10706.

PRESENT: Chairperson Kathleen Sullivan, Boardmember Eva Alligood, Boardmember Michael Ambrozek, Boardmember Kerry Gould-Schmit, Boardmember, Boardmember Richard Bass, Village Attorney Linda Whitehead, and Building Inspector Charles Minozzi, Jr., and Planning Board Secretary Mary Ellen Ballantine

Chairperson Sullivan: Ready, folks? All right, welcome to the Hastings-on-Hudson Planning Board meeting of September 28, 2017. May I have the roll call, please?

I. ROLL CALL

II. APPROVAL OF MINUTES

**Regular Meeting of July 20, 2017
Regular Meeting of August 17, 2017**

Chairperson Sullivan: We had meeting minutes from July 20 of 2017, which I put on hold until this meeting. I have a few comments, nothing substantial, but I need to pass them on to you after the meeting. I took a look at them.

I think Michael might have had some comments last time on the July meeting?

Boardmember Ambrozek: Yes, that's the only comment I have so I think that's been addressed.

Chairman Collins: So why don't we vote to approve. May I have a motion?

On MOTION of Boardmember Ambrozek, SECONDED by Boardmember Bass, with a voice vote of all in favor the Minutes of the Regular Meeting and Public Hearing of July 20, 2017 were approved as amended.

Chairperson Sullivan: The next set of meeting minutes are from August 17, 2017. Again, I have a few comments, Mary Ellen, that I'll pass on to you after the meeting. Anyone else have any comments on those meeting minutes?

Boardmember Ambrozek: I have just small comment. On page 88, my first statement has the phrase "*Is not what you end up, and ...*" That should read, "Is not what you end up 'with,' and ..." That's all.

Chairperson Sullivan: OK, thank you. Anyone else? May I have a motion to approve the meeting minutes from August 17, 2017?

On MOTION of Boardmember Ambrozek, SECONDED by Boardmember Bass, with a voice vote of all in favor the Minutes of the Regular Meeting and Public Hearing of August 17, 2017 were approved as amended.

III. NEW PUBLIC HEARINGS - None

IV. OLD PUBLIC HEARINGS

Chairperson Sullivan: All right, we have a few old public hearings. I wanted to mention tonight that we have a board that's five of seven so votes go majority of the Board, which would be four. So I just wanted to make mention of that so if there's any voting going on people can make their decision on whether they'd like us to do it or not with that size of Board.

Village Attorney Whitehead: They're saying they can't hear you.

Chairperson Sullivan: I'm sorry. I'll try again.

Tonight with have a Board of five. To vote on anything we need a majority of the full Board, which is four. So we will give people the option if they want us to vote, if we come to that point on any particular thing. I just wanted to mention that before we start.

Village Attorney Whitehead: So if anybody's concerned that with only five members here they don't want to Board to vote – because you need four out of the five – we'll let you adjourn.

Chairperson Sullivan: You explained it better than I did. Something the Zoning Board does much more frequently than we do.

Village Attorney Whitehead: They have a smaller board and ...

Chairperson Sullivan: They vote more often.

All right, first public hearing is the view preservation advisory and steep slopes approval application of Joan Dinowitz.

1. **View Preservation Advisory & Steep Slopes Approval – Application of Joan Dinowitz for the major renovation, additions and solar panels on a single-family dwelling on her property at 3 Ward Street. Said property is located in the MR-1.5 Zoning District and is known as SBL: 4.70-54-3 on the Village Tax Maps.**

Chairperson Sullivan: The last meeting we discussed resubmitting for view preservation and steep slopes, which you've done, and also a mockup which was very helpful so thank you. We also had a request to have a dimension on the height of sort of a wing wall that's coming up the front of the elevation.

Barry Poskanzer, project architect: Sure.

Chairperson Sullivan: So before you start, Buddy, we got a letter from Doug Hahn on this. Would you like to mention that?

Building Inspector Minozzi: Yes, we have a memo from Doug Hahn. We got it yesterday; I sent it to the applicant and all the Boardmembers. There's nine issues Doug felt need to be addressed. Do you want to read those into the record?

Village Attorney Whitehead: It's in the record.

Chairperson Sullivan: I just wanted you to have a chance to talk about it, since it came to us.

Village Attorney Whitehead: It was all just items relating to the stormwater, which relates to the steep slopes permit.

Mr. Poskanzer: Right.

Chairperson Sullivan: All right, thank you very much.

Mr. Poskanzer: Thank you, Madam Chair. I'm representing the applicant. We have presented to you the drawings, I think, that you requested, with photographs taken from the Aqueduct above the property and from the apartment windows of the building directly to the east. If I may?

Chairperson Sullivan: Please go ahead. As you know, use the handheld and make sure the camera can see what you're pointing to.

Village Attorney Whitehead: Do you want to turn the easel? That's good.

Mr. Poskanzer: The original application we went through last month, we brought drawings of the existing house taken from the same perspective of what the proposed house would look like. We brought four of those. You then requested we bring additional information. We provided drawings A-5, which show photographs of the entire site look around, but not exactly the ones you wanted because you wanted the comparison from locations of specific places. So on drawing A-6 we have a pair of drawings. In each case they show the existing house with the scaffolding put up to show the indication of where the expansion would be, and then the photograph with the actual house Photoshop'd into as close as we can make to be the real location that will finally be there.

So there are drawings from the northeast, and these three on the right side indicate from the different floors of the condo directly to the east of us. It's hard to see, in fact, our building in some of the pictures based on the foliage and the nearest top of the house that we're proposing to enlarge. The drawings themselves are, I think, pretty clear. We have another sheet.

Chairperson Sullivan: Just to clarify, on the set of six photographs that are to the right the ones that show the existing house show the house with the mockup, correct?

Mr. Poskanzer: No, they were taken after the mockup wasn't up yet.

Chairperson Sullivan: Oh, was not up. OK.

Mr. Poskanzer: But the exact location shows the house where it will be, OK? I think, actually, the trickier ones are on the next because these views are actually above the house. They're hardly blocking the view. I'd like to think that my client has been a sensitive

neighbor, hardly bringing a view preservation project that as de minimis an impact on the neighborhood as this one does. I hope you see it that. We've tried very hard. All we were doing – rather than increasing the size of the building – was just simply increasing the use of the upper level. I (unintelligible) also that we didn't have a wasted attic space. In that small addition, we think that's a responsible way of dealing with the view preservation aspects of the town.

Boardmember Alligood: Can I ask you one question while you're still on that page?

Mr. Poskanzer: Sure.

Boardmember Alligood: I did go and see the mockup. It wasn't clear to me from the presentation before, but here on this photo it shows there's some sort of structure that comes out from the building over the driveway?

Mr. Poskanzer: Yes, it's like a carport but it's not the full depth of a car. It has two purposes: one, it gives partial cover to get out of the car in bad weather, and two, it's an architectural outlet we thought helped just having a clumped little box sitting right there on the site all by itself. It attaches itself to the ground, we thought, a little more graciously. Also, it's a device to get out of your car if the weather is rainy, et cetera.

Boardmember Alligood: So it's flat, but it's narrow?

Mr. Poskanzer: Yes, it's the thickness of the structure; just a canopy, wooden lattice that allows you to get out underneath that space. But the truth is, it's an affectation of some architect who thought it was the nicer way.

[laughter]

I don't know who that person is, but I'll have to get back to you.

The next page, A-7, shows some more, I think, quite meaningful photographs – maybe the ones that are most crucial to the aspect of the impact on the neighborhood. The first one is looking just to the south of the condo building and the Aqueduct, looking down the driveway. It shows the original, existing house there and the proposed impact looking down, when the building is done. The one below is quite similar. This is up from the Aqueduct Trail. The indications of where these photographs are taken is shown on the maps so you can know where we were. There's so much foliage that it's quite hard to see any of this at all. We were hoping not to wait for the middle of the winter to do it again, but the truth is the activity being outside we put a marker to show you because you can't actually see anything

through the leaves. But that dot indicates where the same condition would be if the new house were built.

Chairperson Sullivan: I think your client wants to speak.

Mr. Poskanzer: My client won't.

The next, the one below it, shows the same thing, OK? Similar conditions. Then from the Aqueduct Trail, views looking down. In all cases we had just the ability to put a dot to indicate where it would be because it's so hidden by the foliage. The two issues we're here for tonight are the question of view preservation and the steep slopes. We have one other item we have, the trifecta, which is some minor variance to go before the other board. Hoping you will see that this is, in fact, an insignificant and a sensitive way to solving the problem and allowing development on my client's property, and in keeping with the spirit, or the sense, of view preservation for the town.

Chairperson Sullivan: Thank you very much. I think I'd like to have the steep slopes presentation, public comment, and then Board comment. Does that make sense?

Mr. Poskanzer: OK, I'll be here so I'll wait for the questions for me. We have Hudson Engineering to respond to the Hahn report. We've had a chance to read them all, and he'll be able to tell it to you.

Chairperson Sullivan: Thank you very much.

Ubadah Abdullah, Hudson Engineering: Good evening. At the last meeting, you guys recommended we discuss with Mr. Minozzi exactly what constitutes disturbance on a site. We updated our steep slope analysis accordingly, and per the updated analysis we're disturbing 858 square feet of slopes between 15- and 25 percent; 757 is what's permitted in the code, then we're over by 101 square feet. So we're over by about 13 percent."

We're also disturbing 1,694 square feet of slopes 25 percent or greater; 946 square feet is permitted, we're over by 738 square feet, or 79 percent. However, a large portion of that disturbance is due to the restoration of this area over here and the driveway area over here. These are impervious areas that are being removed and restored with grass turning what would essentially be steep slope areas. The walkway area disturbance is made up of 454 square feet of slopes 25 percent or greater, and 97 square feet of slopes 15- to 25 percent. The driveway is made up of 461 square feet of 25 percent slopes or greater, and 500 square feet of slopes 15- to 25 percent.

Therefore, in total, restoring these two areas is disturbing 915 square feet of steep slope disturbance over 25 percent. Without these two areas, it would only be 779 square feet of disturbance of 25 percent or greater along the rest of the site. That is below the 946 square foot threshold, and therefore would be under as far as the 15- to 25 percent. Without the steep slope disturbance between 15- and 25 percent for these two areas we'd be at only 255 square feet which is, again, under the 757 square feet.

Village Attorney Whitehead: Buddy, I thought we looked at this. Are those counted because they're being re-graded?

Building Inspector Minozzi: What we took out is the stuff that's being taken out and returned. So that was all taken out of the calculations, but I don't recall being asked to take out what's being put back.

Village Attorney Whitehead: The way the code reads is, the numbers are based on the areas that are developed, paved, re-graded, or stripped of vegetation without appropriate measures to prevent erosion. So that's why the number's adjusted a little bit from last time.

Chairperson Sullivan: The areas he mentioned that are being re-graded, but made into steep slopes, fall under the steep slopes.

Village Attorney Whitehead: Correct. Even though they're still pervious they're not being developed, if you will.

Chairperson Sullivan: Thank you for that breakdown. That was helpful to do it that way to understand what was removing impervious surface and making a slope.

All right, public comment. Would anyone like to speak to this? Any public comment on either view preservation or steep slopes?

Christina Lomolino, condominium president: I'm the president of the seven-unit condominium just to the east of the subject property. I wanted to express our thanks for putting up the scaffolding. It made it much easier for the people in our building to visualize what a full second floor on the property would look like from the perspective of our building.

First, I have a question. The question has to do with the vertical design feature to the right of the doorway, which I had thought – coming out of the last meeting – we had been told would extend above the roofline of the existing building. However, the scaffolding that's up shows that vertical feature 2 feet above the new structure, not 2 feet above the existing roofline. I was just seeking clarification on that point, to start off.

Mr. Poskanzer: I think the scaffolding is pretty close. I'm not going to say that scaffolding is the building, but it's supposed to be 2 feet above the existing roofline – I'm sorry, 2 feet above the parapet that's there. By the way, the wall they're discussing is a thin wall that's about 12 inches thick and about 4-1/2 inches deep. Unfortunately, when you look at the scaffolding to support it, it shows a piece that runs all the way back across what will be the future roof. That's not what the thin wall is; it's a mere piece of architecture on the front of the building. But it's approximately 2 feet higher than the parapet, and that's simply an architectural reason to separate its line from the rest of the parapet wall.

Chairperson Sullivan: If it's 2 feet higher than the parapet it's close to the existing peak?

Mr. Poskanzer: It's 3 actually probably slightly above the existing peak.

Village Attorney Whitehead: The existing peak, which is disappearing.

Mr. Poskanzer: That's correct.

Ms. Lomolino: So it is how far above the existing roofline?

Mr. Poskanzer: There is no existing roofline. It's a pitch. You mean the highest ...

Ms. Lomolino: Right, the highest point of the peak.

Mr. Poskanzer: That's probably about equal or a hair higher; 8 inches or so higher than that.

Ms. Lomolino: I see.

Mr. Poskanzer: I think the scaffolding is really good, but I'm not sure it's perfect.

Ms. Lomolino: OK. From the point of view of our building, we would prefer if that structure – the vertical structure, which I understand is a design feature and not integral to the functioning of the new plans – could be not above the existing roofline. But that sounds like what your plan is, in any event.

Mr. Poskanzer: That's our plan.

Ms. Lomolino: OK. The only other thing I wanted to bring up is that the people in our building have noticed, once the scaffolding is up, that there's a two-story window on the

second floor – a large, stationary window it looks like from the plans – if I'm correct. Now, the façade of our building that faces west has very little to do with the windows on the existing house because they're so small. However, in the new plan the views from our building will be into that very large two-story window of the new building, the new second floor which has a two-story window, if I understand correctly.

The people in the building wanted know, is that going to be clear glass, is it going to be etched glass in some way? In other words, will our view now be of that large window, with your view of us and our view of the new construction being changed?

Chairperson Sullivan: Would you mind turning to the photographs were taken from the front?

Mr. Poskanzer: Actually, your question is a good one but it's really not the purview of the view preservation. You have questions about their façade element – which may be appropriate, you can talk to the owner – but I don't think that's our purview. I wouldn't want to open that up as a precedent for having a design review of something we're not supposed to do a design review on.

Chairperson Sullivan: Do people have similar feelings?

Boardmember Alligood: Yes, that's what I was thinking. If anything, it's giving more view because it's more transparent. I don't think it is relevant to what we're supposed to review, unfortunately. We're not a design kind of a body, in that sense.

Ms. Lomolino: Well, I don't know how broadly or narrowly you construe your mandate.

Mr. Poskanzer: On other applications, not on this application.

Village Attorney Whitehead: Where you have site plan approval jurisdiction there are some design elements you get into, but this is a single-family home so it does not require site plan approval.

Chairperson Sullivan: Right.

Village Attorney Whitehead: So you're looking strictly at steep slopes and view preservation. And view preservation, as you know, relates only to the impact on the view to the river and the Palisades, not what people see.

Chairperson Sullivan: Thank you very much.

Ms. Lomolino: All right, that's the end of our comments from out building.

Chairperson Sullivan: All right, thank you. Anyone else like to speak to this application?

Michael, you want to start off with any questions for the architect and the engineer?

Boardmember Ambrozek: Yes. Well, I really had only one question regarding view preservation. The structure is going to have a parapet around it, then you're going to mount the solar panels on the new roof.

Mr. Poskanzer: Right, behind that parapet.

Boardmember Ambrozek: OK, but what's not clear to me is will the new roof be a flat roof until it meets the existing pitched roof?

Mr. Poskanzer: No, the pitched roof will be removed. There'll be no pitched roof. The pitched roof does this; we're cutting it off here, taking the wall straight up, and putting a straight piece across.

Boardmember Ambrozek: Oh, OK.

Mr. Poskanzer: And it's a new ... we'll call it flat. Of course, it's not because it drains, but it will be a flat roof.

Boardmember Ambrozek: Effectively.

Mr. Poskanzer: To put the solar panels on. And they are tilted at such a low angle that they are in fact lower than the top of the parapet.

Boardmember Ambrozek: That was the issue I was trying to get to.

Mr. Poskanzer: Good. We had if drawing – I'm sorry if you didn't see it. It was caught in that missed mail last month, when we sent all the application drawings. We sent a separate drawing ahead with details that show the flat roof, the solar panels, and the height of the parapet.

Boardmember Ambrozek: OK, that was my only question. Thank you.

Mr. Poskanzer: Good, thanks.

Chairperson Sullivan: Eva, any thoughts, any questions?

Boardmember Alligood: No, it looks fine to me.

Boardmember Gould-Schmit: It looked fine to me, and I appreciate that you went out and put up all that scaffolding. It was pretty extreme for what we typically see. This is not our purview, but it's a pretty tight spot back there during construction. So I guess I would just say, as much as you can be respectful to the neighbors trucking things in it's pretty small back there.

Mr. Poskanzer: That's why we have steep slope issues. It's a very tight little place to work. We'll be very careful.

Chairperson Sullivan: Richard, any questions?

Boardmember Bass: None.

Mr. Poskanzer: I don't know how it works in your board, but if the Board is prepared to take a vote we are certainly willing to have it voted at this time, open for four out of the five, for you to approve the project.

Chairperson Sullivan: OK, good.

Mr. Poskanzer: Thank you.

Chairperson Sullivan: All right. I have no comments either. I think the mockup was very helpful to see, and I appreciate the explanation of where the steep slopes overages were because that was quite a bit and you described it very well. I had some suggestions on what to maybe do to modify it, but they're moot, I think, in the course of what you've done.

Would we like to take a motion to approve the advisory for view preservation?

On MOTION of Boardmember Bass, SECONDED by Boardmember Ambrozek, with a voice vote of all in favor the Board resolved to approve the advisory for view preservation for the major renovation, additions and solar panels at 3 Ward Street.

Chairperson Sullivan: All right, so view preservation will go on with our advisory. And steep slopes is approval?

Village Attorney Whitehead: I don't know if you want to wait until Hahn's comments have been addressed, just for the technical purposes. I don't know if this board ... it doesn't seem like this board has any issues with it. You can approve it conditioned upon satisfaction of Hahn's comments.

Chairperson Sullivan: Yes, I think that would save us another trip back.

Boardmember Bass: Yes, please.

Mr. Poskanzer: And we agree perfectly that we will have all the comments assumed as part of the approval.

Village Attorney Whitehead: Conditioned upon satisfaction to Hahn's approval.

Building Inspector Minozzi: So you don't want them to come back next month?

Village Attorney Whitehead: They don't have to unless there's an issue; unless there's something that can't be ... and I'm sure the engineers can resolve the issues with Hahn's office.

Building Inspector Minozzi: So just address Hahn's comments, get them to us as soon as you can so I can get it out as soon as I can to give them some time to re-review it.

Male Voice: One of their questions is regarding the calculations. At the initial Board meeting with stormwater (Off-mic). I'm not sure they received that.

Village Attorney Whitehead: Did Hahn not get that?

Buddy, do you want them to send stuff directly to Hahn, since you're not going to be here?

Building Inspector Minozzi: That is not a bad idea.

Mr. Poskanzer: That also falls into the missed mailings from last month, I think.

Village Attorney Whitehead: If you want to respond directly, you've dealt with them before. If you want to respond directly and send him those calculations in case he didn't have them.

Boardmember Bass: Just copy us.

Village Attorney Whitehead: Copy Buddy.

Chairperson Sullivan: We *really* read those storm calculations and pore over those numbers.

[laughter]

Boardmember Ambrozek: I do.

Chairperson Sullivan: I know you do, and I appreciate it.

All right, so may I have a motion to approve steep slopes, with the condition that the conditions from Hahn are met?

Village Attorney Whitehead: To the satisfaction of Hahn Engineering.

Chairperson Sullivan: To the satisfaction of Hahn Engineering, thank you.

On MOTION of Boardmember Gould-Schmit, SECONDED by Boardmember Alligood, with a voice vote of all in favor the Board resolved to approve the steep slopes application for the major renovation, additions and solar panels at 3 Ward Street, contingent on conditions outlined by Hahn Engineering are met to the satisfaction of Hahn Engineering.

Chairperson Sullivan: Thank you very much. Good luck.

Mr. Poskanzer: Thank *you* very much.

Boardmember Bass: Nice design.

Mr. Poskanzer: Nice to see you.

Chairperson Sullivan: Thank you. You did a nice job, thank you.

2. **View Preservation Advisory, Steep Slopes and Site Plan Approval – Application of the PTG Development, LLC**, as per Sections 295-82, 249-2 and 295-104, for construction of a new building containing six townhouse units on its property at Warburton Avenue (aka Nodine Street). Said property is located in the MR-1.5 Zoning District and is known as SBL: 4.100-94-7 & 8 on the Village Tax Maps.

Chairperson Sullivan: We saw this application last in August and we asked for a long form SEQRA application. And with that, Linda, you can help me with this: we are going to declare ourselves the lead agency.

Village Attorney Whitehead: Yes. All right, just make a motion to declare your intent to be lead agency and circulate the notice.

Chairperson Sullivan: So we are declaring our intent to be lead agency and circulate a notice. I believe the notice goes out to ...

Village Attorney Whitehead: The Zoning Board and the Department of Health.

Chairperson Sullivan: Is there any way the state Historic Preservation Office needs to be involved because of its adjacency to a national landmark?

Village Attorney Whitehead: We can put them on an interested ... it wouldn't go to SHPO, but it would go to New York State Parks and the DEC. The DEC usually sends it to SHPO. State Parks we can put on as an interested agency and circulate it to them, as well. I had the DEC already on here.

Chairperson Sullivan: So State Parks will be down. The other question I had was, in the description of the action there's not a reference to this Village street that's being produced, or created. Isn't there potentially ...

Village Attorney Whitehead: Yes, I actually wrote a new description of the action for the notice, but we'll include improvement of Nodine Street.

Chairperson Sullivan: OK, and that would involve perhaps our DPW as an interested party or approval body of some type?

Village Attorney Whitehead: We can send it to them. I don't know that they're going to ... I mean, you're approving ... this is the board that determines if the street is suitably improved.

Chairperson Sullivan: Well, Hahn will also do that.

Village Attorney Whitehead: Yes, and they've already looked at it a little bit, if you remember, for the purposes of establishing the grades.

David Steinmetz, Zarin & Steinmetz: And that would be ministerial, not a discretionary act by the DPW.

Village Attorney Whitehead: Right. They don't have to be an involved agency.

Chairperson Sullivan: Good, I just wanted to ask as I thought of that.

Village Attorney Whitehead: You need a motion and a vote on the lead agency – intent to be lead agency – and circulation of the notice.

Chairperson Sullivan: May I have a motion on the intent to be lead agency and the circulation of the notice?

On MOTION of Boardmember Bass, SECONDED by Boardmember Ambrozek, with a voice vote of all in favor the Board resolved to declare themselves to be lead agency under SEQRA and committed to the circulation of the notice to the Zoning Board of Appeals and the Department of Health, as well as other yet to be determined organizations for the application to construct a new building containing 6 townhouse units at Warburton Avenue (aka Nodine Street).

Chairperson Sullivan: OK, that'll go off. I think we have 30 days, correct?

Village Attorney Whitehead: Yes, Mary Ellen I'll get you the notice and work with you on what needs to go out, and to whom.

Chairperson Sullivan: We have ahead of us looking at the applicant's Long Form EAF. Provided for you was part B, which is sort of what we fill out in the course of this. We can answer these things over the course of the project. But I wanted to open up discussion on perhaps a couple of the issues that might be pertinent because of an adjacency to the historic landmark as well as it being adjacent to a state park. I shared some information with the Board.

Village Attorney Whitehead: Do you want to do that before the applicant does its presentation?

Chairperson Sullivan: Yes, I would like to talk about that before they give the presentation.

The two aspects, I think, in looking at part two are the impact on the actual physical structure itself as well as the impact on the aesthetic qualities of being on the state park. I just wanted to bring that up as a possible point of discussion.

Mr. Steinmetz: Madam Chair, just a point of information, if I may? I don't want to preempt what the chair wishes to do. I just want to make sure the entire Board knows that we were aware of this concern and it is part of our presentation. I know we brought our professional engineer here this evening to address the Aqueduct – the impact to the Aqueduct – so you can understand the discussions he's had both with your Building Inspector as well as your outside consulting engineer.

You're obviously free to do what you choose to, but I want to make sure the Board knows we understand the concern and we want to make sure you hear the preemptive ...

Boardmember Alligood: I think she's laying out for us what we're going to be looking at so I would appreciate if you would let her lay out what we should be thinking about as we hear your presentation.

Mr. Steinmetz: Absolutely.

Boardmember Alligood: She is aware that you have information that you will share; we know that.

Chairperson Sullivan: Yes, and I appreciate that. I was aware of the level that they went to.

What I shared also – and I shared this early in our process – is that I brought to your attention sort of a workbook that's available for boards to use. It's not part of the law, per se, but it's produced by the Department of Environmental Conservation for people to use, boards to use, when they do a review. What I'd like to just mention, and if we want to have conversation about it tonight that's great; if not, we will be addressing it definitely.

But the pieces that were, I think, the most important was, like I mentioned, the impact on the historic and archeological resources. This is a condition ... this is actually the reason why

we are looking at this particular form. And in that, you know, the project is next to and contiguous with a very interesting site. We, at some point, will need to decide what kind of impact this project might have on that particular structure. I appreciate the effort the Attorney was talking about, but I think we would also want to get advice from the Keeper of the Aqueduct and know what they're interested in providing.

We have gotten a note from Steve Oakes early in the process – I did bring it with me – and he did express he's very open to working with the team. So my sense is, on top of what has already started to be prepared we will have to have a dialogue and let them review the project in either a formal fashion through SHPO or just reaching out to them. I think that's something that should be on our radar as we go forward.

I'll go through the second part, then maybe if people have anything to add with their review of this I would appreciate it. Our goal will be, at some point, to understand the impact and make a decision whether it's small, moderate or large. The next piece of the SEQRA review of the state Environmental Quality Review I believe focuses in on the impact on aesthetic resources. Now, this one is triggered because the project site is visible from a designated scenic resource which is basically the state park. With that, there are a number of questions that we can look in the EAF workbook. The analysis they ask you to look at: is it visible from a designated scenic resource; how much is visible; what is the distance; is the visibility seasonal; what general land uses exist between the project site and the scenic resource. In that, we can then discuss the various levels of impact, if they exist.

The things that jumped out at me with looking at this particular part of the EAF was, there's some interesting questions like how often will members of the community view the site? Is the project site viewed from an aesthetic or scenic resource that's important to recreation to the area and to tourism? How will that project site change the use or perception about that scenic resource? Another part that was interesting was a question how many land uses are similar to the proposed project? How far away are those similar projects? And how are those land uses similar? It isn't just the use of it as being residential or commercial, but what's the scale, color, intensity of use, type of land use, height, or other bulk dimensions; size of lot or cover type; if there are no other similar users will the use be in sharp contrast to the overall landscape?

Again, those are just some things that jumped out at me as potentially ... as I understand it, we rarely do SEQRA, but we're charged with considering the environmental impacts equally with the social and economic factors that go into discretionary decision-making. So we will have to work on these, but I'd love people's thoughts about that. I did try to give this to you in advance. I know it's a lot.

One other small thing I'll mention that I found interesting and I shared with the Board was, the state park has a management plan for the park itself. In that, they mention this particular area is not a significant scenic viewpoint. On their map, they showed a couple locations. But they do, in the management plan, talk about development that has happened incrementally along the trail that impacts people's views. That just was a little kind of quality level of the major spots that were called out to be preserved. But there was information on wanting to protect the views along the trail as well.

So any thoughts, folks, on the SEQRA information that I gave you?

Boardmember Ambrozek: Well, again, I went through the document itself because of my interest in numbers, and on page four ...

Chairperson Sullivan: But, Michael, what I'd like to do is ...

Boardmember Ambrozek: Oh, OK.

Chairperson Sullivan: ... if we can talk about the specific information they gave you. Do you have any comments about just sort of the start of looking at the impacts because I tried to share that?

Boardmember Ambrozek: Yes. You know, I have concerns, but I think the design has tried to address the impacts. And I think they've done so successfully because they brought the final roofline below the actual level of the Aqueduct. My feeling is that the impact on views, while it will impact some river views, that these impacts will not be significant. So I feel comfortable with it, the proposal.

Chairperson Sullivan: All right, thank you. Appreciate that.

Eva, any thoughts?

Boardmember Alligood: I want to hear the presentation. I thought you were just talking about what we're looking at.

Chairperson Sullivan: OK, if you would prefer to talk about it afterwards at one time.

Boardmember Alligood: I'm a little confused. I thought you were just laying out kind of a framework for what we're looking at, then we were going to hear the presentation and then comment.

Chairperson Sullivan: We can. I also was offering the opportunity if anyone had any thoughts from having looked at this information in advance. If not, then we can do what you suggest. That's fine.

Boardmember Bass: I'm still troubled by the design. And I see the effort the applicant has gone to in terms of lowering the building. Now that third floor is only 7-1/2 feet tall and the floor below it is 8 feet tall, and the marketplaces are in adequate floor-to-ceiling heights. I appreciate they're sacrificing market response to address out concerns about view corridor.

I still don't understand why we're at this point. I think it's probably more acceptable to take off that third floor, or to drop the building and excavate lower and bring the whole building down. But in terms of the tradeoff between a floor that's 7-1/2 feet tall and a very small footprint, and the impact to the public, I don't think it's an adequate tradeoff. That's been my concern all along.

Chairperson Sullivan: Right.

Boardmember Bass: Though I appreciate the effort the architect has made, I think it's inadequate and I think it produces units that are substandard to today's demand, which I think is bad site planning.

Chairperson Sullivan: OK, thank you.

We will have a presentation, public comment, then more Board comment. So thank you very much.

Mr. Steinmetz: May we proceed, Madam Chair?

Chairperson Sullivan: Yes, please.

Mr. Steinmetz: Thank you so much. Pleased to be back before the Board and here this evening in connection, as the Board knows, with view preservation, steep slopes, and site plan approval. For the record, with me this evening Mr. Lou Brutto, the owner of PTG Development; our architectural team, Christina Griffin and Suzanne Levine; our project engineer, Jim Annicchiarico from Cronin Engineer, who is here specifically to address any concerns regarding OCA and related engineering topics; as well as my colleague, Caitlin Ciolino.

With last appeared before your board in August. And, Mr. Bass, I'm glad you're here tonight and we have a chance to talk a little bit and, helpfully, address and at least give you our perspective on your concerns because I did address them without you being here last time and that's

somewhat unfair. But I wanted to have at least the rest of the Board know we were mindful of your concerns about the third story, about floor-to-floor. I'm going to go back and cover that briefly, like we did last time.

But kind of in terms of a simple overview, I think everybody knows Lou is a local guy and a local developer seeking to construct six townhouses on the property. I think we want to focus tonight on three different things. You made it very clear to us at the last meeting – and we appreciate the candor of the Board – the issue of massing. We're going to talk about that this evening. As I said, Madam Chair, and as I mentioned with Ms. Alligood, we knew about the construction protection being a concern for the Village and for your board and that's exactly why I want to make sure we got a chance to talk about that before you got too in depth in an internal discussion. I appreciate your setting the stage on SEQRA and the Long Form, so I think that's great. We're going to walk through the long form. Jim is here because he prepared it, and we can address those EAF issues.

I think you all know the property is 0.4 acres in your MR-1.5 zoning district. Not insignificantly, it's adjacent to a number of other multi-family buildings, which I believe and our team believes, kind of define the characteristic and the character of the neighborhood. Currently, it's a commercial masonry yard. We'd very much like, our client would very much like, to restore the property to an appropriate character and something consistent with the neighborhood. That's why he'd like to pursue residential housing.

In terms of the massing, I think when we talk about massing – and we talked about it last time, and we're going to try to bring it to life a little bit more tonight – we're talking, obviously, about the size of the structure, the height of the structure – as I mentioned, floor-to-floor separation, which has been articulated as a concern – and the Board talked last time about the length of the building and what was referred to as the length of a wall that was apparent. I appreciate the comment that's already been made on your record tonight that the one thing I think we've established is that the maximum height, the top of this proposed building or these two separate sides of the building, is below the level of the Aqueduct. The Aqueduct is at a higher level at foot.

So where I could be standing on the Aqueduct, I'm standing above the maximum height of the building. I think that's relevant to all the issues you're talking about in terms of size and dimension. But despite that, you made it very clear you wanted the applicant to go back and explore further. So one of the things Christina's going to present – and you've already seen it in your materials – is, we created an additional separation between the two sides of the structure. We've expanded the opening by 2 feet so we now have an additional 2 feet at all levels. On the first and second floors, we've increased it from 8 feet of separation to 10 feet, and at the third floor we've increased it from 18 feet to 20 feet.

What we tried to do visually – and I don't know how many of you had a chance to get out to the property, we'll try to cover it tonight – Mr. Brutto spent a fair amount of effort erecting a mockup. He tried to bring to life, with actual physical representation, where the building would be, where the maximum height would be, where the separation was. Using tarps and poles, he attempted to adequately illustrate the front and rear walls of the third floor with the enlarged break in between. He also – which may not have been totally clear to everyone – tried to install ropes and cables at certain points to represent the second floor elevation. As you can see in the photographs that were submitted – and we'll make sure it's clear on Christina's presentation – we tried to outline on the ground, in spray paint in two different colors, the perimeter elevation or the perimeter extent of the second floor in blue paint and the third floor in orange paint. I'll make sure Christina walks us that that carefully.

It was interesting, the earlier applicant – the first applicant also with view preservation, who obviously erected something – talked about, he kind of presented something, that was the best they possibly could do. It wasn't precisely accurate, but it was a fair representation. We believe we absolutely achieve the same standard. Lou spent a great deal of effort trying to present that was fair and reasonable. We actually think the margin of error was probably in the scale of inches. I hope all of you took note, and we'll make sure we point it out tonight in the video, we presented four videos for the record. Each one of those videos begins with Mr. Brutto extending his arm, with a tape measure, so we could visually demonstrate at what height the camera was when the individual shooting it was shooting it.

We heard Boardmember Cameron quite clear on the height of an average woman at eye level, and we represented it in that fashion. We believe that mockup demonstrates that the street level, photographs, and videos all essentially demonstrate two critical things. First, that the views from the Aqueduct, of the Hudson River, and the Palisades, the view from the Aqueduct even at 4 feet 11, go over the top of our building. I'm going to come back and reiterate that in response, Mr. Bass, to your comment on the heights because I hear you loud and clear. I said that last time. I think, significantly for purposes of view preservation, the heights – though we can discuss marketability and perception in the marketplace – the heights are not providing an interference or an obstruction of the view. We'll see that on the video tonight.

Once the views clear our building, they're actually impacted by other preexisting buildings. That is, again, not an insignificant fact. You have preexisting buildings in the Village that very clearly jump out in photographs in the distance, and many of you may know those existing buildings. There's one on Warburton, there's on right next to us on ... I guess I'll let Christina identify the buildings when we have them up on the screen. But the significance is, reducing the height of our building would not ameliorate any kind of view impact because our building is actually below the Aqueduct.

The second issue is this notion of one long building. We believe that our photographs illustrate and the video illustrates this is not going to be perceived by folks enjoying the Aqueduct as one long building. It has a significant break in it and, regardless, the top of the building is still below the existing level of the Aqueduct. It's got an attractive wood finish on the first floor garage entrance. And as we talked about last time, we're trying to bring in sustainable characteristics and a green roof in the break of the building on the third floor. If you haven't already looked at the mockups ... Lou, are they still up?

Louis Brutto, applicant: They're still up.

Mr. Steinmetz: They *are* still up.

Mr. Brutto: I'll take them down tomorrow.

Mr. Steinmetz: For anyone who hasn't been out there, I think the video does a pretty good job of representing what's out there. But they are still out there.

I want to hit something we talked about last time because I think it's particularly relevant once you look at the totality of the evidence that's been submitted for your record: the photographs, the videos, the revised design. At the last meeting, we acknowledged that your board has properly spent, and is still spending, a great deal of time focusing, for good reason, on view preservation. It's part of your code, it's an important, amazing resource you have here in Hastings and I laud the Village of Hastings-on-Hudson as one of the only communities that actually takes this into account and is very strident on preserving views and examining them in applications.

As a practitioner up and down the Hudson River Valley and the river villages, you've got something very special here and you treat it that way. That's terrific. Under Village code section 295-82, the law says – *your* law says – it does not mandate a prohibition against any view interference or obstruction. The legal standard is achieving the least possible obstruction of the view of the Hudson River and the Palisades. I talked about that last time and I think that's really important to stress. If I was here and I had an absolute mandate that under no circumstance can any structure that my client proposed obstruct in any way any part of the Hudson River or the Palisades you have a really tough standard. It might be an unconstitutional standard, but it certainly would be a tough one. That's not what your code says.

Your code talks about the least possible obstruction so your code talks about a degree of reasonableness. What my client is asking your board to do is apply a rule of reason, a rule of

reasonableness, not unlike the standard that's even applied in SEQRA. Your state Environmental Quality Review Act tells us we apply SEQRA under a rule of reasonableness, under rule of reason. We really believe that if you examine all the facts and listen to what Christina's going to present in terms of the character of the neighborhood, from a reasonable standpoint we've dropped the building; it's not providing a line of sight.

Let's talk about floor-to-floor for a moment. I watched the earlier meetings, I heard your comments about 9 feet. I don't know if your fellow boardmembers told you I literally was disappointed you weren't here last time. I'm glad you're here tonight.

Chairperson Sullivan: I did share that with Richard, yes I did.

Mr. Steinmetz: Say again?

Chairperson Sullivan: I did share that with Richard.

Mr. Steinmetz: I'm glad you did, I appreciate it. He knows he was missed, and I'm glad you're here.

I fully get it. I told your fellow boardmembers I'm lucky enough to have 9-foot separation in my home and that's a wonderful thing. All your boardmembers are probably well aware developers love having 9-foot floor-to-floor separation – great thing. I also shared with the Board – and there's empirical data to back it up – that within a matter of miles of here ... forget what's going on with everyone else I could collaborate with, my own experience, I'm working on literally hundreds of units in Westchester County right now that are adaptive reuse and their floor-to-floor separation is 8 feet. Why is that? Why are my clients not knocking down these buildings and building 9-foot floor-to-floor? Because they are marketable. Not everyone will necessarily want them, but they're marketable. Hundreds of units in our community – from a land use standpoint, from the private property standpoint – are being marketed at 8-foot separation. So with all ...

Boardmember Bass: Just to interrupt you for a second.

Mr. Steinmetz: Go ahead.

Boardmember Bass: So you're comparing new construction to rehab.

Mr. Steinmetz: Absolutely.

Boardmember Bass: So give us examples of new construction where they're building 8-

foot ceilings.

Mr. Steinmetz: So I believe that Christina actually can give you suggestions because she works here in your community and can ...

Chairperson Sullivan: So not in your hundreds, you said?

Mr. Steinmetz: Say again?

Chairperson Sullivan: Out of the units that you're working on, none meet Richard's ...

Mr. Steinmetz: Madam Chair, it is difficult to hear you. I'm sorry.

Chairperson Sullivan: I'm very sorry. I'm tired. So the units you were talking about, none of them are new construction?

Mr. Steinmetz: Well, they're all new construction. They happen to be sustainable, adaptive reuse units right now that are ... it's easy for me to throw hundreds because there are literally hundreds of units that are being developed at 8-foot separation.

Boardmember Bass: But for the Board's purpose, adaptive reuse is different than new construction.

Mr. Steinmetz: Fair enough, but your point, with all due respect, was as to marketability. We weren't talking about code compliance because you know we can build at 8 feet, we can build at 7-1/2 foot; it's code-compliant. So that means that the issue before – let's go back and analyze this from what your law tells us – is that the law tells us we have to do this in some kind of reasonable fashion. So with all due respect, it's my client's position that it's unreasonable for your board to say you can't have a third floor because I don't like an 8-foot or a 7-1/2 foot floor-to-floor separation.

My client believes that the folks that might want to live in these six units are still going to get the benefit of a wonderful view from the third floor. It'll be a small area, you're right about that. It's a small area, but there's a wonderful little deck outside of it.

Boardmember Bass: But again, you're missing my point. Again, I appreciate you stating this for the record, but let's be clear on the record. My concerns are the tradeoff for the third floor, for the impact, for the views. So if, after your presentation, there is no impacts to the views then I'll take away my ...

Mr. Steinmetz: Terrific.

Boardmember Bass: But my concern is not that you're designing inadequate units, but that we the public are paying for the loss of a valuable resource *and* you're providing inadequate units.

Mr. Steinmetz: Very much appreciate the articulation and that's why I'm glad we're all going to be able to, with Christina's help, look at this because maybe we disagree – I'm hoping we're not, and I have a feeling we probably won't – we're not impacting those views. As a result of dropping the building down below the base elevation of the OCA as a result of Christina designing it with a slightly tilted roof we have wonderful views, folks on the Aqueduct have wonderful views. The empirical data that Mr. Brutto has submitted in the form of videos demonstrates that you can walk up and down the Aqueduct and you will not have any kind of unreasonable – again I'm going to stress it because I want to make sure we're all clear ... it's not ... your law doesn't say you can't have anything.

Boardmember Bass: Right.

Mr. Steinmetz: So very briefly and I shall sit down, we also have Mr. Annicchiarico here to talk about the construction plan. We felt that it was very important to make sure you all knew we have to build next to the Aqueduct, we want to market six units next to the Aqueduct, we're hoping to put six families next to the Aqueduct. Nobody wants to adversely impact the Aqueduct. No construction zone along the wall of the OCA will be imposed. Orange construction fencing will be utilized. We have absolutely no problem implementing a monitoring program during construction. Mr. Annicchiarico's firm has not only built – or supervised, I should say – next to the Aqueduct, they have actually supervised construction directly upon and across the Aqueduct. So we're not doing something that has never been done before, and Mr. Brutto is more than comfortable providing a detailed phased work plan to outline all of the protective measures.

Most importantly, we were delighted that your outside consulting engineer reviewed this and had no comments. So, significantly, on that environmental point – which is an appropriate issue for you all to examine – you're outside consulting expert has said that there is not adverse impact. He identified no further protective measures that we should implement. If you've got more that we should look at please share them. It was good to know that Mr. Hahn had nothing more than Mr. Cronin and Mr. Annicchiarico presented.

So in conclusion, we want to present our video this evening. Christina has some demonstrative things that she wants to present on view preservation. And then we would like to, obviously, come back up and talk about next steps and how we might advance this. So if

the Board will indulge a couple of moments to walk through the videos that would be terrific.

Chairperson Sullivan: I actually would like to ask the Board, we got the videos sent to us. There's three or four of them. I don't know if it's fruitful for us to watch all of them at this meeting. I'd like to maybe share one so people can see it.

Boardmember Alligood: Yes, I've watched them all and they're very similar. I don't think we need to see them all.

Chairperson Sullivan: Yes, I think choosing one and making the others available online would be preferred.

Mr. Steinmetz: OK. They're 56 or 57 seconds. I'll defer to Christina. I get it, I get it, I just want the record to be clear: these are not like long ... you know, I don't want anybody to think we are presenting ...

Chairperson Sullivan: We're on record saying they're very similar.

Mr. Steinmetz: Got it. Terrific.

Chairperson Sullivan: Even with the tape measure, it's very cute.

Mr. Steinmetz: It wasn't designed to be cute. It was designed to really ... with all due respect, that's honestly almost a slightly unfair comment. We really took it seriously, Madam Chair, and you and your fellow boardmembers made that clear to my client before I ever showed up here that ...

Chairperson Sullivan: I apologize for ...

Mr. Steinmetz: OK, 'cause honestly a comment like that just evinces that I know we don't want to get into. But I want the rest of the Board to know that I stressed to my client if you're going to do a video presentation I don't want to walk back to Hastings and be criticized that we didn't give it to a 4-11 woman. We did, we took it seriously because we take this seriously and I take Mr. Brutto's private property rights seriously.

Christina Griffin, project architect: I'm going to show you some of the changes we made from the last time. We really looked hard to see if there's any way we can shave down the bulk of the building. So we took a look at the layout of the units. And we wanted to make sure that they were still comfortable and functional and marketable, but still, you know, were fairly minimal for the two- and three-bedroom units that we are planning to build.

Our site plan now shows a distance of 10 feet between the buildings down on the first and second floors. We added 2 feet to the separation. And then up above at the third floor we went from 18 feet to 20 feet. And the way we were able to do that is, on the ... if we go to the next slide, unit one, which is on the very north end, we were able to find a way to take 2 feet out of the unit and reduce it by 222 square feet. We did that by, on the second floor we have a shared bathroom but now that unit is 1,791 square feet in terms of 2,013. This is our list of areas for all the units. And you see unit one has been reduced in size, but it's still a little bit larger than unit two because it's a handicapped-accessible unit and because of all the clearances we felt that was as tight as we could make it.

The total square footage of the building has been reduced from 11,382 square feet to 11,160. Next slide, please. As you'll see from the west elevation, the gap between the building now at the first- and second floor is 10 feet instead of 8 and the gap at the top is now 20 feet instead of 18. We've decided to treat the space between the buildings on the ground floor level with a cedar siding – a different material – just to emphasize and differentiate that little space of 10 feet between the two buildings to further emphasize the idea of having the look of two separate buildings. Most of these ideas are done for the sake of scale, bulk and massing.

If you look at the west elevation you'll see that the third floor is set back 21 feet from the front wall of that building. And that's the same distance we had last time; just pointing out that that is set back quite a distance so that when a pedestrian's walking down the street you really would not see that. You have to be pretty far away from the building to see that upper floor.

And then east elevation. You'll see the building has gone from ... is only three stories high there, and we're treating the upper level with a different material. You see that same idea of the 10-foot spacing going up, to 20 feet. Next slide. We've changed these just to reflect the changes in the separation distance. These have not changed that much. I think we should go to the next slide. I'd like to show the Board the section of the building if we have that, Suzanne, because I want to address a ceiling height. We have, at the first floor – which is where the living/dining/kitchen is – 8 feet 6. On the second floor we have 8 feet. And on the third floor we have 7-6 at the low point, and then it goes up to 8 feet 6.

Just in this small area between Washington and Nodine I've already done – oh, I've done quite a few projects – the new buildings that I've worked on, such as 400 Warburton, all the ceiling heights are 8 feet. And 32-34 Washington, which will go into construction soon, the ceiling heights are 8 feet; Ridge Street, the ceiling heights – well, it's a little further away – are 8 feet at the second floor, 9 feet at the first floor. And River Townhouse is 8 feet. That's

one project where probably because of the view it was very marketable, even though we only had 8-foot ceiling heights. Now, I just feel that in the view preservation zone we often end up with 8-foot ceiling heights, but that doesn't seem to have that much of a negative impact on the marketability.

Chairperson Sullivan: Could you show one of the sections that shows the relationship of the third floor to the views that they'll have across the river? I think some of the sections you have ...

Ms. Griffin: I think we have four or five sections, and we have sections cut through our building and the building across the street.

Chairperson Sullivan: Could you pull in so we can kind of see the detail around them just to understand the view, how the views are working across to the river to the Palisades? Thank you. The river's available, but the Palisades. So this one is taken through the building that is where on the site?

Ms. Griffin: This it taken at 378 Warburton. (Off-mic).

Chairperson Sullivan: So that's to the southern side, OK. The southern side of the proposed building.

Ms. Griffin: We can go through these again.

Chairperson Sullivan: I'd like us to take a look. So that's showing the height levels that we've been talking about.

Ms. Griffin: This is a section that's taken right on the end of the building, where we're seeing the third floor which is tucked in a few feet from the south façade. So the view at this point is ...

Chairperson Sullivan: What I'm looking for, I know you've presented these. If you could just sort of show them and help understand where they are.

Ms. Griffin: Where they are.

Chairperson Sullivan: Where they are in relationship to your building and to the building across, on Warburton.

Ms. Griffin: OK, this section ... I think you went to the next one maybe. This one is taken

through 380 Warburton Avenue, which is this building on the other side which is a lower building than our building. You'll be able to see over it, over our building. I want to remind the Board that the Aqueduct is 151.1 to 151.4 elevation. The top of our building, at the highest point, is 149.99, so slightly lower.

Boardmember Bass: The top of your building will not have any mechanicals or solar panels?

Ms. Griffin: No.

Mr. Steinmetz: We're preparing to take that as a condition.

Chairperson Sullivan: If you wouldn't mind just walking through the different sections that'd be great.

Ms. Griffin: This section is cut through the building on the other side and going through our separation space.

Chairperson Sullivan: That's deceptive for me at this point, and I don't mean that pejoratively. I use it in the sense that I'd like to understand the bulk of the building, that light line that's behind it.

Ms. Griffin: This building.

Chairperson Sullivan: I see the form of it.

Ms. Griffin: Let's go down and see. OK, this is at the northern end, 388 Warburton Avenue. Can you bring that up again? So this building is lower than our building. If you want to go back to read the view going through 382 Warburton Avenue ... let's just go back to that, the big building. Our building is here, we just wanted to see what it would be like taking it through the separation space. There are buildings up here.

Chairperson Sullivan: Right, thank you.

Ms. Griffin: And that building is lower. Then we'll go back to 380 just to make sure we're clear; 380's a little lower again.

Chairperson Sullivan: Thank you.

Ms. Griffin: This is 379.

Chairperson Sullivan: Thank you for walking through those. I appreciate that.

Ms. Griffin: Now I'd like to show you just the view study we have been working on. We've changed our study so it now shows the current layout of 20 feet on top, 10 feet down here. This is the green roof we plan to put on top of the garage roof below. As you can see, you can see the river above the building. You can see the buildings across the street, which is 388, 385, 382. And because of the perspective, even though the top of the building is slightly lower than the Aqueduct you will see the rooftops. But you will see above the building and see the river. Next slide, Suzanne, please.

Now, these are the mockups that we did, and the surveyor had put stakes in the ground – I think it was elevation 120.6 – and we went up from there to locate the upper corners of the building at the third floor. So that's what this is representing; this is representing the top of the roof. This is the southwestern corner, and this is southeastern corner. We have more views of this so we should keep going. This is looking down at it, and the footprint of the building was drawn out on the site. This is representing what we'd see on the third floor. This is looking right down at it. Keep going.

This is just an overlay to show you the shapes we're talking about. Our new third floor is about, I think, 21 by 42, which is very similar to a lot of the buildings in the area. This is the shape of the building at the first and second floors, and that's the 10-foot space with the grained roof. Next slide, Suzanne? These are just different views also showing the mockup, and you can see over the building, see the buildings across the street, and the river beyond. This is more views looking at the mockup. I took it down the Aqueduct, showing that you're looking at the roofs but still the roofs are below the view of the river and the Palisades. Next slide, Suzanne?

Female Voice: (Off-mic)?

Ms. Griffin: Yes, I think we could. We'll show you, I think, the ... we'll show you one of the videos. I think we're headed south, right?

Mr. Steinmetz: And looking west.

Ms. Griffin: We should slow down a little bit. Right here.

Mr. Steinmetz: Christina, could you just point out again the addresses of the buildings that you see blocking views?

Ms. Griffin: 388 Warburton, on the east side of Warburton; 385 is on the west side of Warburton; and this is 382. This is representing the corners of the top of the third floor of the building. Keep going, please. That's the time you had a lot of trees in the way. Then I think we're headed towards ... that's Nodine Manor, which is over 9 feet above the Aqueduct. You can see it totally blocks the view of the river.

Chairperson Sullivan: One thing I think that's interesting is, the back of this building is approximately where the back of your building is – is that correct? – in relationship to the Aqueduct.

Ms. Griffin: We have that plan.

Chairperson Sullivan: But for the sake of looking at this video, is it fair to say that it's almost at that same level?

Ms. Griffin: I just want to give you an accurate answer. I think it is similar, very close.

Chairperson Sullivan: So can we look at the video again real quick?

Village Attorney Whitehead: Kathy, it shows on here.

Chairperson Sullivan: A little closer?

Village Attorney Whitehead: And obviously higher.

Chairperson Sullivan: If we could just take a look at the end of that video. I'm just going to share a couple comments. The point right here, where you start to see where the end of the tarp is towards your cutout, go a little bit further down south if you wouldn't mind. You can see that there's quite a sag in the cable where the tarp is. I don't know if you perceive it same as I do. Right there, see how it's angled down?

Mr. Brutto: Can I address? I'd just like to make a statement, given that I was the one who put the effort into establishing some visual representation. If I could make the rope straight I really would, I promise. It's very difficult over that span with the weight of the tarp to keep it straight, but I think this really goes a long way to say that the two corners on the outer edges are at the exact elevation of not only where the building that we're proposing would be, but as are digital representation against our pictures. I know that sometimes me, personally, looks at a digital representation against a backdrop of pictures and there's concerns that it's accurate. I think that this really lends to say that if you would take the two outer corners, and account eye level for the sag, that you could see that our mockup in our digital representation

is accurate.

Chairperson Sullivan: Lou, I understand all that. What I was going to just make a point is, this tarp right now is not at the elevation at the building top.

Mr. Brutto: In the corners it is. It does sag.

Chairperson Sullivan: In the corners it is, and it sags somewhat substantially in the center. It's been up there for a long time. I understand the physics that we're working with. We don't have to say any more. Really, my point was just to say this isn't showing the top because of the sag.

Mr. Brutto: And my only point was to say if you would look at, for example, where this tarp lays at the windows of the building across the street, and visually imagine if this tarp were straight with the two corners, you could see that our digital representation is accurate and where it lines up with the windows of the building across the street and the rooflines of the building across the street. So that we really don't have an impact on the view because we're still seeing the buildings across. That was my only point.

Boardmember Ambrozek: Could you just identify yourself for the record, please?

Mr. Brutto: I'm the owner of PTG Development and I'm proposing this project. Thank you. And I installed the visual representation. Thank you.

Ms. Griffin: I'd like to show you the massing study that we did.

Chairperson Sullivan: What I'd like, if you wouldn't mind, is, back to where we were talking about the back of the building on Nodine Manor, if you wouldn't mind going to the end of the video because that was really the point. Like in this particular case the center part is some number of feet down to where it would be in reality, correct? The tarp sag in the middle is about 4 or 5 feet lower.

Ms. Griffin: Something like that.

Chairperson Sullivan: Something like that you say? OK. So people who see the videos can try to hopefully understand that.

Mr. Steinmetz: Christina, is this building here on Nodine ...

Building Inspector Minozzi: You have to talk into the mic.

Male Voice: Is that building on Nodine that the chair has asked us to look at – and I certainly understand why – is that ... because I'm hearing from your staff, from Suzanne, it actually may be closer to the Aqueduct than you're proposed building. To the extent we're looking at it, it would be helpful if you could ...

Ms. Griffin: Actually, even though we combined the Aqueduct at an angle it is closer.

Chairperson Sullivan: My point in getting to this is that the existing building we see is somewhat ... the new building's rear elevation lines up pretty close to it because we're talking about sagging cables. So we can talk about it being pretty close. If you look at that building, if you look at some of the marks on that building, I think the height of the balcony on the first floor, on the top floor I believe is about the line of your proposed building. Is that correct? And you can look at your plan. If we can go back to the video it would be helpful, a video or a photograph would be helpful.

Ms. Griffin: We do have the height of Nodine Manor, but you're asking if the balcony seems to be about at the same height.

Chairperson Sullivan: Right. So if you are standing on the Aqueduct like you are in that video you can get a sense, by looking at the existing building, of where the height of that wall would be in relationship to you experiencing the Aqueduct. That's all I'm trying to show in some fashion. Your videos were very interesting to me because of that fact so a way to maybe get a sense what it would be like. So if we can go back to a video or a photograph taken of that same place.

Ms. Griffin: Oh, that balcony. Is that what you're asking?

Chairperson Sullivan: Yes, if you go back to the video, the last frame. So where is the building? My point, I think I would like to just go back to the building one more time and just stay there.

Boardmember Bass: The existing building.

Village Attorney Whitehead: But it is closer to the Aqueduct. The plan shows that.

Boardmember Gould-Schmit: By how many feet?

Village Attorney Whitehead: By a lot because of the angle of the Aqueduct.

Chairperson Sullivan: I'm sorry for taking time. I really apologize. It's just I think it's a chance to get a sense of where this building is when you're walking on the Aqueduct.

Ms. Griffin: Maybe we need to look at the neighborhood plan. I think if we look at the aerial neighborhood plans again maybe that can show the distance.

Chairperson Sullivan: Even one of your drawing pictures from above, does that help?

Ms. Griffin: Like an aerial, looking down.

Chairperson Sullivan: All right, so there's the back of the building on the right-hand side. Then there's the corners you've marked out. And it looks pretty close.

Village Attorney Whitehead: But the angle of the Aqueduct.

Chairperson Sullivan: I totally know that. I just want to start at that building, pick a line, and say this is what that elevation's going to be like when you walk along the Aqueduct. For my mind, it looks like they're darn close in the same plane, the same distance at that point from the Aqueduct.

Village Attorney Whitehead: Kathy, they're having trouble hearing you.

Ms. Griffin: Oh, let's see. This plan, I think, shows it best. Do you see this is the Aqueduct coming down at an angle. Even though the walls are pretty much in line, the distance from this building to the Aqueduct is less, and maybe at this point about 50 percent less.

Chairperson Sullivan: Christina, my point in this is that with the sag in the cables it's difficult to tell, when you're down the way, where you're going to experience that building. So if we could go back to that video and just pick a point, show the point that would be equal to the height of the proposed building it would be helpful. We've already passed it.

Ms. Griffin: Yes, this is not the right video.

Boardmember Gould-Schmit: Go back to the first video I think you have a better shot of Nodine Manor and you can get a sense of how big the building's going to feel there.

Chairperson Sullivan: Right, exactly. Thank you.

Female Voice: Just be careful with using Nodine Manor.

Boardmember Gould-Schmit: I understand it's taller. I'm just saying this is the exercise we're trying to go through right now, and it's closer.

Ms. Griffin: Shall we stop?

Mr. Steinmetz: Let's get the chair get where she wants to go in Nodine Manor.

Chairperson Sullivan: Thank you. OK, stop. Where in relationship to the existing building is the proposed elevation of the top of your building?

Boardmember Ambrozek: Kathy, I understand the exercise you're trying to do. But unfortunately, you cannot take perspective visions with a building.

Chairperson Sullivan: Michael?

Boardmember Ambrozek: I'm sorry, but it's not an accurate engineering measure to try to use an angle analysis visually.

Chairperson Sullivan: Michael, I appreciate what you're saying but I'd like very much to get to my point.

Ms. Griffin: You know, the top of this building – I think 9.9 feet above the Aqueduct.

Chairperson Sullivan: Where is your building?

Ms. Griffin: And our building ...

Mr. Steinmetz: Is below.

Chairperson Sullivan: Where is ...

Mr. Steinmetz: So the answer to the question, Madam Chair, is we can't use this to answer your question other than the following. Suzanne, could you just go back to where you just were, please?

I want to answer your question. You may not like my answer, but you've asked us so give us the chance, give us the due process, to answer the question. Give your fellow Boardmember the due process right to make his point. This building that we're looking at – that you've asked us to look at – with all calm due respect, is 9-1/2 feet above the Aqueduct that you've asked us to analyze everything from. Our building, with all due respect, is 1.5 feet below the

Aqueduct. Suzanne, if you would back up to the photograph with the sagging tarp.

Chairperson Sullivan: Please help me with this because I've asked this question and I don't think it's inappropriate.

Mr. Steinmetz: I did say it was inappropriate.

Chairperson Sullivan: I understand Michael's point about this not being accurate, I understand there's the angle, I understand what you're saying. But my point is that I believe your building, we can sight off of the Nodine Manor and get a sense of where the height is in a similar plane.

Mr. Steinmetz: Christina, I got it. We'd be delighted if your board would continue the analysis that the chair is suggesting because we're delighted for my client's building to be compared to Nodine Manor. Nodine Manor unreasonably obstructs and interferes with views unquestionably from anyone – I don't care whether they're 6 feet 10 inches tall or 4 foot 11 inches tall – their views are obstructed. However, this view – which the chair has made a point, and she has right to do it – about the sagging tarps that my client endeavored to not have sag. Our point, members of the Board, is that if the tarp wasn't sagging we would be slightly obstructing the view.

Christina, if you would gesture to 382 or 385? Christina, if you would, please? I'll do the best I can, we would probably get up to the second story windows in 385. So we would definitely lose some view of the windows in that building which, to some, might be unfortunate. We would also potentially ... Suzanne, can you back me up just a little bit to the right so I can move to the north just a notch? Thank you. If we were up a notch higher on the tarp that we could see we'd also just crimp into the beige angled roofline of 382 – is that 382?

Chairperson Sullivan: I guess I'm just going to just say I appreciate this. My questions hasn't been answered so instead of wasting more time it may be something I ask to be produced for us to take a look.

Mr. Steinmetz: Members of the Board, just so you ... I'm sorry, go ahead.

Boardmember Gould-Schmit: I guess this doesn't only relate to view preservation. I mean, it does go back to the coverage issue, in my opinion, or the massing. Kathy, are you looking at the view preservation solely? It seems to me it's actually getting back to not a view issue but a bulk issue.

Chairperson Sullivan: I think it's getting into the SEQRA issues, some of the things about what the impact is when you're experiencing the Aqueduct. I was just trying to get a sense because I found the video interesting when you could start understanding. You had an actual building that you could start comparing the lateral experience you have. Because we've been very focused, and I think there is a number ... and I'll be honest, there was a discrepancy between what I saw when you superimposed the building into the view at the cut.

Ms. Griffin: Our 3-D view?

Chairperson Sullivan: No, when you Photoshop'd the view in there was a difference in angle. So this one was actually seemingly lower. But there will be, I'm sure, an elevation that we can determine, be happy, and see that you can stand and have that look across. But I'm more concerned with the experience of people walking along this project. So, Kerry, I think that's my point.

Boardmember Gould-Schmit: And I agree. I kind of felt that's where you were getting to.

Chairperson Sullivan: Not just bulk, but an experience. I don't want to waste any more time, this isn't going anywhere, so let's let you guys continue with your presentation.

Ms. Griffin: I just wanted to finish our presentation. We have information about massing, and I'd like to go to those slides. We took a look at the size and shapes of the buildings in the area. You know, every time we ask whether it fits the scale and character of the neighborhood it's sometimes easier to look at some numbers to see how it compares, how the widths and lengths of the buildings compare to the proposed development; how the height of the surrounding buildings compare. You know, there is a variety of sizes of these buildings. But we went further, and I'll show you the next slides where we actually compared our building to buildings in the neighborhood.

These are our townhouses. We have a height at the front of the building of 27 foot 3, and that's to the front top corner of the west façade. Then that third floor is 21 feet back. This is 400 Warburton, and that's hard to see but it's very similar in height; 29 feet 3. Those are three townhouses over one unit. These are the floor plans just to show that our units vary but the largest unit is 21 feet 8 by I think 44 feet long. You'll see the townhouses at 400 Warburton are 21 foot 10 or 20 feet 9 by 51 feet. If we go to the next slide, these buildings vary. This is on Warburton Avenue, 390 is 23 by 43. The next building is 388, 22 by 46. This is a larger building that is more like a 71 by, I think, 35. And this building, also on Warburton, is 380 – 21 by 44.

There's a common unit size in the neighborhood that's around 21 by 44 feet, and our largest

three-bedroom unit is 21 by 44 feet. If you look at these other buildings it would be 25 by 39; this is 23 by 40; this is 22 by 32. This is much larger, which is 43 by 66.

Boardmember Alligood: I'd just to make a comment on those examples which just jumps out at me, which is that many of those are single, not attached. The one that's larger is multi-family, which is, in my view, a different category. The one that's the most nonconforming is, in my mind, a huge mistake. Just an observation.

Ms. Griffin: I understand. The townhouses in the area are broken into individual units just as we're doing, and they're around 21 by 44. Then we may not want to count this, also a different shape, more like 40 by 54. But Hastings Landing has units that are 43. End-to-end it's 59 by 21. Those are the Hastings Landings units you can see from the Aqueduct.

Then we have, on our next slide, a comparison of the heights of properties in the neighborhood. I think they're all on here. I have a summary here. Our development is 27 foot 3 the front wall, and 37 feet total height of the building. The range of heights in the neighborhood are anywhere from 22 feet to 45 feet. So the height of the development is in the range of heights in the neighborhood. We just wanted to present that to you because I think it shows this building is still within the range of sizes and shapes and bulk that is already existing.

I think that's the end of the new material we have to show you for the architectural drawings.

Chairperson Sullivan: Do we want to hear the protection plan, the discussion about the Aqueduct, right now?

Boardmember Bass: Let's get the full presentation out.

Mr. Annicchiarico, Cronin Engineering: What we're showing here in this plan to protect the Aqueduct is creating an area behind the development that is a no construction zone. The closest this end, the south end, of the no construction zone comes out from the Aqueduct about 13 to 15 feet. As you go north, it increases to about 20 feet. And the actual Aqueduct wall is actually further beyond the property line at that point anyway, so it's even further.

We feel there's really nothing more needed to protect the Aqueduct than this. As David mentioned earlier, we've worked on projects adjacent to, and actually over, the Aqueduct itself in Tarrytown and Irvington. We feel the only necessary precautions are not getting too close to the actual Aqueduct itself. However, we are happy to add notes to the plan, which we have done, that kind of leave it open for the Village, the Board, and the Building Inspector to propose, or request, additional items as needed during construction of the actual

building.

I will say the first thing that's obviously going to be done to build this site is going to be excavate, which will be done from the Nodine Street side of the Aqueduct and the project. The foundation wall for the parking garage will go in first, then it will be backfilled between where you see that wall of the garage below grade and the actual no construction zone line. That will happen fairly quickly, early in the process. It will give additional protection to the Aqueduct because the slope will be backfilled against an actual solid wall.

We also added notes to the plan that we could offer some monitoring devices along the Aqueduct at certain points to see if it's actually experiencing any movement or anything like that. We don't think that's the case; we don't think that'll happen. My firm obviously does not want something to happen to the actual Aqueduct. And me personally, who grew up 20 feet from the Aqueduct until I was about 24 years old and played on the Aqueduct constantly, it was basically my backyard. I don't want anything to happen to it either.

I'd be happy to answer any other questions if there are any.

Boardmember Gould-Schmit: I think maybe some of the notes we would want to consider. I appreciate they were put on there, and I think monitoring isn't bad for excavations.

Chairperson Sullivan: So we can get some feedback from the state parks as well. They'll review it and give us the suggestions because they'll understand the construction, hopefully, of what the Aqueduct is like in this area.

Mr. Annicchiarico: Are you asking for a letter from ...

Chairperson Sullivan: Well, we will contact them and get their input as part of the SEQRA. So they'll want your feedback, which would be incorporated and discussed. But thank you for what you've done. It's a great start.

Mr. Annicchiarico: Sure, you're welcome.

Mr. Steinmetz: So Madam Chair, members of the Board, all we are seeking is an opportunity to go and process the application for the Zoning Board of Appeals. You made it quite clear to us at the last meeting that we have our work cut out before the Zoning Board on coverage. And Ms. Gould-Schmit, my client wants you to understand that he heard you loud and clear on your comment about coverage. We do believe that, jurisdictionally, we look forward to presenting that to the Zoning Board and having a chance to address coverage with your Zoning Board.

In terms of view preservation, I appreciate what the chair did by focusing us on Nodine because we think – as I alluded to earlier, Mr. Bass, in response to your questions – we really do think we've illustrated, even with a sagging tarp, that in fact there is no unreasonable interference and obstruction. We would like the opportunity to deal with the issue of coverage in front of the Zoning Board. I've been told repeatedly that it has its own separate set of challenges and unique to be addressed there. We'd like a fair shake in front of the Zoning Board. We can only get there if you let us go. If we cannot get those variances we could talk all we want about view preservation and we're wasting our time.

I'd like to get in front of your Zoning Board, although some people are telling me I'm crazy for saying that. But I would like to do that. I would ask that your board consider – since we only have five of the members here this evening – maybe you would entertain what many other boards do. It was unclear to me what counsel was precisely saying earlier. I would ask that you consider a straw poll vote at this time so we understand and my client is not prejudiced by the fact that there are two Boardmembers not here. We'd like enough support, even if it's neutral – or we'd like enough of a vote even if it's neutral – to allow us to get to the Zoning Board.

One thing that Mr. Brutto stressed to me that he wanted me to say in closing --- and we'll defer to where you go – he genuinely wants to generate something that is environmentally sensitive, aesthetically pleasing, consistent in terms of a multi-family structure in the surrounding neighborhood, and something the Village of Hastings can and will be proud of. He's from here, he lives here. We want to make it marketable. Nobody wants to spend all this time and money, no matter how much fun it is to come here. Nobody wants to do this and not be able to actually market and sell the units.

It is a wonderful reuse of what's there now. If you haven't been out there, if we're talking about views and we're talking about experiences and what it's like to be on your asset of the Aqueduct – and you all have been walking past that for decades – that's a shame. We hope we can work with your board, we hope we can work with the Zoning Board, and achieve an appropriate, fair and balanced goal; allow Mr. Brutto to have a fair and reasonable return, not unreasonably obstruct views; and we ask that you permit us to go to the Zoning Board and continue to process the application.

We'll be back. You'll get the notes on the plans you need. We'll secure the safety of the Aqueduct it deserves. So we would ask that you permit us to do that. I would respectfully request that your board entertain a straw poll vote to allow Mr. Brutto to ascertain where he is.

Chairperson Sullivan: What do you mean by "straw poll vote"?

Village Attorney Whitehead: Just give an idea before a formal vote, since there's only five of you.

Boardmember Bass: A non-binding vote. Before we do that, can I just raise something with the Board itself?

Chairperson Sullivan: Please.

Boardmember Bass: This application is not dissimilar to the application on Washington between Warburton and South Street. The Board had concerns – I didn't have those concerns, but the Board had concerns – that the proposed building was going to fill in some of the gaps and create a negative impact on the views. That collectively, based on the existing built condition and the new building, that certain views of the river and the Palisades would be lost. I disagree with the Board.

On this one, I think there's even a stronger case for that: where using the video, even with the sloping tarp, at certain points you just lose the view of the other buildings. But when you take it as a whole it actually fills in the gaps between those buildings. That's not your fault that you're the last one in, but in terms of view preservation what's there now then becomes a wall. It's not their wall, but it's a collective wall of losing the views. We can go back to the video and I can use your pointer and show you, but that's my concern. And that would be consistent with the Board's position. I disagreed with the Board's position on Washington, and the client went away because we, as a board ...

Village Attorney Whitehead: You have other issues.

Boardmember Bass: There are other issues, but the Board asked them to reduce the height of the building similar to this application, and the applicant made a decision that it wasn't worth the economic expense of losing that additional floor. However the Board decides I want it to be consistent with previous decisions because that would be inconsistent and would be not good for our precedent. That's my concern, and you're looking puzzled.

Village Attorney Whitehead: There was never a decision made there.

Boardmember Bass: I know. But based on the discussions and where we, as a board, made recommendations was to lose a floor. It's, again, not too dissimilar to tonight's discussion.

Chairperson Sullivan: I hear what you're saying, and it's fitting in with other conversations we've had about this particular project. So I'm agreeing with what you're saying.

Boardmember Bass: And I take a more liberal view of the view preservation ordinance. That it's not a taking of property rights. Maybe it's my pro-development, but this one gives me pause because collectively it creates a wall when you add in the other pieces of the built environment.

Mr. Steinmetz: Mr. Bass, if I may be heard just for a moment because I'm fascinated by your comments and I appreciate the ...

Boardmember Bass: And I don't mean to be difficult.

Mr. Steinmetz: You're not. You're actually being helpful because you're at least exposing your analysis. I hear what you're saying, and I think intellectually your point is significant. Except look at the photo we're looking at. Let's at least focus on this view. You're walling comment is fair. If the sag wasn't there, and you take into account surrounding areas, you're walling off a view. You and I intellectually, I believe, legally I know, are only discussing the obstruction of views of the park and of the river.

Now, maybe we see different things. When I look at – and that's why I asked them to do that – all that's doing, and I said it earlier and I want to reiterate it, we may be obstructing some views of some buildings; there's no question. You won't see maybe the second story windows of 385 and you won't see the lovely beige roof of 382, but I beg to differ with you that at least as best as we can empirically expose the impact I don't think we're empirically exposing that we're going to adversely impact views of the river and of the Palisades.

Boardmember Alligood: But that's not the only thing we're considering, and that's why we keep talking between the two differences.

Boardmember Bass: If you go back to the video, and I could use your pointer I'll show you what I mean. My pointer was taken away when I went to court one day.

Mr. Steinmetz: You guys don't have one of those screens that allows us to use a pointer on. It disappears. Again, we're below the river, we're below the Palisades, we're below buildings; below the river, below the Palisades, below buildings, deciduous trees, lots of deciduous trees.

Chairperson Sullivan: And part of the view.

Mr. Steinmetz: More deciduous trees, dense deciduous trees, very dense deciduous trees. OK, the mass of the building that obstructs views unreasonably.

Boardmember Bass: I can see.

Mr. Steinmetz: All we're asking is for a fair shake. If you had a prohibition on view I get it. An unreasonable one? And I understand, Ms. Alligood.

Boardmember Alligood: I would like to finish my point.

Mr. Steinmetz: Go ahead.

Boardmember Alligood: You keep using this word "fair." You are asking for relief from the code we have. You're asking for more than you client's property allows. So let's establish that for a fact: you would like relief from the code. And that's a conversation we can have. But it's not being unfair by saying that we may not want to give everything that's being asked for that's an exception to our code. I just want to be clear.

You're kind of mixing up ... we have questions about the view preservation, OK, and we completely understand that our job is to come up with a compromise that is not saying it can't obstruct any views at all. That's one issue we're debating tonight. The other one is about the coverage of the lot and the massing. So when you keep saying fair that's not really the issue.

Mr. Steinmetz: Ms. Alligood, let me respond. Because I hear you and I really want ...

Chairperson Sullivan: It actually would be helpful if we could continue to just talk a little bit and get some of the views out, then maybe you could respond, if you wouldn't mind.

Mr. Steinmetz: I would genuinely appreciate the opportunity to respond in kind. It's so important, Madam Chair, that we're allowed to have a dialogue with Boardmembers and we can understand their concerns.

Chairperson Sullivan: We're starting to talk among ourselves, which is where we started. But please go ahead.

Mr. Steinmetz: Thank you. I genuinely appreciate it. Ms. Alligood, I want to be totally ... I hope I'm ... I'm going to try to be totally clear. My comments about fairness, in my mind I'm clear and I'm not conveying it. My comments about fairness relate to your view preservation analysis. Mr. Bass, let the record reflect, is nodding and I think he gets why. Because there's a lot more subjectivity on the reasonableness, legal factor, that governs ... let me finish.

Boardmember Alligood: I just acknowledged that.

Mr. Steinmetz: Got it, OK. Cool. So on the issue ...

Boardmember Alligood: It's not helping your case ...

Chairperson Sullivan: Let's move forward.

Boardmember Alligood: ... by debating something that I don't ...

Mr. Steinmetz: Totally cool. On the issue of the coverage, we get it loud and clear. That, jurisdictionally, is your Zoning Board. You have every right to review and make a recommendation, but let's talk about that for one moment and then I'll stop. I want to make sure you understand. I've never – and I think the record will play this out, but I want it to be clear – I haven't said that I perceive the Board as being unfair on coverage. I absolutely think if you're going to delve into coverage, then what Christina Griffin has tried to do is emblematic of the analysis. It's character of the neighborhood. I think ...

Boardmember Alligood: You know what? OK, let us discuss ... OK, we got some information, we now need to discuss what we saw, OK?

Mr. Steinmetz: Get it.

Boardmember Alligood: So we don't need you to explain to us what we saw. It's for us to discuss.

Mr. Steinmetz: Understood.

Boardmember Alligood: I think you're starting to antagonize us by constantly making ... we need to do an analysis here, and it's just not helping that you are interrupting us while we're trying to deliberate on information we just got tonight.

Mr. Steinmetz: OK, I didn't think I was antagonizing. I don't want to antagonize.

Boardmember Alligood: But that's how it feels when you interrupt our conversation.

Chairperson Sullivan: So let's proceed with our conversation. Thank you. Eva, if you want to pick back up.

Boardmember Alligood: No, let's hear what other people have to say.

Chairperson Sullivan: Kerry?

Boardmember Gould-Schmit: Christina, we've done the coverage analysis often. I've seen that map time and time again. I do feel it's a little bit different. Because what you're showing us is fronting on Warburton, which is two-way traffic. I don't know the width of Warburton. There just seems to be more breathing room. I mean, this is just a different type of site. And there have been times in the past ... I like density. You know, I'm always sort of pro-density. I just still feel like this site, with increased coverage stuck back here basically abutting the Aqueduct, again I probably have less issues with the view. I have more issues with how tight the site feels to me. I'm still struggling with that.

Boardmember Alligood: I agree a hundred percent.

Chairperson Sullivan: Michael, any comments? You shared some at the beginning.

Boardmember Ambrozek: Well, first I'd like to review what Richard was talking about on the Washington Street development. My recollection about that was that we never really came to a final conclusion. The way the developer wanted to develop along Washington Street was going to actually have view preservation issues – to the best of my subjective measurement – against the Palisades from the buildings that were on Warburton Avenue that looked in that direction. I think we're not talking apples and apples for that development and this development from a view preservation point of view.

I don't have so much of an issue with the site density or massing. Developments change over

time, the shape of buildings change, the way they are constructed changes. You know, this is a multi-residence area and, as I've already stated, I don't think there are view preservation issues either. So I think the architect and the owner have worked very hard to try to come forward with a plan that meets the Board.

In regard to going to the Zoning Board, as I stated last time I would not object to your going to the Zoning Board. Bear in mind, what they approve could be different to what we approve in the meantime or anything. Those are my comments, Kathy.

Chairperson Sullivan: OK, thank you very much.

I guess, Kerry and you articulated my concerns on the bulk of the building in many ways. I enjoyed looking at the SEQRA because I saw it as another angle, another way to look at this project. I keep coming back to the analysis Christina did of buildings that are in the neighborhood. They're all smaller; they're 20 to 30 feet wide. Maybe that was a reference to the townhouse module, but they're not six of these put together from one end to another. I shared with the Board, after I went out and looked at the mockup, the impact of that angle, the roof height across the whole site. That's information we need to see because despite not being able to maybe find a way to show that on the video tonight I think it's very important because it gets to the experience of people using the Aqueduct in a way that is not view preservation but involves just movement along the site.

The SEQRA process mentioned is this considered a land use that's similar to what's in the area. They give some parameters, quantitative, but can you look within a certain radius of a site and find a structure like this. Again, it's not land use by use, but by dimensions, by the width of it, by the height of it. I think that kind of analysis might not support this type of structure being put in. It could be seen as jarring to people that are experiencing the Aqueduct.

Village Attorney Whitehead: Kathy, can I just address the SEQRA procedure for one second?

Chairperson Sullivan: You certainly may.

Village Attorney Whitehead: What you're doing at this point under SEQRA, you have the EAF. The next step is to make a determination of significance. That's what you use the part two for. So it's not a decision yes or no on the project, or yes there's a problem or there's an impact. It's is there a potential significant adverse environmental impact such that an environmental impact statement would need to be required to study that further. I just want to clarify that you're not looking for an impact right now that's going to lead to you being

able to say we can't approve this project. You're looking at making that determination of significance. I just want to make sure everybody understands procedurally what you're looking at under SEQRA at this point in the process.

Chairperson Sullivan: No, I understand. I guess, in a sense, that's the impact I foresee being discussed.

Boardmember Gould-Schmit: I know that typically Zoning does not like to get anything before it's fully baked here.

Village Attorney Whitehead: No, actually they don't want to get it when it's fully baked. Because then they're afraid that you've already, quote – and they've used these words, I told them not to – "approved" it, and it's coming to them as a done deal. They don't want it coming to them ...

Boardmember Gould-Schmit: Well, I've heard that discussion both ways.

Village Attorney Whitehead: Because it's not an easy procedure.

Chairperson Sullivan: I'm not sure. I thought, Kerry, you were asking that the Zoning Board would like us ... would they see it without us approving it?

Boardmember Gould-Schmit: Yes, and I thought they weren't until we were done.

Village Attorney Whitehead: No, we're not done-done, but to a point.

Boardmember Gould-Schmit: We've been at it in the past on this. You know, I would be happy to see what Zoning has to say. I don't know if there's a way to do it without totally upsetting the process, but I just feel like we're going through a lot of iterations here of this and maybe they're going to say no. Maybe I shouldn't abdicate that much.

Village Attorney Whitehead: There's two things. It goes there for both view preservation, and then for the coverage.

Boardmember Gould-Schmit: For the coverage issue.

Chairperson Sullivan: Well, there seems to be an interest to have it be made smaller from our side from the massing impact in a lot of different ways: on people on the Aqueduct and also people that are going to be living near it. It seems to be out of proportion with the other buildings in the area dimensionally. We talked about that for many weeks. We haven't

gotten to a point where we made a recommendation, we voted on a recommendation. We're at that point.

Village Attorney Whitehead: Could I have a closed session for advice of counsel before you take any vote?

Boardmember Bass: Right, and also we should let the public speak before we proceed.

Boardmember Gould-Schmit: Good point.

Chairperson Sullivan: Should we do that now? Thank you for that. Would anyone from the public like to speak? Please come up and say your name and address.

Ms. Lomolino: I'm the chairperson of Friends of Quarry Park. The Quarry Park site is a stone's throw from the location that's being discussed tonight. I would just like to ask the Board to please do your level best to protect the views of the public from this incredibly unique state park. We've seen surrounding communities build tall buildings adjacent to the Aqueduct that have blocked the public view, in Yonkers and in Dobbs Ferry. It is very frustrating for the public to see that. I would just like to point out that this is a very well-traveled and well-used area of the Old Croton Aqueduct, particularly because of the views along that course of the Aqueduct. I have looked at the videos and I've always walked this area and seen the mockups. I will say that as you walk along there are areas of the river that are impacted by the third floor of the buildings.

I would also point out that it has to be, as you well know, envisioned with the leaves off the trees because there are fall and winter views to be considered as well. There are two important projects the Village of Hastings is working on this area. One is the newly-constructed Quarry Trail, which will draw people even more to this area and which is just to the south of Division Street and very near Nodine. The other is the 5-1/2 acre site of the current landfill, which is the future Quarry Park, also very near this site.

There are very particular reasons why this stretch of the Old Croton Aqueduct needs to be protected and that the public views need to be preserved, and I just thank you for whatever consideration you can give to that.

Chairperson Sullivan: Thank you. Anyone else?

Boardmember Ambrozek: Anybody from the public, yes.

I would just like to add that the offer to install monitoring devices on the Aqueduct during construction I'd very much appreciate if you would follow up with that.

Mr. Steinmetz: We would be more than happy to make that a condition. And the comment earlier about no installations on the roof in terms of HVAC we'd be more than happy to have that as a condition. If several of you really have no problem with view preservation, which is what it sounded like, the consensus was becoming – and we would ask you to consider consulting with – counsel about sending us to the Zoning Board even if it was with no recommendation to allow us to process the coverage.

Boardmember Bass: Linda, you're up.

Village Attorney Whitehead: I'm not up in public.

Boardmember Bass: How do we do that?

Village Attorney Whitehead: Do you have a key.

Boardmember Bass: I've never done this.

Boardmember Gould-Schmit: I haven't either.

Chairperson Sullivan: I did it once.

Village Attorney Whitehead: You can get advice of counsel in private session. There's an executive session which can only be for certain things, and you have to make a motion. Advice of counsel is different: you're entitled to have confidential advice of counsel.

[Board adjourns for advice of counsel]

[Board returns]

Chairperson Sullivan: We had the option of a straw poll? We had the discussion and we would like to ...

Village Attorney Whitehead: You didn't have a discussion; you received advice of counsel.

Chairperson Sullivan: We received advice of counsel. Sorry, I don't do this. This is my first advice of counsel with you so thank you. We would like to consider passing the project on to the Zoning Board for their consideration of coverage.

Village Attorney Whitehead: View preservation.

Chairperson Sullivan: And we would like to pass it on to the Zoning Board for the coverage consideration without any recommendation.

Village Attorney Whitehead: Yes, we're not really passing it on. You have the right to go to the Zoning Board at any time, whenever you want to go. You know that. The law doesn't require you to have a recommendation from this board. I think this board – and I'll let them decide in a moment – may be ready to send you on view preservation. On the coverage variance you can go, but they're not going to give a recommendation.

Mr. Steinmetz: We appreciate that. Thank you.

Chairperson Sullivan: To that point, may I have a motion?

On MOTION of Boardmember Ambrozek, SECONDED by Boardmember Bass, with a voice vote of all in favor the Board resolved to approve the advisory for view preservation for the application to construct a new building containing 6 townhouse units at Warburton Avenue (aka Nodine Street).

Chairperson Sullivan: Thank you.

Mr. Steinmetz: Thank you, all.

Boardmember Bass: Say hi to Michael for me.

Mr. Steinmetz: I shall.

Village Attorney Whitehead: Well, we'll see you when you come back. Or actually, *we'll* see you there.

Mr. Steinmetz: We hope to be one piece and make it back. Thank you all. Thank you for your patience.

3. **Subdivision, View Preservation Advisory and Steep Slopes Approval – Application of Dean & Marie Wetherell**, as per Village Code Sections 295-120, 295-82 and 249-4, for the creation of two nonconforming lots and a new proposed single-family dwelling on their property at 196 Warburton Avenue. Said property is located in the R-10 Zoning District and is known as SBL: 4.130-139-17 & 18 on the Village Tax Maps.

Chairperson Sullivan: You folks have been to the Zoning Board and have gotten ...

Village Attorney Whitehead: Yes. We don't have the minutes yet to give you but Buddy and I, having been there, can report that yes, they were granted the requested variances. The Zoning Board did ask them to make a change in the plan, which I think was explained in the submission, to even out the lot sizes a little more between the two lots.

Chairperson Sullivan: We also got a note from Hahn, Buddy, on this as well?

Building Inspector Minozzi: Yes, we do. We have a note from Hahn. It's only a one-page document, it has two items on it. Some simple things. The survey needs to reflect existing conditions – types of walls, utilities, and whatnot – and the duly proposed 18-inch pipe on the plans should be shown throughout the plans and not the previously proposed 15-inch pipe. So it appears that Hahn has accepted all of the engineering and is comfortable with it, and there's just some small issues diagrammatically that need to be taken care of.

Chairperson Sullivan: OK. We also need to announce our intent to be on this as well for SEQRA?

Village Attorney Whitehead: You received an EAF on this way back in the beginning, but you never did your notice of intent to be lead agency.

Chairperson Sullivan: So we're doing it today.

On MOTION of Boardmember Bass, SECONDED by Boardmember Gould-Schmit, with a voice vote of all in favor, the Board resolved to declare themselves to be lead agency under SEQRA and committed to the circulation of the notice to the Zoning Board of Appeals and the Department of Health, as well as other yet to be determined organizations, for the application to create two nonconforming lots and a new proposed single-family dwelling at 196 Warburton Avenue.

Chairperson Sullivan: OK, thank you.

So we have steep slopes and view preservation for this project.

Village Attorney Whitehead: And subdivision.

Chairperson Sullivan: And subdivision, thank you, my goodness. We also got an e-mail from a neighbor who was not able to be here but has invited us to come to look at the stakes I think you put up awhile back from his property. So there's an invitation, if you can arrange that.

Building Inspector Minozzi: (Off-mic).

Village Attorney Whitehead: We sort of pushed off the view preservation on this one until they went to the Zoning Board and got the variances to see if the subdivision was even going to happen. So you never really finished the view preservation review.

Chairperson Sullivan: So thank you. That was just us getting the table set. What do you have for us tonight?

Paul Petretti, civil engineer: I'm also the land surveyor representing the applicant, Dean and Marie Wetherell. Your opening discussion pretty much covered everything we did at the Zoning Board of Appeals. The Zoning Board of Appeals, when we went through the process, asked me to balance the lots, the lot widths, which we were able to do, and move the lot lines to balance the lot area. As it turns out we've been successful with that. We do not have – electronically, up here on the board – the new set of drawings, but they're not substantially different than the original. I did move the rear line.

Chairperson Sullivan: I guess if we don't have the current drawings maybe we just ... I'm not sure what we can do.

Mr. Petretti: This is the current ...

Village Attorney Whitehead: Yes, that is current; that has the angle.

Mr. Petretti: OK, that one has the angle. Basically what I did is, I did this. I pushed that line over 11 feet. This one got 11 feet longer, that one got 11 feet shorter. It turns out that it balances the area and it gave me an average lot width. What it does to the steep slope, from the original analysis, is practically nothing. Actually, it approves it a little bit for the

categories of steep slope.

Chairperson Sullivan: OK, so we need to see view preservation and steep slopes. Do you have some information for us on that tonight?

Mr. Petretti: Yeah, we did make a submission. I believe it's on the drawings. The only thing is, the steep slope table we have here tonight is the original one, but I can speak to that because I did the calculations by hand, OK? For your steep slope, with the newer lot ...

Chairperson Sullivan: Do you have the old drawings?

Mr. Petretti: Yes. Go to that steep slope. You see the steep slope table here? This is the old one. With the old lot size of 10,089 the percent disturbed in the zero- to 15 percent category was 16.3. Because we moved the line, that's now 15.04 percent 15- to 25 percent. It goes to 11.69 percent, and 25 to 100 goes to 8.7. Not a big change, not expected to have a big change, but there is a little bit of a change. So the numerics actually work out better for the steep slopes.

Chairperson Sullivan: That's it, huh? We need view preservation; do we have that?

Thomas Lopinski, design consultant: The view preservation was presented before. We basically have some photographs from the Aqueduct. There are five views, started here with the mass of the building. We were asked to put markers of the height of the building, the peak, and the lower part of the roof on the south side of the roof. I have those markers set up on the property. Marker number one is here, showing the height of this eave. Marker number two is showing the peak, the highest point of the roof. This is the photograph. Those orange points, these are markers set up on the property. I guess I can submit to show them.

Chairperson Sullivan: So that's the view from the street.

Mr. Lopinski: Yes, that's the comparison to the house on the north.

Building Inspector Minozzi: Which also gives you a good idea where the Cleary's house is. This picture gives you a really good idea of how this would affect his property.

Chairperson Sullivan: OK.

Boardmember Bass: Can you clarify how it would affect his property from a view perspective or from just having another house next to it perspective?

Building Inspector Minozzi: In my opinion I don't think it affects it at all, but he seems to feel that's going to affect the view out of that corner window.

Village Attorney Whitehead: And from the backyard. Those are the things he raised. I think at the very first meeting they raised concerns.

Chairperson Sullivan: They also have two sizes of setbacks here. The smaller setback is now being shown towards this side, and the larger's towards the existing house on the property. That's one option to maybe give some pushback, but we need to go out and take a look at that better. I think view preservation we need to go the neighbors to take a look.

Mr. Lopinski: Actually, the corner of the house ... I'm sorry, let me speak to the distance from the property line. It's more than 12 feet. I think it's 16 or 17 feet from the property.

Chairperson Sullivan: Do you want to show us.

Mr. Lopinski: The corner of the house. There is also drainage here on this side so we have to keep in mind there is a pipe.

Chairperson Sullivan: So you have 12 feet and 18 feet or something like that. Is that what it is?

Mr. Lopinski: The corner of the house would be probably in a distance of 16 to 17 feet from the property line, this corner.

Chairperson Sullivan: But your drainage is piped as it goes by the house, isn't it?

Village Attorney Whitehead: On the other side.

Mr. Lopinski: Yeah, it's here

Chairperson Sullivan: That's just one thing to consider as we go down this route. We have view preservation and we need to respond to the neighbors' request. I think for steep slopes I would like very much to see elevations of the sides of the home because I still didn't understand how the grades were working around the house. That would be helpful.
Define

Mr. Petretti: You can go to the grades.

Building Inspector Minozzi: You're asking for sections, Kathy?

Chairperson Sullivan: Not sections; elevations of the sides of the house just under standard grading. It seems with the steep slopes I still don't understand what's restored and what's ...

Building Inspector Minozzi: So the north and south sides.

Chairperson Sullivan: I don't think the rear's needed at that point.

Mr. Petretti: Basically, we are keeping the same grades. The contours shown here, in the green and red, I did that on purpose. This is the 75 contour so I'm just bringing it up like this. We're not trying to disturb the area at all.

Chairperson Sullivan: But you're moving that contour you're saying?

Mr. Petretti: No, we're not moving that contour. We're not moving it at all except in the front. In the front, you got a little hole of 72. This is the existing 75, and the 75's coming in to there. Some of the grading on the right side between the existing house and here will change because of the issue with the drain line coming. You gotta get the train line below grade. This is a 75 and this is a 73 so we're bringing this grade up to 77. But on the left side we're not changing it. You can see that.

Over here, that's the red contour, the existing contour. It's wrapping into the building at 75. Then up there, at the back, you've got the 80 contour and you see a spot elevation of 81. So we're not changing the grade in there. Its not practical, it doesn't make any sense to do it. It's only on this side the grade has to be changed to accommodate getting cover over that drain line. And obviously in the front. You have an elevation out here of about 74, and you're bringing the driveway up kind of flat, very flat driveway. That's really the only grade changes.

Chairperson Sullivan: OK, it's late. I think we will deal with view preservation, with making the visit to the neighbor, and we should see you back again when you update your drawings to show the current lot lines and that impacts steep slopes.

Village Attorney Whitehead: That is the update.

Mr. Petretti: That's current.

Chairperson Sullivan: That one is. OK, I'm confused. I thought you said you didn't have it.

Mr. Lopinski: The steep slope was not ready.

Chairperson Sullivan: OK, so the steep slopes needs to be updated. This is current, OK.

Village Attorney Whitehead: The percentages change because the lot area changed. So the lot area that needs the steep slopes permit actually got bigger and the percentages went down.

Chairperson Sullivan: So we can just see that next time when you come back.

Village Attorney Whitehead: Do you want them to do any more pictures for view preservation. I know the neighbors talked about taking pictures from their house. Just so we can make sure we have everything we need at the next meeting.

Chairperson Sullivan: That was in the e-mail? Did I miss that?

Village Attorney Whitehead: That was back at the meeting months and months and months ago.

Boardmember Ambrozek: Should we point out to the Clearys' that view preservation refers to the views of the river and the Palisades, not their views of neighboring buildings?

Village Attorney Whitehead: I think their position was that their view to the river and the Palisades, looking northwest ... sorry, southwest, would be impacted, the angle.

Chairperson Sullivan: If I remember correctly, in their last e-mail there was a certain window that was comfortable for them for people to come and take a look. Of course, you should go do that. But I think we need to do that as well.

Village Attorney Whitehead: Just coordinate.

Building Inspector Minozzi: Yes, we'll coordinate it. We'll get in touch with them and set it up.

Chairperson Sullivan: I think view preservation from the Aqueduct is well covered.

Building Inspector Minozzi: I have his e-mail and his phone number in the e-mail, so we'll get it set up for you guys.

Village Attorney Whitehead: I just want to make sure everything that needs to be done is

done for next month.

Chairperson Sullivan: Right. Anything we need to do for subdivision in advance. SEQRA will be taken care of.

Village Attorney Whitehead: We've done the circulation. At the next meeting you'll be able to ...

Chairperson Sullivan: OK, good. We'll see you next time.

Mr. Lopinski: Thank you.

Mr. Petretti: Thank you.

4. **View Preservation Advisory, Steep Slopes & Site Plan Approval – Application of Riverton Lofts West, LLC for the construction of a new seven-unit multi-family dwelling on an existing lot with associated parking and an existing building to have an interior renovation only, at 10 West Main Street. Said property is in the CC Zoning District and is also known as SBL 4.70-48-13 on the Village Tax Maps.**

Chairperson Sullivan: We're not really sure why you're here. So I guess if you could kind of explain what your game plan was that would be helpful.

Matthew Cordone, project architect: Sure. I'd be more than happy to. My goal to meet with you all tonight was just to go back from our last meeting to address some of the items that were brought up by the public and some of the items that were brought up by you all for the front of the building, trying to address some of those open issues.

My intent is to sit in front of the Zoning Board of Appeals next month to review the variances we are looking for to move this project forward. I don't believe I had anything significant except to show you some revised elevations showing the front façade. The rear of the building is really kind of tied up with the parking and the variance of having the residential on the ground floor.

Chairperson Sullivan: Do you have a survey for this site?

Mr. Cordone: I do have a survey, yes.

Chairperson Sullivan: Does it have topography on it?

Mr. Cordone: Yes, it does.

Chairperson Sullivan: So that's something we asked to see last meeting.

Mr. Cordone: That's correct, yet. Yes, I do have it and I prepared it for the Zoning Board of Appeals meeting. It did not make it into your package, I do apologize for that.

Chairperson Sullivan: And I think the other request was to start looking at what the rear of the property will be like with a retaining wall or any kind of structure you use to support the extended parking. Is that right?

Mr. Cordone: Yes, that's correct. We did start documenting the rear of the building and preparing renderings. But then again, not knowing where we were going with the variances it was hard for me to get my client to commit any more time and energy to exploring that.

Chairperson Sullivan: I think, for the Board, in speaking with Buddy and Linda before the meeting we had a very fruitful conversation last meeting. We asked to go to the Zoning Board to deal with the use variance, that threshold when it comes to what's happening on the ground floor. The whole issue of the parking decrease, there was a conversation between Jamie and myself which Jamie, because of his familiarity ... maybe Eva can address some of the issues from past experience with this site. There are just some concerns about how your parking is being supported.

Then we had a good conversation about people wanting to support a decrease in the parking, and then there was talk about you going to the Zoning Board with a use and a parking variance. Again, we tried very hard to be clear about what our to-do list is. I don't think, in my mind, we said don't come back to us with information about how you're going to support the parking. The intention was to see that, then we could send you on with our recommendation for the parking variance. That's my understanding, and it may not be others'. I apologize if it doesn't fit in.

It seems to me that the rear of the building, the rear of the lot, is a fairly significant wall to support the parking you're proposing. Is that correct?

Mr. Cordone: We will have a retaining wall that does hold up the structure, that's correct. However, it will be planted with vegetation to kind of maintain the feel of the local environment.

Chairperson Sullivan: No, that was a suggestion. I think we need to start seeing that. I don't know, we can make the decision right now clearly that the majority of the people are comfortable sending this on for the parking variance as well as use variance, or not send it on for parking because there are sit complications that may need to be looked at to understand how the parking can be accommodated. I think I'd like to be clear, and I'm on the side of wanting to see more information. But if the Board feels they should send it on we should be clear about that.

Boardmember Alligood: I'm very aware of the possibility you won't get your parking variance. And the thought of asking the applicant to spend a lot of money before you get that I don't think is the most efficient process. I think there's a lot we'll study if you get the variance, there'll be a lot we can study and there's time for that and that's part of our process. So I'm fine with sending you along with a recommendation because I still stand by my previous statement and I think this project is the prime candidate for a parking variance. I support housing in this location.

I think as you've been here late into the night, you know we deliberate a lot of the details. We can get to that, but I'm perfectly comfortable with sending you along at this point in the process.

Chairperson Sullivan: Michael?

Boardmember Ambrozek: From an engineering point of view, OK, I'll start out by saying I don't have any problems with sending you to the Zoning Board for trying to get a parking variance. In principle, again I agree with Eva that this is a good candidate for not having as much parking as the code requires. I have a very big concern about the engineering of the retaining wall that you're going to need to build for what you're proposing at the back of the building, particularly from a situation of anchoring it. Because I'm not sure what material is there, and also not having it collapse sometime in the future. I've seen more than one retaining wall collapse.

I would also like to ask when you do come back in the future that all your plans have measurements, you provide scale. But it is a lot easier to work if you have measurements both for the plans and for the elevations.

Village Attorney Whitehead: When you come back here you're going to have to have engineering plans.

Mr. Cordone: Yes, that's correct. I couldn't get the owner to pull the trigger on the engineer

yet.

Chairperson Sullivan: I don't think engineering was the request, but that's for another point.

Boardmember Ambrozek: Those are my comments, thank you.

Chairperson Sullivan: Kerry?

Boardmember Gould-Schmit: I tend to agree with Eva. I think like let's got over some of the hurdles, then if you get over a big hurdle on parking we can talk about it then.

Boardmember Bass: That was my suggestion to reduce the parking, based on the lack of need on affordability and also based on the recommendation of the Comp Plan. Your original plan, though, was zoning-compliant, in conflict with what we discussed in the Comp Plan. I think the Comp Plan should carry some weight here. And I'd be more than happy to come down and speak on your behalf for the parking variance.

Village Attorney Whitehead: And the use variance. I was going to say I know you guys didn't feel all that comfortable last time you went to the Zoning Board. But I still think it's good if someone from this board can go, and maybe it is Richard because you were so heavily involved in those issues.

Chairperson Sullivan: It also would be helpful, if they agree with us, writing a note to the Zoning Board and letting that go for others as well.

Village Attorney Whitehead: Yes, we've done that before and sometimes they've been ignored. I think someone being there in person is a little more powerful.

Boardmember Bass: When is the Zoning Board meeting?

Village Attorney Whitehead: It's the week after your October meeting.

Chairperson Sullivan: The only reason I suggest that, and I don't mean it in lieu of someone coming, but I think it's helpful because if we write it to the point of what the zoning people are looking at. When Jamie and I went that first time we weren't very much to the point of thinking about what they were looking for. It was more, oh, in planning we thought this was very helpful. They're much more narrowly focused. This is why we think the use variance, this is why the parking variance, and a note and please come. If you want to go and you can go it would be great.

Village Attorney Whitehead: In whatever note that gets sent to them point to the Comp Plan.

Boardmember Bass: OK.

Chairperson Sullivan: I think it would be useful to try to look at some of the smart growth recommendations also, and transit-oriented development, and just use that.

Village Attorney Whitehead: Well, the applicant needs to make that argument also.

Boardmember Bass: That, and the affordable housing, most recently in New York City where there is a reduction or an elimination of the requirement for parking for affordable housing if you're in a transit zone.

Village Attorney Whitehead: Right. It's the combination of both transit zone and the affordable. Because that is actually an incentive that's done with a lot of affordable housing projects.

Boardmember Bass: Linda, if you don't see a draft from me by the end of next week bug me, please.

Village Attorney Whitehead: You want me to bug you again?

Boardmember Bass: I like that.

Village Attorney Whitehead: So I think you want to just make a motion to refer him to the Zoning Board, with a recommendation from this board in support of both the use variance and the parking variance, with a letter to follow.

On MOTION of Boardmember Bass, SECONDED by Boardmember Gould-Schmit, with a voice vote of all 4 to 1 (Chairperson Sullivan opposed), the Board resolved a recommendation to the Zoning Board in support of both the use variance and the parking variance, with a letter to follow, for the application to construct a new 7-unit, multi-family dwelling on an existing lot with associated parking and an existing building to have an interior renovation only at 10 West Main Street.

Boardmember Alligood: Good luck.

Mr. Cordone: Thanks, guys.

Chairperson Sullivan: One thing we would like you to do is take a look at your EAF form you sent in to us. There is an online version through the EAF mapper that will fill it out very accurately, some of the things that are difficult to get. They have links to databases.

Village Attorney Whitehead: And I'm sorry, before we finish with this you should circulate your lead agency intent for this one, too.

Chairperson Sullivan: We already said we're going to do that.

Village Attorney Whitehead: No, you didn't. Not on this one.

Boardmember Ambrozek: We haven't done a motion for this one.

Village Attorney Whitehead: Make a motion to declare your intent to be lead agency.

Chairperson Sullivan: So if you could take a look at the EAF mapper and get that information, then there's also some of the approval boards just double-check you've gotten those correct. You can take a look at that when you give us the updated form.

Mr. Cordone: Sure, I certainly will.

Chairperson Sullivan: So may I have a motion to circulate the notice to be lead agency?

On MOTION of Boardmember Bass, SECONDED by Boardmember Ambrozek, with a voice vote of all in favor the Board resolved to declare themselves lead agency under SEQRA and committed to the circulation of the notice to the Zoning Board of Appeals and the Department of Health, as well as other yet to be determined organizations for the application to construct a new 7-unit, multi-family dwelling on an existing lot with associated parking and an existing building to have an interior renovation only at 10 West Main Street.

VI. ADJOURNMENT

Chairperson Sullivan adjourned the Regular Meeting.

