

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
REGULAR MEETING AND PUBLIC HEARING
NOVEMBER 16, 2017**

A Regular Meeting and Public Hearing was held by the Planning Board on Thursday, November 16, 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 James Cameron, Boardmember Michael Ambrozek, Boardmember Kerry Gould-Schmit, Boardmember William O'Reilly, Village Attorney Linda Whitehead, Building Inspector Charles Minozzi, Jr., and Planning Board Secretary Mary Ellen Ballantine

I. ROLL CALL

II. APPROVAL OF MINUTES

Meeting of September 28, 2017

Chairperson Sullivan: The next order of business is approval of minutes. Our first set is from September 28, 2017. I believe we once again do not have a quorum of people who were at that meeting. Is that correct, Bill?

Boardmember O'Reilly: For September? Yes, you don't because you weren't here and I wasn't here.

Boardmember Cameron: No, I was here September. Wait, I'm sorry, October. You're right.

Chairperson Sullivan: OK, so we'll have to delay that one. Maybe by the end of the year.

Meeting of October 19, 2017

Chairperson Sullivan: Our next set of meeting minutes are from our October 19 meeting, 2017. Any comments, anyone have any comments on those minutes?

Boardmember O'Reilly: There was one small thing I noticed. On the bottom of page seven, you asked what appeared to be Richard Bass whether he agreed and he said "*I agree.*" But the response was credited to Eva Alligood.

Chairperson Sullivan: Very good, thank you. Very good.

Boardmember O'Reilly: Bottom of page seven.

Chairperson Sullivan: Thank you. Any other comments? Kerry, any comments?

Boardmember Gould-Schmit: No, I'm good.

Chairperson Sullivan: Could I have a motion to approve the minutes?

On MOTION of Boardmember Cameron SECONDED by Boardmember O'Reilly, with a voice vote of 4 in favor (Boardmember Ambrozek abstained), the Minutes of the Regular Meeting and Public Hearing of October 19, 2017 were approved as amended.

Chairperson Sullivan: All right, I think we're in good shape.

III. NEW PUBLIC HEARINGS - None

Chairperson Sullivan: Next order of business, we have no new public hearings. We do have two old public hearings.

IV. OLD PUBLIC HEARINGS

Chairperson Sullivan: One of the things on our agenda was deferred, which was the first up on the original agenda. The next two are SEQRA determinations, and I'd like to ask Linda to give us a little background of SEQRA and also where we are in the process with these two projects.

Village Attorney Whitehead: Sure, I'll give a little SEQRA 101. It starts with SEQRA stands for the State Environmental Quality Review Act. For most projects, except for those that are what's called a Type 2 action under SEQRA – which neither of these are – it requires the Board to take certain steps to make sure that environmental impacts are considered as part of the site plan subdivision planning review process.

Both of these applications have submitted to you an Environmental Assessment Form. 10 West Main Street is what's called an "unlisted action." They provided you with a short EAF,

which they are allowed to do as an unlisted action. Nodine Street provided a full long form EAF because it is a Type 1 action because of adjacency to the Aqueduct, the state park. The EAF is something that really serves as a tool to provide basic information for the Board to make what's called the "determination of significance," which is this next step. On both of these, the Planning Board has been determined to be the lead agency under SEQRA; nobody has objected. In fact, the Zoning Board affirmatively approved you be the lead agency on both of these.

Your next job under the SEQRA process is to make a determination of significance. You can make one of two determinations. You can make a negative declaration, which is a determination that the project will not result in any potential significant adverse environmental impacts – hard to do this when I'm tired – and then an Environmental Impact Statement will not be necessary. The alternative is what's called a "positive declaration," which means you have identified one or more potential significant adverse impacts that have *not* been adequately mitigated by the plan, and then an Environmental Impact Statement is the next step.

Once you make a negative declaration, the SEQRA process ends at that point. No approvals can be granted by any agency until the SEQRA process is done, and that's why they're back here now because the Zoning Board cannot actually grant the approvals both of these projects require from the Zoning Board until this board, as the lead agency, has completed SEQRA. One of them did appear before the Zoning Board and the Zoning Board heard the matter, but obviously held it open, 10 West Main Street. Unfortunately it got very late at the Zoning Board meeting so they have not presented to the Zoning Board yet.

The next step – what you do with the EAF and whatever additional information you've received during the course of your review of the project – the applicant has provided the filled-out part one of the EAF. The lead agency's job is now to fill out part two. I think you all have part two forms. Obviously, for the short EAF the part two is shorter. At the end of filling out the part two you'll see if you have identified any potentially moderate to large impacts. If you have, then you have to do a part three or ask the applicant to provide information to do a part three, where they can discuss those impacts and show how they are being mitigated so they don't rise to the level of a potentially significant adverse impact.

I know that's a lot, but the next step for this board now is to take the information that's been provided, go through the part two form, and answer the questions in the part two form. I'm happy to answer any questions.

For the short one, it looks like this. I'm not sure if everybody actually has one. It's just 11 questions, so Kathy and I can read them and we can discuss them as we go through it. You

received by e-mail today, and then it was also on the dais when you came in, the part one. We asked them to redo it. They had submitted it previously, but we asked that they redo it using the EAF mapper the DEC now provides, which does some good and bad things because some of the information isn't always fully accurate. We can discuss that as we go through.

The only thing I will say is, on their new EAF they provided – and I just noticed this tonight – on 10 West Main, on item number two where it asks about any other permits, approvals or funding from other governmental agencies, the Zoning Board of Appeals was not listed there, and should be.

Chairperson Sullivan: Now, do people have a part two to look at for the ...

Village Attorney Whitehead: Kathy, on the long they do.

Boardmember Cameron: We do.

Village Attorney Whitehead: The long they do.

Chairperson Sullivan: The part two, not the part one. You have an empty part one.

Boardmember Cameron: It was handed out.

Chairperson Sullivan: OK.

Village Attorney Whitehead: For the short one it's just 11 questions. We can read through them.

Chairperson Sullivan: Anyone on the Board have any questions of Linda as she went through her explanation – what we are planning on doing and what we need to do? Any questions at all?

Village Attorney Whitehead: The other thing, there's a couple of ways ... if you think you need more information to answer some of the questions or to make your determination there's sort of two ways to deal with that. One way is to ask for more information upfront: ask them tonight, have them come back at the next meeting with that information. The other is, if you think it's moderate to large but more information may help you determine it's not significant, you can answer the question tonight but then ask them to provide a part three analysis before you make your determination of significance.

Chairperson Sullivan: And how does the part three fall into that?

Village Attorney Whitehead: If you have answered any question in part two, the answers – and believe it or not, this is a big improvement over the old form – you have to either identify each answer. Each question is "no" or "small" impact, or "moderate" to "large" impact. For any question you answer moderate to large impact it needs to be further discussed in a part three discussion; an explanation of why it will not result in a significant adverse environmental impact.

Chairperson Sullivan: All right, so that's something that could fall out as we walk through the questions.

Village Attorney Whitehead: Mm-hmm.

Chairperson Sullivan: All right, everyone ready? First up was 10 West Main, if I'm not mistaken. Is that correct?

Boardmember Cameron: What happens if we don't agree with the answer they gave to part one? We note that in part two as you go along?

Village Attorney Whitehead: You can ask why they've answered it the way they have.

Chairperson Sullivan: Why don't we just, if we look at part one, see if any questions come up, then we can move into the part two. I think that'd be the way to go. So we will start with Rivertown Lofts.

1. **SEQRA Determination – 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: Any comments on the Short Environmental Assessment Form, part one? Jamie, you had something you noted?

Boardmember Cameron: Yes, in item six. As you know, I believe this thing will require maybe a 20-foot high wall across the backside facing the parking lot. I have trouble with it being consistent in item six: "... consistent with the predominate character of the existing

built for natural landscape." Maybe "built" covers it and they just build a wall, but that's the issue I think. It says "*existing built*."

Chairperson Sullivan: That's in part two. Where does that get discussed?

Village Attorney Whitehead: It doesn't have to say a match-up.

Chairperson Sullivan: So, Jamie, I think if we look at part two ... no. Oh, man.

Boardmember Cameron: No, it's a different one.

Village Attorney Whitehead: Do you want to make a couple of copies of this?

Building Inspector Minozzi: Sure, no problem.

Village Attorney Whitehead: Do you want to have Buddy just make copies real quick? It's only two pages. He can make some quick copies.

Chairperson Sullivan: Jamie, if you want to look at this.

Boardmember Cameron: Sure.

Chairperson Sullivan: Anyone else have any other comments on the Short Form, part one? Michael, do you have something?

Boardmember Ambrozek: Yes, on item 13(a) they respond yes, that it is adjacent to a wetland.

Village Attorney Whitehead: Can I explain that? They didn't actually do that. The EAF mapper does that, and then it doesn't allow you to change it. On the EAF mapper they checked it "yes," but their information is not all in the system. They also look at over 500-foot bug perimeters. So for all I know that could be Cropsey Pond.

Boardmember Ambrozek: Sorry, that could be what?

Village Attorney Whitehead: The pond on the Cropsey property.

Boardmember Ambrozek: Right.

Village Attorney Whitehead: This is the question that says, *"Does any portion of the site or lands adjoining the proposed action contain wetlands or other water bodies regulated by a federal, state or local agency."* The DEC mapper actually tells you that information isn't necessarily accurate, but they also tell you in the workbook that they actually look at a 500-foot area around the property. So the only thing I could figure is that they say Cropsey Pond or the river and decided to say yes.

Boardmember Ambrozek: The river, yes.

Chairperson Sullivan: One thing you'll find at the back ...

Village Attorney Whitehead: Yes, there's the stream that goes down in the back.

Chairperson Sullivan: One thing you'll find in the back of this is actually a printout that comes with the form.

Boardmember Ambrozek: Right.

Chairperson Sullivan: It gives an explanation of what they've answered ...

Village Attorney Whitehead: Sort of.

Chairperson Sullivan: ... and the map of where their site was.

Village Attorney Whitehead: Right. And on that particular question it says, *"Digital mapping information is known to be incomplete."* But there is the pond and there is the stream. Wait, he took my copy so I need mine back.

Boardmember Ambrozek: My next point is that question number 14 is blank, and I would've thought it should be either urban or suburban.

Village Attorney Whitehead: It can be more than one, so it could be urban and suburban.

Chairperson Sullivan: This is the land uses, right?

Boardmember Ambrozek: The type of habitat on, or likely found on, the project site.

Chairperson Sullivan: I think we're suburban and urban.

Village Attorney Whitehead: In the downtown, yes. Again, this form is a tool. If you disagree with something as you're going through it, part two is really where you're making your determinations. You're just using this for information.

Chairperson Sullivan: OK.

Village Attorney Whitehead: The only one that nobody picked up, I have never seen the mapper answer no to that question.

Boardmember Ambrozek: Number 15?

Village Attorney Whitehead: Yes.

Village Attorney Whitehead: I have *never* ... have you ever? I have never seen the mapper answer that question no.

Boardmember Cameron: In 15 I answered yes.

Village Attorney Whitehead: It always says "yes." We've talked about this before.

Boardmember Cameron: Eagles.

Village Attorney Whitehead: It's the eagles, the bald eagles, over the river. But I have never seen it, on any project anywhere, answer it "no." There's probably a lot of squirrels, maybe some raccoons, chipmunks.

Building Inspector Minozzi: Did I miss anything between six and 15?

Village Attorney Whitehead: No.

Building Inspector Minozzi: OK.

Village Attorney Whitehead: Fourteen.

Chairperson Sullivan: So any other comments on that, folks? We can move on to part two, which everyone has a copy of now. First up is, *"Will the proposed action create a material conflict with an adopted plan use or zoning regs?"*

Village Attorney Whitehead: Well, it's consistent with the Comprehensive Plan. I think that's been discussed. You know, it does need a zoning variance, but I would still call that a "no" or "small."

Boardmember Ambrozek: I would agree.

Village Attorney Whitehead: I agree. This is how you keep it moving.

Chairperson Sullivan: Yes. *"Will the proposed action result in a change in the use, or intensity of use, of land?"*

Boardmember Cameron: Well, the wall comes either under two or three. It's probably better under three.

Village Attorney Whitehead: Under three.

Boardmember Cameron: So I will put it under three.

Village Attorney Whitehead: So two, I think, again, is a small ... I mean, anything is going to be a change so it's ... so on two we know they're small?

Boardmember Ambrozek: No, I agree: No "small."

Chairperson Sullivan: So "no" or "small."

"Will the proposed action impair the character of quality of the existing community?"

Boardmember O'Reilly: I'd say no.

Boardmember Cameron: Well, it's the wall I'm worried about. And my point is, we actually can't know how it's going to impact, particularly when you're standing down in the parking lot looking back up. Until we actually see a better drawing of how high the wall's going to be, at which point ... produce some drawings from 2006, where we had a similar platform being built there and they produced drawings of what the wall was then. I'm sure Buddy can give you a copy of that.

Boardmember O'Reilly: Yes, I think that question's going to impact a number of these things.

Boardmember Cameron: OK.

Boardmember Ambrozek: I remember specifically at the September meeting – or at a previous meeting – asking for drawings that show heights of the wall.

Chairperson Sullivan: Right.

Boardmember Ambrozek: I have not seen any since. I was not present at the October meeting. I don't know if one was given then.

Chairperson Sullivan: None were.

Boardmember Cameron: None were. I also asked for them, so you and I were of a similar inclination.

Chairperson Sullivan: And I was the third. One of the things, there's a workbook that goes along with this. Just to give you one of the things for analysis: *"Will there be a change to the visual or architectural character of the broader landscape or streetscape, or will it introduce a different-sized structure than what currently exists."* I think seeing this as something we need more information on is potentially our response. Is that fair, Linda?

Building Inspector Minozzi: So number three needs more information?

Chairperson Sullivan: Yes.

Boardmember O'Reilly: Yes.

Chairperson Sullivan: And the information ...

Village Attorney Whitehead: I'm sorry, Kathy, could you read it? I'm pulling it up.

Chairperson Sullivan: That's fine. Just under this question, which is, *"Will it impair the character of quality of the existing community?"*, they have a number of things for analysis. The top one is, *"Will there be a change to the visual or architectural character?"* It goes on to say, *"Does it create a change in the nature and intensity of land uses?"* which I don't think ...

Boardmember Cameron: Two, actually.

Chairperson Sullivan: So we need more information?

Boardmember O'Reilly: You're saying two as well as three.

Village Attorney Whitehead: No, we already did two.

Chairperson Sullivan: So we need more information to understand if there's an impact. We don't have to come up with a decision on whether it's moderate, or we just were concerned because ...

Village Attorney Whitehead: Well, the question is do you think that information could lead you to call it a moderate to large impact as opposed to a no or small.

Chairperson Sullivan: Given the fact that we've gotten no information ...

Village Attorney Whitehead: If you're saying you really can't answer that question without the information, then I would say you need more information on the height of the wall and the visuals.

Boardmember Cameron: And as part of that we actually need measurements on the buildings and the backyards so we can actually see how deep they are and get a better idea of how tall the wall's going to have to be. I can give you some copies of a very good 3-D thing that was prepared in 2006. I'm not expecting them to produce something of that scale because that was a much bigger development, but that'll give you some idea.

Chairperson Sullivan: I think we've gone back and forth on this. I mean, Michael's remembering the last discussion, as Jamie is as well. I've heard from the applicant that they thought they were being asked for engineering drawings, and that's really not what we're requesting at this point. We're just requesting some conceptual understanding, at a schematic design level, what the impact of that plan would be visually, what walls would be built, what the topography would be.

Boardmember Ambrozek: But they do actually have to have measurements.

Chairperson Sullivan: Correct.

Village Attorney Whitehead: You need to know the height of the wall, I think, yes.

Boardmember Ambrozek: Yes.

Village Attorney Whitehead: It doesn't need to be fully engineered at this point ...

Boardmember Ambrozek: Right.

Village Attorney Whitehead: ... but it needs to be enough ... I think that's the main thing on this project.

Boardmember Ambrozek: If they feel they need an engineered drawing that's their choice.

Village Attorney Whitehead: Right, and eventually they will.

Boardmember Ambrozek: Yes.

Village Attorney Whitehead: But this board had also agreed that the variances – especially the use variance here – were really a threshold issue. We weren't going to require fully engineered drawings until they know if they got that, but you do have to have enough to do a SEQRA determination.

Boardmember Ambrozek: Yes.

Chairperson Sullivan: Yes, so any questions on that level of drawing from the applicant because we've had some conversations? Any concerns?

Village Attorney Whitehead: I think he understands.

Male Voice: I understand. (Off-mic) presentations, schematic drawings of the wall, and how it looks from the parking lot of the train station.

Building Inspector Minozzi: Why don't you take the mic in case you have to speak. Just hold onto it, just in case you have to respond.

Chairperson Sullivan: I guess, too, in your presentation, from my perspective this is sort of a two-way street. I mean, you've heard our concern so please document your proposal adequately so we understand it. If there's another wall, view from another side, or dimension, or section, or something that would help us understand the impact, then that's going to move us along faster.

Male Voice: Sure, absolutely.

Chairperson Sullivan: OK, it's kind of a team effort. Any other questions or any other comments on three?

On to number four. *"Will the proposed action have an impact on the environmental characteristics that caused the establishment of a critical environmental area?"*

Village Attorney Whitehead: The critical environmental area here that was designated by Westchester County in 1989 is called the Hudson River CEA. I pulled up some of the maps the county designated. It really includes everything from Broadway down to the river. That's why we see that come up a lot with the mapper. It's about its exceptional or unique character. So it's up to the Board. I don't really see how this project has any.

Boardmember Ambrozek: I think it would have a small impact.

Chairperson Sullivan: How so? Tell us why because I'm curious.

Boardmember Ambrozek: My impact, again, will be the appearance of the wall. We're putting in a larger structure.

Village Attorney Whitehead: But if it's small, it doesn't ... does everybody agree "small?"

Boardmember Cameron: Yes.

Boardmember Gould-Schmit: I agree.

Chairperson Sullivan: I think in the scheme of the Hudson and the size, this could be seen as a small impact. We still to understand it, like you say, Michael, but not overall in the context. It's not going to have a large impact on the river.

Boardmember Ambrozek: Right, yes.

Chairperson Sullivan: All right, so that's a "small."

"Will the proposed action result in an adverse change to the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?" This sort of has a threshold to it when we talk about traffic. I know there's been traffic concerns that have been mentioned, but I think this is volume of traffic in the scheme of having a very large project coming.

Village Attorney Whitehead: Right, and this is not, in the grand scheme of things, a large project.

Boardmember Cameron: And we got rid of half the cars anyway.

[laughter]

Village Attorney Whitehead: Yes, exactly. So "no" or "small?"

Boardmember Ambrozek: Yes, I agree.

Chairperson Sullivan: You agree?

"Will the proposed action cause an increase in the use of energy and it fails to incorporate?"
What's that?

Village Attorney Whitehead: Cause an increase and it doesn't incorporate. They're not always well-written.

Chairperson Sullivan: Thank you. I'll start at the beginning. *"Will the proposed action cause an increase in the use of energy, and it fails to incorporate reasonably-available energy conservation or renewable energy opportunities?"*

Village Attorney Whitehead: I think they've already indicated it's going to be ... I don't know the question. Or is there actually a question?

Chairperson Sullivan: Does part two have these same questions on it?

Village Attorney Whitehead: Well, *"Does the proposed action meet or exceed the state energy code requirements?"* Yes.

Boardmember Gould-Schmit: It's going to have to meet the state energy code, right?

Male Voice: It's not a LEED project.

Village Attorney Whitehead: Right.

Boardmember Gould-Schmit: No, but you'll meet the code.

Male Voice: Of course.

Chairperson Sullivan: Then we'll also have our green code.

Village Attorney Whitehead: Yes, and it has to comply with the green code.

Chairperson Sullivan: All right, so that's going to be good.

"Will the proposed action impact existing public-private water supplies and public-private wastewater treatment utilities?"

Village Attorney Whitehead: It's all public, and he's got to show there's capacity.

Chairperson Sullivan: So that's moderate, I think, for all of them?

Village Attorney Whitehead: No, "small."

Chairperson Sullivan: "Small," excuse me. I apologize. I meant that. I'm circling "small" and saying the wrong thing.

"Will the proposed action impair the quality or character of important historical, archeological, architectural or aesthetic resources?"

Village Attorney Whitehead: I don't think there are any of those.

Boardmember O'Reilly: No. I think that's a "no."

Village Attorney Whitehead: Yes.

Boardmember Cameron: The water tower? Just kidding.

Village Attorney Whitehead: Did you vote?

Boardmember Cameron: I voted, early and often.

Chairperson Sullivan: *"Will the proposed action result in an adverse change to natural resources?"* The example given: *"wetlands, water bodies, groundwater, air quality, flora and fauna."* The answer is no, I would say.

"Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?"

Village Attorney Whitehead: Under current stormwater regulations, really nothing can.

Chairperson Sullivan: So "no" to that, folks?

Boardmember Cameron: OK.

Chairperson Sullivan: *"Will the proposed action create a hazard to environmental resources or human health?"*

Village Attorney Whitehead: "No" to "small?"

Boardmember Gould-Schmit: "No" to "small."

Chairperson Sullivan: OK, so that's it, right?

Village Attorney Whitehead: That's the 11 questions, so I think you've heard the only concern from an environmental standpoint is that the Board needs to understand more about the character and the aesthetics of the wall. I think if you can present enough to show the Board that's a small impact you'll have your negative declaration.

Male Voice: OK, great. Well, thank you, guys.

Village Attorney Whitehead: Thanks.

Boardmember Ambrozek: Could you identify yourself, please?

John Waters, manager and attorney for project: Just in terms of the timing in submitting you the follow-up information, I think we're on the Zoning Board for December 6.

Village Attorney Whitehead: Seventh.

Mr. Waters: The 7th, sorry. But we need the neg dec for them to be able to vote.

Village Attorney Whitehead: Yes. This board does not meet again until the 21st?

Chairperson Sullivan: Yes.

Village Attorney Whitehead: So unfortunately ...

Mr. Waters: So we can't submit it?

Village Attorney Whitehead: No, the Zoning Board won't be able to act.

Mr. Waters: You don't have a meeting where you can act on it.

Village Attorney Whitehead: Right. This board doesn't meet again before the Zoning Board. But my recommendation would still be to go to the Zoning Board, make your presentation to them because they might want more information. Then this board, assuming they're satisfied, will give the negative declaration in December. Then you can get your decision from the Zoning Board in January.

Matthew Cordone, Architect, Riverton Lofts West: OK.

Village Attorney Whitehead: Assuming they've gotten everything they need.

Mr. Cordone: Well, we'll be able to get some insight on our variances there, too, so that's going to help putting the dog and the pony and everything in the right place.

Village Attorney Whitehead: All in one pen?

Mr. Cordone: Right.

Village Attorney Whitehead: OK, so let's put that one away. We know where we are.

2. **SEQRA Determination – Application of PTG Development, LLC, as per Sections 295-82, 249-2 and 295-104, for the 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.**

Village Attorney Whitehead: Now you all have the copy of the Full EAF part one that was left for you tonight? Because there was a little bit of confusion that there were two different versions floating around. The one tonight was the proper, final version. Then you all got a copy of the part two. This isn't going to be quite as easy because the part one is much longer.

Chairperson Sullivan: And they go back and forth a bit.

Village Attorney Whitehead: What gets really annoyingly complicated is they refer you back to the part one for information to help you answer the questions. On this part two, first of all you have general categories. Like number one is "*impact on land*." If you check "yes" there, you then have to go through the subcategories. Any time you check "no" you just go

to the next one.

Chairperson Sullivan: I made one copy for myself where I tried to record the answers where they are pertinent. But that's not to say it's going to make it go that much faster.

Village Attorney Whitehead: Just for the applicant's benefit, I think we're going to try to do the same thing and try to identify if there's places where the Board needs more information before they can make their determination of significance.

Chairperson Sullivan: Let me just go start this up. Hello.

David Steinmetz, Zarin & Steinmetz: Good evening, Madam Chair, members of the Board. Good to be back once again. Madam Chair, before you do the part two if I could just make a three-minute opening series of comments I think helps put your review in a little bit of context it would be appreciated.

Chairperson Sullivan: We'll consider that. I think this is really our discussion. So if it's really three minutes and you think it's pertinent for us I'd be open to that.

Mr. Steinmetz: Sure, greatly appreciated. All I wanted to say is, since we last saw you – and I think it's relevant – we did appear in front of the Zoning Board of Appeals. I'm assuming you all know, but I want to make sure you do know and that the record is clear, we did a presentation of the application to the Zoning Board. It was well-received. The Board unanimously found there was no issue with regard to view preservation. I should take a step back. Obviously they could not formally vote on anything,

Chairperson Sullivan: That's correct.

Mr. Steinmetz: But we spent quite a long time in front of the Board and there was quite an extensive discussion; your counsel was there. I thought it was important to relate to all of you – as you know, as lead agency proceeds – to understand that the Zoning Board did review the same materials we submitted to you. Despite that, you had given me and our team some cautionary warnings about what to expect from the Zoning Board, and you will recall you certainly encouraged us to handle that with some caution and an open mind. The Board was far more receptive on the issue of the view preservation than we had anticipated in light of some of your comments.

As I said, the Board collectively, unanimously found there was no issue of a negative impact or interference of view. They didn't formally vote, but obviously are prepared to do so. As well, we did discuss the size, the bulk, the massing. We talked a lot about the structure itself.

Village Attorney Whitehead: The coverage variance.

Mr. Steinmetz: As it relates, obviously, to the coverage variance.

Chairperson Sullivan: That's correct.

Mr. Steinmetz: I'm pleased to also report to you that a majority of the Board did seem favorably inclined to grant the coverage variance. A number of comments were made by boardmembers about their concern over a period of time with the Village's coverage standard, and several of them were quite clear on why a variance would be appropriate in light of what they had indicated was a somewhat unusual ...

Village Attorney Whitehead: He did say a majority, not all.

Chairperson Sullivan: I know.

Village Attorney Whitehead: Kathy was at the meeting, as well.

Chairperson Sullivan: I attended as well, so you've so far been fairly accurate. We appreciate the update, but we're looking at this, as you know, from the SEQRA point of view. Any comments related to that you'd like to make?

Mr. Steinmetz: Well, certainly. Just in case I wasn't clear, obviously when there's another agency involved, and there is an involved, coordinated review, the comments of these other agencies are relevant. So my comments, Madam Chairman, with all due respect, go specifically to your SEQRA deliberations. Because the other board that's involved in this, and the board that has maybe the most challenging issue – as you all had identified for our team, mainly the coverage variance – that board did conduct a deliberation, did not make a formal finding, but did quite clearly indicate – and the record will play this out – they did not find an adverse impact associated with coverage or view preservation.

You may beg to differ, but it is clear that one of your coexisting boards, which does have jurisdiction here in this village and is part of the coordinated SEQRA review, did its thing. We're happy to sit back, we're happy to answer your questions on the part two. And I should mention we're more than happy ... if your board does not feel you still have enough information on those issues, you need to formulate a determination of significance, you should all understand that we want nothing more than to cooperate with this board and provide that information to you.

We're here, we brought our team here tonight to answer those questions, and we look forward to cooperating as you go through the SEQRA process.

Chairperson Sullivan: Well, thank you very much for that. I think the thing I was reacting to is that I know the Zoning Board indicated favorably towards these different things. They do need us to go through this process before they can come to a final determination.

Mr. Steinmetz: Absolutely.

Chairperson Sullivan: It's appreciated, your reporting. But at this point, they are looking to us to come up with our discussion on the SEQRA process.

Mr. Steinmetz: Sure. At this point, that procedural determination does need to be made.

One last comment and I will sit. I assume you're all aware of the letter the Village received from the Westchester Department of Planning dated November 8. We received a rather, favorable letter from the planning department. I just want you to know that I actually reached out to the senior planner at the planning department today, Lucas Herbert – who authored the letter for the commissioner – and he was quite adamant about his comments that the planning department is not opposed to the project at all.

The reference to "residents" in paragraph number three was a reference to the potential future residents of this project and how the county planning department would be delighted to see the residents of this six-unit multi-family residence be able to access the Aqueduct. And he specifically said the county planning department's position is that they want people to build near the Aqueduct to stimulate life and enjoyment along the Aqueduct. And the property was noted as already developed by the county planning department.

Chairperson Sullivan: Where is that in the letter that they encourage ...

Mr. Steinmetz: Madam Chair, I'm reporting to you the conversation so you can take it for what it's worth.

Boardmember Gould-Schmit: I'm a staff-level planner at Westchester. We all know, but I don't know that everyone is in agreement with, a lot of development around the Aqueduct.

Mr. Steinmetz: Understood.

Boardmember Gould-Schmit: I appreciate what you're saying.

Mr. Steinmetz: I'm glad you do.

Chairperson Sullivan: We will actually read the letter we received, which is information we'll consider in our discussion tonight.

Mr. Steinmetz: That's great.

Chairperson Sullivan: Thank you very much. Anything else?

Mr. Steinmetz: Thank you so much.

Chairperson Sullivan: Appreciate your help very much.

So today we have the latest version of the part one, and we also have the part two which, as Linda mentioned, is intricate. We did receive a letter from Westchester County – or Buddy received it – and they received the site plan. I'll give the general notes. It's consistent with the county planning board policies. They discussed issues with sewage flows, and they also mentioned the Old Croton Aqueduct, recycling, and green building technology. *"The consistency with the county planning board policies is in relationship to Westchester 2025,"* and the point is that *"it's consistent because it will bring infill development to an existing downtown center within walking distance of shops, services and transit."*

The sewage flows: the comment was that, *"It will increase sewage flows from the site into existing infrastructure and will add to volume, creating treatment at the Yonkers joint water resource recovery facility operated by Westchester County."* So there are some requirements that they suggest the Village ask the applicant to do to identify mitigation measures that will offset the projected increase in flow.

Then I believe the next comment is more a general one about the Village, requiring a program that requires inspection of sewer laterals. The next is Old Croton Aqueduct: *"Because the proposed development is located adjacent to the Old Croton Aqueduct, we recommend the applicant explore a connection between the development and the trail so residents could easily access the trail. However, it will also be important to take steps towards screening the development from the trail to preserve the trail's aesthetic quality."*

Next is recycling: *"We recommend the Village request the applicant to verify that sufficient space will be available to store recyclables under the newly-expanded county recycling program."* And the last item is green building technology: *"We encourage the applicant to include as much green building technology as possible into the proposed development, as well as bicycle parking."*

So those are the comments from Westchester County after they received the latest plan. I just wanted to mention those before we got going. Like we did in the other one, we wanted to have any comments on part one that came from the applicant.

Village Attorney Whitehead: You know, we already had them correct this once.

Boardmember Cameron: I don't know why, but item D-1(e)(i) asked you if anticipated construction is going to be constructed if you give a "no" answer, and they haven't answered that question.

Chairperson Sullivan: Which one is that again, I'm sorry?

Village Attorney Whitehead: What's your anticipated period of construction?

Boardmember Cameron: In months.

Louis Brutto, applicant: Can I answer, please? The question specifically said would it be construction in multiple phases, and it wouldn't be.

Village Attorney Whitehead: Right. Then it says "no." It says, if "no," *"anticipated period of construction."*

Mr. Brutto: OK.

Chairperson Sullivan: Which number is this, folks? I'm sorry.

Boardmember Cameron: Page three, number D-1 ...

Boardmember O'Reilly: The last block.

Village Attorney Whitehead: It's better to have a page number.

Chairperson Sullivan: *"If 'no,' anticipated period of construction."*

Mr. Brutto: Yep, about 12 months total construction.

Mr. Steinmetz: (Off-mic). Which number is that, please?

Village Attorney Whitehead: Page three, D-1(e) at the bottom.

Mr. Steinmetz: D-1(e), sub 1.

Boardmember Cameron: And the other thing, which is really a net, is that you misspelled the soil type on E-2(c). It's got an "H" in it, at least I believe it does.

Mr. Steinmetz: The page, Jamie?

Boardmember Cameron: Page 11 of 13, E-2(c), the word – at least in the dictionary – I think I spelled U-V-O-R-T-H-E-N-T-S.

Chairperson Sullivan: Any other comments, Jamie?

Boardmember Cameron: No, that's all.

Chairperson Sullivan: Kerry, any comments on part one?

Boardmember Cameron: Actually I do have one other comment, I'm sorry. Page 13 of 13, this is a question. E-8, it talks about "*five miles from any officially designated or public-accessible federal, state or local scenic or aesthetic resource.*" I'm not sure it matters that much in this case, but I think the Hudson River and Palisades Park are both within 5 miles.

Village Attorney Whitehead: They're actually not identified. There are specifically officially designated scenic resources, and believe it or not the lower part of the Hudson River has not been designated by the state.

Boardmember Cameron: I thought Cuomo would change that with the (inaudible) law. Just kidding. Really, the Palisades is not ... because that's in New Jersey and we ignore New Jersey?

Village Attorney Whitehead: I don't think the State of New York can designate something in New Jersey.

Boardmember Cameron: It does say "*public-accessible federal, state or local ...*"

Village Attorney Whitehead: Well, the federal has it. Anyway, it's already checked "yes" because of the Aqueduct.

Boardmember Cameron: OK, that's fine.

Village Attorney Whitehead: And I've dealt with this before, the officially-designated issue.

Building Inspector Minozzi: Are we getting the Palisades on there?

Boardmember Cameron: No.

Chairperson Sullivan: Bill, any comments or do you need a moment?

Boardmember O'Reilly: Not right now I don't have any.

Chairperson Sullivan: OK. Michael, do you have any comments?

Boardmember Ambrozek: Not at the moment.

Chairperson Sullivan: OK, I had one I'd like to explore. There's a workbook that goes along with this, and under E-1 – "*land uses on and surrounding the project site*" – they made a distinction in the workbook in looking at ...

Village Attorney Whitehead: What page?

Chairperson Sullivan: Excuse me, page nine, where they just made three levels of land uses which were on the site, adjoining the site, and near the site. "Near" being described as something that's within a thousand feet in a suburban environment. I just wanted to make that comment because that may become useful later. I think looking at the workbook it would be helpful to expand on that.

Village Attorney Whitehead: But they've identified commercial and residential. Is there something other than commercial or residential?

Chairperson Sullivan: It would be ... there's a state park that's adjacent, adjoining. And near, there's single-family, multi-family, commercial, park itself: railroad. Just the fact that you look at the context of this project and it's not just the site itself, but that there's a context that's less important here but may become important in the part two.

Village Attorney Whitehead: You and I have agreed to disagree on that.

Chairperson Sullivan: Well, I'm looking at the workbook that the DEC provided and it talked about the land uses being described that way.

The other thing is, and this is a nitpick, there really aren't any forested components on this site; forested as it's described in the DEC as actually a forest, with mature trees. I don't know if you have that so it's either going to be non-agricultural ... I mean, it's hard to know. It's a funny site because it's a construction yard of sorts. But you can just walk that out if you want and not have it be a forested site.

The other thing I'd be interested in down the road is how you folks got your information on the bedrocks, the depth of bedrock. If you use the mapper, there's a Web soil survey component you can go to that automatically gives you information on the geology. I just want to make sure that bedrock dimension is correct, the 2-to-5, because that's close to the surface. If you could provide just the backup of where that number came from.

Mr. Brutto: Sure. There are some rock outcroppings on the site so we obviously know they are close to the surface. In past practice, that is our determination: that that's what would be there on-site.

Chairperson Sullivan: So there are some rock outcroppings on the site?

Mr. Brutto: They're small; you can see small rock at the surface. At one time the entire site was probably very different geologically. It seems almost a good portion of the site was actually excavated a long time ago, possibly when the Aqueduct was built.

Chairperson Sullivan: So the next question in there – this is on page 11, E-2(b) – where there's bedrock, the answer to "*Are their bedrock outcroppings on the project site,*" that should be "yes?" Is that correct, instead of "no"?

Mr. Brutto: I'm sorry?

Chairperson Sullivan: On page 11, E-2(b), the question is "*Are there bedrock outcroppings on the project site?*" you've answered "no." Shouldn't that be "yes?"

Mr. Brutto: It's hard to say whether they is actual bedrock. I mean, there are rock outcroppings on the site. Whether they are bedrock or not, there would have to be more investigating done.

Chairperson Sullivan: So why don't we make that a "yes," and an investigation.

Mr. Brutto: We could simply say "yes" to it and that would be fine.

Chairperson Sullivan: OK.

Boardmember Cameron: I'd like to go back to your thing on page 9, E-1. One of the uses we have is what we refer to as a "lateral park." Wouldn't that come under "other?"

Chairperson Sullivan: I would think so.

Boardmember Cameron: I mean, it is a use, and it's on or adjoining ...

Village Attorney Whitehead: You can just check "other" and add "park."

Boardmember Cameron: Yes.

Chairperson Sullivan: State park.

OK, any other thoughts, comments on this, folks?

Boardmember Ambrozek: Yes.

Chairperson Sullivan: Go ahead, please.

Boardmember Ambrozek: Going back to page four – we're now back to D-1, item (f). So you're talking about residential uses. I think you're trying to say that you will put in 6 one-family units, but it's showing up as six multi-family. I think the entry is just wrong. It should be just the number 6 for the initial phase, since you only have the one phase – that's at the top of the page – because they're not going to be multi-family units. Then down under "*project operations*" you're talking ... does anybody have any questions on that?

Village Attorney Whitehead: Again, it's the poorly-written form, but it's actually, I think, done correctly. It's a multi-family with six units.

Chairperson Sullivan: Michael, I made my note and put "six units" to clarify it because I find it confusing as well.

Boardmember Ambrozek: Ohh-kay.

Village Attorney Whitehead: Another poorly-written ...

Boardmember Ambrozek: But these are considered ... OK, so it's a multi ...

Mr. Steinmetz: Because they're attached, they're (off-mic).

Boardmember Ambrozek: Considered multi-family.

Village Attorney Whitehead: Multi-family.

Boardmember Ambrozek: OK, I'll accept that.

Village Attorney Whitehead: Because there's six units in one ...

Boardmember Ambrozek: I said it was a minor thing anyway.

Mr. Steinmetz: It's a good question.

Boardmember Ambrozek: Going down to D-2, "*project operations*," you talk about the excavations. You tick off "yes," then you respond to item .1 and .2, but you do not have any entries for .3. Then you do 4 and you don't do Roman numeral V, VI or VII. Then you do Roman numeral VIII. I think there are some omissions in there, too.

Mr. Brutto: OK. Obviously there's no dredging going on. The excavation itself is just for the foundation of the building. I've described approximately how many cubic yards would come out. You're saying "*the nature and characteristics of the material to be excavated*." I guess that should have been answered – typical soil, rock – and it would be disposed of off-site via 10-wheel truck.

As far as on-site dewatering or process of excavated materials, we won't be doing that. You know, nothing will be processed on-site; it'll all be removed. Total area to be dredged or excavated is essentially the footprint of the building. I can put that in there. And maximum area to be worked at any one time, again, just would be the entire footprint of the building.

Village Attorney Whitehead: Interestingly, these ask for answers in acres, and obviously the answers are not going to be in acres.

Mr. Brutto: Yes, that will be in square feet.

Chairperson Sullivan: So basically, for Michael's analysis, after .iii there are just a number of things to answer.

Mr. Brutto: I just want to go back. See, when you answer number four – "*Will there be any on-site dewatering or processing of excavated materials on-site*" – and the answer to that is no, I believe you do not answer the following questions. That's why they are blank.

Boardmember Ambrozek: I disagree. I see the whole range of items up to number nine to really be part of the description of the project operations.

Mr. Brutto: That's fine. I mean, if the Board wishes us to insert that information that's fine.

Village Attorney Whitehead: Do you know about the size of the footprint?

Mr. Steinmetz: Yes.

Village Attorney Whitehead: I know you have it.

Mr. Steinmetz: (Off-mic). There's no reason it can't be answered.

Boardmember Ambrozek: I'm not saying it would have a major impact.

Village Attorney Whitehead: Right. You just want the information to be there.

Boardmember Ambrozek: Yes.

Mr. Brutto: That's fine.

Mr. Steinmetz: (Off-mic) for the record, and Linda's comment is a good one. It's not even an acre.

Mr. Brutto: Right, it'll be in square feet. That would be more useful to you than a number I could give you in acres.

Boardmember O'Reilly: Can I have a question on excavation?

Chairperson Sullivan: Go ahead, please.

Boardmember O'Reilly: Just a general question. It seems like that site has probably been used for a number of different purposes over the years. Are there any in-ground tanks or other things like that that need to be discovered, excavated or moved out? Because it looked like it was some site for ... hard to say what it was, but I'm sure they've changed over the years.

Mr. Brutto: I do not know of any.

Mr. Steinmetz: No evidence (off-mic) the owner of the site.

Chairperson Sullivan: In the workbook that goes along with this it does say when you answer iii you need to answer all of those. So, Michael, thank you for bringing that up. That's something just to look at. Anything else, folks?

Boardmember Gould-Schmit: Just on outdoor lighting.

Chairperson Sullivan: Oh, thank you very much for that. Thank you for mentioning it. Please go ahead.

Boardmember Gould-Schmit: Oh, page 8. I notice you talk about a neighbor to the south and to the west. I think there's a neighbor to your north, a single-family home maybe. I just think the lighting levels are going to be sensitive in this because you're amping up the light a lot in this area. I don't have the Planning plan; I just don't know if any trees are being removed, or barriers. You're saying no. I hope not because any screening would be great, I think, for all the neighbors.

Mr. Brutto: Sorry, which question is that?

Building Inspector Minozzi: N-2.

Boardmember Gould-Schmit: And not along the property line to the north.

Chairperson Sullivan: Kerry, you're looking at ...

Boardmember Gould-Schmit: I'm looking at page eight.

Chairperson Sullivan: Let me just get the number of what this one goes on. So we're looking at ...

Boardmember Gould-Schmit: Outdoor lighting levels.

Chairperson Sullivan: D-2, which is project operations I think.

Village Attorney Whitehead: You have to go back. That's why the page numbers are easier to follow. It's under D-2(n).

Mr. Steinmetz: 2(n)(2) is, I think, the question.

Village Attorney Whitehead: Right, about removing the existing natural barriers that would act as a north barrier, or a screen.

Chairperson Sullivan: So your comment is looking at the neighbors to the north.

Village Attorney Whitehead: Is there existing screening

Boardmember Gould-Schmit: Yes, it was adjacent yard.

Mr. Steinmetz: We'll clarify that.

Chairperson Sullivan: Thank you. That's a good point.

Boardmember Cameron: It's interesting Westchester County used the word "screen," too.

Village Attorney Whitehead: Which I find interesting because they don't really want you to screen it up by the Aqueduct because that would impact the view from the Aqueduct.

Boardmember Cameron: Well, they want to screen the building but not the view.

Chairperson Sullivan: We'll talk about that, I think.

I had a question about will the proposed action have outdoor lighting. You described a lot of site lighting – walkways and entrances to parking garages. I'm just interested if there's going to be lighting in any other parts of the building, up in the third floor proposed and the deck area or any other patio lighting or anything else besides just lighting those areas. I'd love to get that clarified.

Mr. Brutto: We'll have to get that for you, and the project architect is obviously not here.

Chairperson Sullivan: Thank you for bringing that up.

Anything else?

Boardmember Ambrozek: I just have two general observations not to do with the SEQRA application. One is for lighting. We discourage lighting that points upwards so we're looking at lighting that only goes down. And regarding access to the Aqueduct, I think it would be very difficult.

Mr. Brutto: I think it's almost impossible.

Village Attorney Whitehead: He said I don't think the county realizes quite how steep it is there.

Boardmember Ambrozek: I mean, it would be very nice to provide more access points to the Aqueduct, but that's not ...

Mr. Brutto: It would have to be a ladder.

Chairperson Sullivan: My thought with that, Michael, is we would ask the state parks folks that question and let them answer it for us.

Village Attorney Whitehead: I just think it's not physically really possible.

Boardmember Ambrozek: Right, plus we don't really want to disturb the wall at that point.

Boardmember Cameron: And besides we have one only a hundred yards away. We just put that one in, it was just finished. The idea of having another one is actually maybe not a good idea.

Village Attorney Whitehead: I think that's a comment from the county. This board can say we're not concerned about that.

Boardmember Ambrozek: OK.

Chairperson Sullivan: We'd like to do it if we could, but ...

Boardmember Cameron: If you'd like to pay for one someplace else, we have a place.

Chairperson Sullivan: All right, moving on to part two, which is we've reviewed all the information in part one and we're going to start answering some of the questions. As Linda said, if we answer "yes" to a question, a general question, we can go through some of the sub-questions. As she noted also, they are very thorough and lay out the relevant part one question we could maybe use as a basis to answer it. We'll do the same thing we've done, which is looking to identify if we feel a "no" or "small" impact, then discuss if there's any information that's needed if we have to get that.

Starting at the top, we have 18 of these, I believe, to go through.

Village Attorney Whitehead: But some of them are easy "noes," – a couple of them – like

agricultural land.

Chairperson Sullivan: Well, we'll get through them the way we need to get through them.

Village Attorney Whitehead: OK.

Chairperson Sullivan: *"Impact on the land"* is number one: *"Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site,"* and the answer is yes. The sub-questions below that are: *"The proposed action may involve construction on land with depth to water table less than 3 feet."* The part answer was no to that. Anyone feel that would have a no or small impact?

Boardmember Ambrozek: "No" or "small."

Chairperson Sullivan: OK. *"The proposed action may involve construction on slopes of 15 percent or greater."* The answer from part one was yes.

Village Attorney Whitehead: Again, you could say yes but it's a small impact. They have to comply with your steep slopes code, which mitigates the impacts.

Boardmember Ambrozek: I agree, yes. We're already addressing it.

Village Attorney Whitehead: So no, or small. I mean, it's not no, but it's small.

Boardmember Ambrozek: Correct.

Village Attorney Whitehead: Everybody agree? Small?

Chairperson Sullivan: Correct.

"The proposed action may involve construction on land where bedrock is exposed or generally within 5 feet of existing ground surface." The answer from part one is yes. So the question comes up about blasting and potential impacts.

Village Attorney Whitehead: Well, they said they're not going to blast. They answered that question as no blasting. That is a question in part one.

Boardmember Cameron: Can we just go back to B for a minute? I think we're already dealing with it, I just want to make sure it's OK. You know, we've always had a concern that the digging out of the garage – part of which will be on that 15-degree slope, I believe –

could interpret the future of the Aqueduct.

Village Attorney Whitehead: You have a memo from your consulting engineer.

Boardmember Cameron: Right, yes. He thinks it's going to be OK.

Village Attorney Whitehead: Right.

Boardmember Cameron: I brought it up because ...

Village Attorney Whitehead: No, I think that's why the memo from Hahn is actually helpful because he looked at that specific issue.

Chairperson Sullivan: Did we get that again?

Village Attorney Whitehead: No, I have it.

Chairperson Sullivan: Thank you.

Village Attorney Whitehead: I thought that was helpful to this discussion.

Boardmember Ambrozek: And my viewing of the drawings provided by the developer I don't think will have any ... the digging will not have any impact on the existing Aqueduct structures.

Village Attorney Whitehead: Right. And your consulting engineer has reviewed those same things and agreed with that, so it's nice that we have that from Hahn.

Boardmember Cameron: Yes, it is.

Boardmember Ambrozek: You never know, there may be Aqueduct structures below the ground we cannot see.

Boardmember Cameron: Yes, 1840. You were around for that, right?

[laughter]

Boardmember Ambrozek: And I do want to say that despite my earlier comments asking for more information on these sort of issues, I'm still considering this to be a no or a small impact.

Chairperson Sullivan: Which one is this, Michael?

Boardmember O'Reilly: Fifteen percent?

Boardmember Ambrozek: No, the next question.

Village Attorney Whitehead: The next one.

Boardmember Ambrozek: Yes, the next one. I'm jumping ahead of myself. The development where ...

Village Attorney Whitehead: The construction on land where bedrock is exposed.

Boardmember Ambrozek: Right, yes.

Chairperson Sullivan: I think you might have forgotten this. I appreciate that.

Village Attorney Whitehead: Yes, I pulled it out because I thought it was helpful to this.

Chairperson Sullivan: I think at some point we want the state parks folks to verify the various activities to make sure they're comfortable with it because they know the structure itself in a way that Hahn wouldn't be able to identify. That doesn't change being an impact that could be dealt with.

Boardmember Ambrozek: Correct, and we do need to get sign-off from state parks.

Village Attorney Whitehead: OK, so we're moving on to C?

Chairperson Sullivan: Yes. B stayed "no" or "small." C was "*construction on land where bedrock is exposed or generally within 5 feet.*" The answer was yes, but blasting was "no" so small or no impact. Does everyone agree?

Boardmember Ambrozek: Yes, I'm saying no or small impact. We still want all the details properly filled in, but anticipating what those will be I think it's still a no or small.

Chairperson Sullivan: OK, good. "*The proposed action may involve excavation and removal of more than a thousand tons of material.*" The answer's no, so no to small.

Boardmember O'Reilly: It is a no?

Boardmember Ambrozek: That's a no.

Village Attorney Whitehead: It's 800 cubic yards; 800 cubic yards is not a thousand tons.

Mr. Brutto: It's close to it. That's the threshold they're asking for, and I would say it's minimal.

Village Attorney Whitehead: Again, it's probably small.

Mr. Brutto: Small impact, yes.

Boardmember Cameron: But I think we're over a thousand.

Mr. Brutto: Yes, we're about 11-hundred.

Village Attorney Whitehead: Depends how heavy.

Boardmember Cameron: I knew the answer to the question before I asked it.

Boardmember Ambrozek: We can't avoid the use of trucks to remove them.

Boardmember Cameron: I just want to make sure we trigger the question and then we answer it.

Boardmember Ambrozek: But there will be care to avoid dust.

Chairperson Sullivan: Michael, I'm going to just intercede for a second. Let's try to answer the questions, and the thing is there may be places ...

Boardmember Ambrozek: Yes, Madam Chair.

Village Attorney Whitehead: OK, so that's a small.

Chairperson Sullivan: That's a small, and I think the answer to D-2(a) should be changed, then, to "yes: if you're over the tonnage. Is that correct? Because it was "no."

Mr. Brutto: What's that?

Chairperson Sullivan: B-2(a) I noted that the answer was no.

Boardmember Cameron: Oh, I don't know if that is true. They're talking about 800 cubic yards, and I figured actually they had more than that.

Mr. Brutto: It says yes. D-2(a) is yes.

Chairperson Sullivan: Thank you, appreciate that. OK, so my notes are wrong. So small to no.

E is: *"The proposed action may involve construction that continues for more than one year, or in multiple phases."*

Village Attorney Whitehead: They've now given us the 12-month number.

Boardmember O'Reilly: They said no to that.

Chairperson Sullivan: So I would say that would be a no, or small impact. Anyone disagree?

"Proposed action may result in increased erosion, whether from physical disturbance or vegetation removal, including from treatment by herbicides." The answer was no or small impact. Anyone have anything ...

Boardmember Ambrozek: No, I don't disagree.

Boardmember O'Reilly: That's a no.

Chairperson Sullivan: *"The proposed action is or may be located within a coastal erosion hazard area."*

Village Attorney Whitehead: It is not.

Chairperson Sullivan: It is not, so no impact.

Moving right along from question number two, *"Impact on geological features: The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual landforms on the site:: cliffs, dunes, minerals, fossils, or caves."* The answer is no, it is not impacting any of that.

Boardmember O'Reilly: We move on.

Chairperson Sullivan: *"Impacts on surface water: The proposed action may affect one or more wetlands or other surface water bodies."* Example given: *"streams, rivers, ponds or lakes."* This one gets triggered yes because the adjoining action may involve construction within or adjoining a freshling (ph) water, tidal, blah, blah, blah.

Village Attorney Whitehead: So that was the mapper again.

Chairperson Sullivan: That's getting triggered by things in Burke. I looked this up in Draper, so it's not relevant to this project.

Village Attorney Whitehead: Right, so I would say it's a no.

Chairperson Sullivan: So I would make it a no.

Village Attorney Whitehead: Yes, yes.

Chairperson Sullivan: The next is 4, *"Impact on groundwater: The proposed action may result in new or additional use of groundwater or may have the potential to introduce contaminants to groundwater or an aquifer."* I think the answer to this one is no to the general question.

Number five is *"impact on flooding."* Let's go no further because it's pretty far away from the floods. Let's call it a no.

"Impacts on the air: The proposed action may include a state-regulated air emission source," and the answer to that is no. You look at the questions.

"Impact on plants and animals: The proposed action may result in a loss of flora or fauna." This gets triggered by the mapper, as well.

Village Attorney Whitehead: The eagles.

Chairperson Sullivan: Well, you know, it is eagles. What we've done in the past is had an applicant write a letter to the state saying, "Excuse me, what animals? Please tell me ..." or "what species," and then the answer will come back.

Village Attorney Whitehead: Can you try to get a letter?

Mr. Brutto: Yes.

Chairperson Sullivan: No, we've done that before.

Village Attorney Whitehead: Then this becomes a no.

Chairperson Sullivan: Yes, it's actually triggered by something from the 1800's. That's what I have been told.

Building Inspector Minozzi: A letter from the state?

Village Attorney Whitehead: From the DEC, yes. They know the standard.

Chairperson Sullivan: From the appropriate group that monitors this.

"Impact on agricultural resources." I don't think so.

Boardmember O'Reilly: No.

Chairperson Sullivan: You might have them in farming or suburban farming, but that doesn't count.

So we come up to nine, which is *"Impact on aesthetic resources: The land uses of the proposed action are obviously different from, or in sharp contrast to, current land use patterns between the proposed project and the scenic or aesthetic resource."* Anybody have any comments on this?

Village Attorney Whitehead: There's nothing between it.

Boardmember Ambrozek: So it's a "no" or a "small."

Boardmember O'Reilly: Yes.

Village Attorney Whitehead: Well, this is yes or no. It's, again, an oddly-written question.

Chairperson Sullivan: I would say this one involves some conversation because I believe the answer is yes, the reason being that the definition of land use is back to what we talked about a little bit in part one: that you're looking to try to understand if this project is in sharp contrast to its context. One of the things we need to look at is the scale of the project in the context it's in and to try to understand if it is in contrast to what surrounds it. When you look at what the DEC has in their workbook – and this is something online – it does talk about

looking at the land use in the areas surrounding it.

Village Attorney Whitehead: I think it's poorly written, but I think you would start with "yes" and then go to the sub-questions.

Chairperson Sullivan: Right, I think so. So, *"The proposed action may be visible from any officially- designated federal, state or local scenic or aesthetic resource."* The answer to that was answered "yes" on part one.

Village Attorney Whitehead: Because it's visible from the Aqueduct.

Chairperson Sullivan: Correct.

Boardmember Cameron: It's adjacent to it, right?

Chairperson Sullivan: Why don't we go through the questions, then we can talk about what might need to come. *"The proposed action may result in the obstruction, elimination, or significant screening of one or more official designated scenic views. The proposed action may be visible from publicly-accessible vantage points seasonally, year-around."* Those are two choices. *"The situation or activity on which viewers are engaged while viewing the proposed action is routine travel by residents, including travel to and from work, recreational, or tourism-based activities."* Those are two choices.

"The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource. There are some similar projects visible within the following distance of the proposed project," and they give some radiuses – zero to a half-mile, half- to 3 miles, 3 to 5, and 5-plus. Then they have other impacts.

Any comments?

Boardmember O'Reilly: I suppose you could say each of them are somewhat yes, but on the other hand the question is, is it ...

Village Attorney Whitehead: Small or is it large.

Boardmember O'Reilly: Yes, small or large. I think it's small.

Chairperson Sullivan: Pardon me? What did you say?

Boardmember O'Reilly: I'm sorry?

Chairperson Sullivan: I didn't hear you.

Boardmember O'Reilly: It's small, in my mind. I mean, if you're talking about an impact on an area – I mean, if you think about the length of the Aqueduct and you think of the length of the Aqueduct in Hastings – walking past this place may be a change, but is it going to be a large change? I'd say small. I'm looking at it from the point of view of the distance in walking past this structure, which seems to be what this is aiming at. It may be visible from publicly-accessible vantage points, yes; visible from the Aqueduct.

Village Attorney Whitehead: Well, it goes to the scale. You know, you're supposed to look at the scale of the impact.

Boardmember O'Reilly: Right, small.

Boardmember Cameron: Well, the only comment – and it may be solvable through site plan approval – is making sure the building that's being built is as consistent with the idea of taking a walk in the woods as we can get, you know, because that really is the issue. I mean, for instance if they put up an orange building there I would say it's moderate to large. But if they put up a building which really fits into it, it may end up being no or small. I think this is where this comes up because if you go down the Aqueduct – which I do quite a bit, I was down there today – once you go past this site going south you don't see another building except for almost no buildings, except for three right near – I call it – the "wind-y way."

Chairperson Sullivan: Pinecrest.

Boardmember Ambrozek: Pinecrest Drive.

Boardmember Cameron: Until you get to, I hate to say, the deadly Yonkers. But there you are, where all hell changes. Until then, we have wonderful country views and feelings for it. I think one of the things about this project, since it is quite large and it's the first big one we have, is that we need to actually take a hard look at this thing, which they urge us to do, and make sure what we're to get is something which blends entirely the best we can as well as getting the scenic values. That's really my issue on this one.

Boardmember O'Reilly: Yes. The only other thing I would say is that my problem with some of these statements is that they're very subjective. When you talk about diminishment of enjoyment, well, diminishment of *your* enjoyment may be quite different than mine. I'll take no notice of it sometimes.

Boardmember Cameron: That's why with a large building you have to make sure we've got everybody in one place.

Chairperson Sullivan: But the thing is, this process does not have to be subjective.

Boardmember O'Reilly: No, but some of these things are.

Chairperson Sullivan: But what we're missing is the context of what we're trying to decide. I think it's interesting because you started talking, in the course of looking at the Aqueduct, about the DEC materials; say, look within a thousand-foot radius of the site and try to have that be the context and see if this fits into that.

Boardmember O'Reilly: I can measure that; a thousand-foot radius I can measure.

Chairperson Sullivan: That's what I'm saying. So what I'm saying is that what I think is needed – and I think this gets to the point of much of what we felt uncomfortable with and I think will be good for the community also to see – is to identify a context we believe is appropriate for this type of site. Then ask for an analysis of the different types of uses, which the DEC describes not just as commercial, retail and that kind of thing, but looking at the buildings themselves.

I can share the description, but it's the scale, the height, the size, the dimension. We can come up with what we think is a useful context, then we can look at this project in relationship to that. Then if it's different, then is it different in a jarring way. The DEC is a very useful thing where it says looking at it in relationship, and I'll try to get to it.

Village Attorney Whitehead: Just remember you have to tie this back to the aesthetic resource. You don't go a thousand feet away to something that's not visible from the Aqueduct.

Chairperson Sullivan: No, my point would be that we would look at things that are on the west side of the Aqueduct; you know, things that are similarly located.

Boardmember O'Reilly: On the west side.

Chairperson Sullivan: The west side. So we wouldn't look up at stuff that's enjoyed on Broadway. It's the things that are reasonable things to compare to. Your point is well taken. It's subjective; all architects say that because everything's subjective. Let me get to what they say is the ...

Boardmember Cameron: Well, I'm going to say it slightly differently. I think one of the

key things is to have a building there that when you see it you think it's been there forever and not pushing back an old architecture thing. Pushing back is something which looks like it always belonged.

Chairperson Sullivan: All right, let me get to what this is. This is *"identification of impacts."* What we're looking for is the context to find out if it's different from, or fits in, or is in sharp contrast, OK? The things they say for land use – which isn't just the use – is ... I sent it to Linda earlier today so I don't know where it is. Here we go, here we go.

Village Attorney Whitehead: It starts here.

Chairperson Sullivan: Thank you. Thank you very much. So, *"To determine if a project is obviously different from or in sharp contrast to current land use patterns that are viewed from or part of the scenic resource you have to understand the context and scale of other land uses."* That's to your point, Bill. *"Different or in sharp contrast might mean bigger, smaller, higher, more dense and, obviously, different color or design, or where the landscape is significantly changed."* So those kind of become features we can use to compare this to, right? That would be less arbitrary and more sort of in relationship to a set of facts.

Boardmember O'Reilly: Yes, factual.

Chairperson Sullivan: Another thought I had ... and, Kerry, you ever thought about that?

Boardmember Gould-Schmit: I'm just trying to think beyond what we've seen. We've had a fairly long discussion, I feel like, over the past six months about the neighborhood, the size of the building, the density ...

Chairperson Sullivan: Well, this is not ...

Boardmember Gould-Schmit: ... the context, the architectural style.

Chairperson Sullivan: The only thing I would say is that the conversations to date have been looking at other parts of the particular zone this project's within. So this would be looking at things that are next to the Aqueduct on the side towards the Palisades and, you know, coming up with a stretch of Hastings that would make sense to compare it to.

Boardmember Cameron: Well, that makes sense because this is actually a lateral park. That's what we refer to it as. It's called a park, but it's a lateral park. So the experience someone has going down the Aqueduct, the consistency of that experience, would be the best thing we could achieve. I'm not saying you have to have buildings look like everybody

else's, but it's the feeling of the whole thing.

Chairperson Sullivan: Yes, I think that's what we've been concerned about. I mean, another suggestion I have as well – and I've talked with Jamie and Linda and Buddy a little bit about this – is that there has been a concern about not really having seen this building as something you experience. There's been no simulation, no documentation of what it would be like to see this building and its length.

As the view preservation law sets up, you stand in one place, you look to the Palisades, and you judge what that's like as what the building has as an impact. But there's sort of an experience of walking down. And this building ... we don't know what this building's going to feel like. And we won't know, potentially, until it's built, but there are things you can do now.

I had a nice talk with our previous chair, Patty, and there's 3-dimensional tools that are not that out of reach for people to use to understand this as a structure. I think that, potentially, could be helpful. It's not uncommon to use these things as a tool to sort of be able to have animation where you can understand what this building would be to walk by. In the same kind of way to making sure this is in the right context I think it might be a potentially useful tool.

But I feel those were two things out: identifying a context of some type, and a 3-dimensional model of some type to understand what this building would be like for someone experiencing the Aqueduct. Which is one of the sub-questions: *"The proposed action may cause a diminishment of the public enjoyment and appreciation of this designated resource."*

Mr. Steinmetz: Members of the Board, can we respond just to help try to ...

Chairperson Sullivan: No, let's let the Board talk first and then we can have your information.

Mr. Steinmetz: Sure.

Chairperson Sullivan: Any thoughts to that, comments about that?

Boardmember Cameron: Well, I think it would be very useful to actually walk the Dobbs Ferry to Yonkers experience and try to look at what buildings blend best in. I wanted to say, just so you guys feel it, we're not trying to change the building or change the size of the building, just change the feel of the building. I know good taste is often in your mouth, but I think we all know what we're talking about. We just don't necessarily know exactly how to

get there.

We need to try to do something to make it ... right now, it looks like a fairly, somewhat modern building or what have you, and I'm not quite sure what to do. But it doesn't look like it's blending in necessarily as well as it could. It could come up at site plan review, but it's coming up now and I think now is a good time to do it.

Chairperson Sullivan: Now is the time to do it because it's the impact it might have.

Boardmember Gould-Schmit: To me, we're sort of talking about two different ... I mean, I guess I feel like what, Jamie, you're saying is more site plan, Architectural Review Board versus Kathy, what you're saying is more, again, getting back to ...

Chairperson Sullivan: It actually links in in a nice way. I mean, this is why I got excited when I started reading about this because it starts out with sort of how it fits into the general context, but it can get to the level of architectural style as well. That's sort of how, when we look at the context, if we feel that becomes an issue, as Jamie's is, then that could be something we could talk about. It could be related in the sense of this building is going to have this kind of finish, this type of look as you walk by, potentially.

Boardmember Gould-Schmit: I just feel like we've done a lot of this discussion, but I'm just one voice here.

Chairperson Sullivan: No, explain how.

Boardmember Gould-Schmit: I feel like for six months we've been looking at the building and the shape of it and the density. I feel like we've had a lot of discussion about the look of the building. Then I feel like there can be elements to that I really do think are more in the purview of the Architectural Review Board. I mean, as long as it's not a view preservation issue, I don't know, maybe I'm just interpreting it differently. But I don't really think it's up to me to determine, within the context of the architectural on the Aqueduct, what I think the building should look like. I feel like I should ... I'm dealing more with the height and the view and the context of the neighborhood, I guess, and less the architecture.

Chairperson Sullivan: And we can decide not to go to the level of the architectural detailing if that's what we choose.

Boardmember Gould-Schmit: I mean, he was asking for a 3-D model so you feel like you can better ... beyond the video. I mean, I can walk it. I work in architecture, I guess I can kind of sense how it's going to feel from the Aqueduct when you take a walk. I don't think

it's going to be great, but I think it's not ...

Boardmember Cameron: Well, that's exactly it. That's the point.

Village Attorney Whitehead: Is it not consistent with what else is there.

Boardmember Gould-Schmit: But I've gotten to the point I feel like, listen, I would prefer nothing goes there. But that's not what's going to happen. And it's like we've had a lot of struggle and discussions about lowering the building and getting the space between. I'm just wondering how much longer do we keep talking about this. And if you feel a 3-D model will help I'm not completely opposed. I just feel like we've talked about it.

Chairperson Sullivan: Well, we've talked about it in a certain context, which has been in the context of view preservation.

Boardmember Gould-Schmit: And coverage. I mean, we've talked a lot about it.

Chairperson Sullivan: I think the addition of Mr. Steinmetz to the team has been very helpful to us because it's clarified what we as a planning board discuss. And that's been approvals for view preservation and the issues of coverage are not something that was fruitful. So that, I think, was a very fine decision. I mean, that was a fine discussion topic when it came to our relationship to the Zoning Board. Now we have SEQRA in front of us, which is our responsibility to identify issues that may cause an environmental impact, and address them with the help of the applicant.

I think there's been a concern about size and coverage, and bulk and dimension and height in some ways, that haven't been able to be addressed. But we are not far from the beginning of this project. The SEQRA is starting after we've had a variety of conversations, but it doesn't mean we shouldn't continue those conversations if we think there may be a potential environmental impact. That's the issue.

Village Attorney Whitehead: Relating to the aesthetic resource.

Chairperson Sullivan: If we can definitively say "no" or "slight," then that's the box we can check. If there's concerns, then we need to explore how we get more information to be able to feel comfortable saying no or slight, or we start getting into other issues of moderate and other types of impacts.

As I've sat looking at this stuff I share two things, which is following the workbook the DEC provides – you know, you identify a context that this project is within – and in that context

you try to identify it. Like I mentioned, you can come up with the various weights you give to different factors regarding it as an actual physical object, then you can make a decision on what this is. Let me share this with you because some of the things they ask you for ...

Boardmember Gould-Schmit: No, I'm familiar with the process.

Chairperson Sullivan: You know what? That's kind of where that timing is we have ahead of us. It doesn't stop us from needing to address this factor.

Village Attorney Whitehead: Well, you have to address it in this context, and answering the questions in front of you.

Chairperson Sullivan: Right, exactly.

Boardmember Cameron: Well, I think we've spent an awful lot of time discussing the mechanics of it all; how high it is, how much view preservation we have, and what have you. I think we haven't actually spent very much time at all talking about how you can make it blend in to the background while coming down the Aqueduct.

I don't necessarily have a mechanical thing I'd like this applicant to do, but I'd like to throw it back to them and say, Guys, why don't you come back to our next meeting and the meeting afterwards with your ideas of how you can make this thing blend more in to the Aqueduct and how it looks? I'd say it's a little amorphous, but I think they're up to it. Guys?

Boardmember Gould-Schmit: I think Bill had something.

Chairperson Sullivan: Bill and Michael, did you have anything you wanted to say?

Boardmember O'Reilly: No, I've sort of stated my position on where I think ... I don't think we're where Kerry is in this regard. I think we've tried to ameliorate it as much as we can. And I think if we're talking about one thing – which would be to reduce the impact – I mean, obviously, you put a building where a building wasn't, there's going to be an impact on the environment because it's there. If you told me that you couldn't put a building within 50 feet of the Aqueduct I can understand that. When you talk about context, I'm still having trouble with the feeling issues.

In many ways, I think we've come as far as we can in sort of having the discussion. If you ask me is it going to be there, of all the things that are on whatever it was – where were we, we were down to 9, was it ? –

Chairperson Sullivan: Yes, we're at 9.

Boardmember O'Reilly: ... impact on that, we're getting into the aesthetics, which obviously gives us a certain amount of flexibility. But if you ask me what would be my answer to that, at this point I would say minimal; minimal impact, just based upon what we've said and done so far. That would be my quick answer.

Chairperson Sullivan: OK.

Boardmember O'Reilly: But that doesn't mean I can't be convinced otherwise. But you gotta ...

Chairperson Sullivan: Gotta try.

Michael, what's your thoughts?

Boardmember Ambrozek: My thoughts are yes, there's going to be a visual impact, you're going to see the building from the Aqueduct, but it's going to be below the level of the Aqueduct. Everybody's talking about walking south from that point, but if you're walking north from that point there are actually buildings that are higher than the Aqueduct to the north.

They were an option of what the range this was going to be in. I think half a mile was the minimum range, and certainly those obstructions are within half a mile of this area. So I would say it's a small impact. It's not no impact, but I'd still qualify it as small impact.

Chairperson Sullivan: OK, that's your sense.

Boardmember Ambrozek: That's my sense, yes.

Chairperson Sullivan: Jamie?

Boardmember Cameron: As you leave Hastings on Washington Avenue and you go south, you do have one fairly tall building right there. It's been there forever. Then after that, you're actually on this bucolic little walk all the way down to the Yonkers border. This is a 150-foot long building or 140-foot long building – I know it's got a hole in the middle – and I think we've gone a great deal of where we need to go. But I think we do need to somehow figure how we can soften the building so it looks more like it's part of the scenic walk rather than having this thing sitting there which looks ... and I'm not saying it does, but it looks too modern or what have you.

That's my suggestion, and I think that would make a lot of difference to this village to have that. I'm not depriving them of square footage or height or anything else like that. I'm just saying this is something we need to do for the aesthetic point of view.

Boardmember O'Reilly: So you're thinking of the building, or are you thinking of the vegetation around it?

Boardmember Cameron: I'm thinking of the building. I mean, the buildings can be changed around. We need an architect here, which some of you are. But they could be changed with the kind of trim it has on it. I'm just saying I don't think ... that's the one thing I felt was missing when I started looking at this and started reading this description.

Village Attorney Whitehead: So, Jamie, would you need to see just like elevations of the rear? What it would look like in the rear from the Aqueduct?

Boardmember Cameron: That probably would be enough for me. I'd have to turn around and do it on the front side, too, and it may destroy their parking program. I don't know, but we'll hear from them on that. I think also blending a little bit into your neighbor's ... between you and the river would also help everything.

Chairperson Sullivan: So your sense is the what we are seeing right now, have seen so far, has been in contrast to what you feel the context is.

Boardmember Cameron: Unfortunately, north we have some buildings that look horrible and we always have that in every town. But they aren't huge. I'm just saying this would be a good thing to do.

Chairperson Sullivan: And you feel the information would be further elevations.

Boardmember Cameron: Right. I think if they went back to Christina and said we wanted to try to achieve some of this, what do you think, do you have some ideas on this, we could hear from them at the next meeting.

Chairperson Sullivan: OK. Kerry, any sense?

Boardmember Gould-Schmit: No. I said my piece.

Chairperson Sullivan: All right. You wanted to say something?

Mr. Steinmetz: Listening to all of you, I think for us it's kind of simple. We're more than

happy, Mr. Cameron, to explore further design and to address the impacts looking at the front of the building, looking at the back of the building from the Aqueduct. Listening to the chair's explanation at the beginning of the meeting, the purpose of what you're doing, as we understand it, is going through this for SEQRA purposes and trying to determine whether or not there is a significant enough impact to trigger a positive declaration.

Listening to you objectively, and your collective comments, I think it's clear you're not done, the process is not done, architectural review still has to be conducted. But I think it's pretty clear to us that the consensus is it's a small impact; we're not done with the issue; and our architect and design team have more work to do.

So we would respectfully request that as to question number nine you reconcile that it's not a no impact, it's a small impact. You direct us to do further aesthetic studies. We're happy to do it and we're happy to come back. I would hope it would permit you to pass through question number nine and continue your part two review.

Chairperson Sullivan: I'm not sure what you mean by that.

Village Attorney Whitehead: He's saying to indicate it as a small impact and to be looked at further in site plan. Is that a good interpretation?

Boardmember Cameron: I think it's more than that. I would leave it as a "yes" and go on to the other items and get them behind us. Then we can ...

Chairperson Sullivan: Circle back? So we'll leave that open?

Village Attorney Whitehead: So you're not doing the sub-questions under that yet.

Boardmember Cameron: Well, we have a difference of opinion.

Village Attorney Whitehead: I think the difference of opinion isn't necessarily on the level of impact, it's on whether you need more information to determine it.

Boardmember Cameron: Yes, right.

Boardmember Ambrozek: I think the point, Jamie, is that if they're willing to give you the information are you prepared to tentatively call it a "small" and carry on?

Boardmember Cameron: That's what the information is. I think it's highly likely I will be a yes. I'm only one person, but it really depends on the information.

Boardmember Ambrozek: Linda, can one do that or not?

Boardmember Cameron: Yes.

Village Attorney Whitehead: Well, if you're going to try to finish tonight you've got to decide whether you're going to mark that no or small. You can always look at things further as part of the site plan process. You know, this is you're just looking at whether it's a potential significant adverse environmental impact. You still have the site plan process to look at things.

Boardmember Ambrozek: That's what I'm trying to get at, yes. Do you understand what I'm trying to say, Kerry?

Boardmember Gould-Schmit: I understand.

Boardmember Ambrozek: I'm sorry, Kathleen.

Boardmember Gould-Schmit: We're not going to get to a neg dec or whatever tonight. Until we get more information, let's just put it out there.

Chairperson Sullivan: No, I understand what you're saying.

Mr. Steinmetz: And that's fine.

Chairperson Sullivan: I'm just listening to what people are saying.

Boardmember Cameron: So let's do item 10.

Chairperson Sullivan: *"Impact on historic and archeological resources."* It's adjacent to a national landmark structure.

Village Attorney Whitehead: State.

Chairperson Sullivan: I'm sorry?

Village Attorney Whitehead: It's New York State, not national.

Chairperson Sullivan: It's national.

Village Attorney Whitehead: Is it?

Chairperson Sullivan: Yes, it's on the National Register. So the answer is "yes" to *"The proposed action may occur wholly or partially within, or substantially contiguous, to any buildings, archeological sites, or districts which are listed on, or has been nominated by, the New York State Board of Historic Preservation for inclusion on the state or national Register of Historic Places."* The answer is yes.

Let me just run through these. The next one is *"archeological sites,"* which is a no: *"Proposed action may occur within a substantial contiguous archeological site not included in the state SHPO inventory."* That was a no. That's that. The first question is the one the action is contiguous to the Old Croton Aqueduct. Impact, I think, we can't determine perhaps until we hear from the state historic preservation people on what measures would potentially protect, need to be in place, to protect the structure from construction that's happening next to it.

I think a letter from the state indicating monitoring or all those kinds of good things. I know you talked about doing it, Jim, in your drawings. But getting direction from SHPO would be helpful. Michael, I think that starts to address some of your initial concerns about some construction around the Aqueduct, correct?

Boardmember Ambrozek: Yes.

Chairperson Sullivan: So if that makes sense to people I think that's the information we need. OK?

On to 11. *"Impact on open space and recreation: The proposed action may result in a loss of recreational opportunities or a reduction of open space resources designated to any adopted municipal open space plan."* The answer is no to that.

Twelve, *"Impact on critical environmental areas."* The answer is yes, and Linda indicated the critical environmental area, again, is the Hudson River. So we don't have necessarily an impact on that. I will say that the sub-questions are: *"The proposed action may result in a reduction in the quantity of the resource or the characteristic"* – which was the basis for the designation of the CEA, a critical environmental area – *"the proposed action may result in a reduction of the quality of that resource or characteristic."* I believe those are both small impacts.

Boardmember O'Reilly: Right.

Boardmember Gould-Schmit: Agree.

Boardmember Ambrozek: I agree.

Chairperson Sullivan: OK. The next is *"Impact on transportation: The proposed action may result in a change to existing transportation systems."* The answer is no.

"Impact on energy: The proposed action may cause an increase in any form of energy."
Let's see, the answer is no to that. Looking at the sub-questions: *"Impact on noise, odor and light. The proposed action ..."* – I think increase in noise, odor or lights we had talked about, and I didn't translate the questions. It's 2-D(n), which we talked about, which the answer was ...

Village Attorney Whitehead: That there is light.

Chairperson Sullivan: ... there is lighting, but we understand how it's going to be handled because it needs to meet ... what have you decided? That was your concern about the screening.

Boardmember Gould-Schmit: Yes, D and E. Do we have a lighting plan?

Chairperson Sullivan: No.

Mr. Brutto: We're not to that stage yet where we would have a lighting plan. But typically, as we would do for many other projects, we would give you a lighting plan that shows there's no bleed off the property.

Village Attorney Whitehead: It's typically a site plan.

Chairperson Sullivan: So we would say a small impact perhaps? Kerry, you raised the concern so I wanted to address it.

Boardmember Gould-Schmit: I do, yes.

Village Attorney Whitehead: Do you want to take these one by one, though? The first one is noise.

Chairperson Sullivan: Thank you.

Boardmember Cameron: So we go "yes," then we go "no small impact"?

Chairperson Sullivan: Wait a second. We're going "yes" to ...

Boardmember Gould-Schmit: No, that's fine.

Village Attorney Whitehead: I know. You were jumping on what you care about.

Chairperson Sullivan: I was trying to help it along.

So 15, *"Impact on noise, odor and light"* the answer is yes: *"The proposed action may result in an increase in noise, odors, or outdoor lighting."* Sub-question is: *"The proposed action may produce sound above noise levels established by local regulation."* The answer to that is no. Is that correct?

Village Attorney Whitehead: Yes, because you can. That's why you have local regulations.

Chairperson Sullivan: Yes. *"The proposed action may result in blasting within 15-hundred feet of any residences, hospitals, schools, licensed daycare center, or nursing home."*

Village Attorney Whitehead: They said they're not blasting.

Chairperson Sullivan: OK, so that's no. *"The proposed action may result in routine orders for more than one hour a day."* So does that impact? No?

Village Attorney Whitehead: No. I was joking – depends who's cooking. Getting very punchy.

Chairperson Sullivan: *"The proposed action may result in light shining onto adjoining properties."*

Village Attorney Whitehead: I think you're not going to *let* it shine onto adjoining properties.

Mr. Brutto: Exactly.

Chairperson Sullivan: We hope.

Boardmember Cameron: Well, we'll put that in the lighting plan.

Boardmember Gould-Schmit: They'll probably go with a beacon of light back there.

Chairperson Sullivan: So what is this?

Boardmember Cameron: Small.

Boardmember O'Reilly: Small, yes.

Boardmember Gould-Schmit: Actually, really, this is like a legitimate issue that people in the surrounding area from the Aqueduct would be concerned about. You've got apartments in there that are lit 'til whatever time. I actually feel ...

Village Attorney Whitehead: Do you want to do the lighting plan now?

Boardmember Gould-Schmit: I don't know if it would help. Does the public get a chance to speak right now, while we're talking about this?

Building Inspector Minozzi: "No" to "small."

Village Attorney Whitehead: Yes, your codes and your requirements and site plan are really going to dictate.

Mr. Brutto: As I said earlier, I mean, we typically do this for every project. We would give you a lighting plan that shows there is no significant bleed off the property of the light.

Chairperson Sullivan: So photometric?

Mr. Brutto: It would be a photometric plan, yes.

Village Attorney Whitehead: And especially if it's a residential project. I mean, I think these lighting issues really ... where they're really a concern is on a big commercial project with a parking lot with lights.

Chairperson Sullivan: I'm concerned ...

Boardmember Gould-Schmit: And it's a dark area right now, surrounded by people and the Aqueduct. So people ...

Female Voice: (Off-mic) before, so I don't know what the procedure is.

Building Inspector Minozzi: Ma'am, you have to speak into the microphone.

Village Attorney Whitehead: Wait. It's up to the chair whether she ...

Female Voice: I was just asking (off-mic) say anything, or do we wait (off-mic)?

Chairperson Sullivan: What we'll do – and thank you for jumping up – let us ... we're almost through our questions, and then we'll ...

Female Voice: (Off-mic).

Chairperson Sullivan: Pardon me?

Female Voice: They have a microphone and *they* get to comment?

Village Attorney Whitehead: They're answering questions.

Female Voice: OK.

Chairperson Sullivan: No, no, thank you for mentioning it. I appreciate it. We'll make sure there's time for you to speak.

Female Voice: Thank you.

Chairperson Sullivan: Let us finish what we're walking through.

Boardmember Cameron: What I'm sure is concerning Kerry, which would worry me, is if somebody ... unfortunately they don't have a porch on the back, so I decided what we really need would be to light up the backside of the hill at night so they can look out their windows. And then meanwhile, people are coming down the Aqueduct and there's spotlights on that piece of land. So we do need to be pretty clear and tough on this to stop that from happening.

Boardmember Gould-Schmit: I think being vigilant during site plan review.

Village Attorney Whitehead: Yes, that's typically site plan.

Chairperson Sullivan: I'm concerned also of outdoor lighting on the third level, you know, on the deck.

Boardmember Gould-Schmit: Right.

Chairperson Sullivan: That that would become something that would become an intrusion. You know, the project we did on Warburton right at the corner of the bridge – you know, a burned building that someone converted – there were lights that were put in the sockets that became very distracting from the parking lot. I think that's the type of thing we just want you to be cautious of.

Mr. Brutto: Could I just mention that we don't have any decks off the back, just for the record?

Chairperson Sullivan: I understand that, but the third floor deck is a concern.

Mr. Brutto: I just heard you say "deck," so I wanted to make sure you knew there were no decks off the back.

Chairperson Sullivan: Right.

So do we want to get some information on this, just a plan?

Village Attorney Whitehead: It's up to you. If you're comfortable that through your site plan review you're going to make sure it's no bigger than a small impact, you could go ahead and do that. If you want to ask them for more information on lighting before you do it, you could do that also. I think typically, through site plan, you make sure it's not. So it's really which way you want to do it.

Chairperson Sullivan: I mean, one thing we'd be asked for is a preliminary plan showing locations.

Boardmember Gould-Schmit: Christina has some exterior ... what's she's thinking about, lighting-wise, on the exterior of the building might be helpful.

Village Attorney Whitehead: I mean, that's all you're talking about, right? You're talking about a residential ...

Mr. Brutto: Yes.

Mr. Steinmetz: Security and access lighting.

Chairperson Sullivan: So what do you think?

Boardmember Gould-Schmit: I think if you're giving more information that would be great to see. I also feel like we could say it could be small to minimum and we just are very vigilant about it during site review.

Building Inspector Minozzi: As you always are.

Boardmember Gould-Schmit: Yes. I think more so. I think this is a very sensitive thing.

Boardmember Cameron: Actually we're lucky that in the course of this changing around of this building they got rid of the decks on the back. Otherwise, that might have been an issue, a conflict, between the people wanting to sit on their back decks at night with the lights on and people wanting to walk down the Aqueduct. That would've been an interesting conflict.

Chairperson Sullivan: Why don't we get the preliminary plan indicating locations so that becomes at least we've seen it in the course of this process?

Boardmember Gould-Schmit: OK.

Chairperson Sullivan: Does that make sense? So preliminary lighting.

Boardmember Ambrozek: I think, as an indication, we're trying to indicate there should be very minimal lighting at the back of the building.

Village Attorney Whitehead: No bleed-over and no lighting.

Boardmember Ambrozek: Yes.

Chairperson Sullivan: We'll see dark sky.

Boardmember Cameron: *"Impact on human health?"*

Chairperson Sullivan: OK, the next one is *"Impact on human health: The proposed action may have an impact on human health from exposure to new or existing sources of contaminants."* I believe the answer to that one is no. I'll look at the questions.

Page 10 of 10, we're at the end. *"Consistency with community plans: The proposed action is not consistent with adopted land use plans."*

Village Attorney Whitehead: That's a double negative.

Chairperson Sullivan: I know, that's crazy. So is it a "no-no" or "yes-yes?" It is, I believe, consistent.

Village Attorney Whitehead: Right. Which means no, it's not *not* consistent.

Chairperson Sullivan: So we move on. *"Consistency with community character: The proposed project is inconsistent with the existing community character."* I'll just read the sub-questions if that's helpful for people to answer this. *"Will it replace or eliminate existing facilities, structures or areas of importance to the community? Will it create a demand for additional community services – police, school and fire?" Displace affordable or low-income housing in an area where there's a shortage of such? To interfere with the use or enjoyment of officially-recognized or -designated resources, or is it inconsistent with the predominate architectural scale and character; it's inconsistent with the character of the existing natural landscape."*

Village Attorney Whitehead: But you don't even get to those if you're "no" or "small."

Chairperson Sullivan: I didn't write down the question. The question is do you feel this is inconsistent with the existing community character. Any comments?

Village Attorney Whitehead: We're almost done. Everybody got very quiet.

Male Voice: So is that a yes or a no to that?

Chairperson Sullivan: We haven't decided.

Village Attorney Whitehead: Haven't answered it.

Chairperson Sullivan: Anyone want to think about this, or are going to answer this?

Boardmember Ambrozek: I don't see anything inconsistent with ... I mean, this is a part of the MR-1 development so I think it fits in.

Chairperson Sullivan: OK. Bill, any thoughts?

Boardmember O'Reilly: It's different.

Village Attorney Whitehead: It's a different type of residential.

Boardmember O'Reilly: Yes, different type of residence. Are we on "character" or on ...

Chairperson Sullivan: We're on "consistent" ...

Boardmember Cameron: Community plans.

Chairperson Sullivan: Well, community plans we said no and moved on, unless you had something to say on that.

Village Attorney Whitehead: No, it's not "not consistent."

Boardmember O'Reilly: "Not."

Chairperson Sullivan: So we're on the last one, which is the consistency with community character.

Boardmember O'Reilly: Right. I'm fine.

Chairperson Sullivan: So you have no disagreement. Jamie?

Boardmember Cameron: Fine.

Chairperson Sullivan: Kerry?

Village Attorney Whitehead: She's struggling.

Boardmember Gould-Schmit: I'm struggling. You know, I would probably say yes but minimal. So I guess it's ...

Chairperson Sullivan: OK. So would we say here a "no?" Would you be comfortable saying no that it's not inconsistent?

Boardmember Gould-Schmit: What's your thought, Kathy?

Chairperson Sullivan: My thought is that it's consistent with community character, in the sense ...

Boardmember Gould-Schmit: And that it's residential.

Chairperson Sullivan: Mm-hmm.

Boardmember Gould-Schmit: That it's residential?

Chairperson Sullivan: I don't see ... my biggest concern on the whole ticket is coming from our previous conversations about the bulk of the building. And I would really like to see this structure delineated in a 3-dimensional form because I think it would put my mind at ease, and I think everyone would see it and understand what it would be like. We could look at Jamie's issues, we could look at other issues and kind of the relationship of these living spaces to the Aqueduct. That, to me, would be very helpful. I don't think it's inconsistent, but that's because I haven't seen it.

So I have no problem passing on this, saying no, that this isn't the place where I think we need to investigate. It's back to the aesthetic resource is where I think we could investigate this and be comfortable. And let people see it, and we'd see it and it'd be real, as real as you can get. Or some other type of visualization that would help everyone feel this actually will be as wonderful of a project as the applicant believes. And I don't doubt that.

That is his belief and I support that kind of project, but I just have a lingering concern and I'm just afraid we won't know until it's built. But we have an opportunity to digitally understand it, and that could be very helpful to people in a lot of ways.

Out of this whole process, that's my one thing I'd love very much. But I'm one of all of you guys so, you know, I accept there was some discussion. The discussion that we've gone too far and we've talked about this too much is accurate to some degree, but we have the obligation to deal with SEQRA. So kind of in a sense you put that aside, the previous conversations, and say now we have this as our charge. If you folks you're comfortable with that having been discussed in depth, and you feel it's not worth pursuing the environmental impact, I accept that.

I'm one of all of you, but I still think it's a very useful tool; potentially could help the community as well as us. And the applicants potentially understand the because that's the goal. To make sure this building ... and Jamie's come to some solutions already.

I may disagree with him about his style – I like the modern style, whatever – and that's a whole level of conversation. But I think it's a way we can potentially say, Dang, we did explore this as thoroughly as we could at the point before the thing's built and we're looking at it and wondering this isn't what we all perceive in our heads. We all have this different vision of this thing.

Boardmember O'Reilly: Yes. I wouldn't want anyone to think my problems with number nine would mean that I was impatient with the whole process. I was just having trouble with number nine, that was it.

Chairperson Sullivan: No, I understand. So that's my answer: consistency with community character, I think that one will work out.

Boardmember Cameron: Well, it's a very bad question because you were actually talking about ...

Village Attorney Whitehead: It's another double negative.

Boardmember Cameron: Not only that, but our community is so varied.

Village Attorney Whitehead: Right. Well, the character is almost that it's very varied.

Boardmember Cameron: And I think if you're looking at the character, quite frankly, on the Aqueduct that's just ...

Chairperson Sullivan: So let's go back to number nine, but let's hear from the people from the audience that wanted to speak. And thank you for bringing that up. Then we'll come back to number nine and sort of put a list together of where we are with this and what we've asked.

Boardmember Ambrozek: Well, I think we have both numbers nine and number ten open.

Chairperson Sullivan: Thank you. Thank you if we feel that's the case.

All right, folks who have been here from the audience would you like to come up? If you come up, say your name and address please. Hello.

Lorna Feeny, 400 Warburton: As I said, I didn't know this project was happening until I got my certified letter in the mail about the variance. I came to the variance hearing, and I'm obsessive about research so I went back and read all the previous minutes and tried to figure out as much as I could about local zoning law.

I'm not an attorney, I don't have an attorney here to represent me, but I have to say it's frustrating to read through their letter and their plans, and to look at the images they submitted because I am a designer by trade and I'm also a communicator. So much of what

was said in the attorney's letter was borderline false, but very much skewing toward distorting the truth. They suggested that the building Mr. Brutto proposes is better than the eyesore that is currently there, but the eyesore that is currently there is created by Mr. Brutto.

Mr. Brutto: (Off-mic).

Chairperson Sullivan: Excuse me. Let's let people speak. No. Let's let people speak without interruption please.

Ms. Feeny: I would invite any of you – and I'm not kidding – to come to my home anytime you want and visit, and look out my window. I know ... because from the pictures it's really hard to tell what the scale and scope of this is and the footprint, and how much change it really is and how much it will change the character of the area.

But if you sit in my home and you look out the windows, and you look out the window where my children sleep at night, and you see the beautiful view of a giant tree – and when the winter comes and the leaves fall off I can see all the way up to Hastings Landing – that will be obliterated. That tree will come down, there will be a giant building there, and there will be people looking inside of my house.

It is what it is. I understand he owns the property. Even though he bought the property a year ago, he knew what he was getting into. But it's frustrating to me to see, you know ... if you guys only have these illustrations to go by, to look and see, well, clearly, some of it's been Photoshop'd out and covered with yard and trees where it's really my neighbor's driveway. So it's misleading to the point that it would seem like it's not abutting somebody's property. Again, I'm not a lawyer, I don't know what the protocol is. But it's frustrating to see someone try to get through the system by distorting reality.

You know, I'm the breadwinner in my family. I have a lovely husband who's a full-time parent, I work really hard, and we sunk everything we had into our home; everything we had, thinking, you know, this is a great neighborhood, this is a great village. We did our research. You know, I came from Brooklyn, where nobody cared about zoning laws and everything was violated all the time.

I came here because of the fact that you preserve the character of this village and you have for a really long time. I felt safe investing everything I had into my home. And there is no doubt that if this building goes up it will degrade my property value; it will degrade my experience of being in my home; it will degrade all the surrounding areas. Frankly, I think it'll look a lot like Yonkers, which is not what we want here. I think the character of this village is amazing, and I hope we can protect it.

But back to the earlier point. When I read through the minutes, I saw that Mr. Brutto just said he only wanted to make Hastings a better place. Well, I think it is a great place. Yes, I get awakened (sic) frequently on Saturday mornings to the sound of his folks doing construction stuff on totally property and trucks pulling in and landscaping companies grinding trees. It's not being used for residential purposes.

But still, I love this neighborhood, I love Warburton. There are a lot of families, there are a lot of children. My kids have tons of friends, we have a nice beautiful river-view park, and this will change everything for us. So when you think about the impact to the area I hope that you'll take that into consideration. And again, you're welcome to come visit and look, and get a view and really see what it's like from the ground.

Thank you.

Chairperson Sullivan: Thank you very much. Anyone else like to speak? There's a couple other folks.

Bryan Kincade, 390 Warburton: Good evening. I'm on the lot directly adjacent to this proposed construction. I think this is my fifth, sixth time coming in front of you guys. First of all, my gratitude to you for putting all the time in. This is certainly the last thing I would like to be doing every month, on Thursday, so I can only imagine what you guys are going through.

But I think, in the process, what I am a little confused about is the process. We sat here six months ago and all of you were very vocal on your concerns around the coverage of this unit on the property and to date that really has not changed. There's a hole in the building now, but the coverage remains what it has been and that was a big concern and still is for me. The view preservation has been, I think, more addressed with multiple measurements and surveys and ropes tied across the property than actually really any dramatic change in the size of that. So maybe we can check the box that for a 5 foot 3 person they can see over it, but not a 5 foot 5 person. Again, I'm not sure what has improved there from the time that six months ago this was such a great concern.

The context of the neighborhood. Six months ago you had a lot of neighbors come out saying they were concerned on this project, myself being one of them. No offense, Bruno, in this: I do appreciate kind of his dialogue in this that did seem very open and cordial at the beginning has since shifted to a lawyer that, again, I think is misrepresenting to some degree what this impact is on the neighborhood. That this does not fit into the context of the neighborhood. I know a lot of the neighbors are not pleased with this. Here we are six

months later, you're not going to see as many of them showing up every time that I continue to try to make a point to.

Something is going to be built back there. I think it should be built. I think there's an opportunity to improve that area with a building. I've heard from all of you saying that should not be six units, that should not be three stories, that should not be the variance. But I have not seen that change; I've just seen a lot more legal effort and schematics enforcing the kind of bullying that idea through, both this board and then the Zoning Board which I believe you attended. But again, I think there was a lot of misrepresentation to the process you guys have been through with both the community and with the architect and developer.

Again, I don't really know what tonight is about specifically. If this is the point where you guys say yes, this is approved and we can move forward or if there still is opportunity. I mean, we did hear a lot about like the noise, the light. Again, something's going to be built there, I appreciate that and I will wholeheartedly support it once it's approved. But those are big deals.

My property is a beautiful dark backyard 12 feet away from what is now going to be a massive unit. There is no way that's not going to affect my privacy, my darkness, the noise there. So again, going back to my original question and the point: what has changed, aside from a lot of schematics and legal conversations around what has always been the concern of the Board, which is the coverage, the context of the neighborhood, and the height as it relates to the Aqueduct.

Chairperson Sullivan: Thank you very much.

Mr. Kincaid: Thanks.

Chairperson Sullivan: Please go ahead.

David Zung, 378 Warburton Avenue: Thank you again for another Thursday night together. I've owned my house for 20 years so I've seen the neighborhood go through a lot of changes. Mr. Brutto's been a great neighbor, he's worked really hard on this building, he's improved the park. So like Brian, my neighbor, said, I'm sure once he builds something it'll be very nice.

There are some things I would like to address, particularly ... may I turn this around? It's just the best way I know how to do this.

Chairperson Sullivan: Sure.

Mr. Zung: Do you all have this document?

Chairperson Sullivan: We've seen that, yes.

Mr. Zung: Yeah, so ...

Chairperson Sullivan: What he's showing is the aerial with the ...

Mr. Zung: Yes.

Village Attorney Whitehead: It's right there. He's got it right there.

Mr. Zung: Yeah, I just want to make sure I understand something is clarified from the tenants' point of view. My house is 378 and it sits right on the corner of Nodine Street. The massing on it, it says 50 percent. My lot is 30 feet by a hundred feet so my house is 550 square feet. For it to conform to the lot size it would have to be the size of a tool shed and it wouldn't even have enough room for a rise to an upstairs.

The housing all along here was built – and my house was built in 1910 – and is old worker housing stock. I mean, I live in a small house on a small lot. Granted, it's the smallest one on the block, but most of them are like 40 by hundred; all the lots are pretty much a hundred feet. When the massing says 30 percent, 32 percent, 53, 50, 63, 33, these are small buildings on small lots. Thirty-seven percent looks like a small number; that's a really big building back there and I just really want you guys to be aware of that because it's not just a number. I design for film and television for a living so I do a lot of photography. This is a drone shot and, by necessity, in a drone shot the camera's giving the impression that the buildings in front are much bigger relative to the buildings in the back. It's a distortion of the lens.

When you go back there you'll see ... if you actually go back here, 376 overpowers the buildings, it's huge. And again, it's been there since, you know, 19-whatever so these have been grandfathered in.

Male Voice: (Off-mic).

Mr. Zung: 1907, so this is old housing stock. I think the photo of the proposed townhomes, it's actually much bigger than represented in the photo. And I don't think he's trying to distort this on purpose; it's just the nature of a drone.

Chairperson Sullivan: Right.

Mr. Zung: It's the nature of the kind of cameras on it. But I'm just trying to have everyone aware, really, the massive impact this is going to have on this neighborhood. It's big, this building is really, really, really big. Yeah, similar to 382. Now, that building was built I don't know when. It's generic; it could be '50s, '60s. Honestly I don't know, but I'd be very concerned about using that anomaly as a precedent because clearly that's, I'll say, a mistake because it just doesn't belong. I know one of the former Board of Trustees members who helped design the zoning laws, and this Trustee member said they'd never build something like that now; they just wouldn't let it happen.

So I'm very concerned about using that building as a precedent for something else. And it also brings up the precedent for a very large building setting a precedent for other developments not only on Warburton, for Hastings. Because on our block I can cite two or two ... two or three sites that I know somebody's going to try to develop. And they're going to try to use even bigger buildings for a precedent for their buildings. So where do we start to hold the line on a mass and size of these buildings?

Are we retaining the scale and nature of this neighborhood? I think the neighbors are very concerned about the scale. And again, I want to reiterate Lou is ... he's a great neighbor, he really is. We like each other a lot personally, so this is really about looking at the numbers and understanding what the impact means. Also, I want to comment on what the neighbor here – I'm sorry, I don't know your name. You know, there is a view of the Aqueduct and the trail from Warburton as well. So I have to ask, in consideration, not only are we looking down at the river, but from Warburton and these houses all along here are we taking into consideration what you see of the Aqueduct trail looking up, not just down.

I also want to bring up – and, again, you're going to have to pardon me because I don't know the proper protocol on this – that my house, in the last year-and-a-half, where it sits on Nodine I have had two cars turn over in separate incidents. That's Nodine and Warburton; that's the south corner. That is my front yard. That's a separate incident. Somebody was doing a three-point turn. That's a separate incident. These are two cars that have flipped over in separate incidents in front of my house.

Plus, there's a third very big car accident on Washington and Warburton last year that I walked by. I just didn't have a chance to take a photo of it. So I'm very concerned about the amount of traffic we're letting onto Warburton here and the turnoff from Nodine because there are a lot of cars in that apartment building, 376. So, you know, these aren't just numbers; these are people's lives. Additionally, there's a school bus (off-mic), and Antoinette's, and – ooh, I'm sorry. You know, I see people crossing that double yellow line all the time. We have a double yellow line, us and Broadway, and people are crossing it all

the time.

I'm very, very concerned. This is my house – twice, twice in the last year-and-a-half. So it's beyond just numbers and photographs and the character of the neighborhood. I have actual real concerns about safety, as well. Again, thank you for your time. I'll leave it at that for the moment. Is there anything you want to ask me to clarify at the moment?

Chairperson Sullivan: No, thank you. All right, anyone else? That's if for now?

All right, we had two questions to circle back to. It was number nine and number ten. Is that correct, Michael?

Boardmember Ambrozek: Yes.

Chairperson Sullivan: Ten is also on the list?

Village Attorney Whitehead: Ten, you asked them to get a letter from SHPO.

Chairperson Sullivan: Is that OK, Michael? Does that fit your ...

Boardmember Ambrozek: Yes, that's why it's open.

Chairperson Sullivan: OK. Open as in ... OK, we had one that we hadn't seen to a conclusion, which is what I meant by open, which is nine.

Boardmember Cameron: Nine, right.

Chairperson Sullivan: Nine, which is the *"impact and aesthetic resources: The land use of the proposed action are obviously different from, or in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource."* And the question is whether there is impact from that perspective or not.

Village Attorney Whitehead: I thought you already said yes to the main question.

Chairperson Sullivan: That's what I'm wanting to know.

Boardmember O'Reilly: Yes.

Boardmember Cameron: And we left it open.

Chairperson Sullivan: You said yes to that, so I want to walk down the sub-questions again and see what people's ... whether you feel there's a small or no ...

Village Attorney Whitehead: I think you had three smaller no or smalls, and then the two of you were looking for some additional information.

Boardmember Cameron: Yes.

Chairperson Sullivan: Right.

Mr. Brutto: That's correct.

Chairperson Sullivan: So the additional information would be the back rear elevations, correct?

Village Attorney Whitehead: That's what Jamie ...

Boardmember Cameron: Yes, that's what I'd like to see. I'd like to see them look at making the building better blend in to the Aqueduct. In other words, look at the ... because right now the building will look very big and that's really the question we're looking at.

Chairperson Sullivan: So you feel the building will look very big, and ...

Boardmember Cameron: Well, because of its proximity. In other words, if the building looks at odds with the bucolic nature of the Aqueduct then I think it's going to disturb the scenic views and the ...

Boardmember O'Reilly: Quiet enjoyment?

Boardmember Cameron: ... quiet enjoyment of the place, the aesthetic resource.

Chairperson Sullivan: So we feel the context of the Aqueduct is that it's bucolic. At this point we want to ...

Boardmember Cameron: I think it is.

Chairperson Sullivan: ... bucolic environment. That the building should be not in sharp contrast.

Boardmember Cameron: In harmony with it.

Chairperson Sullivan: In harmony.

Boardmember Gould-Schmit: I thought we were requesting. We're going to get the rear elevations.

Boardmember Cameron: I thought we covered this already.

Boardmember Gould-Schmit: The question is, we're going to do a 3-D model with your experience walking on the Aqueduct, and a lighting plan.

Village Attorney Whitehead: Right. I think we had said we want the lighting. I don't know, did you guys all agree that you want to see ... before you address the lighting questions you want to see at least a conceptual lighting plan?

Chairperson Sullivan: That was my understanding.

Village Attorney Whitehead: We're just trying to make sure that you guys know exactly...

Mr. Steinmetz: No, and I really appreciate that recap. So it sounds like ... let's work backwards. The lighting plan, there's no issue. You have every right to a lighting plan, we should give you a lighting plan, there should be no question about the lighting plan.

The 3-D model, it's a six-unit residential application on a small parcel. It would be highly unusual to do a 3-D model of this in the context of this application. We've given you computer-generated representations. The architect's not here tonight and we didn't know we'd get into this level of detail or we might have brought her. I would ask your board's indulgence for her to come back at the next meeting with some revised drawings to address Mr. Cameron's point, and I want to come back to that finally. But to explain why she generated some of the visuals that she did, and I think that should obviate the need for a 3-D model in this context.

Chairperson Sullivan: I disagree because one thing that wasn't really discussed very fully at the last meeting was, there was a discrepancy between some of the Photoshop'd images that she's presented over the course of this project.

Mr. Steinmetz: Well, let's definitely get that cleared up because you're right, there should be no confusion about that.

Chairperson Sullivan: That gets to the point that we looked at the ... under SEQRA, as

you know, you can look ... one of the ways to look at the visual impact is to do the sort of line of sight drawings that Christina has done many of. So that ...

Mr. Steinmetz: Which we have done. Right.

Chairperson Sullivan: So for view preservation, that seemed to be very satisfactory to the issue of having Photoshop'd images that were not consistent from one presentation to another. It didn't seem worth going into, but at this point – given sort of the concerns that we've expressed, from views from the Aqueduct – I have to say I am compelled to talk about views towards the Aqueduct, as well, having heard some of the public speak. But some kind of simulation that's verifiable would be very appropriate in this situation; 3-dimensionals. This is an experiential park; it's a trail, people walk by it. So the 3-dimensional model, I think, would be very helpful for people to understand the impact of this structure on the Aqueduct.

Mr. Steinmetz: My simple response, members of the Board, is that to the extent that the building ... we have empirically verified it's below the level of the Aqueduct ...

Chairperson Sullivan: That's different. We're not talking about the ... we agree with you 100 percent that it's empirically underneath, but we're looking at it in the context of the experience of people on the Aqueduct, using the Aqueduct, using the trail. So it's a different context.

Mr. Steinmetz: So as I was trying to say, to the extent we have verified empirically that the building is below the level of the Aqueduct I would suggest to the Board that there shouldn't necessarily be the need to prepare a 3-D model of the building as it relates to the Aqueduct and as it may or not relate to the interference with views. We tried to address your board's concerns with regard to line of sight analysis. Mr. Cameron, I think you know we took it very seriously, both in the videos as well in terms of the height of the individual and the eye level. That was taken care of.

I do want to go back, Mr. Cameron, to your comment because our team was a little confused when you were looking for how best to make the building blend in.

Chairperson Sullivan: Could we just go back for one second?

Boardmember Cameron: Let's stick with that.

Chairperson Sullivan: I want to stay with my point because we haven't finished at this point. So we need to have a visualization of this building that's verifiable, that we know the

height, that it's a perspective view of some type that we can understand is where it should be, it's not going to float around. And we need to be not be focused on standing and looking across, but we need to understand what this building's going to be like in the 3-dimensional environment. That, I think, is very important since this is an experience that people have walking along that trail.

Mr. Steinmetz: You've made that clear. I heard you say that a few times, and I absolutely understand what you're saying, Madam Chair. I'm simply appealing to the Board on behalf of my client that there should be no need to prepare a 3-D model of this building given the context of this project. If the Board determines otherwise my client has no choice but to deal with it. I am suggesting to you that we are trying to supply you with all the answers and all the information that you need.

Chairperson Sullivan: This'll be really good ...

Mr. Steinmetz: And we have tried to provide you with wonderful architecture. Mr. Cameron has made some suggestions that we want to deal with and address in terms of the architecture. Without question, nobody wants this board or the community to be dissatisfied with the design. I'm simply saying that on a six-unit multi-family building I don't ordinarily ... in fact, I don't think I've ever seen a planning board ask for a 3-D model to be constructed.

Chairperson Sullivan: Not constructed.

Boardmember Ambrozek: Are you, Madam Chair ...

Boardmember Gould-Schmit: Not constructed.

Boardmember Ambrozek: You're talking about computer-generated.

Boardmember Gould-Schmit: SketchUp, electronically.

Boardmember Ambrozek: Just computer-generated.

Mr. Steinmetz: OK, so two different things. One, that's not what I heard. One, I didn't think that's what I ... I thought I heard "model," not just SketchUp. I'm well aware sketches. Secondly, as my colleague just reminded me, there was ...

Chairperson Sullivan: No. No, that ...

Mr. Steinmetz: It was a subsequent submission that was done in connection with the

Zoning Board of Appeals that may have been generated after we were last here. And I'm not certain. Has this been made part of your record, and have you seen that?

Chairperson Sullivan: What I'd like to say is, we've seen a variety of pictures like that and they've been ...

Mr. Steinmetz: This is different, though, Madam Chair. This was done using SketchUp in terms of modeling the building.

Chairperson Sullivan: We are looking ... I'll be very clear. What would be helpful is to have a 3-D simulation, visual simulation, of this project.

Mr. Steinmetz: I'm sorry, I couldn't hear you.

Village Attorney Whitehead: Like a fly-through.

Boardmember Gould-Schmit: Like a fly-through. I mean, Christina will ...

Mr. Steinmetz: Yep, got it.

Chairperson Sullivan: And it's something we will get and we will ...

Village Attorney Whitehead: I think that helps and sort of addresses, Jamie, some of what you were looking for.

Mr. Steinmetz: Appreciate you clarifying that.

Boardmember Cameron: Yes, but I'm interested in what she has. But I'm also interested in getting the building to look more like it's part of the ambience of the Aqueduct. I can give you another example which you might think about, and you will never like this stuff but they should: figure out some way of putting three trees in front of that building, between that building and the people down the hill, while still leaving your people with a view. I mean, actually the best view of all is to look just past a tree. You had a client over on Broadway who brings in these 65-foot trees. I'm sure we can get a few up there.

Mr. Steinmetz: I'm sure. I don't think that's happening on this quite as easily, but we could ask.

Village Attorney Whitehead: In the same price range?

Mr. Steinmetz: Going back to your last comment, though, because that's what I wanted to try to understand, Mr. Cameron. You said it again: making this building blend in with the Aqueduct. We weren't sure whether your board was asking for the building to blend in with the Aqueduct, or – flip it around conversely – for the view from the Aqueduct looking out from the building to blend in with the view. Meaning there are two ways to view this.

Chairperson Sullivan: Yes, we don't know yet.

Mr. Steinmetz: If I may just finish my question, ma'am. Can the view ... are you asking for the building to blend in with the Aqueduct, or are you asking for the building to blend in with the other buildings around as you look out towards the Hudson River so that you don't really see the building or feel the building. I think there's a difference. I'm not the design professional, I'm not the architect, but there's a very different concept. Am I trying to make a bucolic, quiet-looking Aqueduct-like building, or am I trying to make a building that you really don't see when you're in the bucolic Aqueduct?

Boardmember Cameron: They can be the same.

Boardmember Ambrozek: I actually think you might be needing to address both.

Mr. Steinmetz: OK. So let's just talk about the ... because the chair raised that, and I just want to understand whether it's the Board's position and whether counsel's position as well: there's no question your view preservation tells my client that he's got to protect and not interfere with view out from the property to the Hudson River and the Palisades. I'm not ...

Chairperson Sullivan: We're not talking about view preservation right now.

Mr. Steinmetz: I'm very well aware. I'm trying to set up my question so my question's clear. I'm very well aware that your law, applicable law, allows the preservation of views and non-interference of views out from the building to the Hudson River and the Palisades. I'm not aware of anything in your code that allows anyone, or guarantees anyone, a view back in. And if I'm unaware and it's there, just let me know. I'm not aware of anyone having a view-way easement – which is a legally-enforcement right ... and there are view shed easements in and over certain properties ...

Chairperson Sullivan: I'm just going to ...

Mr. Steinmetz: Let me finish, ma'am.

Chairperson Sullivan: I just would like to interrupt and say we are not talking about our

view preservation law. We're talking about, from this perspective, SEQRA. So if we could stay on that.

Mr. Steinmetz: That's perfectly fine. SEQRA is a matter of New York State law. New York State law doesn't allow me as a resident to have a view into somebody's else's property.

Chairperson Sullivan: No, no, we understand that. That's not part of our discussion here. We're not talking about the view for anyone's particular property. We're talking about the aesthetic experience of being a state park.

Mr. Steinmetz: OK, now you're changing ... Linda, maybe you can help me because I thought I heard a specific question from your board about preserving a view of the Aqueduct from other off-site properties.

Village Attorney Whitehead: SEQRA talks about the views from the aesthetic resource, the impact on the views from the aesthetic resource.

Mr. Steinmetz: Exactly. Maybe I misunderstood or maybe we all misheard. We thought we heard one or more of you say you wanted to preserve a view *of* the Aqueduct, not *from*.

Chairperson Sullivan: OK. We're looking for, from my perspective, considering a person on the Aqueduct, the trail, looking over towards the aesthetic resource, which is the river and the Palisades.

Mr. Steinmetz: Totally get it. We've said that. You know we've acknowledged that.

Chairperson Sullivan: OK. So the question is we've talked about some elevations potentially, Jamie, or a 3-dimensional model that has ...

Village Attorney Whitehead: The computer-generated.

Mr. Steinmetz: Got it.

Village Attorney Whitehead: Yes, I think they know what you're looking for.

Mr. Steinmetz: Got it, terrific.

Boardmember Cameron: I don't need sticks. You know, little pieces of wood.

Boardmember Gould-Schmit: They do those on computer now, too: a 3-D printer.

Chairperson Sullivan: So what we would like, though, is that I guess we'll figure out – like to know – kind of this type of model you'll be providing. We would like to have it verified by someone when it's produced.

Mr. Steinmetz: OK, I'm not sure what that meant so I'll defer to the designer for what type of model we're providing.

Chairperson Sullivan: What type of software, what type of technique you'll be using.

Mr. Steinmetz: Probably Sketch-Up is most likely what would be used. But I'm going to have to allow, Madam Chair, as you know ... I'm not going to do it. I'd love to be able to, but I can't so I'm going to ...

Boardmember Cameron: (Cross-talk).

Mr. Steinmetz: No question. I'm going to defer to Christina and the design professionals. And when we get here we will state for the record precisely how the computer-generated model was constructed, what data was fed it, and you'll have all that.

Chairperson Sullivan: Right, and we'll get it verified.

Mr. Steinmetz: You're going to do whatever you choose to do.

Chairperson Sullivan: Thank you, that's good to know. So we'll want that level of understanding. Because to the point of the gentleman who was speaking from the film perspective, understanding sort of the perspective, the sort of types of computer digital lens view that's being taken, a lot of that's available.

Mr. Steinmetz: Sure.

Village Attorney Whitehead: It's common.

Mr. Steinmetz: Yes. And just, I had no desire to go there, but you did so I just want to respond. The primary purpose of that exhibit was to allow us to have a very easy way to see the community character in terms of coverage. That was the primary basis. That we asked Christina to prepare something so we could bring to life for the Board the fact that numerous properties – essentially every property that surrounds this – does not comply with the coverage. That was very telling for your Zoning Board of Appeals in analyzing the coverage variance.

Ms. Feeny: (Off-mic).

Chairperson Sullivan: OK, just a second. What we have on our list – just because we had some issues with what we'd ask not showing – that's just being clear. Let's run down the list of what we've asked them to do.

Village Attorney Whitehead: OK.

Chairperson Sullivan: I want to be clear about it and not have it be confused again.

Village Attorney Whitehead: DEC flora and fauna letter.

Mr. Steinmetz: Got it.

Village Attorney Whitehead: SHPO letter.

Mr. Steinmetz: Got it.

Village Attorney Whitehead: The aesthetic analysis, if you will, that we've just been talking about.

Mr. Steinmetz: The blending of the building.

Village Attorney Whitehead: Right.

Chairperson Sullivan: No, no. We're talking about the 3-dimensional digital model.

Village Attorney Whitehead: Right, that's 3-dimensional, digital. And the conceptual layout plan.

Mr. Brutto: That's what I have.

Boardmember Cameron: And the suggestions to make the buildings be more a part of the experience.

Village Attorney Whitehead: Right, and that's what they need to show you with the 3-D model and ...

Boardmember Cameron: Well, they have to come up the ideas and then they can do that. I

think Kathy's more interested in a 3-D model to show the things work.

Village Attorney Whitehead: You're more interested in ...

Chairperson Sullivan: I think to get a feeling of what this building will actually be like.

Village Attorney Whitehead: I'm sure you'll all do a great job of telling Christina, or she can just watch the meeting.

Boardmember Gould-Schmit: She probably is not using SketchUp. Christina's probably using ...

Village Attorney Whitehead: A little more sophisticated ...

Mr. Steinmetz: All right, give her as much credit as ...

Boardmember Ambrozek: Madam Chair, just to clarify. I'm hoping we can also use the model to basically rotate 360 degrees around the building – maybe different elevations, maybe from the Nodine Street elevation ...

Mr. Steinmetz: Once it's in there we can look at it from any angle.

Boardmember Ambrozek: And my point is that it make ...

Chairperson Sullivan: Wait a second, guys.

Boardmember Ambrozek: Looking towards the Aqueduct ... I'm hoping that it'll help us address the issue of massing and coverage as well as ... I'm not looking at that just as view preservation.

Mr. Steinmetz: I understand.

Chairperson Sullivan: Michael, let's be clear then about ... I've talked about vantage points from the Aqueduct trail. Where are you suggesting?

Boardmember Ambrozek: Well, that's what I was just saying. From the Nodine Street elevation, anywhere along Nodine Street ...

Chairperson Sullivan: Yes, from this pin 11?

Boardmember Ambrozek: No, this is not an issue for pin 11. Basically we'd look from the back of any of the buildings from Warburton if you're doing that.

Chairperson Sullivan: So if you look at that picture, then you're talking about the rear of, say, 378 and 380? Is that what you mean?

Boardmember Ambrozek: Yes, yes. The model should be able to do that.

Mr. Steinmetz: I would think it can. I can't speak to that.

Boardmember Ambrozek: I understand.

Mr. Steinmetz: But I understand what you're looking for, and I think now that we've clarified that we'll make sure Christina gets you all what you need. We look forward to making a submission between now and the next meeting to provide you with additional information. We appreciate the time and the persistence that you've put through going through part one and part two. And we appreciate the fact that there has been no SEQRA determination tonight and that we're working together on that. So thank you. We'll come back, and we look forward to seeing you next month.

Mr. Kincaid: Can I ask a question?

Chairperson Sullivan: Certainly. Please.

Mr. Kincaid: I was looking for clarity on the process and where we are.

Village Attorney Whitehead: We're not at the end.

Mr. Kincaid: OK. And does the community need to continue to show up en masse saying that this does not fit into the context and they're opposed to the ...

Village Attorney Whitehead: You never need ... you don't need to come and ... I mean, once you've said it it's in the record.

Mr. Kincaid: OK.

Village Attorney Whitehead: If you want to come back and say it again at every meeting ...

Mr. Kincaid: Yeah, but I'm not hearing acknowledgment that that's still a concern. And it sounds like the variance is no longer an issue at this size. I know we're talking now about rounding edges and ...

Village Attorney Whitehead: This board doesn't grant the variance. That's the Zoning Board.

Chairperson Sullivan: Yes, that was sort of the clarity that the applicant having gotten the attorney on. That it sort of I won't say changed the process, but sort of solidified sort of who does what. It changed our discussions from talking about the mass of the building because it was not in our purview to make the decision on the coverage variance. So the Zoning Board, if you look at the letter that was submitted with the applicant's package, the zoning argument – which is legalese, as you said – is where it stands. Our process here has been to try to look at it in an environmental component.

Mr. Kincaid: OK, that's ... thank you.

Chairperson Sullivan: And, you know, we need to continue on in that, as Linda did when she first introduced this whole process. When we get to the end of this determination, then the Zoning Board can press on with the things they have.

Village Attorney Whitehead: Then it'll still come back to you for site plan details.

Chairperson Sullivan: Depending on that, they'll make determination on the variance that's being asked, then it will come back to us for some of the things Kerry started to address, which are issues of where the lights are and that kind of thing.

Mr. Kincaid: OK.

Chairperson Sullivan: But the clarity and the process was very helpful to have the attorney become involved because it sort of focused things in the proper legal order. Hopefully the SEQRA process can help bring up some of the environmental concerns that may or may not address some of the issues you folks have, the neighbors. But we'll try.

Mr. Kincaid: OK, thank you.

Chairperson Sullivan: May I have a motion to adjourn?

V. ADJOURNMENT

On MOTION of Boardmember O'Reilly, SECONDED by Boardmember Ambrozek, with a voice vote of all in favor Chairperson Sullivan adjourned the Regular Meeting.