

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
REGULAR MEETING AND PUBLIC HEARING
DECEMBER 21, 2017

A Regular Meeting and Public Hearing was held by the Planning Board on Thursday, December 21, 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 Eva Alligood, Boardmember Michael Ambrozek, Boardmember Richard Bass, 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

Meeting of November 16, 2017

Chairperson Sullivan: Our first item of business, our approval of minutes. First set's from September 28. Do we have a quorum of those that were here ...

Village Attorney Whitehead: No, you don't.

Chairperson Sullivan: ... for the meeting? So those will have to get held back.

Do we have a quorum for people for the November meeting?

Boardmember Alligood: I wasn't there.

Village Attorney Whitehead: Eva wasn't here for the November meeting.

Chairperson Sullivan: And you were not.

Boardmember Ambrozek: I was here for November.

Village Attorney Whitehead: Here he is.

Chairperson Sullivan: Richard makes ...

Boardmember Ambrozek: So we might have a quorum.

Village Attorney Whitehead: Richard was not here for November, was he?

Chairperson Sullivan: I'm trying to think. I'm going to look at my meeting notes.

Village Attorney Whitehead: Look at the minutes.

Chairperson Sullivan: Yes, we'll look at the minutes.

Boardmember Alligood: So now we have one for September, but it doesn't look like we have one for November.

Village Attorney Whitehead: No, because neither Eva nor Richard were here in November.

Boardmember Alligood: Correct, and Bill and Kerry are out.

Village Attorney Whitehead: So you can do September, but not November.

Chairperson Sullivan: We'll walk back to September. So September 28 meeting minutes, are there any comments on them?

Boardmember Ambrozek: I have no comments on them.

Chairperson Sullivan: Nor do I. Anyone else? May I have a motion to approve the minutes from September 28?

On MOTION of Boardmember Bass, SECONDED by Boardmember Ambrozek, with a voice vote of all in favor the Minutes of the Regular Meeting and Public Hearing of September 28, 2017 were approved as presented.

Chairperson Sullivan: OK, we at least are caught up a little bit. I have one comment on the November meeting minutes.

Village Attorney Whitehead: You can't vote on November.

Boardmember Ambrozek: No, but you can make comments.

Village Attorney Whitehead: Sure.

Chairperson Sullivan: We're not going to vote. I just want to get it off my plate, two comments. On page, 20 Mr. Steinmetz says he received a "*rabid*" letter from the county. I think that's something else. I think that's something else; I think he meant "rather favorable," I think is in the context.

Then at the end of the meeting minutes it has me giving out some holiday greetings that I think could be removed because that was after the meeting was adjourned.

Village Attorney Whitehead: You don't want your holiday greetings in the minutes?

Chairperson Sullivan: I don't think they need to be, my only comments.

Any other comments from anyone that was here that they want to get off their plate?

III. NEW PUBLIC HEARINGS

None

Chairperson Sullivan: We have no new public hearings this evening,

IV. OLD PUBLIC HEARINGS

Chairperson Sullivan: Two have been deferred.

1. **SEQRA Determination (Continued) – 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.**

*****Deferred to Future Meeting*****

What we do have up tonight is our only agenda item because, for the holidays, we will not go into the discussion items. We will leave that alone. You're welcome.

Village Attorney Whitehead: I said "thank you" already.

Boardmember Ambrozek: Thank you.

Chairperson Sullivan: Any time. I didn't want to get in to try to prep for that.

2. SEQRA Determination (Continued) & Site Plan Approval – Application of the 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.

Chairperson Sullivan: To sort of recap where we are, we started to go through the part two for this project and made progress on walking through all the points last meeting. There were three issues that kind of ...

Village Attorney Whitehead: There were three things where you asked the applicant to provide additional information.

Chairperson Sullivan: Yes. So we asked the applicant to provide additional information and we'll receive that information. Anything else, Linda, you want to add at this point?

Village Attorney Whitehead: No, I have my markup from last meeting.

Chairperson Sullivan: I brought mine.

Village Attorney Whitehead: I'm sure that some of you do also. We can sort of jump. I think the first – and this might be an easy one – the first item we held for further information was item seven, *Impact on Plants and Animals*. This is because the mapper always says "yes" on endangered species. But the applicant has contacted the DEC and gotten a letter that confirmed that the endangered species were not on the site but were actually, I believe two ...

Chairperson Sullivan: Fish, yes.

Village Attorney Whitehead: ... sturgeon, which I assume are not on the site but probably in the river and therefore will not be impacted.

So if we go to item seven ...

Chairperson Sullivan: I'm looking for my markups. On part two, item seven ...

Village Attorney Whitehead: Items in the part two. I don't know if they got put in the package. I think when we get to the next item, Jamie, they have to.

Building Inspector Minozzi: Are we going to do part two first?

Village Attorney Whitehead: No, part one is done.

Building Inspector Minozzi: I have one, two, three, four, five questions on part one.

Village Attorney Whitehead: Still? Because we went through the part one and we asked them to make some changes, and they submitted those.

Building Inspector Minozzi: Oh, all right. I got you. I didn't know if we were going to go over them verbally from last month. OK, very good.

Chairperson Sullivan: I think when the team presents their information they can walk us through those, but we want to talk about the issues we needed information on. So *Plants and Animals*.

Village Attorney Whitehead: Hold on one second and maybe then we'll let them go ahead. Do you want a copy of my markup from the last meeting? It might help you guys pick up from where we were. Buddy, can we get two copies of this?

Building Inspector Minozzi: Sure, of course.

Chairperson Sullivan: Could you make it three just so I have your copy?

Village Attorney Whitehead: OK, because this is marked up from last time so it shows where we left off with my cryptic notes that you may or may not be able to read. It shows the items we already went through and answered, and the items that were still open that we asked for additional information on.

Chairperson Sullivan: So we were looking to try to identify items that had no to small impact or moderate to large impact. We left a handful of things to continue, and the package that we're getting is some new information we requested to sort of help us make that decision. Then after that happens ...

Village Attorney Whitehead: Then you make your determination of significance, based on that.

Chairperson Sullivan: Right.

Village Attorney Whitehead: But it was, I think, a productive meeting where we went item by item through, and referred back to the part one where it said to ask them for clarification on some part one items. And then asked them, on some of the part two items, and decided the Board needed additional information to be able to answer the question.

David Steinmetz, Zarin & Steinmetz: Linda, just for point of clarification I just want to make sure – especially for Ms. Alligood and Mr. Bass – that they did get a copy of our December 7 letter.

Boardmember Alligood: Yes.

Village Attorney Whitehead: They got the submittal yes. I just thought it would be helpful for us all to have ...

Boardmember Ambrozek: Could you please identify yourself?

Mr. Steinmetz: I appreciate it, thank you. I'm representing the applicant, PTG.

Madam Chairman, I certainly don't want to step on the method and the sequence you wanted to go through, but I really thought – particularly for the Boardmembers that weren't here last time – to just kind of put it in context. We did go through the EAF rather thoroughly with the Board and we got a series of specific questions on tasks we were asked to address, and that's particularly why we submitted the December 7 letter so we could explain it. We have a couple of things tonight that we are ready to present to the Board. And we have, obviously, our entire team here.

The last thing I would just say by way of introduction, for Ms. Alligood and Mr. Bass, I did start the last Planning Board meeting identifying for the Board that since we last saw you we had appeared in front of the Zoning Board of Appeals, presented preliminarily there, received very favorable feedback on the issue of view preservation – unanimously from the

Board – and received the support of a majority of the Zoning Board on the issue of the coverage. We came back here, really, to deal with the SEQRA issues in front of your board.

I will sit down. Obviously we're ready, Madam Chair, whenever you wish us to address the issues and present.

Chairperson Sullivan: Thank you so much.

Village Attorney Whitehead: Just procedurally, a reminder. The Zoning Board, although they appeared before them and presented, the Zoning Board can't act on the variance or the view preservation until this board, as the lead agency, has made a SEQRA determination. So that's why they're back here before having any kind of final determination from the Zoning Board.

And just for everybody's benefit because it might be important – given the mix of the Board and two people being here last month and not this month – this board does meet again before the Zoning Board meets. If for any reason you need more information or can't reach a conclusion tonight, there is another opportunity before the Zoning Board meets. So it wouldn't delay things if we had to go ... obviously, they would prefer not to have to come back again but, if necessary, it doesn't delay them with the Zoning Board.

Chairperson Sullivan: And we have an issue, don't we? We have five.

Village Attorney Whitehead: You have five; you would need four out of the five to vote.

Chairperson Sullivan: Four out of five to vote. So OK, just to be clear.

So *Impact on Animals* was question seven. We talked about getting a letter, and that was received so that was good.

The next one up, Linda?

Village Attorney Whitehead: Now you need to go through ...

Chairperson Sullivan: The letter?

Village Attorney Whitehead: Seven. So you want to just check "no" at the beginning, or do you want to check "yes" and then go through the "no," or "small"?

Chairperson Sullivan: I think let's say yes because of the indication on the mapper, and then we can say no because we've heard from the state that animals ...

Village Attorney Whitehead: Right, there are no endangered and it's not going to impact.

Chairperson Sullivan: So that would end that one, I would think. That was the only subquestion we had. All righty, we have *Impact on Aesthetic Resources*, *Impact on Historical and Archeological Resources*. We have *Impact on Noise, Order and Light*. I think I skipped over *Impact on Community Character*, correct? Those were the remaining ones?

Village Attorney Whitehead: Well, yes. *Noise, Order and Light* we had said "yes," and then we had done some of the sub-categories and left one of the sub-categories open for the lighting plan.

Chairperson Sullivan: Right, OK.

Village Attorney Whitehead: So the next two are the *Impact on Aesthetic Resources*, and for that one I know they've submitted some materials and we'll also have the presentation.

Chairperson Sullivan: Right, so I think we're prepared for that. What would be very good to have right now is your presentation on new information. That would be very helpful. So go, team, go.

Village Attorney Whitehead: *Impact on Aesthetic Resources*.

Christina Griffin, project architect: We have utilized a series of tools to help you visualize the aesthetic impact of this project on the neighborhood. Tonight we're going to add to the materials. We're going to present the materials we've added to a collection of drawings and renderings that we've prepared, and we're going to start with a slide show of aerial views.

Chairperson Sullivan: Can I interrupt just one second? The items we asked for were a digital model of the site to see the impact of the project when someone's experiencing the Aqueduct.

Ms. Griffin: Yes.

Chairperson Sullivan: So I think if we could focus on that, that would be helpful.

Village Attorney Whitehead: And also the rear elevations which Jamie had asked for.

Boardmember Cameron: Yes.

Chairperson Sullivan: Right.

Ms. Griffin: Sure, we can start with that. We did a 3-D simulation walkthrough, and we can show that to you.

Chairperson Sullivan: Because I think the slide show, to me, was more of view preservation unless I was missing something.

Ms. Griffin: OK, that was just sort of additional information in case you want to see the building and the context of the neighborhood from above.

This is a video we're going to show you right now. It's based on a Revit model, and this is a walk around the front of the building. Then we're going to come all the way around to the north side of the building. Then we kind of do a flyover so we can get up on the Aqueduct. This is when we're on top, just walking along the Aqueduct.

Boardmember Ambrozek: To clarify, the dark green is the river and the blue would be where the Palisades are? Is that correct?

Ms. Griffin: It's approximate. The green line's approximately where the river is. It's actually where the horizon is.

Village Attorney Whitehead: I think this wasn't being done as much for view preservation so the focus wasn't on the river and the Palisades ...

Boardmember Ambrozek: OK.

Village Attorney Whitehead: ... because you've already really done that. It was more just on what the building will look like.

Female Voice: (Off-mic).

Ms. Griffin: We can pause it. We're just going to go around again.

Chairperson Sullivan: You can pause it when you get up to the top, around the north side, for a second.

Ms. Griffin: OK, we'll do that. Coming around the north end, then this sort of is jumping up to see the Aqueduct. Now we're walking along the Aqueduct, looking down.

Boardmember Ambrozek: Can you pause around there, please?

Ms. Griffin: Yes.

Boardmember Ambrozek: Thank you.

Chairperson Sullivan: I shared some information with Buddy that hopefully got to you about the type of camera lens you're using in your project. Can you talk about what you used?

Ms. Griffin: We are using just the default, and we select where we want to take our views. Do we have that diagram, Suzanne? I'll show you how it's done.

Chairperson Sullivan: But you have control over the type of angle of that camera. When you looked at the plan right here – this one, which was very helpful – you had a very wide camera lens you were using for your project. Which is great for presentation purposes, but doesn't necessarily imitate what a human would be seeing, the human's field of vision. It's much wider, a wide-angle lens.

Ms. Griffin: Let me explain. First of all, we haven't had that comment from you very long so I have to find out if there is any adjustment. We're just using the default angle, but I just want to point out all these points. There were points that were taken to make sure they're included in this view. Then we go around the building.

Chairperson Sullivan: Right.

Ms. Griffin: That's what this blue line is.

Chairperson Sullivan: Right. Christina, I have to say ... I mean, the ability to change the ... I'm familiar with the program, as you know, and the ability to change the angle is instantaneous. It's more the choice of what you're using to show in that view. And by choosing a wide angle, the impact is to make something seem farther away than it is. I mean, that's just a ...

Ms. Griffin: We haven't purposely chosen a wide angle.

Chairperson Sullivan: No, no, and I'm not saying that.

Ms. Griffin: And I can look into it for you.

Chairperson Sullivan: I think what I've seen ... my comment on this is – and I thank you so much for putting things up on the viewer for us and going through the effort to show where you've taken your different photographic angles – we really need to know for sure that this is imitating what someone is experiencing.

Another request was, the fly-through is good, in some ways, to see the building. But we asked to understand what it would be ... try to see what it would be like from someone walking along the Aqueduct. That request ... again, I know the program, and it's not that hard to set up the fly-through. In fact, I was doing it for someone earlier today in another context.

Ms. Griffin: I think Suzanne wants to make a comment. This is Suzanne Levine, she's the project designer.

Chairperson Sullivan: Hi.

Suzanne Levine, designer for project: I got your request to have a longer view along the Aqueduct so those are all the points we added. You can see, every line there is like a slide for each view. I'm not sure how to add more ...

Chairperson Sullivan: No, no. The point was to have a walk-through that just showed the experience of being on the Aqueduct rather than flying around the building.

Ms. Levine: Well, we can cut it, but it would be the same sequence you would see from the beginning of the Aqueduct to the end.

Chairperson Sullivan: But also focusing in on having a view, a camera angle, chosen that would be closer to a human eye than the wide angle that you're showing right now.

Boardmember Ambrozek: Are you able to indicate what the elevation was, taking the view when you're on the Aqueduct? You said this is a view from the Aqueduct. Can you say what the elevation of the camera was at that point?

Village Attorney Whitehead: I think it was in the e-mail.

Chairperson Sullivan: They provided it to us.

Ms. Levine: It can be very specific.

Chairperson Sullivan: It was great. It was very helpful and they were very clear about where that was taken.

Ms. Levine: Those red dots are where the camera was, walking along the Aqueduct. And that's at 59.8 for eye level; what we've been using for our sight line studies.

Mr. Steinmetz: Suzanne, is that the same height elevation we did from the camera ...

Ms. Levine: Yes. It's eye level for average female height. And the angle we chose was wide enough that we could see the neighboring buildings.

Chairperson Sullivan: That's not what we ... again, I shared some technical information I found as well because it's not very ... you can imitate, you can create the crop, you can create the sort of view a human would have. And that doesn't take a lot of time.

Ms. Levine: Yeah. I think our goal was to show the building in context.

Chairperson Sullivan: That's wasn't the goal of what we wanted.

Ms. Levine: OK.

Chairperson Sullivan: We asked for ... I mean, you can use this model for so many different tools and so many different goals. Our goal was to use it to see what someone would be seeing as they would be walking along.

If you wouldn't mind going into the fly-through and pick a point either at the north on the Aqueduct or the south looking north because I want to just take a look at that for a second. Or even if you can get to the center of the building, whichever of those three points. At this point, you're on the Aqueduct, correct? And your camera is at the height of the person, right?

Ms. Griffin: Yes, 59.8 was the eye level.

Chairperson Sullivan: And you're using a wide angle lens, right?

Ms. Griffin: We did not choose. I think we just ...

Ms. Levine: You can drag the view out. I wanted to see all the way down to 385 Warburton, the square peg building.

Chairperson Sullivan: Correct.

Ms. Levine: And I wanted to see the buildings around our project.

Chairperson Sullivan: Right. Our point wasn't to see ...

Ms. Levine: But we could make a narrow point of view. It would just crop the sides of the ...

Chairperson Sullivan: Again, the point of this was to imitate what a person would see, not to put it into context. That wasn't the point. Because when you do something like that you get a much different type of look. This is from the Aqueduct looking towards the slit, and this is what a human would see.

Ms. Griffin: I appreciate clarification, but I want to say that we do the mockup on-site, which was done with the ... was also done as a walk-around.

Chairperson Sullivan: Christina, we understand that a hundred percent.

Ms. Griffin: OK.

Chairperson Sullivan: The point of the model was to have us see ... because one of the things we haven't seen – and I'll share this with ... I just brought a couple copies, but some of the views from the north looking south are more like this perhaps, when taking account what the angle is for what the proper ... a camera angle that's more of what a human eye would be like. Or it could be, potentially, something like this, which is what it would look like if you're standing by the existing building and looking towards the north.

We need to see ... we would appreciate if you could help us with that because that was the point of the model: the context and how it fits into the ...

Ms. Griffin: I'm very willing to change that, and since you say it's possible then we can do that.

Chairperson Sullivan: Did you get the PDF I sent to Buddy that explained how you can do that in Revit? That's one thing I found, and I'm sure there's other ways you can determine that. But we're looking for a camera that is like a human eye, has the view angle of a human eye.

Boardmember Ambrozek: Would you say a human eye angle is about the equivalent of a 50 millimeter camera lens?

Chairperson Sullivan: I think 35, 55?

Boardmember Ambrozek: Thirty-five is wide angle, usually.

Chairperson Sullivan: So 55, yes.

Boardmember Ambrozek: Fifty, 55, yes.

Chairperson Sullivan: And the information I had that I shared told how to accomplish that with this particular program. But I'm not an expert. I mean, we're looking to ... our goal is to have a walk-through so we could see what the project's like from a human's perspective.

Ms. Griffin: You know, we'd be happy to make that adjustment. I don't think we were aware of it. We're always learning more and more about the software, and we can do that. Today, we decided – Suzanne decided – to take more pictures of the poles and lines because they were straightened.

Chairperson Sullivan: Again I jump in, folks, just because I've been struggling with this this week, trying to make sure ... but the simulations are difficult because you want to try to make them like what a human would be seeing rather than a presentation drawing. I wanted to share that with these folks.

Ms. Levine: You know, I think the 3-D model is ... the way we've used it is more as a design tool and a way to see the model in the context of the things next to it. But I was just going to say I went to the Aqueduct today and we had the lines straightened. This really gives the human experience. Walking down the Aqueduct is seeing ... and I held the camera up at our 59.8. The ropes, I think, are the closest thing you can get to experience what this project will be like.

Chairperson Sullivan: Actually, the point of the 3-D model was to get the massing of this building understood because of how it changes when you walk by it and letting you really understand what it's like. I think we're almost there. Just right now we need to have it done from a perspective using the view angle a human would have rather than ... like you say, it's a great design tool, it brings in context, but it's like taking your phone and doing a panorama, you know. That isn't what you see. You take something that's more focused.

Anyone want to talk?

Boardmember Cameron: I just want to say, you know, it's interesting because I walked by just after you did that. I noticed the lines were tight, and thank you very much. But it's very interesting. When you look at these lines now, the two lines run through the upper windows on the peg gallery, the bottom gallery, whereas in this picture here the roof runs through the next windows down. That's one of the reasons to actually have the program so we can really get a feel for where they are.

I'm going to get to this later, but I just happened to notice that, looking at those lines where you held it up. I'm saying it makes a difference, and it just jumped up and down 6 feet on us right there.

Ms. Levine: I agree. And when we did that simulation, put our model in the photo, it was based on the tarps. The tarps were sagging a bit.

Boardmember Cameron: Right.

Ms. Levine: I think you're right. It's made a difference.

Boardmember Cameron: It sprung. At some point I'd like to tackle this.

Mr. Steinmetz: Suzanne, (off-mic)? Are there other photographs ...

Chairperson Sullivan: Can you please use a ... I'm sorry.

Ms. Levine: I can take you all along. It's just there was a dip in the middle as we got to the separation between the buildings. So when we took the tarps off the ropes were able to get very taut and straight. I think this is, as we walk along ...

Building Inspector Minozzi: We just need to remind everybody we really have to have you use the microphones.

Chairperson Sullivan: I think we can take a look at this slide show if the Board wants to. Are people interested in it?

Ms. Levine: Just walking along the Aqueduct.

Building Inspector Minozzi: Got to use the mics.

Chairperson Sullivan: So what are we looking at here? I'm sorry.

Ms. Griffin: This is just the view taken today. This is not the slide show.

Ms. Levine: This is just walking ... now we're walking north ...

Boardmember Cameron: North, right.

Ms. Levine: ... looking, as we're holding the camera at our 59.8, there's the ropes. You can see the rope closer to you is the front of the building, and the higher rope is the back of the building.

Chairperson Sullivan: I'm not sure I can see those, I'm sorry.

Boardmember Cameron: You got to look really carefully.

Ms. Levine: I think in the past we've highlighted them in red, but you can see. And the ropes hanging down indicate where we have the separation between the two buildings.

Boardmember Cameron: Right.

Ms. Levine: Which will be a view corridor through.

Boardmember Cameron: You can see the two posts into the two wires.

Ms. Griffin: We also did just an aerial slideshow to show the building and the context of the neighborhood, and to present that to you tonight. Now, this is going to be in motion. Our

building is over there, and this is an aerial view showing all the houses on Warburton Avenue. You see there's a variety of sizes, but one of the most common elements is the width above some of the façades. This is looking down on top of the building right here. There's a whole range of sizes. There's quite a few buildings that are around 22 by 40 feet.

Boardmember Cameron: Could you stop on this one?

Ms. Griffin: Mm-hmm.

Boardmember Cameron: If you look at the decks ... sorry, I guess I lost you. If you look at the decks up there you'll see that the two outside ones are wider and the inside one is narrower, whereas in your other drawings they're all equal size. I just happened to notice that if you look at the three decks they have ... they're different widths, whereas in the drawings you presented – these drawings here – they're the same width. But I'm not objecting to it, I'm just asking whether that's what the intention is.

Ms. Levine: The railing ...

Chairperson Sullivan: You have to use the mic, folks.

Ms. Griffin: The railing is a little wider on the outer units than in the middle units. It's a matter of design, but the idea of the massing for this building was to have each townhome have a façade that wouldn't be any wider than 22 feet. They actually range from 16.6 to 21 foot 8. The width of each façade in a lot of the older buildings – not the bigger buildings, but the older buildings ...

Chairperson Sullivan: We should stay ... I'm sorry, that's maybe something we can come back to when we talk about the community character component of it. Because we're talking about the aesthetic resources I think we still need to have the information we've asked for, which is the model that can help us see the experience of someone walking on the Aqueduct. You've heard my comment about the camera angle.

Ms. Griffin: Yes.

Chairperson Sullivan: So having something not be a presentation, but to be more like what someone would experience. I think we're close, so ...

Ms. Griffin: Your point is made and we're going to see ... we can make that adjustment so we can show that to you. We just didn't have it tonight because it's a busy time before the holidays. We actually put a lot of effort into these.

Chairperson Sullivan: My comment is just to say this is the topic we're on right now. I think we have more information we need to get. And at that point, I think, we might want to move onto another question. I don't mean to cut you short because I think ...

Boardmember Cameron: It's my fault.

Chairperson Sullivan: ... you're veering into some other topics that will come up. So is there anything else about the aesthetic resource that you have?

Ms. Griffin: I feel like something we presented to you two meetings ago regarding scale and massing is something I guess I wanted to remind you of. Maybe Suzanne could go back to that because I wanted to show you how we've designed the building so it has similar proportions and scale to the buildings around it. Suzanne's rigging it up. I don't know if you recall this, but it's hard to measure this. Well, how do you measure it? So the impact on aesthetics is that this building has very similar façade width. Because the top floor is pushed back, you have the sense, if it's a three-story building – most of the buildings in the neighborhood are three-story – we did a comparison of all the heights of the buildings in the neighborhood. This is really within the range of the heights we have there.

I don't know if I described this in detail when we first presented it, but it's hard for me to see the numbers so I was just going to ... because sometimes, if you look at numbers, it helps you understand how a building can fit in within the range of sizes and shapes and heights that are in the neighborhood. When you talk about aesthetics, scale and proportion is important, I think, as part of the aesthetic picture.

Chairperson Sullivan: The concern we'll have, I think, when it comes to ... when we see the information we've asked, what it's like from someone from the Aqueduct. I mean, what you're bringing up is important, but it would be in context of how that ... if you're experiencing the Aqueduct trail, how does this building – in its shape, size and form – relate to other things that are along the Aqueduct. I think you did a beautiful study of how it fits in and the context. But again, our focus on this one is what's the experience of walking along the trail.

Jamie, I think, set up the beginning of what we think might be the context for this project. When you get to this point, you're high up, you're starting to see views. That's his

suggestion, to try to soften the building and make it feel like it belongs in the landscape where you're finding yourself. I just share that again: the focus right now is on experiencing from the trail.

Ms. Griffin: We also brought another option for color, and we have the view looking at the building from the Aqueduct. Maybe that fits within the items you wanted to see, the additional material. We looked at having more natural earth tones for colors. We're planning to do some clapboard because there are a lot of clapboard buildings in the area and some stucco. But these are more muted colors. We also have a green roof and the 10-foot width we have here. It's like continuing the greenery between the buildings.

Village Attorney Whitehead: I think it would just be helpful to remind everybody, the item we're on right now – the impact on aesthetic resources – the aesthetic resource here is the Aqueduct. What it says is to "*... look at the land use of the proposed action. They are obviously different from, or in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource.*" The Board, at the last meeting, said to check the overall, generic question "yes," and then go down to the individual question.

We're really focused on is it visible. Is the visibility of it, from the Aqueduct, "no or small impact" or a "moderate to large." The Board was sort of mixed on that last time and asked for more information. That's where the focus of this discussion right now needs to be.

Boardmember Cameron: If you could put up BP-14 maybe we can discuss that. That's the one you distributed; this one here, Christina.

Ms. Griffin: Yes.

Village Attorney Whitehead: Which I think is what you just had up there.

Ms. Griffin: The one we just had up.

Village Attorney Whitehead: Again, that is what we're ... that's a view from the Aqueduct.

Ms. Griffin: She's getting it.

Chairperson Sullivan: One thing, just for clarification: land use, under the SEQRA ...

Boardmember Cameron: And blow it out as much as you can.

Chairperson Sullivan: Just for a second, Jamie, let me say one thing. Land use, as a zoning term, is actually talking about the site plan, the size of the building, the height of the building, the dimension of the building as well as getting into some of the architectural details. So it's a little bit different use of the word. Thank you for letting me speak.

Boardmember Cameron: Anyway, if you look at the back of this building – you were not here last time and I was a little obtuse in what we thought we wanted, sort of giving it a free range – I was actually thinking of something you did previously, which is 32-34 Washington in which you actually had the portions of the building more articulated from each other.

What came back with was a building that looked even more modern than the one that left. The other one that left had more divided windows, at least the version I had. These now have, you know, very modern-looking windows. Maybe you haven't had a chance to put in the kind of windows you really want.

But if you were to look at this building, and look at the front of it and the size of the terraces in the front, one idea which occurred to me was that you could actually take the third floor – on your one, three, four and six – and push them forward about 4 feet, which would give you articulation on the back of the building. And then on the front of the building you actually have 2 or 3 extra feet of space on those units because they don't have the light this close. So you probably wouldn't lose more than a foot of terrace, but it would give us not a big, flat building – or two flat buildings – it would give us two articulated buildings.

I know you have them partly articulated and that's terrific, but I think more articulation would actually help a great deal. But, you know, I'm the lawyer here not the architect. But I just throw that out. I just think that would be a nice effect. It would be more like the other buildings down the road, where they actually have ... they're not all ... they're not a big, flat surface. They're a bunch of buildings with plenty of things in them. I may be shouted down by other people here, but that was my thought and what I was, in fact, hoping to see you come back with. But I didn't see anything.

Chairperson Sullivan: Well, I think you're jumping to conclusions, but you're coming to possible solutions. And I think we're still looking for kind of an understanding of what people are going to be experiencing.

Boardmember Cameron: Yes, you could also get a break from that one long wall in the front by having two of them sticking up farther forward because you actually have that space. If you look at your E-3 diagram, you have that space in the front. You have 4 feet; you could

take half of it. I thought that would just make this idea of breaking up the back of the building. You see, you have the extra space before you go to what you refer to as "the entry light." Also, the terraces are of uneven size so you actually would still be keeping a ... depends which diagram you're looking at because in a lot of your other ones it's wider than you're showing it in this picture.

Village Attorney Whitehead: Make sure you're looking at the most recent plans because, at one point, the building got a little narrower, right?

Boardmember Cameron: No, no, no, I am. I'm looking at the wider ones and that's why I pointed that out when you were on that in your aerials you just distributed. I was pointing out you have some of the terraces bigger than the others.

Ms. Griffin: These here.

Boardmember Cameron: No, this one here that you just showed, you know, where these terraces on either edge are bigger than the one in the middle.

Ms. Griffin: Yes.

Boardmember Cameron: So if you pushed them forward a little bit you might lose a foot in them, but they're bigger to begin with. They're not bigger in this diagram, but they're bigger in this diagram. So I don't know which one you're working with. Not in this picture here. See, this picture here the ones in the middle are smaller and the ones on either side are bigger. You've moved on to part of the overlap on the side, I think. I'm just trying to get a way so you don't lose very much terrace space, but you also give us a more articulated rear of the house.

Chairperson Sullivan: And Jamie we've talked a little bit about this, but I still think we need to see what this building's like and understand if there's any changes or modifications. I think we're still looking for that information to understand what this building will be like when people are walking along the trail. And that's very important; it's been the key issue, I think, for many of us and I think we've said it a lot of different ways. I know you have the tools to do it.

Ms. Griffin: I really don't think it occurred to us. We will look into it, though. We will definitely make that adjustment so we can get more of a human-eye view. We have done, you see, many, many studies to try to understand how the building fits, how it looks.

Chairperson Sullivan: But again, our focus is – and this has come up so many times, and it's coming up now a second time in the course of trying to deal with SEQRA – it's key for us to be able to answer this, and we really need help and be able to see this thing. I think you guys have done so much work and it's been so helpful, but we really need to have an understanding of what it's going to be like for someone to be walking along that trail. That's key to answer this.

Jamie has solutions, and I have a few, and other people might be sparked if there's things they see. But we don't really understand this building from the Aqueduct.

Boardmember Cameron: Right now, quite frankly, it looks extremely modern, which is not really what you see as you go down the Aqueduct.

Ms. Griffin: You know, I just want to mention my view of modern. We have a mix of styles. I know when we did the guidelines we wanted to encourage a mix of styles in that neighborhood. We have modern details on this building here.

Boardmember Cameron: Sure.

Ms. Griffin: We have 433 Warburton with a lot of modern details. We have 400 with some modern industrial-type details. We have this building not too far away, modern details. I recently won an award for 255 Broadway in Dobbs Ferry, the first modern multi-family building, and I really think it's very exciting to see a variety of architecture.

We went with that idea for this building for a variety of reasons. We have lots of big windows – this is 433 – and we want to really open up the homes. This is a modern building on Ridge Street. This is not an anomaly anymore. As much as a lot of people – especially older people – don't want to see it, it's part of life. This is like just unconventional – I don't know what you call it – but especially in Hastings we have a great variety of architecture. So we really thought this would be a very lively design and something that would be nice within the mix of buildings there.

There's a lot of very simple gable, clapboard-type buildings so it's not like there is a very distinctive architecture like you would see, you know, in certain historical districts. We are deliberately taking this view for this building. If we had an historical district we probably would want to match something in the neighborhood, but the architecture that is the old building is really hipped roofs, gabled roofs, very simple clapboard with white trim around and double-hung windows. These have casement windows.

Chairperson Sullivan: I think to put this into context, when we are talking about the experience from the Aqueduct, some of the questions we have answers. It will be, *"Will the proposed activity introduce a different land use in our near the project site?"*: "land use," again, in the more global sense of what the siding is and what the structure is, not just the use. But that's part of it. And, *"Will the proposed activity have architectural features and site design that's visually consistent with other buildings and structures in the area?"* Not to say it should be, but to identify if it does and then talk about it as something you experience because you're walking a scenic trail and be happy to find something that's of a different style and has some spark and character to it in a way that is usable contrast.

Ms. Griffin: Right.

Chairperson Sullivan: Or it's comparable to what's around it. We're not at that point yet because we still need to see ... we need some help in understanding this building.

Ms. Griffin: I just meant to mention one more thing. If you look on the other side of the Aqueduct there's Hastings Landing, which has casement windows and is more modern.

Chairperson Sullivan: Yes, sir. You wanted ...

Boardmember Ambrozek: This building, interestingly, will be seen much more by the public from the Aqueduct than from Nodine Street because it's set back from Warburton.

Chairperson Sullivan: Very much, yes.

Boardmember Ambrozek: When you were talking about ... so in a way, one almost wants the front of the building or one wants features from the front of a building to at least ... to be facing towards the Aqueduct. So another option might be to use bay windows, as you've used in a lot of things. You know, having a flat roof I think is kind of constrained by the situation. Avoiding a flat roof is ... doing something other than a flat roof is probably not going to be possible. Facing the Aqueduct, that's the important appearance of this building.

Chairperson Sullivan: Interesting point, Michael. That's interesting.

Eva?

Ms. Griffin: (Off-mic) get different options from the design of the (off-mic).

Chairperson Sullivan: Eva, and Richard, do you guys have any comments, having not really been part of this conversation?

Boardmember Alligood: I mean, I guess just picking on the most recent discussion, I think I'm struggling with whether I think this is going to stick out too much visually or whether it's going to fit in kind of just being somewhat different but work in that site.

But I want to just say I don't think we should only be looking for buildings that look like the traditional style around them. I don't want to voice a problem with it. I said it has a modern look. I still think we have to look at it overall and say do we think it fits, and not be so purist about the actual style.

Chairperson Sullivan: Richard, do you have any comments?

Boardmember Bass: I'm good for the moment.

Chairperson Sullivan: The only thing I want to toss out is that I've thought about not so much in the context of what it looks like, but you're at the Aqueduct and there's going to be a certain size of building close to you with certain activities going on. I think we've learned a little bit over time. That you can talk about terraces having no walls and no high kind of structures on it, and we find people doing bamboo planters with bamboo that's going to block a view; different types of things that can be put out on a patio that aren't built but they can help get in the way of people's views.

I think, at some point, talking about kind of what kind of spaces are in someone's direct view shed might be of help, if that makes sense. And I don't have an answer to that, but that's a concern and I look forward to hearing a better sense of how I will experience it or how someone might experience that building.

Village Attorney Whitehead: Are you talking specifically about terraces? Because the terraces here are on the other side.

Chairperson Sullivan: You know what? When you are walking along the Aqueduct you might experience those terraces at different points. Again, the visualization will help me understand that.

Yes, sir.

Boardmember Ambrozek: Yes, Madam Chair. Zarin & Steinmetz submitted a letter, by hand, to the Board – and I think this needs to be adopted into the record – dated December 7.

Village Attorney Whitehead: Everything they submit is part of the record automatically.

Boardmember Ambrozek: Oh, OK.

So I have a comment on page four.

Chairperson Sullivan: Can I ask a question? Does it relate to this particular topic, or is it another topic?

Boardmember Ambrozek: It relates to the appearance of the building from the Aqueduct, yes.

Chairperson Sullivan: OK, thank you.

Boardmember Ambrozek: In their public comments they have a paragraph that addresses privacy concerns. They're proposing landscaping along the northern property line and eastern. They say "curb line," but, in fact, the eastern side is the Aqueduct side, which is the relevant point to me for this issue. I would like to ask that while the Board cannot prevent any vegetation being put in, I'd simply like to request that the vegetation that might be planted should be designed so as not to prevent, obstruct, views from the Aqueduct in the future by growing too high.

That's simply my comment there.

Chairperson Sullivan: Thank you. I guess one thing to mention, too, we received, for a second time, a letter that came from the New York State Parks, Recreation, and Historic Preservation office. In that letter, which went to Ms. Levine at Christina's office in March, there were comments about that they are interested in assuring a good experience for park patrons. There were some concerns raised about the height of the building in relationship to the Aqueduct trail and concerns about how it might impact the views.

This letter, if I'm not mistaken, was received after an earlier iteration of this project. So I think it would be helpful to send the current project to ...

Village Attorney Whitehead: It's been done. I think we got something today.

Jim Annicchiarico, Cronin Engineering: I made an application to the state, to the SHPO office. The way you do that now is, you go on the CRIS Web site and submit the information they ask for.

Chairperson Sullivan: Correct.

Mr. Annicchiarico: You do not receive back a letter unless they it is absolutely necessary that they opine on the application.

Chairperson Sullivan: Right.

Mr. Annicchiarico: I spoke with one of the reviewers of the application; John Bonafide. I spoke to him yesterday after I received the e-mail. I don't know if you saw the e-mail from him ...

Chairperson Sullivan: Correct.

Mr. Annicchiarico: ... but he sent an e-mail with that whole letter attached to it. I spoke to him, we had a conversation about how the project has changed. As he stated in his e-mail, the only way they would respond further in an actual letter to us would be if there were public funding for the project or if the project required a permit from the state of any sort, SPDES or otherwise. In this case, it obviously does not require a SPDES permit because it's under one acre of disturbance. So he did say we will not be receiving a letter from them. We also submitted what I printed out from the CRIS application, the pages I printed out ...

Chairperson Sullivan: Right.

Mr. Annicchiarico: ... and you could see in there that next to the names of the reviewers they've stated that their review is complete.

Chairperson Sullivan: Right.

Mr. Annicchiarico: There's also a status item on the pages that says it's complete. So he said we will not be receiving anything else.

Chairperson Sullivan: Right. I am confused ...

Mr. Annicchiarico: And just for the record, what I did submit to him was the site plan and pictures of the Aqueduct from the site.

Chairperson Sullivan: I spoke with the woman who is actually the coordinator for the SEQRA process in our area – Olivia, and I forgot her last name – just to ask general questions because I've been very confused about this. One comment she made was, actually they prefer municipalities to make, in this case, a SEQRA application through the CRIS system. That's just sort of an interesting point.

Village Attorney Whitehead: I've never heard that.

Mr. Annicchiarico: We've always done it ourselves.

Chairperson Sullivan: I think it was the fact it was ...

Mr. Annicchiarico: It's a fairly new process, as well.

Chairperson Sullivan: The key thing was knowing it's coming from a SEQRA process from the municipality. That was their point.

But all that aside, she also gave me the same information you shared, but did say that I should reach out to John, which it sounds like you've already done that.

Mr. Annicchiarico: Right.

Chairperson Sullivan: What confuses me is that John sent us this letter. To me, this is operable in some fashion. I think if it doesn't seem appropriate to resubmit the project to Mr. Oakes, the manager of the Old Croton Aqueduct, then I think we'll look at the issues he raises in his letter and make sure we talk about them in the context of some of these SEQRA issues. I would just be concerned because I think a lot of the issues relate to the former plan. Well, that's where I think when the next time comes around we can look at the plan. I mean we can look at plan. I mean, we can look at what those changes are. I think there was a height change, there was a setback change, and we can get into that.

I don't think it's appropriate tonight, but the issues that are raised were a feeling that while the project appeared to conform to the local height rules for the area, it would greatly impact the views from the trail over a considerable area. Instead of the long distance currently enjoyed by walkers, the area would be notable for a sense of being walled off from the river. It's a

little hard for us to judge that right now, but I think if we get some of the visualizations it would be helpful.

Mr. Annicchiarico: Well, let me ...

Chairperson Sullivan: Then they talk about the issue of ...

Village Attorney Whitehead: Kathy, just remember you've already made a recommendation on view preservation which relates to the views from the river.

Chairperson Sullivan: Actually, they're not talking about the view preservation. They're talking about the ...

Village Attorney Whitehead: This says "views to the river."

Mr. Annicchiarico: Maybe I can explain why I think he sent that letter again. When I hadn't heard back from him ...

Chairperson Sullivan: Just let me answer Linda. This is talking about the experience. These are his words, not mine.

Village Attorney Whitehead: The words you just read refer to views to the river.

Chairperson Sullivan: The issue of us saying our views of view preservation law is not SEQRA, correct.

Village Attorney Whitehead: But it's views to the river. All I'm saying, Kathy, is that I think you're in a tough position to apply this letter now. The building is lower and different.

Chairperson Sullivan: Linda, you know what? I appreciate what you're saying, I agree with you, and I understand where it may not be a point for them to re-look at the project. They're saying they've done the review. I'm saying there's issues in this letter that I'm reading that we can evaluate when we understand the project.

Village Attorney Whitehead: You don't think ... OK.

Chairperson Sullivan: From the experience of someone talking to the applicant, no, I do not. So I'm sorry if this seems irrelevant, but it seems very ... these are the concerns, again,

that were raised that we can discuss and see if they're met sufficiently with the modifications that have happened between the plan they saw and the project we're looking at right now.

Mr. Annicchiarico: I can't say exactly why he sent me that letter again, however when I hadn't gotten a response – a formal response – back from the Web site I called to try to find out why not and if I were going to be receiving something. I left him a message. That was the response I got back the next morning when I got to work. He had sent that hold letter, I guess, because I was asking for something in writing from him.

But I would also state that the only thing ... he said the only thing that applies from that old letter is their last paragraph, where they are concerned ... you know, the only thing they would be concerned about is the integrity of the Aqueduct during construction.

Chairperson Sullivan: What was that? Say that again?

Mr. Annicchiarico: If you look at the last paragraph of the old letter from March 2017 it talks about the integrity of the Aqueduct during construction. And Mr. Bonafide said that is the only thing that would still apply from that old letter to their current review.

Chairperson Sullivan: Well, I enjoy hearing that. I mean, that's quite a statement and I appreciate you sharing that.

Mr. Annicchiarico: Sure. And as we've stated before – and I believe the Board agreed with – we've come up with many ways of preserving the integrity of the Aqueduct. At the closest point to the south end we're 15 feet away from the Aqueduct. We have a no-construction zone, no heavy equipment zone, between that point and the Aqueduct. There's no reason for us to have any equipment up there. We'll be digging out for the foundation from Nodine Street. As you go to the north it gets further and further away up to about 26, 28 feet.

Chairperson Sullivan: Right.

Mr. Annicchiarico: So we've also offered up monitoring devices on the Aqueduct wall itself. We've offered up weekly inspections from ourselves with Hahn Engineering, with the Building Inspector. So, you know, trust me we have the integrity of the Aqueduct in mind as well. We don't want anything happening to it.

Chairperson Sullivan: We're jumping ... we'll get to that point as well. I want to mention, I know John's expertise in the actual historic structure so his perspective ... as you say, if he

has us narrow in from what he's concerned about, that last paragraph, it would be very pertinent to what he's involved with and not necessarily the other issues that were raised. I know from talking to Steve Oakes about this letter in the past, you know, thing he said John would be the person that would help identify, if needed, or talk about any of the protective measures that would need to happen.

So from his perspective, that last paragraph is operable for him. I don't think that negates the whole letter by him saying that. It negates us having to look at some of the other issues that were raised.

Mr. Annicchiario: To me, you know, them talking about coverage and things like that is inappropriate. It's not in their purview, I believe. You know, the only question I got from them when I submitted the actual application was ... in fact, I think they were a little taken aback because they said, "Are you coming into our property? Are you proposing to cross our property?" And I responded, "No, we're going the opposite way.: That was the last I heard.

Chairperson Sullivan: Well, again, part of that is that that they didn't know it was a SEQRA being given to them to look at because it was ...

Mr. Annicchiario: I stated that in my application to them. I stated that exactly. I said, you know, we are required to do this because the Planning Board, under the SEQRA, has asked us to do that.

Chairperson Sullivan: What happened is, in talking to the coordinator she wasn't aware it was for SEQRA. She just saw it was being asked; she didn't understand that that was part of it. But, again, it's a new system, it takes some time to figure it out.

Anyways, I just wanted to mention that this letter came in as well. I think if everyone's comfortable with it that we need a little bit more information. Again, asking for the tool that Christina and her team have started to prepare to help us understand the experience of someone on the Aqueduct, and using a camera angle that imitates the human eye more than a wider angle that we've been seeing.

So anything else? We can move onto to another question? Anything else you folks would like to bring up before we move on?

Mr. Steinmetz: I tried to stay back and just let the aesthetics play out because I want to learn and listen and make sure I understand what's going on. I think my question,

unfortunately, is for the full board. Madam Chair, I mean absolutely no disrespect but I feel duty bound to my client to raise some questions.

I think our team needs to know, members of the Board, whether we're being asked to do certain things based upon the collective wisdom of the Board. If we are we will do them. I've been tasked with being here tonight. Mr. Brutto – I should have said at the outset – couldn't be here tonight. A bunch of family reasons kept him away. He was not happy he couldn't be here. I'm sure he'll watch the tape. But he did task all of us with making sure we address your issues. We hope we are, we hope we have been, and if there's still issues that have to be addressed we will do so.

I'm concerned, and I really feel it's important that the whole Board is aware, and fairly convinced we will not satisfy your chairperson. That's perfectly fine. Maybe I'm right, maybe I'm wrong. I find it highly unusual for a chair to request access to my client's project engineer's mapper device. We did get a request to provide the Chair with access to Cronin's computer accesses, which was rejected.

Chairperson Sullivan: Can you clarify that, please?

Mr. Steinmetz: I'll finish, and I'm sure you'll clarify.

Chairperson Sullivan: No, no, no. I'd like to clarify that right now.

Mr. Steinmetz: I'll finish, and then I'm sure you'll clarify.

Village Attorney Whitehead: David, let her clarify.

Chairperson Sullivan: The request was for access to the application that was made to the state historic preservation office ...

Mr. Steinmetz: Absolutely, and ...

Chairperson Sullivan: ... for the project that we're talking about. The context for that is, I've been involved in consultation projects in the past. They often involve a lot of the players that are interested in them. And the question was, can I have access as the chair of the Planning Board that has asked for this project to be looked at as to an interested agency for our SEQRA process.

Mr. Steinmetz: Appreciate it, thank you.

Chairperson Sullivan: So the question coming back saying that it was asking for somebody's password and that there was concern on your part, I let that go. In talking to the woman who is the coordinator for SEQRA in the Westchester area, as I mentioned, she didn't give me any details of the privacy of whatever information was being passed on. However, she did talk about the process in saying that she found it works better for a municipality to make that application. The other thing she mentioned was that they themselves are trying to figure out how to make this process work best for people that are in that.

Mr. Steinmetz: You've now gone past my point. I don't want to interrupt you, but you've interrupted me which is unfortunate. I would simply state ... I would ask Linda, based upon her 20-plus years of experience – as your counsel, whether she has ever heard anyone associated with the state indicate that in a situation like this the SEQRA documentation should be filed or handled by the municipality rather than by the applicant. Linda, I don't want to put you on the spot to answer. You probably know anecdotally. You can come back and ... you know, it sounds like we're coming back anyway. But I've been doing this for 30 years and I've never heard that.

Chairperson Sullivan: I don't want ... excuse me for a second. Excuse me for a second. I think this is an ancillary point that we should not discuss.

Mr. Steinmetz: Linda, I represent a number of municipalities as special land use, zoning, and environmental counsel and I have never had my client ...

Village Attorney Whitehead: Hey, guys.

Boardmember Bass: David ... David, speaking over the chair is not going to win you any Brownie points.

Mr. Steinmetz: I'm not looking ...

Boardmember Bass: So I would stand down.

Chairperson Sullivan: Yes. So I would like us to stay focused on the things that we're talking about right now. You're bringing up a point, trying to make it into a bigger issue than it is. Again, my background is coming from a place where consultation projects involved a lot of the players. But I respect what you say, and the privacy of it was held in my conversation with the state person.

Back to what we're talking about. We were talking about you have wanted to get a sense from the full Board because of some perception you have about my opinion.

Mr. Steinmetz: I want to ask another question, you're right.

Chairperson Sullivan: Thank you, so please move on.

Mr. Steinmetz: So I want to ask counsel whether it is appropriate and whether the full Board has authorized the chairwoman to conduct independent inquiries of state agencies on behalf of the Board. If you have, that's perfectly fine. Again, I represent a number of boards, I represent a lot of applicants in a lot of different municipalities. I am concerned that your process is being, unfortunately, tainted as a result of the conduct; to be calling on behalf of the Board. If the Chair wants to task Mr. Minozzi or Ms. Whitehead that would be completely ordinary, nothing extraordinary. I am concerned about these back-to-back requests.

I just feel duty bound to make sure that's clear. We want to assuage (sic) you, we want to ...

Village Attorney Whitehead: I don't want to respond.

Boardmember Cameron: Oh.

Village Attorney Whitehead: Go ahead.

Mr. Steinmetz: And I think, last and maybe most significantly, if the whole Board believes that Christina's analysis ... at the last meeting we were asked to do this computer modeling. We were concerned about it because as the Chair indicated earlier this is about views for someone walking along the OCA. Got it. We spent a lot of time and effort to address walking along the OCA by taking video – and handling it in a fashion that Mr. Cameron had requested – with a woman at a certain height.

What we're now focusing on are some frozen specific views. Then tonight, we've gotten questions about whether Christina handled camera lens and camera angles properly and we're being asked to go do more work. If that's the collective wisdom of your board we're going to do that. If it's not, we need to know that. For our purposes tonight, it's felt more like a monologue than the collective wisdom of the Board.

My last comment. Mr. Cameron, we are delighted to be able to address your issues about aesthetics and design. My only question is whether we need to deal with that now during the

SEQRA review as opposed to dealing with that during the site plan review. We know we need to. I heard you loud and clear at the last meeting about the back of the building, and I have to defer to Christina on your issues of articulation and windows and casement. I can't speak to that. The question's whether we need to deal with that now or whether we can simply get a SEQRA determination so I can return to your zoning board, as your counsel indicated, to complete the zoning board process.

Chairperson Sullivan: Anything else you'd like to ask the Board?

Mr. Steinmetz: Not at the moment, although I'd love an answer to some of my questions.

Chairperson Sullivan: Linda, how do we address this?

Village Attorney Whitehead: Well, other Boardmembers are welcome to voice their opinion if they would like to also see the information. And both with respect to what you've asked for and what Jamie's asked for, I think the reason Jamie had asked for that now is because it impacts the aesthetic resource in what you see from the Aqueduct. I think he was asking for it in that context.

Mr. Steinmetz: Is it the design of it, or is it the mass and bulk of it?

Village Attorney Whitehead: I think the idea is that doing articulation or something – and, Jamie, correct me if I'm wrong – breaks up the bulk, breaks up the massing.

Boardmember Ambrozek: And I had the same feel myself.

Boardmember Cameron: Quite frankly, what you presented this time goes backwards.

Mr. Steinmetz: I heard you say that, but ...

Boardmember Cameron: I think we need to get it done now so we don't have to go backwards later on.

Mr. Steinmetz: So, Christina, it's critical for the rest of us to make sure you understand what they're asking of you.

Village Attorney Whitehead: I think everybody can nod their heads. Or say yes, they'd like to see that.

Boardmember Bass: And I'm at a disadvantage, David. I wasn't here last month. But in the previous presentations, I expressed concerns about the massing of the building, the impact. It's partly the massing, it's also the lot coverage. It's an aesthetic impact that I think the Chair is appropriate in asking for additional information to share with the Board.

Mr. Steinmetz: One of the things I know Suzanne and Christina did, and we're hoping to do – and I feel like they give me the sense they were cut off from doing it – they spent a fair amount of time dealing with massing on an aerial basis. Suzanne, am I correct? We have a number of things we wanted to use with your board tonight and share with you.

Village Attorney Whitehead: I think it's a different massing issue. Again, if you ... and that's why I tried to bring us back to this before. We're dealing with a specific question in the part two on impact on the aesthetic resource. That's why we're focused not on the overhead view but what it looks like from the Aqueduct.

Chairperson Sullivan: We'll get to the overhead view when we get to community character. That will be the appropriate time.

Village Attorney Whitehead: Am I doing this OK?

Boardmember Ambrozek: Madam Chair?

Chairperson Sullivan: Yes, sir.

Boardmember Ambrozek: I also have an issue about a discrepancy in the view from the computer-generated images which appear to show the roof being lower than when you see images that use the guide ...

Mr. Steinmetz: The ropes?

Boardmember Ambrozek: ... guide ropes, and also with the computer-generated image. You say the end of the dark green area is the horizon, but that doesn't mean anything to me. I don't know what you're calling the horizon. Is the horizon the top of the Palisades, the bottom of the Palisades, the edge of the river? I think it would be better to actually show those three features rather than trying to use the horizon because horizon doesn't have any meaning, really, in this.

Mr. Steinmetz: Mr. Ambrozek, I completely agree with you. I did not find the computergenerated imaging near as helpful as this or as the video with the ropes. You will

recall that I was somewhat resistant to doing it at the last meeting because I was concerned we would waste time, money and effort. We've done it.

Boardmember Ambrozek: I think the video is very, very useful. The computer model ...

Mr. Steinmetz: The fly-around is definitely more useful, agreed.

Boardmember Ambrozek: Yes.

Mr. Steinmetz: It's the frozen image against the blank background that I looked at the green and asked the same question you did: what exactly am I looking at in that frozen kind of stilted image.

Boardmember Ambrozek: But I do have a concern with the discrepancy in height between the two projections.

Mr. Steinmetz: Do we have an answer for that because that's a ...

Boardmember Ambrozek: It seems to be, you know, on the order of 6 feet, which is significant.

Mr. Steinmetz: Sure. Suzanne, do we have an answer for that?

Boardmember Ambrozek: And regarding my concern about the appearance of the back of the building from the Aqueduct, as I said, that's where most people are going to see it. So I'm really addressing it from that point of the long environmental forms.

Mr. Steinmetz: In that regard – because, again, I'm trying to get help for the architects because I can't design this building ...

Boardmember Ambrozek: Yes.

Mr. Steinmetz: ... much as I wish I ... do you agree with Mr. Cameron that the articulation he was trying to achieve with the movement ...

Chairperson Sullivan: Gentlemen ...

Mr. Steinmetz: ... would be helpful?

Chairperson Sullivan: We're not going to vote on trying to concur on whether we're ...

Boardmember Ambrozek: No, but I would like to say that my opinion is that ...

Mr. Steinmetz: That's all we're looking for.

Boardmember Ambrozek: ... breaking up the apparent solid wall at the back with whether it be walls indented – or my suggestion, bay windows – those are two kinds of options. You know, there are other combinations, other things possible too. But the one solid wall seems to be very massive to me.

Mr. Steinmetz: Do you have an opinion on the issue of the modern ... there was a commentary between Ms. Alligood and Mr. Cameron on ...

Boardmember Ambrozek: Modern is not so much an issue for me personally.

Chairperson Sullivan: I would like not to necessarily ...

Boardmember Ambrozek: Well, I'd like to make my statements.

Mr. Steinmetz: And we'd like to hear them. Madam Chair, with all ... that's what we really need to hear ...

Chairperson Sullivan: Right, I understand that.

Mr. Steinmetz: ... so that we're understanding where the Board's coming from.

Boardmember Cameron: I will make one more comment. Having seen those pictures here with different lenses, it completely changes the picture and I think you know this. You look at the back side of a binocular it looks different from the front ...

Mr. Steinmetz: Sure.

Boardmember Cameron: ... and the way it was done earlier is for the big portrait and that's not what we're looking for. That's not how people see.

Mr. Steinmetz: Agreed, but ...

Boardmember Cameron: So that's why it needs to be done again, and I thank them very much for agreeing to do it. And it's very good of you to be so generous with that.

Mr. Steinmetz: Mr. Cameron, just so we're clear on that – because we do want to give you what you need – the articulation earlier ... and the Chair articulated it – views from someone walking along the Aqueduct.

Boardmember Cameron: Yes.

Mr. Steinmetz: We had originally done this in a moving fashion because I think it's safe to say that people rarely walk and just stop and stare at this building. I just want to know, empirically, to the extent ...

Boardmember Cameron: So one of the pictures you're missing is standing and looking diagonally across this building. It's quite a different view ...

Mr. Steinmetz: Agreed.

Boardmember Cameron: ... from the north and from the south.

Mr. Steinmetz: Which is what we did with the video and maybe we need to the same kind of thing with this.

Boardmember Cameron: Good, we look forward to it.

Mr. Steinmetz: Does that make sense?

Boardmember Cameron: Well, I think ... did I make sense? Go ahead, say yes because I think you said that. But go ahead, and thank you. I said what I said and they copied it all down. Ask them what I said.

Mr. Steinmetz: Terrific.

Boardmember Cameron: Thank you.

Chairperson Sullivan: So, Michael, I'm sorry for cutting you off. Anything else?

Boardmember Ambrozek: No. No, that's all.

Chairperson Sullivan: Richard, I apologize.

Boardmember Bass: No.

Chairperson Sullivan: Anything else on this particular question, folks? So do you feel comfortable that you've gotten an answer?

Mr. Steinmetz: I have to defer to you guys.

Chairperson Sullivan: Know what you need to do?

Ms. Griffin: Yeah, I think I'm pretty clear and I really would be delighted to look at the rear of the building. I think sometimes we've been so focused on technical items – you know, trying to get the accurate 3-D simulations – and looking at sort of a bigger picture. But we're going to take a hard look at the appearance of the building from the Aqueduct, the massing, the scale of proportions and more of a human-eye view as you walk around, including the corners of the building.

Chairperson Sullivan: What was the last part?

Ms. Griffin: Including looking at the corners of the building.

Mr. Steinmetz: The angles that Mr. Cameron just asked for.

Ms. Griffin: The angles that Jamie just mentioned.

Boardmember Cameron: Diagonals.

Chairperson Sullivan: Diagonals across.

Ms. Griffin: Diagonally; if you're looking diagonally at the building from the Aqueduct.

Mr. Steinmetz: The walking angle.

Ms. Griffin: Yeah.

Mr. Steinmetz: Thank you.

Ms. Griffin: So we're clear on the material I think you'll be looking for.

Chairperson Sullivan: OK, and we'll end up with a walkthrough also, from the Aqueduct?

Ms. Griffin: Yes.

Chairperson Sullivan: Thank you.

Ms. Griffin: You're welcome.

Chairperson Sullivan: OK.

Village Attorney Whitehead: Do we want to keep going to the next open questions?

Chairperson Sullivan: Absolutely. Let's make two of them.

Village Attorney Whitehead: OK, the next open question was on the impact on historic and archeological resources. I think this relates more to the other topic. Again you had checked the larger question "yes": ... *that the proposed action may occur in or adjacent to historical or archeological resources*" because the Old Croton Aqueduct is a historic resource.

We had left a blank, which is the *"The proposed action may occur partially, or substantially contiguous to, any buildings, archeological site, or district which is listed or has been determined by the New York State Board of Historic Preservation for inclusion on the State or National Register of Historic Places."* This isn't a question about the aesthetic; this is more the question that would relate to the construction-type things ...

Chairperson Sullivan: Correct.

Village Attorney Whitehead: ... and whether there would be that impact. In addition to the information that was provided tonight, if you recall that protection plans had previously been forwarded to your engineer ...

Chairperson Sullivan: Correct, yes. You brought that up last time.

Village Attorney Whitehead: ... who said it was OK. It's now been forwarded, it's my understanding, to SHPO. So I don't know if you need more on that or if you're prepared to call that a small impact, or a moderate or large.

Chairperson Sullivan: Well, I think we were looking to see if they had any further information to share with us than what we've received already by asking them to reach out to SHPO.

Village Attorney Whitehead: Right. So I think Mr. Annicchiarico provided us some information.

Chairperson Sullivan: Right.

Mr. Steinmetz: Is there anything else the Board needs on that?

Village Attorney Whitehead: That's the question I'm asking the Board to determine. I think in the printouts, even at the end there was some language that they seemed satisfied.

Mr. Annicchiarico: May I see this?

Village Attorney Whitehead: So in one of the e-mails we got today they had provided the printouts.

Boardmember Cameron: Yes, I saw them.

Mr. Annicchiarico: Yeah, did everybody on the Board get a copy of those?

Chairperson Sullivan: Given John's expertise as the technical director for SHPO, I think if he's not raising any further concerns – having seen the information submitted by the engineer – I'm comfortable moving this into a category where it's an impact that we'll address like we ...

Village Attorney Whitehead: Or it's like a "no" or "small."

Chairperson Sullivan: "No," or "small," but it will be addressed like the steep slopes we talked about.

Village Attorney Whitehead: Right. So this is already a part of their project. They've already submitted this plan, protection plan, as part of their application.

Chairperson Sullivan: Right.

Village Attorney Whitehead: So you're deciding this on the application as submitted.

Chairperson Sullivan: Right.

Village Attorney Whitehead: That the application as submitted will be a no or small impact, or a moderate to large.

Chairperson Sullivan: I think the only thing your plan may not have included was monitoring, if I'm not correct.

Mr. Annicchiarico: No, there are notes on the plan that included monitoring.

Chairperson Sullivan: Yes, so that would be the only thing we would make sure we could potentially address if needed.

Village Attorney Whitehead: Light's already on; it's already provided for.

Mr. Annicchiarico: Right.

Village Attorney Whitehead: Is the Board comfortable calling that a no or small impact?

Boardmember Ambrozek: I'm comfortable with calling it a no or a small.

Chairperson Sullivan: Yes, I think it's been well-covered, what's needed to protect it.

Village Attorney Whitehead: So then we're done with number ten?

Boardmember Bass: Could we step back for just one minute?

Village Attorney Whitehead: Sure.

Boardmember Bass: Is there any way we can get the state to revise their March letter?

Village Attorney Whitehead: Well, that's what ...

Mr. Steinmetz: We asked them.

Village Attorney Whitehead: That's what they were trying to do today, and they said they ...

Mr. Steinmetz: That was specifically, Richard, why we reached out to them.

Boardmember Bass: Right.

Mr. Steinmetz: And the individual said if it's not a state- or federally-funded program we're just not coming back to you on this.

Village Attorney Whitehead: They've changed their procedures.

Mr. Steinmetz: It's just not significant enough for SHPO.

Chairperson Sullivan: Are you talking about the letter being received, this one, from Steve Oakes?

Boardmember Cameron: From parks and rec.

Mr. Annicchiarico: Yeah.

Chairperson Sullivan: This one was generated, actually, when Suzanne sent drawings to Steve, who is in Dobbs Ferry. So what the team has gone through is the formal submission to SHPO. However, SHPO sits in New York State so the only question would be to ask to resend the drawings ... if you're to answer your question it would be repeat what happened in March: having the drawings sent directly to the manager of the Old Croton Aqueduct state park.

Boardmember Cameron: Parks and rec.

Chairperson Sullivan: Yes. This did not come from the SHPO processes that were discussed.

Mr. Annicchiarico: Right, right.

Chairperson Sullivan: This came from a more direct ... that team, to them.

Village Attorney Whitehead: The formal process is to go through the CRIS Web site and the SHPO main office.

Chairperson Sullivan: Which is what we learned. The news that they didn't have any huge concerns about that happening, the construction happening, which is fine. Are you suggesting we should ask them to do that, Richard?

Boardmember Bass: Well, they raised concerns that I think we're wrestling with.

Boardmember Cameron: Right.

Boardmember Bass: So I would love to see a revised letter. But if you ...

Chairperson Sullivan: Well, I guess we could ask if Suzanne would resend the drawings directly to Steve Oakes like it was in March.

Boardmember Bass: And we can ask for their revised comments.

Village Attorney Whitehead: You might get into a conflict between Steve and the main SHPO office.

Chairperson Sullivan: No, I don't think that would be the case. So what we could do is, shall we, as the Board, send the drawings on and ask them to be sent? Ask Steve to see if he wants to make any changes to his letter?

Boardmember Bass: OK.

Chairperson Sullivan: OK, we'll do that. We'll do that. Good, OK.

All righty. Can we step forward again, or ...

Village Attorney Whitehead: Mm-hmm.

OK, so the next item is on ... now I just lost it because I went backwards. On page nine of ten, and this was under "*Impact on Noise, Order and Light*," and was sub-question E, which was, "*The proposed action may result in lighting creating sky glow brighter than existing area conditions.*" We asked the applicant to provide a lighting plan, which they have now done. So I don't know if you guys want to present the lighting plan or if the Board has questions.

Boardmember Ambrozek: I'm happy to call this a "no" or "small" because I think the lighting plan clearly says they're going to avoid creating any sky glow by focusing all the lights down. And I don't see lights coming out of windows as being an issue for sky glow.

Boardmember Cameron: Yes, it probably isn't and I think most people living in that place are going to draw their curtains firmly at night so nobody can look in. But there you are, there may be some people who have a different tendency.

[laughter]

Village Attorney Whitehead: So is everybody OK on "no" or "small?"

Boardmember Bass: I agree with you. I didn't see any spotlights on the site plan.

Village Attorney Whitehead: We just wanted to have the plan in hand because we haven't had a lighting plan. And this was Kerry's thing in particular, where she felt we needed to have a plan before we could say that.
I believe that was the last one, so we have one open item.

Chairperson Sullivan: We had *Consistency of Community Character*.

Village Attorney Whitehead: Oh, sorry.

Chairperson Sullivan: Did they answer that one?

Boardmember Ambrozek: It was "no."

Chairperson Sullivan: I wanted to just double-check because I thought so, too, but they ...

Village Attorney Whitehead: On mine it was marked "no."

Chairperson Sullivan: Yes, that's what I thought because it was addressed in the letter from the attorney.

Village Attorney Whitehead: I think we're down to just the impacts on the aesthetic resource. And thank you for providing the other information, which I think was exactly what was needed on the other items.

Chairperson Sullivan: Correct.

Village Attorney Whitehead: Anybody have anything else they want to see to address that one item, or do you have any questions?

Ms. Levine: I think I'm clear that we're going to do a revised 3-D simulation with a narrower angle of view. Is that ...

Boardmember Ambrozek: Approximately 50- or 55-millimeter equivalent.

Ms. Levine: Right.

Boardmember Ambrozek: And you will show the edges of the river, both sides, and the top of the Palisades.

Ms. Levine: I think we can do that.

Boardmember Ambrozek: And also try to correct the apparent discrepancy of the height of the building with respect to the gallery, the Copley gallery, with respect to the windows of the Copley gallery.

Ms. Levine: We'll speak to that, yeah.

Boardmember Ambrozek: Thank you.

Mr. Steinmetz: And reexamine the rear articulation.

Boardmember Cameron: Right.

Boardmember Ambrozek: Well, that's kind of separate. That's an architectural issue.

Village Attorney Whitehead: But they both relate to the same ...

Boardmember Ambrozek: They both relate to the same open item.

Male Voice: (Off-mic).

Boardmember Cameron: Come back with a flame-red version, right.

[laughter]

Boardmember Ambrozek: Could be interesting. Make a discussion point on the Aqueduct.

Boardmember Cameron: It's always the scene in the flaming leaves.

Chairperson Sullivan: Eva and Richard, you guys have not really had a chance to talk much, since you missed our last meeting.

Boardmember Bass: I don't know, we've talked enough.

Village Attorney Whitehead: I think they both kind of let their feelings be known to me.

Boardmember Cameron: I would personally favor a less modern architecture, but it's really articulation we're looking for. We're looking for the place to blend in. And I think you need to look at the building as you walk along the thing. I know there's a modern one up the hill, but we're talking about ... anyway, this place is a wonderful place and I hope ...

Village Attorney Whitehead: It's not the modern as much as the flat. That's lawyers terminology.

Boardmember Cameron: And there's going to be some new buildings going in up on the hill, too. You'll see where the surveyor's been in there.

Mr. Steinmetz: When is the next meeting in January?

Village Attorney Whitehead: It's the third Thursday.

Boardmember Cameron: Always the third Thursday, except when it's Thanksgiving.

Building Inspector Minozzi: It's the 18th of January.

Village Attorney Whitehead: The 18th, and the Zoning Board is the 25th.

Mr. Steinmetz: So 25th. Got it.

Boardmember Ambrozek: So, yes, I guess you need to put your notice into the Zoning Board in anticipation of our meeting.

Village Attorney Whitehead: Well, they're already on. They're being carried over. Remember, the Zoning Board ... because of the Zoning Board's regular meeting night they moved the November meeting to the first week in December, then they don't meet the end of December. That's why there was the odd scheduling.

Boardmember Cameron: Right.

Chairperson Sullivan: Any other requests from the Board? Any other comments?

Do we have anyone from the public who would like to speak?

Boardmember Cameron: They're limited to a half an hour each. There are two people back there.

Chairperson Sullivan: Please come up.

Boardmember Bass: They're jockeying.

Chairperson Sullivan: I apologize. I almost closed the meeting down.

Please say your name and address.

Lorna Feeney, 400 Warburton: I'll be brief. You actually covered a lot of the points that I wanted to make, so thank you for that.

I just wanted to say I know it can get frustrating for us as residents. I have confidence that a beautiful building will be built on this space; it's in good hands. I live in a Christina Griffin building and it's beautiful. What's interesting about that space is, I know it was before your board for several years with different developers, architects, et cetera. I think it's great that you guys push back again and again until you finally had the right people that came up with creative solutions that fit within the confines of what we want to do here.

I just hope this building can come to that. I know they're seeking a couple of variances and trying to go way outside the code in several ways – I've been studying up on it.

Village Attorney Whitehead: There's only one variance, just to clarify.

Ms. Feeney: But the building is designed outside of the code in many ways.

One thing I wanted to bring up ...

Village Attorney Whitehead: Well, in one way.

Ms. Feeney: It's four stories. It's, you know ...

Mr. Steinmetz: It's three stories.

Ms. Feeney: OK, it's four stories but we'll deal with that another time.

One thing I wanted to bring up that I haven't heard talked about is ...

Building Inspector Minozzi: It's a very important issue.

Village Attorney Whitehead: Don't ... Buddy, let it ...

Boardmember Bass: Let it go.

Ms. Feeney: One thing I wanted to bring up that I haven't heard discussed is the idea of the trees that surround it, and I think it touches on what you were talking about tonight. There is a very large, beautiful tree that sits on his lot and branches out over into the neighboring lot. I don't know how we deal with that in these situations, but I feel like it should be addressed. It's a very old tree, it's really beautiful. And trees that are on the property that we're discussing that kind of grow out of the wall below the Aqueduct, and they're kind of beautiful to see when you're up on the Aqueduct – I don't know, I'm not the expert – I'm wondering, are those going to be able to remain there as part of the national aesthetic of the environment, or will they have to be removed as part of construction?

Building Inspector Minozzi: Obviously, they can't touch any trees on the Aqueduct or that's on the Aqueduct property. The way our code reads is, being their lot is under an acre they can basically take down whatever tree they want ...

Boardmember Ambrozek: They can't touch trees not on their property.

Building Inspector Minozzi: ... only on their property.

Ms. Feeney: Yeah, and, you know, since it goes up that slope and there's some kind of building out of the ... growing out of the ...

Building Inspector Minozzi: Any tree on the Aqueduct cannot be touched.

Boardmember Ambrozek: The width of the Aqueduct is 66 feet.

Village Attorney Whitehead: They've also said, as part of that protection plan, there's a point at which they're not going beyond

Building Inspector Minozzi: Correct.

Village Attorney Whitehead: They have no activity beyond that point.

Ms. Feeney: Right, for 15 feet.

Village Attorney Whitehead: So even if it's on their property, they're not ...

Chairperson Sullivan: Their property line is well off the wall itself.

Ms. Feeney: Right, I saw that. What's interesting, though, is that we have a lot of trees right on that line there growing up, and they're very tall and ...

Mr. Annicchiarico: Are you saying on this one?

Ms. Feeney: Yeah.

Mr. Annicchiarico: You don't know that.

Ms. Feeney: No, I know that. I was there today.

Village Attorney Whitehead: Lying on the ground.

Mr. Annicchiarico: You were on the property?

Ms. Feeney: Yeah, I was like taking pictures. I think I was there right after you guys.

Mr. Annicchiarico: You mentioned that there were trees at the base of the Aqueduct.

Ms. Feeney: Yeah.

Mr. Annicchiarico: The base of the Aqueduct is on that side of the property line.

Ms. Feeney: Well, we have a lot that grow out from here, and grow up and they're beautiful and they're part of the environment. So I don't know how one would handle that.

Mr. Annicchiarico: We wouldn't be touching any trees ...

Boardmember Ambrozek: New York State ...

Ms. Feeney: Well, there's some that kind of grow up out of the line. And I think from the perspective, like you said, of the people on the Aqueduct who are walking by, and then those trees are missing ... and right now there's an open ...

Boardmember Ambrozek: New York State Parks is responsible for all the trees on the Aqueduct, they make the decisions of which trees to cut or not cut. The Village has absolutely no control on that. We could make suggestions by speaking to Steve Oakes, who is the manager for the Old Croton Aqueduct, but we have no possibility to say don't cut.

Chairperson Sullivan: You know, I appreciate you bringing up the comment and we'll take it. As we push further into the process we'll keep that in mind.

Ms. Feeney: OK.

Chairperson Sullivan: Thank you for bringing it up.

Ms. Feeney: OK, thank *you*.

And I just had one other small point, the neighborhood character. It's interesting they're comparing Warburton-front buildings and they are one lot removed back. I have some pictures. I'm happy to send it to you, I'll e-mail everyone. If you compare it, really, to the other homes as you go right next door – his home, the next home, the next home along the

Aqueduct – it doesn't compare to those. So I don't know if the comparison is one layer down and on Warburton, or if it really is truly parallel to where they are.

That's a consideration, as well, because those are one-family homes, they're quaint, they're small. As you walk along the Aqueduct, the marble terraces there it's a very different aesthetic. So that's something to consider as well.

Chairperson Sullivan: Thank you for bringing that up. Appreciate that.

Ms. Feeney: OK, thank you. That's it.

Chairperson Sullivan: Anyone else tonight? If you wouldn't mind saying your name and address into the mic.

Andy Seewald, 400 Warburton: I appreciated the Board's attention to the project and your scrutiny of it and your diligence in the questions you've asked tonight. I don't really understand this process too well, and my big question that I have about it is I don't know why this project just can't be scaled back to conform to existing zoning laws. To that point, I just want to say I was at the most recent meeting of the Zoning Board of Appeals where they heard this project, and I didn't hear – from my vantage point – a majority of the members of the Zoning Board say they had no issue with the coverage. I didn't hear that. I didn't examine the minutes, but I didn't hear that.

I would also just want to say – and the I think Board appreciates this – that this project would very much encroach on the Aqueduct. It's not simply a matter of how it might impede views from the Aqueduct. As my neighbor Lorna just said, it's very close to the Aqueduct. The comparables to the buildings on Warburton are not apt for that reason. I think the Board recognizes that the project, at least as it's proposed, would present a massive wall for people walking along that stretch of the Aqueduct, which is otherwise an incredible space and tranquil and my kids and I love being up there.

It seems to me, from what I've looked at from to prior proceedings, that the only justification for the application for this big variance is for the developer to maximize his profits. Which there's nothing wrong with that, but I'm not sure if that ... it doesn't seem to me like a good tradeoff for the Village when we're talking about the Aqueduct trail. Not only the Aqueduct trail, which is a gem of the Village, but also the Quarry Trail which was just recently extended down towards the water and Quarry Park, which is about to be rehabilitated. That will be great, but this is very close to all of that.

I guess, just to finish where I started, I'm not sure why ... you know, I would love to see something built there also. I'd love to have new neighbors there. I love Christina Griffin's work; it's a great building that she built at 400 Warburton. I'd like to see something wonderful on this property. I just don't know why it can't be something that conforms to zoning laws.

Thank you.

Chairperson Sullivan: Thank you very much for your comments.

Boardmember Cameron: Thank you.

Boardmember Cameron: The height?

Chairperson Sullivan: Yes, we'll ask that question before we close. Anyone else from the public? Lots of good questions in that last comment.

Jamie, there's something we talked about earlier today.

Boardmember Cameron: I was actually ... just after you were up there I was walking along the Aqueduct and there were a couple of very good surveyors up there casting up and down the hill. They were quite close to the back of your building so I said, "Can you tell me how high this spot is in the middle of the pathway?" So they ... a little entreaty by me, they did it using NAV – N-A-V-D 88 GPS system. They came up, to my surprise, with 143-1/2 feet. That's what they came up with.

I was thinking afterwards it must be a different standard than the one you're using because you came up with 150. And whatever else we could be, we're probably not off 7 feet. I'm just sort of curious if you guys have an explanation for that. I guess I can get the name for Christina to talk to, but that's what they told me. Maybe there are different systems used and you had a little write-out in which you'd be using some historical things coming off a ... I think they were using – what's that stone called?

Chairperson Sullivan: On the survey you used many months ago there's a note that the survey is linked to Hudson 154 monument, which I can't find on any of the U.S. Geological Survey's list of monuments that are in Hastings. So I'm not sure ... I mean, Michael and I had talked about this. For me, I was comfortable because I knew the difference in this. What Jamie's bringing up is the fact that there's a discrepancy between Westchester County's

GPS system. When you pull in their contours, there's a 7- or 8-foot difference between what you're using.

So I'm not really sure. Jamie made me query this again. I kind of had put this aside, and I think we'd like to be comfortable that we're in the same universe, in a sense.

Mr. Annicchiarico: Sure. I'll find that out, and I'll have the datum, information, on the plan that I have right here. I'll look at the survey itself and answer that question for you

Boardmember Cameron: Yes. They said they're using NAVD-88 GPS. It was mystery, and I knew there was something ...

Mr. Annicchiarico: You said N-A-V-D 88?

Boardmember Cameron: Yes, they wrote it down for me.

Mr. Annicchiarico: Right, OK.

Chairperson Sullivan: That's, I think, the system we use now.

Mr. Annicchiarico: I mean, I know Link Land Surveying, who did our survey. They are great.

Boardmember Cameron: Oh, I'm not questioning them.

Mr. Annicchiarico: No, I know. I'm just saying.

Boardmember Cameron: I'm just trying to figure it out.

Mr. Annicchiarico: I will find out the difference.

Boardmember Cameron: OK, great. Thank you very much.

Chairperson Sullivan: Maybe find out where the monument is. It'd be interesting to know what that was.

Anything else, folks, on this? OK, any questions from the team, the Nodine team? We're in good shape? We know what we're going to do?

3. **Subdivision, Steep Slopes Approval & SEQRA Determination – Application of Dean & Marie Wetherell, as per Village Code Sections 295-120, 295-82 and 249-4, for the creation of 2 nonconforming lots and a new proposed single family dwelling on their property at 196 Warburton Avenue. Said property is located in the R-10 Zoning District and is known as SBL: 4.130-139-17 & 18 on the Village Tax Maps.**

******Deferred to Future Meeting******

V. ANNOUNCEMENTS

Next Meeting Date - January 18, 2018

VII. ADJOURNMENT

Chairperson Sullivan: I will ask for a motion to adjourn the meeting.

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

Chairperson Sullivan: Thank you very much. Happy holidays, all the best.