

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
REGULAR MEETING AND PUBLIC HEARING
JANUARY 18, 2018**

A Regular Meeting and Public Hearing was held by the Planning Board on Thursday, January 18, 2018 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 William O'Reilly, Village Attorney Linda Whitehead, Building Inspector Charles Minozzi, Jr., and Planning Board Secretary Mary Ellen Ballantine

Chairperson Sullivan: So Happy New Year – last time I'll say that. Welcome to the Hastings-on-Hudson Planning Board.

I. ROLL CALL

Chairperson Sullivan: This is our meeting of Thursday, January 18, 2018. May I have the roll call please?

II. APPROVAL OF MINUTES

Chairperson Sullivan: Do we approve the minutes, or we do the election first?

Village Attorney Whitehead: Doesn't matter.

Chairperson Sullivan: All right. We'll do the approval of minutes because I'm very excited we have everybody here.

Village Attorney Whitehead: Do you have enough people to do both?

Chairperson Sullivan: I looked at that. Yes. With the subsets of people, we have four.

1. Meeting of November 16, 2017

Chairperson Sullivan: First up, approval of our minutes of November 16, 2017. I think people gave comments. Are there any others? Anyone have any other comments?

Boardmember Alligood: I was not here.

Village Attorney Whitehead: So it's this side.

Boardmember O'Reilly: I have no comments.

Boardmember Ambrozek: No comment.

Boardmember Cameron: No comment.

Chairperson Sullivan: May I have a motion to approve?

On MOTION of Boardmember Ambrozek, SECONDED by Boardmember O'Reilly, with a voice vote of all in favor the Minutes of the Regular Meeting and Public Hearing of November 16, 2018 were approved as presented.

Chairperson Sullivan: That's a good one to get off our list.

2. Meeting of December 21, 2017

Chairperson Sullivan: The next set of meeting minutes are from our December 21, 2017 meeting. Are there any comments?

Boardmember Ambrozek: No comment.

Boardmember O'Reilly: I was not here.

Boardmember Cameron: Page 18, third line down, it says: *"To' articulated buildings."* It should be spelled T-W-O rather than T-O.

Boardmember Ambrozek: Good catch.

Chairperson Sullivan: Any other? Eva, did you have any comments? May I have a motion to approve the meeting minutes of December 21, 2017?

On MOTION of Boardmember Ambrozek, SECONDED by Boardmember Cameron, with a voice vote of all in favor the Minutes of the Regular Meeting and Public Hearing of December 21, 2017 were approved as amended.

Boardmember O'Reilly: I'm abstaining because I wasn't here.

Chairperson Sullivan: Thank you for not voting. Mary Ellen, we did well this meeting,

didn't we?

Deputy Village Clerk Ballantine: You did.

Chairperson Sullivan: This is going to be the new year.

Village Attorney Whitehead: Progress.

III. ELECTION OF CHAIRPERSON

Chairperson Sullivan: All right. Well, not on this particular agenda, but our next order of business is our annual election of chair. I think we are open for any nominations.

Boardmember O'Reilly: I nominate Mike Ambrozek.

Boardmember Cameron: I'll nominate Kathleen Sullivan.

Chairperson Sullivan: OK, thank you. How do we handle this.

Boardmember Alligood: Could we hear from the candidates?

Boardmember Alligood: Eva wants to hear your platform.

[laughter]

Boardmember Cameron: Ten minutes or less.

Village Attorney Whitehead: You want to be fair.

Boardmember Alligood: Yes, just what interests you in either a continuing role or taking on the role. It seems odd to just vote without a conversation.

Chairperson Sullivan: OK, that seems fair. Anyone else have anything like that they'd like to add, any other thoughts? So, Michael, would you like to go?

Boardmember Ambrozek: Well, this is not a political position. I would like to do it to support the zoning code and try and see that the Village improves in accordance with the guidance of the Village zoning code. I feel I've been on the Board for a fair while and I think I could do a good job of handling the procedures. Thank you.

Chairperson Sullivan: I would enjoy being chair again. It's been a very good opportunity, I

think, to try to help improve our process, which was something that came out of the Comprehensive Plan. What that is, is to try to make sure that the Board gets the right materials to be able to make their decisions. Also, as a small community with the volunteer board, you know, try to come up and give the recommendations, and also decisions, on the various things we have in front of us.

The past year's been very interesting. We've dealt with a variety of things that have been new for us, the SEQRA process in particular and some other projects. I'd like to take what I've learned and improve things going forward. I also enjoy serving the community, as well, and that's been the biggest pleasure for me.

Village Attorney Whitehead: I was just going to ask if everybody is comfortable doing a voice vote, or if you want to do secret ballots.

Boardmember Ambrozek: I'm comfortable with a voice vote.

Chairperson Sullivan: OK, so we would start at one side and people would announce ...

Village Attorney Whitehead: I think Eva wants a secret ballot.

[laughter]

Boardmember Alligood: I have to say I've been on this board for a long time. This has never happened so I feel it's a little awkward because I think I respect all my fellow Planning Board members. I think each and every one has a lot to contribute. I guess pass along and come back to me.

I do feel Kathy's been doing a great job. I know she puts a lot of work into it. You know, it's a big role, I appreciate anyone who takes it on. Before that, it was Jamie. I also know from my experience of having volunteered on various boards that it's also good to have different voices involved in leadership or different leadership styles. So I'm kind of on the fence. I wish I didn't have to take this vote. And either way, it's not a vote against somebody. It's more ... yeah ...

Boardmember Ambrozek: Kathy, it won't take us very long to do a secret ballot, so why not just do a secret ballot.

Chairperson Sullivan: I feel comfortable with that myself, so I think that's ...

Village Attorney Whitehead: Let me take a piece of paper.

Boardmember O'Reilly: The results will be the same, though.

Deputy Village Clerk Ballantine: Don't you have to have a full board to do the election, or at least there be two other people?

Village Attorney Whitehead: We could wait and see if we have more people here next month if the Board wants to do that.

Boardmember O'Reilly: I won't be here next month, but I ...

Boardmember Ambrozek: And Jamie will not be here next month.

Village Attorney Whitehead: Well, Jamie will be off the Board next month.

Boardmember Cameron: Yes.

Village Attorney Whitehead: It's up to you guys.

Boardmember Cameron: I'm just voting for tonight, and I don't think it's going to make any difference.

Village Attorney Whitehead: I think there's a chance we may not get a majority one way or the other tonight, in which case Kathy will remain for now. But we could do another vote next month. Pieces of paper?

Chairperson Sullivan: Please do.

Boardmember Cameron: It's not a waste of a piece of paper.

Chairperson Sullivan: No, it's a good way to do it.

Village Attorney Whitehead: Pass those three down, and I'll collect them.

Chairperson Sullivan: Yes, thank you.

Village Attorney Whitehead: I'll give them to Amanda to count the votes.

Chairperson Sullivan: That would be good. A neutral party.

Boardmember Cameron: OK, Linda, here. I didn't put your name down, don't worry.

Village Attorney Whitehead: I don't qualify.

Boardmember Cameron: I know you don't.

Building Inspector Minozzi: You didn't know it would be part of your job, did you?

[laughter]

Chairperson Sullivan: Welcome to Hastings.

Village Attorney Whitehead: I warned her about this.

Amanda Ludlow, Attorney, McCullough Goldberger & Staudt: (Off-mic).

Village Attorney Whitehead: You didn't tell her she was going to have to tally votes.

Chairperson Sullivan: Thank you. Trust the lawyers.

Boardmember Cameron: It takes two lawyers to do this well.

Village Attorney Whitehead: Would you like to join us?

Boardmember Cameron: No, I have a conflict of interest.

Village Attorney Whitehead: It's 3-to-2.

Boardmember Cameron: OK, so nobody was elected.

Village Attorney Whitehead: Nobody is elected because you need four votes.

Boardmember Ambrozek: Oh, OK.

Boardmember Cameron: She's being diplomatic by telling you.

Village Attorney Whitehead: That's the answer to Mary Ellen's question. It takes four votes of this board to make any decision.

Boardmember Ambrozek: Right, because four is the quorum.

Village Attorney Whitehead: So Kathy will continue for today, and we'll do this again next month.

Boardmember Cameron: Next month you'll have six people voting.

Boardmember Ambrozek: No.

Village Attorney Whitehead: Well, we do have a new alternate.

Boardmember Cameron: We have a new alternate, yes.

Village Attorney Whitehead: There *is* a new alternate.

Boardmember O'Reilly: Ah, OK.

Chairperson Sullivan: Who may or may not be here.

Village Attorney Whitehead: He's appointed already.

Boardmember Cameron: He won't be here?

Female Voice: Until April.

Boardmember Cameron: Well, I was told he actually might be.

Building Inspector Minozzi: I hope so. That's what I was told.

Boardmember Ambrozek: Jamie, that's not a big deal.

Chairperson Sullivan: OK, so we move on? New public hearings, we have one for this meeting: the site plan approval application of Saeed Faghihi. Excuse me for that. I'd like to know how to really pronounce the name.

IV. NEW PUBLIC HEARING

Site Plan Approval – Application of Saeed Faghihi for the creation of a mixed-use occupancy to include two dwelling units and office space at their commercial property located at 55 Main Street. Said property is in the CC Zoning District and is also known as SBL: 4.80-59-7 on the Village Tax Maps.

Chairperson Sullivan: Good evening.

Village Attorney Whitehead: Either the mic or the podium.

Christina Griffin, project architect: Yes, I think I'll take this.

Village Attorney Whitehead: A strange place.

Ms. Griffin: Good evening. I'm the architect for this alteration. We're here today to seek approval for converting the use of the building from a commercial use to a live/work use on the first floor and a one-bedroom apartment on the second floor.

This building currently has ... it's a small lot, it's 22-hundred square foot, and the building has a footprint of 15-hundred square feet. The total square footage is only around 2,000 square feet. You see the site plan on front of you. This part of the building was once a one- or two-family house.

Male Voice: It was a two-family.

Ms. Griffin: Was it two-? OK, I didn't have that information.

It was built in 1889, and until 1990 it was a two-family house. In 1990, the Faghihi's bought the building and it was turned into a podiatrist's office. They still own the building, but in ... oh, I'm sorry, I'm going to change what I just said. In 1990, it was converted into a commercial building from the residential use and the extension that surrounds that little house was put on. Dr. Faghihi was actually part-owner, and then in 2006 she became full owner of the property. In 2015 she retired. Since then, they've been trying to find a way to either sell the building or find another use for it.

I'm going to explain our goals for converting the use of the building. I'm going to go through the floor plans with you. The changes they are proposing are all interior. Currently, this is the entry to the building and these are the existing conditions. I'm going to go through the existing layout, and then show you what we're proposing. The layout right now, as you enter there's a receptionist area, a large office, and then five exam rooms on this first floor and two bathrooms. Then on the upper floor we have two offices and a bathroom.

Our proposal is to make alterations so that on the lower level we will have a live/work unit. So the front of the building will be used as a media center business. This business is owned by Saeed Faghihi, the owner's son. This will be his office, reception area, and kitchen/bar, and this'll be connected to a two-bedroom layout so it functions as a live/work apartment. On the second floor there's going to be a separate apartment that'll be a one-bedroom apartment. I'm going to enlarge that bathroom to include a shower, and also meet all the code requirements for a one-bedroom apartment.

We're planning to reduce the use of the building, reduce the intensity of activity that the building used to have. Because when the podiatrist offices were active they had up to 30 patients a day; they had four to eight full-time employees; and now we'd like to have this

converted so we have live/work for a resident on the first floor and then a one-bedroom apartment on the second. I want to mention that the property has no on-site parking so for many years it's relied simply on the street parking in the area.

These are the photos of the building. This is the side of the building here, this is the view you see as you're going down Main Street. This is a full frontal view. You can see that this addition that was put on in 1990 is hiding the little gabled house in the background. This is a photograph just showing you the radius of notices we sent out. This photograph actually shows the surrounding neighborhood, to a degree. There's a parking lot to the right for Citibank. There's the old house in the back surrounded by that one-story extension.

Next door, there's a little gabled house with a porch that is in its original condition, or in its original design, you know, without too many alterations over the years. You can see the front porch and the gabled roof. We think this house was probably very similar to the house next door.

Building Inspector Minozzi: They were twin houses; they were both two-families, workforce housing.

Ms. Griffin: Oh, great. Thanks, Buddy.

I think we've gone through all our slides. I also would like Saeed Faghihi to speak. He'd like to just explain the reason why we're seeking these approvals including, of course, zoning variances that will be required.

Saeed Faghihi, applicant: Good evening everybody. I just want to piggyback on many things she said about the reduction in use for the building. The last few years my mom had her practice there, like she said. She had about four to eight employees, including herself, then they would see patients. This would bring about 30 vehicles, at least, into the area several times a week. If you look several years before that, there was a time when (unintelligible) and several other doctors worked there. There was a psychiatrist – or a therapist – on the second floor, which means there was probably at least 40 to 50 cars potentially coming to the downtown area five days a week.

With these changes, obviously there'd be a huge reduction in traffic and vehicles coming to this area. Another thing I wanted to point out that she mentioned, there is no on-site parking for the building. But I've been using the building as a workspace for many years, and within a tenth of a mile there's ample parking for people, you know, right on, like, Baker Lane, Whitman Street, and on top of all the Main Street parking there's available and even down Warburton.

I just want to emphasize the main reason why we're doing this is because the building was on

the market for about two years. My family worked with about two different real estate agencies to try and sell it. The building was shown well over 50 times. Most of the people I spoke to who came and saw the building several times, and showed the most interest, they wanted to do basically the same idea. Most of them had many ambitious ideas that they wanted to do for this, which aren't realistic and I don't think the town wants.

We're really trying to do this to help make the building more sell-able, or at least have it, you know, generate some ... at least have it get to a point that it can maintain itself because we still have a mortgage on the building and it's been vacant for like two years. It's been a huge financial burden for my family. We've been paying, you know, the taxes – school taxes and all that – and we really don't even use it. We don't even use the garage. Like, we use no services from the town.

The building, we've cut the price almost in half, you know, from 800-thousand down to ... the last asking price was \$450,000. It's still a challenge to do something with the building. Not to mention the building is an eyesore, but right when you enter the Village it's just right there, empty, looking very unappealing. I've spoken to many of the people who were interested in the property, and the people who pursued it the most, like I said, had these ambitious ideas. Anyone else who wanted to do something on a small scale like this of just changing it to part residential, I don't believe it's realistic that they would want to pay for the building and then go through all these processes of converting it. It's a big deterrent.

That's why I'm really here trying to get this out of the way so the building can have more appeal, you know? Yeah, I'll just leave it at that, you know. Those are the main points.

Boardmember Alligood: Can I ask you a question about the intended use?

Mr. Faghihi: Sure.

Boardmember Alligood: It sounded like from Christina's presentation that you actually have a business that you want to rent for media.

Mr. Faghihi: Yeah, that's just something I had in mind to do. You know, just something to use this space because we might want to sell it. If we are able to get these reversions back to residential and live/work in the interim, if we put it back on the market the first floor could be used as something that I would use in the interim as it's on the market and whatnot.

Boardmember Alligood: OK, I might have misunderstood.

Chairperson Sullivan: What kind of business do you have?

Mr. Faghihi: I'm involved in a lot of different media like publishing. I work with many

different artists of all disciplines, you know. Just something ... it's a part-time thing, so ...

Chairperson Sullivan: Thank you.

Boardmember O'Reilly: If – how do I put this? Is your plan, or could I say is *the* plan, to get the approvals and do the work, then sell it? Or get the approvals, have the plans, and sell it with those approvals but not do the work?

Mr. Faghihi: It would be to do the work and then sell it. It would give us, you know, more leeway in negotiation for the building.

Boardmember Alligood: So right now there's no residential space in it.

Mr. Faghihi: No, and it's been empty for two years.

Boardmember Alligood: It's all offices.

Mr. Faghihi: Yes. All offices, both floors.

Boardmember O'Reilly: I have another question, just a quick one. If it was originally a two-family home, there's no kitchen upstairs. I mean, I'm one of those people who showed it. There's no kitchen. What happened to the kitchen?

Mr. Faghihi: I guess they got rid of it because they made it entirely commercial.

Building Inspector Minozzi: It was converted to commercial.

Boardmember O'Reilly: But there's still no wherewithal to put the kitchen there or in a different place?

Mr. Faghihi: Excuse me?

Boardmember O'Reilly: You could still put the kitchen in the same place and move it to another place. I'm getting ahead of us anyway.

Mr. Faghihi: I don't know if we can locate exactly where the kitchen was upstairs, but there had to have been one, you know.

Boardmember O'Reilly: In a two-family house, yes.

Mr. Faghihi: Yeah.

Boardmember Ambrozek: I think if you went to the neighboring house, since they were both identical you could probably find the location of the kitchen.

Village Attorney Whitehead: You could probably find the gas and water and everything else; probably find the utilities.

Boardmember Alligood: I wouldn't mind sharing my thoughts because I've actually thought about this building a lot. I've lived in Hastings for 16 years and it has always bothered me that that building was converted. I don't understand how that was allowed because it's just unfortunate the way it was filled in like that. Just as an urban planning principle or village planning principle you want some life on the street, and that created this ... you can look at the imaging. I was comparing it to, of course, the loss of the beautiful little row houses which the one next door is kind of cute. Then, of course, if you look across the street those houses their porches haven't been filled in, they're nicely gardenized. You can see what the potential is.

But part of the issue here is just that it's such a blank façade. When you look at like Peter Riolo's office, which is also built in almost to the street, at least it's glass. It's still not my favorite thing to do with an old house, but by contrast ... so I think this is just a problem building and I understand why you're having trouble selling it. Because even though it is a good location to be in the middle of our downtown, it is a gateway building. It's unfortunate.

So when I saw this proposal I just was thinking that if ... I would support ... first of all, I want to say I don't think ... it's a problem for us to have a building that cannot be sold and is not being used in the middle of our downtown. So I feel an obligation to help. I think we should help problem-solve this and help you convert this into something that would be an asset to our village and be something that people would want to use. I think it's not a bad idea to keep some commercial and combine it with residential.

My biggest comment is that I really feel the problem this building façade presents needs to be solved as part of this. I see that the proposal doesn't make any changes to the façade. I'd love to see that part just go away and have it converted back to the way it used to look. Maybe that's cost-prohibitive, but at least some improvements could be made. Part of the reason I was curious what you were planning to do with this space is, I wanted to understand if it had to be configured like that for your business to run the way you run it. But it sounds like you're looking for flexibility to make it attractive to a buyer. So there is potential to at least change the windows and make it look better ... look better than it does now.

Mr. Faghihi: Yeah. Trust me, I would love to do all of that. I feel like the building's a box. You know, we're just trying to take it one step at a time right now.

Female Voice: (Off-mic).

Chairperson Sullivan: Jamie, or Michael, any comments?

Boardmember O'Reilly: Well, I would just support what Eva said about the façade, which is even if you look at the top left picture – where you're looking at a stucco ... or what is it, stucco, the yellow one, that yellow wall that sort of juts out there and the way in which it was done? – that was unfortunate. You're kind of stuck with it in a way. I agree that we shouldn't have an empty building that presents this, but I would like to see something open up there.

In a way, I'm not sure you're doing enough to make it attractive to someone to use it in a commercial way. There's no open ... it looks ... it was built for a podiatrist's office, with privacy, and it looks like that. That's what I think. It's just not doing enough to make it marketable, I'll tell you that, too, from my point of view.

Mr. Faghihi: So you're saying your concern is that there has to be more like exterior work to ...

Boardmember O'Reilly: Yes, I was disappointed when I heard that there was going to be no exterior work.

Mr. Faghihi: We're just trying to take it one step at a time. We don't want to get over-ambitious and start investing. We've already invested so much money into this building it's bled my family very dry. And just we've got to take it one step at a time instead of just dumping money into it and then maybe not even getting our asking price for it. It wouldn't even make sense.

Boardmember O'Reilly: I appreciate that. I appreciate that problem, I do.

Boardmember Cameron: You know, there is the poor man's alternative to putting windows in that awful wall there. You could actually put up two or three holly trees, really dense ones, and then make it disappear. But I would much rather have the windows, too. I agree with you. Must be because we've both been on this board for 14 years, whatever it is we think alike. But when that happened it was, I think, an admitted mistake by one of our boards, not this one, to allow you to do the extension. There's much to regret it in this town because as you come around the corner and come down the hill it sort of blocks your feeling of the whole street, the whole thing. So even if you don't tear it down it would be nice if you make it disappear.

The other point is, I guess if you're going to do this you need a variance to ... and I'm not quite sure where the so-called commercial is in this structure. I mean, there's a bar and kitchen in the front and an entry in the front, but I'm not really sure where it is. So obviously you're going to be asking for a variance to convert it back to residential, I'd assume.

Village Attorney Whitehead: It's a permitted use.

Boardmember Cameron: Permitted use, OK, but we have a rule you're supposed to have commercial in the front of your ...

Village Attorney Whitehead: This board has the authority to allow residential in the rear of the first floor, just not on the street frontage.

Boardmember Cameron: Right, right.

Boardmember Alligood: Even if it was converted back? We can't like consider it grandfathered in that it used to be ...

Village Attorney Whitehead: It would have lost any grandfather.

Boardmember Alligood: It lost it, that's too bad.

Village Attorney Whitehead: But you can permit it, not on the front.

Boardmember Alligood: Ideally? Wow. Ideally, it would be what it used to be for that spot.

Village Attorney Whitehead: But the front was never residential.

Boardmember Alligood: Well, it was.

Village Attorney Whitehead: The addition ...

Boardmember Alligood: The *addition*, yes.

Village Attorney Whitehead: ... in the front was never residential.

Boardmember Alligood: I'm saying ... I know. I'm saying if you wanted to convert it back to what it was before they put that addition on it. You couldn't do that.

Building Inspector Minozzi: Well, it requires a use variance for having the entire first floor to be residential.

Village Attorney Whitehead: Right, or there's another theory on that. Because residential is actually a permitted use, it could be interpreted ... we need to talk about this on 10 West Main, too. It could be interpreted to be an area variance, but that's not what they're asking for and I don't know if it's what they *would* ask for.

Boardmember Ambrozek: Well, I'm concerned that having something called a "kitchen" right at the front of the building is a residential use, not a commercial use. Because unless you're running something that needs cooking, the kitchen sounds to me like it's part of a residence as opposed to the commercial space.

I have, as I sometime do, a thought about this. You have a lot of space taken up on this ground floor for the entryway and a ramp. I'm not sure how high the ramp goes. You don't indicate that. But if you were to move what is now the entrance from Main Street around to the side right next to the existing door, second door, you could gain a lot of interior usable space big enough for another office or something there. Am I making myself clear, Christina?

Boardmember Cameron: That belongs to Citibank, I think.

Village Attorney Whitehead: The property line is right ...

Boardmember Cameron: Yes, the grass there.

Ms. Griffin: This gives handicapped-accessibility from ...

Boardmember Ambrozek: But they have a residential exit already going right out to Citibank at the back right into that parking lot.

Boardmember Cameron: I think the property line's right there.

Boardmember O'Reilly: I think there's a fence there. Isn't there a fence?

Ms. Griffin: You should go back to the site plan, please, and we can show you where the property line is. This is the other entrance, and the problem is you have to cross into the property next door ...

Boardmember Ambrozek: Yes.

Ms. Griffin: ... to get out and get to the street. This entrance allows access from a public street and it's the handicapped access to the building, but I also want to explain, the reason why we are showing this layout is that a lot of it is because they have a financial burden of trying to find a way to invest in the property to improve it, but they were really trying to use the layout they have.

I'd like to go back to that first floor plan. The live/work idea is based on a few things. Saeed said a few of the potential buyers were very interested in it and it's very popular in the city. This layout is really conducive to live/work, and I actually did this layout based on his

business. I probably got the impression he would be here for a while, only temporary, and he would use this large room for his main work area. He could use this as a bar/kitchen. So it's like a greeting area and a way where people he might work with occasionally could have some food during the day and this would be his office and reception.

All these walls already exist. There are only a few changes. These are actually exam rooms right now. And in the back, by eliminating one wall we could create a nice-sized bedroom closet. To make this into a bedroom all we need to do is add a closet. The bathrooms are very nicely laid out, so you could have a separation of the more public area of the live/work unit in the front, facing the street. There's a bathroom here already that would be accessible for the business part, and you'd have a door that opens up into the bedroom area with a full bath.

The changes are fairly minimal. You can see this is the partition we're removing and you see a little hatched area. These are the small changes we would need to make to convert this into a two-bedroom live/work unit.

Boardmember Alligood: I understand not wanting to invest a lot when you're trying to sell it. And again, I want to say I think it'd be good for the town if this was put back to use. I think we should be realistic about what could be done because I think it's not useful to make it retail on the first floor because we have too much retail that isn't being used already. So in principle, I understand it's a good idea to keep it commercial and maybe office space on the first floor, but I still don't understand why we can't make it more open.

There are architects' offices that have windows open to the street. There's a way, with the cost of some new windows, to do what you're saying, Christina, which is trying to minimize the work so you're not sinking too much in and trying to make it attractive to somebody who might like the live/work option here. And I understand that by getting the approvals it's going to be much more valuable. But I still think keeping the façade the way it is, that's such a specific business you're showing there that I'm not sure it's going to have a huge market.

Chairperson Sullivan: I agree with Eva in her thoughts about the exterior. I'd like to see the first floor unit be more integrated. Michael's point about the kitchen being on the exterior, that doesn't mean much when you want to try to make a more open, inviting façade. You could do the same living room and kitchen on the first floor like you have on the first floor, then you can convert the existing hall bath and change that into sort of a more regular-sized bath. Then look at extending into a bedroom, too, and combine that into an office. Make more of an area which is truly commercial and could be seen as a separate space. Because right now, this really feels it will turn into one large apartment at some point and not necessarily be used for commercial.

Mr. Faghihi: I just want to address that. I know someone else has spoken on that, and one

of you guys mentioned you don't understand why there's a kitchen and whatnot and how it kind of looks like it'll be an apartment. Like generally, most media centers – regardless of discipline – they have kitchens. Because if you have a graphic designer, a songwriter, anybody, it can be hour-intensive. So a kitchen is in all of them. Whether they're in midtown Manhattan, downtown, Brooklyn, wherever, they all have kitchens as part of it.

So this design is kind of like a backup. In case this building is not appealing or it doesn't make sense to sell it, I can still utilize it as commercial, a space to do my work there, have clients come and whatnot. There would be a partition to the back part so there would be a very clear separation between the media center, the office, and the reception. Then a wall completely separating, but a door to access it. But there would be a very clear separation between the back and the front.

Boardmember Ambrozek: I can see the difference with the back bedrooms and the hall. I understand that separation, that's very clear on the diagram. But the problem I still have – and I understand that doing artistic, creative work people tend to not worry about working hours and will work late and do need to prepare food and drinks – is that the kitchen is completely separated from the residential portion. Maybe if it was where the reception is I might find it a little easier.

Also, Christina, can you tell me what is the height of the ramp you show for disabled access, how much that rises, how necessary is that to retain it?

Ms. Griffin: I think it's just existing. We didn't want to remove it because of cost, and it's useful for handicapped access. I think it's a drop maybe of 18 inches or 2 feet.

Mr. Faghihi: From the highest point to the lowest point it's about, I'd say, 2 feet.

Ms. Griffin: Yeah.

Boardmember Ambrozek: It's just that you talk about it's an expense to remove it. I understand. But if you look at the space you're trying to work in, by not having a ramp – that large entry area – if you just have a couple of steps coming up into there from the street, now the entry could be combined with where you have the bar/kitchen. It becomes a lot more flexible. You know, you don't want to move the utilities.

Ms. Griffin: I also don't know if we can do this without handicapped-accessibility by converting this into a new space.

Building Inspector Minozzi: It's still a commercial space, and I don't think we can get more noncompliant than it already is.

Chairperson Sullivan: And I sort of hate to take away accessibility. It gives some space, but ...

Boardmember Ambrozek: The way of looking at it is, if you're actually looking at it as a combination residential/commercial without really using it for much commerce I understand we do want disabled access. But I still think there may be ... and for the most part your interior design is really your choice, but I really am concerned of having the kitchen completely separated from the rest of the residential part.

Building Inspector Minozzi: I mean, if we were building this from scratch we would *have* to ADA-accessibility.

Village Attorney Whitehead: I don't think you can take it away there.

Chairperson Sullivan: Wouldn't want to do that.

Boardmember Cameron: Also, the thing on the windows. I don't think you can have windows on the west side. That's why I mentioned the trees because you're on the property line and you can't put windows on the property line.

Village Attorney Whitehead: Mm-hmm.

Building Inspector Minozzi: We can't add any more openings within 3 feet of any property line, except for the front.

Boardmember Cameron: That's why I suggested maybe Citibank would *like* to have a tree.

[laughter]

Boardmember Ambrozek: So maybe magically a tree will appear there.

Boardmember Cameron: Well, I think Citibank would probably welcome it. They have been through approvals.

Chairperson Sullivan: So where have we gone with this? We've talked about looking at opening up the front, and concerns have been raised about where the kitchen's located and sort of the combination of the residential unit on the first floor with the commercial. Do we want to see this with the front revised and some ways of looking at bringing that kitchen into the residential? Is that the direction we want to go?

Boardmember Cameron: Could you just mention the variances you're going to go for?

Ms. Griffin: Can I mention them?

Boardmember Cameron: Yes, could you mention.

Ms. Griffin: I might need Buddy to confirm this, but ...

Building Inspector Minozzi: Go ahead.

Ms. Griffin: ... I believe the variances are required because of the change in the use. Even though mixed-use is allowed in the commercial district, I'm not sure if live/work is really allowed.

Building Inspector Minozzi: It's this board's purview to allow living on the first floor as long as it doesn't abut the street. And the only variances you're going to need are for parking.

Ms. Griffin: Then clearly it's for parking. That's because there's no on-site parking.

Village Attorney Whitehead: Well, look at the use issue. But we know it needs a parking variance.

Building Inspector Minozzi: Yes, that we know for sure.

Village Attorney Whitehead: Because the residential use has a parking requirement.

Chairperson Sullivan: I just am not sure live/work is a permitted use in the sense ... in this district.

Village Attorney Whitehead: Well, that's why they've got it kind of separated so the real residential portion is in the rear.

Building Inspector Minozzi: And we actually went through this with a project just down the street at 34 Main Street where they have a live/work on the first floor and an apartment upstairs. It's the same use as this.

Boardmember Alligood: Which one is that?

Building Inspector Minozzi: It's proposed. I think it's 34.

Boardmember Alligood: The number doesn't mean anything.

Building Inspector Minozzi: It's next to Peter Riolo Real Estate, the house to the left.

Chairperson Sullivan: Correct.

Village Attorney Whitehead: The first floor is live/work, with the primary living area in the back.

Building Inspector Minozzi: The house is in the back. Both of Riolo's houses there are live/work on the first floor and an apartment on the second floor.

Boardmember Cameron: But it's east of Peter Riolo's house.

Building Inspector Minozzi: Correct, both houses to the east.

Boardmember O'Reilly: Just a general question: does live/work qualify as commercial?

Village Attorney Whitehead: The work space does.

Building Inspector Minozzi: The work space.

Chairperson Sullivan: What it was is, there was a conference area that was being used for a business. But it's kind of separate.

Boardmember Cameron: Riolo's space.

Building Inspector Minozzi: But this is more of a separation than that was, yes.

Chairperson Sullivan: You think it is?

Building Inspector Minozzi: Oh, yes.

Village Attorney Whitehead: But those were the residential in those grandfathered because they've been first-floor residential. I'm not sure, I'd have to look into it.

Building Inspector Minozzi: We went through this with the approvals, but I don't remember the exact specifics about the hearing. The reason I'm saying that, Kathy, is because the entrance to the house is right through where their live/work area is. And their living space was directly behind, through a set of doors, and that rules live/work areas. But this is kind of separated by walls and you have a reception area and you have a conference area. This is commercial in the front and residential in the back.

Boardmember Cameron: But in that one they actually put a door on the side that you could open and close going into the new conference room area. So it was separated by a door, wasn't it?

Chairperson Sullivan: It's the kitchen.

Village Attorney Whitehead: Because the residential kitchen technically is in the front.

Boardmember Alligood: Exactly.

Village Attorney Whitehead: And I think that was the point about maybe kind of a way to swap the kitchen and something else; get the kitchen off of the front because it's the residential kitchen.

Chairperson Sullivan: You could make the kitchen be something that swings both directions.

Ms. Griffin: Yeah, we can look at that.

Village Attorney Whitehead: And that's an effort to make it more zoning-compliant so we don't have this issue. I think this board's jurisdiction over the internal floor plans under site plan approval was limited.

Chairperson Sullivan: No, but talking about whether the residential component ...

Village Attorney Whitehead: Right. But I think in terms of the zoning conformity, the location of the kitchen is probably the one issue.

Building Inspector Minozzi: I can understand the applicant's use of the kitchen/bar area with this type of work, but being that it's ... if there was another kitchen in the back it would be totally different. Then this would be a non-issue, but because that's being used *for* the residential ...

Village Attorney Whitehead: It's the only kitchen.

Chairperson Sullivan: Right.

Building Inspector Minozzi: ... I understand. I understand it could be problematic.

Village Attorney Whitehead: And I think that's more a zoning compliance issue.

Building Inspector Minozzi: Yes.

Chairperson Sullivan: Yes.

Village Attorney Whitehead: So that the varied front of the building is strictly commercial use.

Ms. Griffin: I just want to mention – if you go back to our proposed plan, Suzanne – that the most likely scenario, if we were to try to change the location of the kitchen, would be something like putting the kitchen here. Because the bedrooms need light, ventilation and egress windows. So these rooms work really well for that.

Village Attorney Whitehead: I don't think anybody's looking for you to put it in the back.

Ms. Griffin: The bathroom's here. It's not like you can put the kitchen here.

Building Inspector Minozzi: Right.

Ms. Griffin: So those bedrooms need to be in that location. There's a possibility it could be more like a kitchen here, and then maybe this whole piece could be the ...

Village Attorney Whitehead: And I don't think anybody's looking for you to put the kitchen in the back. We're looking for you to take it off the very front because that's what the zoning says, that the street frontage can't be residential.

Building Inspector Minozzi: What I meant by what I said before, Christina, I wasn't recommending you put a kitchen in the back. I was saying if there was a kitchen back there, then the kitchen in the front would be a non-issue.

Village Attorney Whitehead: Because it would be the kitchen only for the commercial portion, but it's not the residential kitchen.

Boardmember Ambrozek: I mean, if ventilation can be provided – which, since it's in the first floor area – I don't see a problem in having the bar/kitchen in the area that's called the reception area.

Village Attorney Whitehead: Because you walk into that.

Boardmember Ambrozek: I don't know if that works in your layout, but it doesn't have to be off to the side.

Village Attorney Whitehead: Just not in the very front of the building.

Building Inspector Minozzi: Just not in front on the streetscape.

Chairperson Sullivan: So I think we've talked that through about the kitchen, and I think

the Board feels – for marketability reasons as well as Eva's urban instinct, urban design instincts – looking at doing something on the front would be helpful as well.

Village Attorney Whitehead: Anything to soften.

Ms. Griffin: I think it was really more of a cost issue. He understands the situation with the front.

Chairperson Sullivan: Buddy, you mentioned something about the ARB.

Building Inspector Minozzi: The only thing I was mentioning was that if they are going to do something with the front of the building, and if they could get something together in time, that they could actually go to the ARB before our next meeting *if* they could prepare it in time.

Village Attorney Whitehead: Yes, if you're going to do anything with the interior.

Building Inspector Minozzi: *If* you're going to do something on the outside.

Boardmember O'Reilly: Which would be lovely.

Chairperson Sullivan: That would mean they would go before we see it?

Village Attorney Whitehead: See what you can do that's not very expensive. Just soften the visual appearance.

Boardmember Cameron: But they could put fake windows in the side of the building.

Village Attorney Whitehead: Or add shutters or ...

Boardmember Cameron: Shutters, something like that. It really is an eyesore.

Boardmember O'Reilly: It's unfortunate. And the other thing, unfortunately, is that whoever did the renovations – or what one would call "additions," maybe you shouldn't call it renovations – I think it interrupted the integrity of the old building. It's hard to find where the original front was, and therefore hard to find where the original kitchen might have been and therefore where are the utilities going to come to. Where's the gas, where's the piping, and stuff like that, but all that.

Boardmember Cameron: Just go in the basement and look up.

Ms. Griffin: That's easy, yeah.

[laughter]

Boardmember O'Reilly: Yes, but it would make it difficult for when they're trying to do anything new there.

Ms. Griffin: I just want to make sure you know that this addition was done before they became owners.

Village Attorney Whitehead: We're not blaming them.

[laughter]

Ms. Griffin: And I think they're in agreement with your comments about the façade.

Boardmember O'Reilly: Don't take it personally.

Mr. Faghihi: No, it's not necessarily a building we show off like, "Yeah, we *own* this."

[laughter]

Chairperson Sullivan: Well, we want to help you get there, right? We really would love you to get there.

Buddy, I guess if the Board's OK with it and you decide to do something with the façade, and it would go to the ARB before we see it, I'm comfortable with that. If that's OK.

Mr. Faghihi: Yes.

Building Inspector Minozzi: They are an advisory to this board so it just makes sense, if they can get there in time.

Chairperson Sullivan: And if they make that call.

Village Attorney Whitehead: You can send them so they can go for their parking variance.

Building Inspector Minozzi: Next month – it'll be after our next meeting – we can get that going if you choose to. So we'll have to get the variance paperwork going on that. OK.

Boardmember Cameron: The only other thing that occurred to me, just so we get it on the table, is that we had this provision whereby we charge for new bedrooms created in the town.

Building Inspector Minozzi: Yes, there will be a rec fee.

Village Attorney Whitehead: And to charge a rec fee this board needs to first make a finding that the project results in a need.

Chairperson Sullivan: Yes, so that will be something to discuss. Thank you for bringing that up.

Boardmember Cameron: I won't be around here when you do that.

[laughter]

Village Attorney Whitehead: The Board has to make that determination before you can impose a rec fee, so you have to find it is actually creating an additional need. I don't know if you consider the fact that it was once residential. Things for the Board to consider when they're ready to make that determination.

Chairperson Sullivan: I guess would anyone like to speak from the public on this application?

Building Inspector Minozzi: Please come up to the microphone and introduce yourself, please.

Carolyn Makinson, 64 Main Street: We didn't come here to comment on this. We just thought it would be interesting to find out how the committee works.

But living opposite, I would say we completely understand the situation of the people who own the building. And if any feasible way could be found to solve their problem and just make it look slightly better we think that would be particularly brilliant. End of comment.

Chairperson Sullivan: Thank you. We all hope for the same, so thank you very much for sharing your plans with us.

Boardmember Cameron: Do you have any ideas to bring them here?

Chairperson Sullivan: You should open source it as a design problem.

Ms. Griffin: Thank you so much.

Chairperson Sullivan: Thank you.

V. OLD PUBLIC HEARINGS

Chairperson Sullivan: We're going into our old public hearings phase. We have one SEQRA determination which has been deferred, which is the application of Rivertown Lofts West. I won't read everything else.

***** Deferred Until Future Meeting *****

1. **SEQRA Determination (Continued) – Application of Riverton Lofts West, LLC** for the construction of a new 7-unit, multi-family dwelling on an existing lot with associated parking and an existing building to have an interior renovation only, at 10 West Main Street. Said property is in the CC Zoning District and is also known as SBL 4.70-48-13 on the Village Tax Maps.

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: The second one we have is for SEQRA determination, continued, and site plan approval application of PTG Development, LLC.

Before we get going, I'd like to just cover a couple of things. We've made a request for some further visualizations for us to look at to help identify, or try to describe or depict, what the experience would be going along the Aqueduct. We did receive those, and they actually were perfect and right on the mark. I thank everyone for those.

The next thing we asked for, which we then did, was send on to the manager of the Old Croton Aqueduct in Dobbs Ferry, Steve Oakes, plans we had used when we did our view preservation. We received back – and it's very grateful that we got his response – a modification to an initial letter he had sent to us which does reflect the direction this project's going, trying to address some of the issues we've had – views of the heightened view.

So he has sort of concurred, in a way, with where we were with our view preservation. What we're going to look at tonight is new material that's been produced for the Board and was not considered by Steve. But we appreciate his review of the documentation. I gather you might have a presentation.

Caitlin Ciolino, Attorney, Zarin & Steinmetz: Yes, thank you, Madam Chair. We'll try to present our materials quickly so we can get to your questions about the new materials.

Chairperson Sullivan: Also, too, we have a lot of conversation we have to have as a board about what you're going to present. So that's going to be the bigger part of their discussion, I think, on this particular application.

Ms. Ciolino: OK. We're pleased to be here tonight before your board to complete the SEQRA process. Unfortunately, my colleague, David Steinmetz, couldn't be here tonight due to a conflict, although I'm sure you're all very disappointed to see his absence. Regrettably, Lou Brutto, the owner of PTG Development, could also not be here tonight due to a childcare conflict. But he is watching and keeping track. With me is Christina Griffin and Suzanne Levine of Christina Griffin Architect, and Jim Annicchiarico from Cronin Engineering.

At the last meeting, as you recall, the Board narrowed its SEQRA review down to one remaining question, which is question number nine: "*Impact on Aesthetic Resources.*" To assist your board in completing the SEQRA review – as, Madam Chair, you pointed out – we submitted some new materials to demonstrate that the project has small to no impact on aesthetic resources. These materials, as Christina will present, include a revised rear of the townhouses with further articulation and bay windows to reduce the flatness effect and improve the aesthetic of the back of the building. These enhance the sense of individual units by creating more depth.

Also, with the 3-D simulation we presented at the last meeting, we updated that with our new revised rear and also cropped the angle to achieve, Madam Chair, what you pointed out about a more human view as opposed to a wide-angle camera view from the OCA. We've submitted an expanded video, walking north and south along the Aqueduct, and that video goes from Washington Avenue to Pinecrest Drive. We really heard what your board was saying about wanting to understand the experience on the Aqueduct and how our project fits in with that experience, and we hope that will be a useful tool throughout this meeting. Then Jim will also discuss a question that Mr. Cameron raised about the survey and elevations for the project.

As you pointed out, Steve Oakes did submit a letter on behalf of State Parks, at the Board's urging, and he gave a very favorable analysis. We were pleased that State Parks has no objection to the project. They found that our updates had addressed the issues of massing, height, coverage and construction protection of the Aqueduct. He also commended both your board and PTG for addressing State Park's concerns and making the project better for everyone.

PTG has expended significant efforts and has worked very closely with your board to address

your concerns. And I just hope your board knows that almost everyone on our team has a very close connection to Hastings, and respects the Aqueduct and understand it's a regional treasure and important resource. As we'll demonstrate today with our materials, we do believe, and submit, that the design and aesthetic of our building fits in with the surrounding land uses and that you'll find the project will have no to small impact on the aesthetic resource. We ask your board to issue a negative declaration accordingly so we can continue to the ZBA with coverage and view preservation, then come back to continue site plan review.

Thank you. I'm going to turn it over to Christina now to go through some of our new materials.

Chairperson Sullivan: Thank you.

Ms. Griffin, project architect: We're going to start with presenting our revised rear elevations of the building. This is our new view looking at the façade that we've changed. I'm going to describe the changes to you on the 3-D rendering and also on the elevations. I start with the elevations because it's a little bit easier to see and understand all the changes, since the view cuts off the lower level.

This is our new and revised rear elevation. What we've done is, we have ... this is just a simple line drawing, but we have reorganized the façade so each unit has a ... there's a difference of 2 feet in depth between each unit so there's a 2-foot setback between this unit and the one next to it. The same with these three units. This comes out-in-out, and we have articulated each unit so you can see them as independent townhouses. We'll show that to you on the rendering. We've added bay windows to each unit so we have more detail. These ideas – the undulating façade with different setbacks and the bay windows – help to articulate this façade and eliminate the flatness effect that was discussed at the previous meetings.

We also separated these units from the lower level. We have a different material down here just to break up the façade vertically. We are treating certain elements, like these two-story pieces, with different materials just to break up the building even further. Then the one-story piece, which is a garage, we have set in front and back, which we'll show you in floor plan. Suzanne, can you show the plan so we can show how the shape of the building has changed?

This is the previous footprint, where you can see the rear façade has little change in how the wall aligns. There are a few jogs now. We've changed that so the building has ... each unit has a bay window. There's a setback of 2 foot here with another bay window. The middle part has been set in, I think, 2 feet on this end and another 2 feet in from where it was on here. So this middle part has been reduced even further. This unit also has a jog 2 feet from the one next to it and bay windows are projecting. The same thing on the end unit. You see

we've really tried to put more time into designing the rear façade so it's a more attractive façade to the public when they walk down the Aqueduct.

I want to go back to the other view. Each unit will have a slightly different color and a different plane than the one next to it. These are treated with different materials so it doesn't look like one big mass, and the same ideas on the other side. This width we've created – also I just want to point out – varies from 16 to 18 feet so it gives the impression that you have these individual townhouses instead of one large building.

We also have changed the layout slightly. Maybe we should see the floor plan just so you can see how these changes affect our plans.

Chairperson Sullivan: You know, I'm not sure it's worth our time right now.

Ms. Griffin: OK, so why don't we go to our 3-D studies.

Chairperson Sullivan: Thank you. That'd be helpful.

Ms. Griffin: I believe these are the ... OK, I'd like Suzanne to maybe explain how these have been cropped. I think she just has a better handle on, technically, how these were prepared.

Suzanne Levine, Christina Griffin Architect: Hi. Well, from the last meeting we prepared something very similar to this, but it was a wider view. I believe you wanted to see it cropped to a certain proportion which gave a more narrower view that simulated like a person's cone of vision, so we did that.

Chairperson Sullivan: And you feel comfortable that this works?

Ms. Levine: Yeah, you know, I think it's useful. This 3-D simulation has also changed because we're showing the new façade in the back and have added the river and the Palisades, too, which I think helps also understand the relationship between the river and the neighbors and the new design.

Chairperson Sullivan: And you're comfortable that the proportions work and it's fairly – I guess as close as you can get when you're talking about a digital world – close approximation?

Ms. Levine: You know, I worked with topographic maps to get the ... you mean with the landscape, with the river?

Chairperson Sullivan: Yes, and just also the sort of cropping. Do you feel like that was successful?

Ms. Levine: Yeah, I think it's helpful.

Chairperson Sullivan: Good.

Ms. Levine: We also have the simulation starting from Nodine Street. We could play that as well.

Chairperson Sullivan: Why don't we look at the simulations again and maybe just let the Board take a look at them.

Ms. Levine: OK.

Building Inspector Minozzi: Suzanne, do you want to put the laptop on the dais – I mean on the podium – so you can talk and use that?

Ms. Levine: I'm going to start this again. OK, I'm sorry, I'll check this just to the beginning again.

This walkthrough is taken at this level and on Nodine Street at the eye level we've been using in all our materials, which is about 5 feet. This is walking down what's now a paper street that would be paved, giving you a view of the front of the building. Here we're kind of doing a flyover to get up to the Aqueduct.

Chairperson Sullivan: If it was only so easy.

Ms. Levine: Here you can see the new design at the back and the scale of the articulated townhouses in comparison to the buildings around it. This is looking out at the 90-degree sight line, straight, and we're in the center of the Aqueduct trail. This is going up past the property and then back down.

Chairperson Sullivan: These are so helpful. They really are wonderful.

Ms. Levine: I'm glad.

Chairperson Sullivan: I mean, the goal was to get something that everyone could see and talk about. So I really appreciate this.

Ms. Levine: Great.

Boardmember Cameron: The one thing – we can't do any better – that comes out of this thing is that, in fact, the space between the two buildings actually doesn't add much to the

view of the river, quite frankly, when you look at it. So when we get around the backside, you look between it and it really didn't do anything for us. But I know you guys did it and we asked you to do it, so when you get back here and you now start looking between the buildings – although I see the river because I'm looking between the buildings – in fact, you see really nothing. You just see another building in front of you. Anyway, I'm just surprised by it when I saw it.

Ms. Levine: Well ...

Boardmember Cameron: We all have these great expectations.

Boardmember Ambrozek: It just happens to be that that house is located with its roof there.

Boardmember O'Reilly: Right there.

Boardmember Ambrozek: But I think what ...

Boardmember O'Reilly: It still breaks it up.

Boardmember Ambrozek: Yes.

Chairperson Sullivan: What I'd like to do folks – because there's sort of a process we'll walk through and I want to make sure everyone's going to have their time to talk and we have certain questions and comments, and I broke in thanking them so I maybe opened up the can of worms – is let these guys go through their presentation and then we can chat about it. Because we have actually a lot to cover tonight.

Ms. Griffin: Now we'd like to play the videos for you.

Chairperson Sullivan: Those are both the two simulations? You had two different ones?

Ms. Levine: Yes.

Chairperson Sullivan: Could you play the first one again? Just because we were sort of setting up?

Ms. Levine: No problem.

Chairperson Sullivan: The one that starts on the Aqueduct.

Boardmember Cameron: Not this one – it takes 12 minutes.

Village Attorney Whitehead: I like the sped-up one.

Boardmember Cameron: It stopped just before the building.

Chairperson Sullivan: So this is from someone walking along the Aqueduct's perspective. We have two videos, a slow speed and ...

Ms. Levine: We'll do the fast speed.

Chairperson Sullivan: ... the double speed?

Village Attorney Whitehead: Please.

Chairperson Sullivan: Thank you. So this starts out there.

Ms. Griffin: This is walking south, and ...

Chairperson Sullivan: Fast.

Village Attorney Whitehead: Or running.

Ms. Griffin: Running.

Village Attorney Whitehead: I actually like the dog.

Boardmember Cameron: Well, this is how fast my dog goes.

[laughter]

Village Attorney Whitehead: You see the little dog that runs around on here.

Ms. Griffin: Just take note of the different buildings. So we wanted to ...

Chairperson Sullivan: No, it's great. Thank you.

Ms. Griffin: I know we know this area, most of us, but there's a lot of different kinds of buildings. This is the Jacques Lipchitz studio.

Boardmember Ambrozek: You start over again, I don't know why.

Village Attorney Whitehead: It just kind of slipped.

Ms. Griffin: Something jumped.

Boardmember Ambrozek: No, it's the video.

Ms. Levine: We're going to go through the same location.

Boardmember Ambrozek: There's the dog now.

Village Attorney Whitehead: The dog had good timing.

Boardmember Ambrozek: There's the real quarry rail trail.

Ms. Levine: There's the roof ...

Village Attorney Whitehead: There's the existing building.

Ms. Levine: ... and 385 in the back. Do you want to watch the other one, or if that's ...

Boardmember Ambrozek: Yes, please.

Village Attorney Whitehead: Then go the other way?

Boardmember Ambrozek: Oh, no. Going the other way, no.

Ms. Levine: You don't want that?

Boardmember Ambrozek: No.

Ms. Levine: OK.

Chairperson Sullivan: Anyone want to see the other direction?

Boardmember Cameron: I think if you go in the other direction and stop. Start at 5-1/2 minutes and we only have to watch it for a minute.

Ms. Levine: I'm sorry?

Boardmember Cameron: If you start at 5-1/2 minutes we'll get to see what we really want, which is the building.

Ms. Levine: I can get you there.

Boardmember Cameron: The building shows up at 6 minutes.

Ms. Levine: I think that's it.

Boardmember Ambrozek: Yes.

Ms. Levine: That's the apartment next door.

Boardmember Cameron: Here it is. Can you slow down now?

Ms. Levine: Can't quite slow down.

Boardmember Cameron: Oh, I thought you were going to the slow one.

Ms. Levine: I could do the slow one.

Boardmember O'Reilly: You can stop it when you get there, though, right?

Ms. Levine: Yeah, why don't we ...

Boardmember Cameron: Either way.

Boardmember O'Reilly: There we go.

Ms. Levine: There's that roof, that hipped roof.

Boardmember Cameron: Here's the dog.

Chairperson Sullivan: Anything else?

Boardmember Ambrozek: Well, what about the video that goes southbound but also includes the layout of the proposed building?

Ms. Levine: Not as video.

Village Attorney Whitehead: The 3-D.

Ms. Levine: We don't have a video of the proposed building.

Boardmember O'Reilly: It's not in the video. I thought ...

Chairperson Sullivan: We saw two different ones.

Boardmember Ambrozek: There were four videos altogether ...

Boardmember O'Reilly: Two fast and two slow.

Ms. Levine: I just provided two different speeds because ...

Boardmember Ambrozek: Oh, I know what I was able to do. I was able to stop the video at a particular point in time and basically do what you're doing here, but using the video as the source of this information and comparing it to the photo.

Ms. Levine: I can get you to that view.

Chairperson Sullivan: Was there a particular view that you wanted to see, Michael?

Boardmember Ambrozek: No, it's the same as this photo so it doesn't change anything. It's the same, but basically I created it myself a couple of days ago.

Chairperson Sullivan: OK. So anything else, folks? Anything else?

Ms. Griffin: The engineer is going to speak about the project.

Chairperson Sullivan: OK, thank you.

Jim Annicchiarico, Cronin Engineering: Hi, good evening. At the last meeting, Mr. Cameron brought up the point that he was on the Aqueduct, I believe, and you met up with some surveyors. I guess they pointed out that their survey point on the Aqueduct at about the same point that we had shown, which was 151.1 in our survey, was your 143.2.

Boardmember Cameron: I asked them to do it.

Mr. Annicchiarico: Right, right.

Boardmember Cameron: I gave them a donation.

[laughter]

Mr. Annicchiarico: Yeah. The reason being there are two different datums happening. The surveyors that you met on the Aqueduct were in what's called "NAVD-88" ...

Boardmember Cameron: Yes.

Mr. Annicchiarico: ... and that is what's used commonly nowadays. The survey that our surveyor did, our survey four was done in what's called "Hastings 154 Monument," and that was done, I guess, because he had done an adjacent survey for the Village, I believe, on Quarry Road, Quarry Park right of way. So that's why he used that same datum. There's about a 7.8-foot difference between the two, but all of our simulations, all of our sections, all of our profiles are all consistent with our ... the elevations in those are all consistent with our survey data, the survey that was done for us. So essentially you would go like this, depending on which datum ...

Boardmember Cameron: I knew there had to be an explanation like that, but I just wanted to get it so we know we were all talking with the same measuring stick.

Chairperson Sullivan: OK. All right? Thank you.

Mr. Annicchiarico: You're welcome.

Chairperson Sullivan: All right, so what we have ahead of us is talking about this final question that we have for SEQRA. Linda may want to help us again with just a quick SEQRA 101, part B.

Village Attorney Whitehead: Point three. I think I've done it three times now.

Chairperson Sullivan: And that is focusing on what we might be doing with part two and how it may impact part three.

Village Attorney Whitehead: Sure. I'm going to shorten it each time I do it.

Chairperson Sullivan: We'll get it somehow.

Village Attorney Whitehead: At this point in the SEQRA process, the Board, as lead agency, is at the point of making its determination of significance. What you've been doing for the last couple of meetings is taking the information from the part one the applicant provided, together with all the information that you've gathered over the course of this application and doing the next step, which is to fill out the part two which helps you identify potential project impacts.

We've gone question by question through the part two, and the Board has identified some impacts but indicated they were all no or small impact. We were left with just the one last area to address, which is "*Impact on Aesthetic Resources*." This additional information was requested by the Board to help them answer the questions under number nine – the sub-questions, if you will – recognizing that the Aqueduct is an aesthetic resource. So I think you've gotten a fair amount of information now, and the next thing would be to go through

these sub-questions, if you will.

I know Kathy had Buddy printed out – or Mary Ellen – and provided to each of you from the EAF workbook the information on this particular question, question nine, "*Impact on Aesthetic Resources*." It's intended to provide some guidance in helping you answer these questions as no or small impact or moderate to large.

Chairperson Sullivan: Thank you.

Village Attorney Whitehead: I think that's enough.

Chairperson Sullivan: I guess the way the part two and part three interrelate ...

Village Attorney Whitehead: Right. So once you finish the part two, you move to part three. Now, if you have not identified any moderate to large impacts you're really done and you can make your negative declaration determination that this project will not result in any potential significant adverse impact. If you have any moderate to large impacts you should further address those in a part three to say why: if you think they will or won't result in a potential significant impact and whether to make either a negative declaration or, alternatively, a positive declaration that the project may result in an environmental impact. And then an Environmental Impact Statement should be prepared.

Chairperson Sullivan: Can we do a conditional ...

Village Attorney Whitehead: You can.

Chairperson Sullivan: Just asking.

Village Attorney Whitehead: They're very rare and they require a whole other notice process.

Chairperson Sullivan: OK. So what we're going to do is ... thank you, Linda, once again. There are two parts. One with identification of potential project impacts, which was the first couple pages that you guys have. That was just to talk about what the importance of what they call "scale and context" is, and that's something that we'll try to talk about when we go to the questions. Also, what we'll be looking at is, if we have an impact we'll be talking about how we can measure that.

Bill, you've always been in my mind because you were very skeptical at one point about how we can look at it, and it's something that's seeming ...

Boardmember O'Reilly: I was having trouble with context. I'm bitter on that.

Chairperson Sullivan: I think this will help us all.

Boardmember O'Reilly: Thank you.

Chairperson Sullivan: It's basically to try to give us the same tools and questions to talk about. So we'll go through that. And Linda talked about – we'll talk about – whether it says "no," "small," "moderate," or "large" impact, which we've done on some of the other questions.

So question nine is three pages in, which is *"Impact on Aesthetic Resources."* The question is: *"The land use of the proposed action is obviously different from, or in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource."* We answered yes to that. What it goes on to say is: *"It will explore consistency in land use between the project and other uses that may be seen as from, or as part of, a scenic or aesthetic resource."* So that's what we're going to be talking about.

"In order to determine if a project is obviously different from, or in sharp contrast to, current land use patterns that are part of a scenic resource, you have to understand the context and scale of the other land uses." It goes on to talk a little bit that: *"... different, or in sharp contrast ..."* meaning *"bigger, taller, higher and more dense, different color design, or where landscape has changed."* I wanted to know if anyone had any thoughts about how to describe the context we might be trying to compare this project to. I think Jamie, at one point, talked about it being a part of the Aqueduct that opens up to views, dramatically and in sort of a lateral way.

Any other thoughts about how we might want to identify the context? The videos were actually so helpful for this. Any thoughts? I see the context is that this area is a lot of single-family homes with apartments, and multi-family. There is a larger apartment adjacent to it, which I don't think is something we'd emulate.

Boardmember O'Reilly: There's also a number – when you start from Washington Avenue – how far back we want to go. But when you start from Washington Avenue, there's quite a number of large buildings that impinge. Now, the difference is that the Aqueduct at that point is further away from those buildings than it is at this point.

Boardmember Cameron: Right.

Boardmember O'Reilly: But this is what I was trying to come to grips with as the context.

Boardmember Cameron: That building just before the Lipchitz building, which is four stories high.

Chairperson Sullivan: So you're saying that ... so help me with what you're concluding from that regarding context.

Boardmember O'Reilly: I'm taking context from the point of view of over a period of what ... from the point of, actually, that video, where you're looking at this material here, in my mind, I'm including that in terms of my understanding of context.

Village Attorney Whitehead: Yes. It's mixed, I think, isn't it?

Ms. Ciolino: And what we hope to demonstrate by the video is the wide range of sizes, styles, dimensions ...

Chairperson Sullivan: We understand.

Ms. Ciolino: ... of these buildings.

Chairperson Sullivan: So it's a varied context.

Boardmember O'Reilly: Varied context, and distance as well over a period of – what is that period, about a quarter mile, half a mile that traversed?

Chairperson Sullivan: Sort of buildings being close? The relationship of the building to the Aqueduct?

Boardmember O'Reilly: Yes.

Chairperson Sullivan: Then also the sort of types of buildings. Is that correct?

Boardmember O'Reilly: Yes, multi-, single-.

Ms. Ciolino: And immediately surrounding the building is mostly multi-family.

Chairperson Sullivan: We can ... this is our conversation. We really don't need to be assisted.

Ms. Ciolino: Only helping.

Chairperson Sullivan: I know, but we'd prefer not to. Thank you.

Ms. Ciolino: I don't mean to interrupt. We were just trying to be helpful.

Chairperson Sullivan: Again, like I said, we needed your presentation and we thank you for it. Now it's our time to talk, so please ...

Ms. Ciolino: I'll let you proceed with your discussion.

Chairperson Sullivan: Thank you so much. I appreciate that.

OK, anyone else want to talk about context? Anything to add? OK, we can come back to it if we wish.

So we'll go into our first sub-question, which is on the next page, where we're going to be talking about identifying potential ...

Boardmember O'Reilly: Just be sure you're looking at the same document I am.

Village Attorney Whitehead: You go to the top of two, it starts at the top with the question *"Proposed action may be visible from any officially designated ..."*

Boardmember O'Reilly: OK, then I'm good.

Chairperson Sullivan: Here what we want to talk about is, we'll read the question and talk about some analysis they've given us. Then the question would be whether there would be any impact. That's what we'll answer.

Boardmember Cameron: You're two of five, we're at two of three.

Village Attorney Whitehead: It may have printed differently.

Boardmember O'Reilly: Actually I took it from what was distributed and copied it myself, not what was received tonight.

Boardmember Cameron: We're in a three-page document, you're in a five-page document.

Village Attorney Whitehead: Jamie, we're in a five-page document.

Boardmember O'Reilly: And that's what I've got.

Village Attorney Whitehead: The one that was handed out tonight.

Boardmember O'Reilly: Is this it?

Chairperson Sullivan: It says "question nine" at the top.

Boardmember Cameron: You're on the right one.

Chairperson Sullivan: OK. We're good? Everyone's good? Awesome.

The first sub-question is: *"Proposed action may be visible from any officially designated federal, state or local scenic or aesthetic resource."* So yes it is – it's the Aqueduct. It's definitely a state resource. The questions we have to answer are: *"Is the project site visible from a designated scenic resource? How much of the project site is visible? How much distance is there between the project and the resource? Is the visibility of the project seasonal? What general land uses exist between the project site and the scenic resource?"* and, *"Will the project site be in sharp contrast to those?"*

So the questions would be ... those are the questions. I don't know if anyone has any comments about them. It is visible from the resource?

Boardmember O'Reilly: Yes, it is.

Chairperson Sullivan: *"How much of the project site is visible?"* The whole thing, correct?

Boardmember O'Reilly: Mm-hmm. Well, at least the top floor.

Village Attorney Whitehead: The whole thing is not visible. The top two.

Boardmember O'Reilly: We're looking at those floors.

Village Attorney Whitehead: That's the top floors.

Boardmember Cameron: Well, it depends on where you stand on the Aqueduct.

Boardmember O'Reilly: Second and third floors.

Chairperson Sullivan: You know what would be helpful? If we could have a still frame on one of the visualizations rather than this photograph.

Ms. Ciolino: As we've discussed in prior meetings – as we're bringing this up – the building is below the Aqueduct. But because you're looking down towards the river, you're able to partially see the top floors.

Boardmember Cameron: This one's not very good.

Boardmember O'Reilly: And the walking person is going to see this.

Boardmember Cameron: Kathy, they're going to see this.

Chairperson Sullivan: See which one?

Boardmember Ambrozek: The bottom; half the building, the top two floors.

Chairperson Sullivan: What I would like to see is one of the 3-D visualizations that was not the walk-through, and if you could have it at the north or the south positions. So one of the new 3-D visualizations that were done for tonight. Not this, not the walk-through.

Ms. Levine: So not the 3-D simulation, but one of the renderings?

Chairperson Sullivan: No, I want the 3-D simulation – not this one, this – and one of these if we could park it at either the start or the finish so we can see the building. Not this one.

Boardmember Cameron: A little farther on to the right. Keep on going. Just about to turn down the hill it gives you the whole thing.

Chairperson Sullivan: There you go, getting close.

Boardmember Cameron: Right there.

Boardmember Cameron: No, back.

Ms. Levine: Sorry.

Boardmember Cameron: It's all right. It's hard to make a landing on a slope.

Chairperson Sullivan: Is that good?

Village Attorney Whitehead: There's one little stop where you see most of it.

Chairperson Sullivan: Is that good?

Ms. Levine: We're not on the Aqueduct.

Village Attorney Whitehead: Not on the Aqueduct, yes.

Boardmember Cameron: No, you're on the edge of the shoulder now.

Chairperson Sullivan: We'd like to be on the Aqueduct just for this conversation.

Village Attorney Whitehead: There.

Ms. Levine: I think we're about here.

Chairperson Sullivan: That looks good, OK. So how much of the project site is visible? What I said was all of it, but what people are bringing up is that the top two floors are visible. So the top two floors?

Boardmember Ambrozek: And I think one also has to look at it in regard to some of the other questions. That it's partly obstructed by existing ... here there's no vegetation, but it's partly obstructed by existing vegetation.

Boardmember O'Reilly: Well, that's when we get down to the question about seasonal – visibility seasonally.

Chairperson Sullivan: So, *"How much distance is there between the project and the resource?"* It varies from ...

Ms. Levine: Where it's closest?

Village Attorney Whitehead: Yes, the closest.

Boardmember O'Reilly: It's close.

Chairperson Sullivan: Basically it's adjacent.

Boardmember O'Reilly: Let's say it's close. It's at the base.

Boardmember Cameron: Right. Well, it's within 20 feet.

Village Attorney Whitehead: Twenty-five feet.

Ms. Ciolino: Twenty-five feet?

Village Attorney Whitehead: To the closest corner.

Ms. Ciolino: To the closest corner.

Male Voice: And that's to the property line. The center of the Aqueduct (off-mic).

Boardmember Cameron: You can actually see farther down at the north end because at the

south end there's an extra stone wall. But at the north end it slopes straight down to the ...

Chairperson Sullivan: So the next question is, *"Is the visibility of the project seasonal?"*

Boardmember O'Reilly: Yes, I would say definitely.

Chairperson Sullivan: And, *"If so, is the project site visible at the same time of the year that the public use the scenic or aesthetic resource?"*

Boardmember Alligood: The public views it all year-round.

Chairperson Sullivan: So it is visible. And, *"What uses exist between the project site and the scenic resource?"* and *"Will the project site be in sharp contrast to those uses?"* I think, in a sense, the view from the Aqueduct is sort of what we're talking about. There's no uses between it, but I think of the context of being sort of the buildings that are around it, as well. It's not in the mid-ground; like behind the building, but we're not talking the Aqueduct or the view to the river.

Boardmember O'Reilly: It's not unique. This building is not unique in that area.

Boardmember Ambrozek: Going to the general land use of the project site, today there are fairly unattractive sheds there. I'm not sure, shall we be considering that in our analysis?

Village Attorney Whitehead: No, they won't be there in the context of this building.

Chairperson Sullivan: What I see it as is sort of we have this building and how it fits in with the buildings that are around when you're standing on the Aqueduct.

Boardmember Ambrozek: Oh, OK.

Chairperson Sullivan: And is it in sharp contrast to what you're looking at. I guess my feeling on that one is that it is in sharp contrast because of the size of it. You know, it's a very long building, and we've struggled with that. So it is in contrast, sharp contrast, to the buildings that surround it which are not that size.

Village Attorney Whitehead: But it doesn't say "surrounded," it says *"... between the project site and the scenic resource."*

Chairperson Sullivan: Well, there's nothing between the project site and the resources.

Boardmember O'Reilly: Architecturally it's certainly nicer than others around it.

Ms. Ciolino: And we've also added the articulation to ... some Boardmembers ...

Chairperson Sullivan: Again – again, thank you.

I guess what I'm looking at is, when they go through some of the examples whether there will be an impact. You know, it is visible so some examples they have for small impacts would be the project that would be partially visible but not in sharp contrast with existing land uses in the area. So again, looking at it, it seems to make sense rather than just ...

Village Attorney Whitehead: But what do you consider "the area"?

Chairperson Sullivan: What you see when you're looking at the building and around it.

Village Attorney Whitehead: Before, you had said (unintelligible) ...

Boardmember Ambrozek: I think we need to consider that we're taking the context as sort of being the area from Washington to ...

Boardmember O'Reilly: Pinecrest.

Boardmember Ambrozek: ... Pinecrest Drive. And I think in terms of being in sharp contrast this is less impactful than some of the buildings in that area. It's not the least impactful, but it's certainly not the most. So I would say, well, we'll have to get down to the impact assessment.

Chairperson Sullivan: No, let's go and take a look at these. They have examples of what a moderate to large impact is. Just read those and see what we think how this project might fit into those.

Boardmember O'Reilly: So we don't answer this one when we're talking about general land use, da, da, da. We don't answer that yes or no.

Village Attorney Whitehead: These are just examples. You've got to decide yes, it's visible, we've all determined it's visible.

Boardmember O'Reilly: It's visible.

Village Attorney Whitehead: Now you have to decide is that a small impact – the fact that it's visible – or is a moderate to large impact. These are just some examples of things to consider.

Boardmember O'Reilly: OK.

Boardmember Alligood: I think the key is the decision between the first set of options, which says "small impacts," or the second set of options which say "moderate to large." The project will be visible and is in sharp contrast to surrounding uses by virtue of its scale, dimension, color or height. Sounds like Kathy is on the side of that bullet. The other option is, I would say something like the first one above. The project will be partly visible, but is not in sharp contrast with other existing land uses in the area.

I don't think it's in *sharp* contrast. I think there is an impact and I do think it's going to be visible, but I don't believe it's in sharp contrast to the surrounding land uses.

Boardmember Cameron: So don't you think under the "moderate to large impacts" that the second and fourth one are ... I mean, I'm not saying they're definitive, but the project is not in sharp contrast with existing uses because there are other buildings like this in the area, but it's very visible. Well, it is. It's only 30 feet away. Then the last one: *"The object is situated so it changes the visual aspect of the scenic resource."* Those are the two I thought ... of the ones that ...

Village Attorney Whitehead: Just think about if you really think it is. I mean, it's below you and it's ...

Boardmember Ambrozek: Well, I can see where people would have that view. And I think one needs to offset it by the fact that they have attempted to articulate the back of the building.

Chairperson Sullivan: We should just talk about it without the ... you mean that's something that we've been presented so that's what we're looking at right now?

Boardmember Ambrozek: Yes, but one of our concerns at the last meeting was that the building was very visible from the Aqueduct. We said most people will see it from the Aqueduct – at least I said that – and that the back of the building was very plain and we were concerned about that. I am saying, to that point, that I feel that has been alleviated to a substantial extent by articulating the rear of the building; by using the bay windows, which are much more attractive than the flat, rectangular windows. And I also think the two end units – the north and south units – seemed to have had the windows primarily aimed to the north and south instead of to the west towards the Aqueduct. I'm not sure if that's changed or if that's just my thought.

But I also look at it and say while the project is close to the Aqueduct, if you are going to look down, I still feel that today you are looking down on a fairly unsightly eyesore. And looking down, you'll be looking at something that is at least cleaner; it's softened by the existing vegetation, even in winter.

Village Attorney Whitehead: And the topography, because it's down?

Boardmember Ambrozek: Yes. And I don't think it's a sharp contrast; it's not in sharp contrast to the existing land use of that area. People do recognize that there are going to be buildings along the Aqueduct. We have not just in that area, but ...

Chairperson Sullivan: Could we have that visualization up again, please? Thank you.

Boardmember Ambrozek: I mean, we have buildings that are much more in your face, if you wish, as you walk along. Somebody commented on the Jacques Lipchitz studio, and certainly some of the houses to the north of that. Although they are, I think, subjectively further away from the Aqueduct they are more noticeable and visible because these are ... the tops of these buildings are actually below the top of the Aqueduct. So I think it's not as much of a contrast.

Village Attorney Whitehead: Which I think goes to the last bullet under "*small impact*," where it says it'll be "*... visible, but vegetation or other factors ...*" (cross-talk)

Boardmember Ambrozek: Basically I think it's a small impact, yes.

Village Attorney Whitehead: Yes, I think you have to take into consideration the topography.

Chairperson Sullivan: I think what I found helpful in these was really taking a look at what this building would be like for the length of time you would be walking along. So I guess my sense about it being in sharp contrast is really because of its scale; you know, because it's so different than the things that we're being shown in context and what's around it. It's very close to the Aqueduct, too, and even though it's down below ... because I enjoy it, I walked out there and I looked and saw where the markers were on the posts showing where the second floor was. That, to me ...

Boardmember Ambrozek: I believe that was the top floor. The ropes were set at the top floor.

Chairperson Sullivan: Right, but also on the posts there are, I think, two bars that were put in that show where the second floor is.

Ms. Ciolino: I think we're showing the third floor with the ropes. I don't recall ...

Chairperson Sullivan: On the post there were two sort of horizontal bars that were ...

Ms. Ciolino: This might have been bracing.

Chairperson Sullivan: Forget it then.

Building Inspector Minozzi: Speak into the microphone, please.

Boardmember O'Reilly: I've got my statement. To me, the most accurate statements in these examples ... one comes from small impact, which is, *"The project will be visible, but vegetation and other factors such as distance ..." et cetera "soften the visibility."* That is true. The other one, though, comes from the "moderate": *"The project is not in sharp contrast to existing land uses in the area, but is very visible."* It will be visible, but it's not in sharp contrast to the other uses. So some way or another I'm falling between those two. They're the two statements, for me, that best describe this project.

Village Attorney Whitehead: So again, these are not the Bible, if you will.

Boardmember O'Reilly: Right.

Village Attorney Whitehead: They're a listing of things you should consider. So really, look at the bigger picture. Do you think that it's a moderate or a large impact, or do you think it's a small impact?

Chairperson Sullivan: Calling it a moderate impact doesn't mean necessarily ... we will talk about how significant that impact is and if there's anything that needs to be done.

Boardmember O'Reilly: I can put it into "moderate impact," only because of that statement *"The project is not in sharp contrast ..."* and it's very visible. There's no way saying it's not visible, but it's not in sharp contrast.

Village Attorney Whitehead: Do you want to go down the line and see if people think it's small or moderate to large? Sort of see where we are?

Chairperson Sullivan: Yes, I think so. Has everyone had a chance to say anything? Did you want to say ...

Boardmember Alligood: I think that's a good suggestion. I think we should just go down the line and see where we fall on that scale.

Chairperson Sullivan: Go ahead, please. Start us off.

Boardmember Alligood: I think it's small.

Boardmember O'Reilly: You think it's ...

Boardmember Alligood: I'm not saying there's none, but I fall under it will be partly visible but not in sharp contrast with other existing land uses. I think there will be some impact, but I'm falling more on small rather than moderate to large.

Chairperson Sullivan: OK, I'm in the moderate camp.

Jamie?

Boardmember Cameron: The trouble is, if you scan those two sentences the project will be partly to mostly visible. And the last one is "not in sharp contrast." I don't know how much difference there is between partly and mostly visible and not in sharp contrast, but actually I'm in the middle.

Boardmember Alligood: So you're between "small," "moderate," and "large."

Boardmember Cameron: I think we need to go through the rest of this thing to see what decision and what thoughts we have. These examples are examples, as Linda has said, and as far as I'm concerned I have two examples that could cover this building.

Chairperson Sullivan: Well, Jamie, I'll put you down as a question mark.

Village Attorney Whitehead: The bigger question here is, you're looking at "the proposed action may be visible from the aesthetic resource." So we've all established it is visible, and is that a small impact or is that a moderate to large impact?

Chairperson Sullivan: Bill?

Boardmember O'Reilly: I'd go to small.

Chairperson Sullivan: Michael?

Boardmember Ambrozek: Well, as I said before, I'd give it a small. I think when we're looking at the amount of impacts of the building we're sort of missing the fact that that lot – no matter who develops it, whether they develop it as one structure, two structures, or three structures – because the lot goes along the length of the Aqueduct you're going to get the same kind of distance of the structure. I mean, here they've tried to make it into two structures because on the third floor you really have a 20-foot gap between each of the three units. There's a 20-foot gap in the middle.

Boardmember O'Reilly: So you're for "small."

Boardmember Ambrozek: I'm "small," yes.

Chairperson Sullivan: Two small. OK, I'll put you down as small.

Next question: *"The proposed action may result in the obstruction, elimination, or significant screening of one or more officially-designated scenic views."*

Boardmember O'Reilly: Well, this is referring to the Palisades and the river.

Chairperson Sullivan: Let's talk about small and moderate at this point.

Village Attorney Whitehead: Yes, I think you already decided by recommending view preservation.

Chairperson Sullivan: So we can say small.

"The proposed action may be visible from publicly-accessible vantage points seasonally or year-round." The question is: *"It is screened by summer foliage, but it's visible during other seasons."* I think this is accurate.

Boardmember O'Reilly: I thought it was screened. There's a fair amount of vegetation there in the summer, no?

Chairperson Sullivan: Right, so that's "screened during the summertime by summer foliage."

Village Attorney Whitehead: This is sort of a two-parter; you just have to answer each sub. Seasonally, are you saying it's a small impact because it's screened in the summer but visible other seasons?

Boardmember O'Reilly: Yes, small.

Village Attorney Whitehead: Then it says "year-round."

Boardmember O'Reilly: Still small.

Chairperson Sullivan: Seasonally, Bill's a small.

Boardmember Ambrozek: I'm a small.

Chairperson Sullivan: Year-around, Michael's a small. For both of them – year-around and

for ...

Boardmember Ambrozek: Yes.

Boardmember O'Reilly: Yes, I think small year-round. Therefore I'd say small.

Chairperson Sullivan: Eva?

Boardmember Alligood: Yes, small.

Chairperson Sullivan: Jamie?

Boardmember Cameron: Here are some examples of (unintelligible).

Chairperson Sullivan: *"The action may be visible from seasonally screened foliage, but visible during other seasons or year-around."*

Village Attorney Whitehead: This is almost as bad as the old part two.

Chairperson Sullivan: That's why we only did this for one question.

Boardmember Cameron: I'd probably go small impact there.

Chairperson Sullivan: I'm the same. OK?

Village Attorney Whitehead: D.

Chairperson Sullivan: D: *"The situation or activity in which viewers are engaged by viewing the proposed action is routine travel by residents, including travel to and from work, recreational or tourism-based activities."* This one's sort of tied together with the next question, but we'll just answer the first one. The question is, *"How often would members of the community view the site? How often is the view from the resource important to recreation, tourism? If so, how? And, "How will the project site change the perception about that scenic resource?"*

So members of the community, this is viewed year-around. It's viewed for people, I think, that are walking to and from different activities.

Boardmember O'Reilly: Yes.

Chairperson Sullivan: Getting to and from childcare.

Boardmember O'Reilly: Most people are using it for recreational.

Chairperson Sullivan: Some people use it as a walkway, too.

Boardmember O'Reilly: Some people walk to the train.

Boardmember Ambrozek: Actually, that portion they would not ... well, having lived on Pinecrest Parkway I know there is a metal staircase going down from the bottom of Pinecrest Drive down to the southern end of South Street. I would think people at that end of the Aqueduct ... no, you would not go down there?

Boardmember Cameron: I've never seen someone going ... and it's really ...

Boardmember O'Reilly: Rocky.

Boardmember Cameron: ... rocky. That staircase, I would keep right on going on Warburton.

Boardmember Ambrozek: On Warburton? You go on Warburton, despite the traffic?

Boardmember Cameron: Oh, yes. Well, you've got a sidewalk.

Boardmember Ambrozek: OK, but you would not go on the Aqueduct because that puts you up at Washington.

Boardmember Cameron: Well, I could go on the Aqueduct. Depends how the snow's around. But I would not go down that stair down to South Street.

Boardmember O'Reilly: From Pinecrest down to there.

Boardmember Cameron: I'd go down South Street and go by our beautiful towing company.

Boardmember Ambrozek: Yes, Dosin.

Boardmember Cameron: C'mon.

Boardmember Ambrozek: I guess things have changed since I lived on Pinecrest Parkway.

Boardmember Cameron: Maybe they'll go down the Quarry Trail now that they've stoned it all the way to the bottom.

Boardmember Ambrozek: Right. Well, then, they would certainly go past this project.

Boardmember Cameron: That's right.

Boardmember O'Reilly: Can we say "recreational" then?

Boardmember Alligood: I think it's recreational.

Boardmember Ambrozek: I think it's primarily recreational.

Boardmember O'Reilly: I haven't done a survey, but I would say primarily ...

Village Attorney Whitehead: It's not "routine travel."

Boardmember Cameron: No.

Village Attorney Whitehead: So then it's "the impact on recreational or tourism-based ...": small, or moderate to large?

Chairperson Sullivan: Right.

Village Attorney Whitehead: They go back to the same things. Again, a portion is visible, but because it's not in sharp contrast they'll be no diminishment of the designated resource. These aren't written with a trailway in mind.

Boardmember O'Reilly: No.

Village Attorney Whitehead: That's why I'm saying it really has to be just a guideline. They're not written for this type of ...

Chairperson Sullivan: This is for a moderate one. It's visible because it's in sharp contrast.

Boardmember Ambrozek: Linda, are you sort of saying these guidelines are written more for a situation where there would have been a street there?

Village Attorney Whitehead: Could be. It could be a lot of different things. You know, they have to cover a lot of different ...

Boardmember O'Reilly: Possibilities.

Village Attorney Whitehead: ... possibilities, and that's why you can't take them as, you know ...

Chairperson Sullivan: But I think looking at them you get a feeling for what the distinctions are between the two points.

Village Attorney Whitehead: So we go back to the sharp contrast.

Chairperson Sullivan: Right. Again, if it's visible from – what did they say? – major roads. But we can say from routes used ... the trail used by residents and visitors. That's true, but at the end of the day is that a moderate impact that's going to need any revisions or any other considerations? Probably not.

Village Attorney Whitehead: Again, you go back to "a limited portion is visible," but because it's not in sharp contrast there'll be no diminishment. I know Kathy doesn't agree it's not in sharp contrast, but some of the Boardmembers did.

Boardmember Alligood: I don't think there's going to be large ...

Village Attorney Whitehead: Impact on recreational use.

Boardmember Alligood: On public enjoyment. I think if it's stuck up above the Aqueduct, I think if it brought traffic you could see from the Aqueduct, those are the kinds of thing I think would ... or, frankly, I think to our neighbors in Dobbs Ferry. I think I would definitely be voting some of those projects along the Aqueduct are having a significant impact.

Boardmember O'Reilly: Yes.

Boardmember Alligood: Because they're right there.

Village Attorney Whitehead: They're even closer and higher.

Boardmember Alligood: They're closer and they're high and they're blocking views entirely. That is like clear-cut to me.

Boardmember Cameron: Talking about some projects down by the architect (unintelligible).

Boardmember Alligood: Well, I'm just saying I think there are buildings in our vicinity that I would point to and say I'd have a different vote on that particular question. And I do think that takes away from your enjoyment of the Aqueduct when you feel closed-in.

Boardmember Cameron: Right.

Boardmember Alligood: Which is what Yonkers has done with the Aqueduct as you go further south.

Chairperson Sullivan: My concern a little bit about this is, when you look at this picture kind of the level of activity that'll be going on in the third floor – with the open deck in front, and it's a really large deck – just the kind of space, with the windows and whatnot, almost – I don't want to say almost eye level. But, you know, that's pretty prominent, that face.

Village Attorney Whitehead: But do you see it from the Aqueduct?

Chairperson Sullivan: You damn do. I mean, this shows you.

Village Attorney Whitehead: Seeing a tiny corner of one of the ...

Chairperson Sullivan: No, just the whole fact of the third floor – the kind of activity that's so close to you as you ...

Village Attorney Whitehead: You're talking about activity on the front part, the outdoor part.

Chairperson Sullivan: I'm talking about both the rear of the building having so many windows that are facing towards the Aqueduct, and also the large, very large, decks and kind of the level of activity that can take place there. That, I think, could diminish someone's enjoyment.

Village Attorney Whitehead: But do you see the decks from the Aqueduct?

Ms. Ciolino: Christina, are the large decks visible from the Aqueduct when they're ...

Boardmember Cameron: Well, they were showing you a view of it right there.

Boardmember Ambrozek: Well, just a ...

Village Attorney Whitehead: A tiny corner of ...

Boardmember Ambrozek: ... corner of ...

Chairperson Sullivan: You can see them on both.

Ms. Ciolino: They're partially visible, but it is below so you're looking over at the view.

Chairperson Sullivan: My point is not tied to answering your questions. My question from

the Board was that it was ... I feel, Linda, that you might have a sense of things going on from those large decks that could potentially be disruptive to some people's enjoyment because of how close it is.

Village Attorney Whitehead: I think you'd have a tough time justifying that as a basis for a large impact because they're fairly visible.

Boardmember Cameron: Yes, I think one of the things we should – if this project moves forward – put into our little list of things is to require fairly good evergreen shrubs in the back of the property. Because you actually can ... the southern part, looking down over the slope – because there's no big wall there, it's only the northern part that has this very big wall – you can actually see the bottom floor, what will be the bottom floor. So you want to actually have greenery protecting you from some of that view. Otherwise, I think ...

Boardmember Ambrozek: We actually did request that at the previous meeting. But at the same time, we do not want that greenery to exceed the height of the building because that greenery will itself obscure the view.

Village Attorney Whitehead: I think that's more a site plan issue.

Boardmember Cameron: I said "shrubs."

Boardmember Ambrozek: I was thinking ... you said "evergreens." Yes, I was thinking about lilacs or something that don't grow too high, but grow a little higher than shrubs.

Chairperson Sullivan: OK. So people want to talk about ... we're looking at these two: *"The situation or activity which viewers are engaged with while viewing the proposed action is tourism-based and the proposed action would be the cause of diminishment of public enjoyment and appreciation of a designated aesthetic resource."* You want to go down the list and talk about small or moderate impacts?

Boardmember Ambrozek: Who do you want to start?

Chairperson Sullivan: Go ahead, sir.

Boardmember Ambrozek: OK. I don't think this project, per se, is going to deter anybody from the use of the Aqueduct. I don't think whether they are from out of town or local that they're going to avoid walking past it. I don't see that activities on the decks at the front of the building ... while, you know, it could be a distraction for a short moment as you approach one end of the building or the other end. Again, what we really want is to be able to ... I mean, when you're walking you tend to look straight ahead, but you do want to be able to look over and see the Palisades and you're going to still see the river and the Palisades.

I would basically call this a small impact.

Chairperson Sullivan: OK, thank you. Bill?

Boardmember O'Reilly: Yes, I tend to walk on the Aqueduct because it's the one flat space in Hastings where you can go for a certain distance and not climb a hill. I like it. Therefore, I'm looking at the Aqueduct and I'm conscious of what's around me but I'm not exactly staring at it. I don't know about other people. Public enjoyment, some people will notice it, some people will not. But I still regard it as small impact overall.

Chairperson Sullivan: For both.

Chairperson Sullivan: Twice.

Chairperson Sullivan: OK. Jamie, do you have any ...

Boardmember Cameron: I'm in the middle on this one. I was from the Adirondacks so I ...

Chairperson Sullivan: Do you have a question again?

Village Attorney Whitehead: He's in the middle. Jamie's avoiding making decisions.

Boardmember O'Reilly: He's not like you, but he's in the middle.

Boardmember Cameron: I'll make the decision next week.

[laughter]

No, no, no, I won't do that to you.

Chairperson Sullivan: Eva?

Boardmember Alligood: Yes, I think it's a small impact.

Chairperson Sullivan: Small? All right, I'm going to put myself in the moderate group. All right, coming towards the end.

All right. This is: *"There are similar projects visible within the following distance of the proposed project:: zero to half a mile, half a mile to 3, 3 to 5, 5-plus."* I printed something out – let me see if I can find it – which runs ...

Village Attorney Whitehead: You've got a bigger one right next door.

Chairperson Sullivan: Let me see.

Boardmember O'Reilly: Well, I think it's half a mile to Washington Avenue.

Chairperson Sullivan: This is a half a mile, if anyone wants to take a look at that. This is a mile; this is half a mile and a mile. You can share it. It's just general. So we're be looking at things that are along the Aqueduct, in that area.

Ms. Ciolino: Would it help for us to play our speeded-up video again?

Chairperson Sullivan: No, thank you.

Boardmember O'Reilly: We're good, we're good.

Chairperson Sullivan: So the question is analysis of this: *"How many land uses are similar to the proposed project, how far away are them, and how are the land uses similar-scaled, -color, -size of use, -type of land use, -height, -bulk, -size of lot, or -coverage type?"* And if there are no other similar uses, I guess: *"Would the proposed use be in sharp contrast to the overall landscape?"* OK, someone go.

Boardmember Alligood: Well, it's similar in use. There's lot of housing in that area.

Village Attorney Whitehead: Most of what you see is residential.

Boardmember Alligood: Yes, it's almost all residential.

Chairperson Sullivan: So it's residential in its type of use.

Boardmember Alligood: And there's multi. Well, there's townhomes, there's multi-family. It's not all single-family homes.

Chairperson Sullivan: So they're similar, in your opinion?

Boardmember Alligood: Yes.

Boardmember O'Reilly: They're similar. I mean, the one thing you can say about this one is that there's more units in this. Oh, no, forget about it. The one next door's got more units.

Village Attorney Whitehead: So does, I think, at least one of the ones on Aqueduct Lane.

Boardmember O'Reilly: Yes, there are others.

Chairperson Sullivan: So how many land uses are similar, how far away are those similar projects, how are they similar? Are they similar in scale, color, type of land use, height or bulk; dimension, size of lot or coverage type? And if it is similar it may not have an impact, but they can take a look at the small impact and moderate to large examples.

Village Attorney Whitehead: Anybody want to say what they think?

Boardmember Alligood: I'm still in the small category, haven't changed.

Boardmember Cameron: Yes, I'm small on this one.

Boardmember O'Reilly: I'm small.

Boardmember Cameron: No, you're not.

Village Attorney Whitehead: Michael?

Boardmember Ambrozek: I'm in the small impact category.

Village Attorney Whitehead: So on A, D and E Jamie's got to make a decision now.

Chairperson Sullivan: And we also have other impacts. If there's anything else that people feel about that we can talk about.

Boardmember Ambrozek: Well, I would like to repeat that we have already requested that at no time in the future – and help me clarify on this – that no structures are going to be permitted on the roofs of this project – at least the third-floor roofs – of any kind.

Village Attorney Whitehead: I think we've already said that with site plan permission.

Boardmember Ambrozek: We have said that. I just wanted to ...

Ms. Griffin: That's correct.

Village Attorney Whitehead: And they've agreed to that.

Chairperson Sullivan: I just want to ask the question.

Boardmember Ambrozek: I mean, I would like for them to have solar panels, but I guess they'll have to wait until the day that roof shingles will also be solar panels.

Chairperson Sullivan: I just want to explore this for a second. The issue about not having anything else on the roof, that came about because of our concerns of what?

Boardmember Ambrozek: View preservation.

Chairperson Sullivan: So the view experience of people from looking over the building.

Boardmember Ambrozek: Well, I don't want to suddenly see a great big 6-foot wide, 6-foot high air conditioning unit on the roof. And there could be multiple ones, since they're multiple units.

Boardmember Cameron: I think, actually, we're going to have to have a method going forward for solar panels until we do get ones that are flush to the roof. We put something in the approval and it's filed somehow against their deed so they can't put anything there unless they come back for approval from the Planning Board and the ZBA, or whoever the responsible parties are at that time.

Boardmember Ambrozek: Yes, that's why I was ...

Village Attorney Whitehead: If you make it a condition of your approval the Building Department can enforce it. You don't have to put it in a deed restriction.

Building Inspector Minozzi: It would just be a condition, that's it.

Village Attorney Whitehead: An ongoing condition.

Chairperson Sullivan: I know Richard passed this on to me. He wasn't here, but he was interested in having a condition – something to your point, Jamie, which you've mentioned – which is that the height of the building has to be below the Aqueduct. Just because of his concern about the ...

Village Attorney Whitehead: Well, the height is what they're proposing, which is below.

Boardmember Cameron: Including things like, now, the solar panels that they may be able to add to the top.

Chairperson Sullivan: I think his point was – and he wasn't here today to hear the explanation, this was before the letter – really, just to say here's the Aqueduct trail, this is the important point, we want this building below it; just to articulate the goal rather than just being related to the number. I think that was to your point.

OK, so are there any other impacts? Any other issues from this building that we feel we need to talk about from the aesthetic point of view?

Boardmember Ambrozek: I have no other.

Boardmember O'Reilly: Not on this particular building. I was just thinking, though, as we've gone through this that this has been a very stringent examination of this property. And obviously it's obvious that we're very particular about construction along, close to, the Aqueduct. It's not just the view preservation.

Boardmember Ambrozek: No, the SEQRA was required *because* it was adjacent to the Aqueduct.

Village Attorney Whitehead: SEQRA would've been required even if it wasn't. It just makes it a type one.

Boardmember O'Reilly: So going forward, it becomes a question of how people can – if the opportunity arises and there's any other lots like this – that's going to be just as stringent.

Chairperson Sullivan: It will be. I mean, in a sense one of the things I think you can discuss in SEQRA is the issue of it becoming a precedent.

Village Attorney Whitehead: It's very project-specific, fact-specific.

Chairperson Sullivan: Well, you seem to say that about other things that doesn't come into play.

Boardmember O'Reilly: That's my only other.

Boardmember Ambrozek: Going back to Richard's request that all future projects be below the level of the Aqueduct ...

Chairperson Sullivan: No, no, no. This particular project.

Boardmember Ambrozek: Oh, this particular project. OK.

Chairperson Sullivan: He wasn't trying to force it down the road, but on this particular one.

Village Attorney Whitehead: And we've talked a site plan condition about nothing on the roofs. As part of that condition you can say that even if solar panels were to be permitted at some point they would have to be below, stay below the elevation of the Aqueduct. But if you say nothing, nothing means nothing as a condition.

Boardmember Ambrozek: Yes, and this is why I'm saying I understand nothing means nothing. That's why I say they'll probably have to wait until – at least in my view – solar panels are created ... which I hear they're going to try to do.

Village Attorney Whitehead: Roof shingles.

Boardmember Ambrozek: Roof shingles, yes.

Village Attorney Whitehead: They already exist.

Boardmember Ambrozek: If they want to go that way that's the way they're going to go.

Building Inspector Minozzi: Just not for a flat. Not yet.

Village Attorney Whitehead: No, not for a flat roof.

Chairperson Sullivan: Jamie, you were out as questions on two of these, I think. Three of them: A, D, and ...

Village Attorney Whitehead: I have not checked a box on our master form on those three.

Boardmember Cameron: That's good.

Village Attorney Whitehead: Well, I checked in on the first part of D, the routine travel. I didn't check it on the recreational or tourism-based.

Chairperson Sullivan: You gave them that answer?

Village Attorney Whitehead: I think everybody agreed it's not used for original travel.

Boardmember Cameron: I actually used to use it to walk home every day when I lived up on High Street. My wife would arrive at the train station, take my briefcase, and give me the dog.

Chairperson Sullivan: Drive home, and let you walk?

Boardmember Cameron: Yes.

Chairperson Sullivan: Cool.

Boardmember Cameron: I guess I'm going to switch to small on A.

Chairperson Sullivan: And you on D?

Boardmember Cameron: I better not look too long, I might switch back.

Chairperson Sullivan: So I guess it's really E, right?: *"The diminishment of public enjoyment and appreciation of the designated aesthetic resource."*

Boardmember Cameron: My problem with E is that it's hard to fit it into the moderate to large. In the moderate to large it's not a major road or a highly- traveled route, and it's not a key role. So I might see negating out the moderate to large to get to ... because I don't entirely agree with the small. I'll switch on E as well.

Chairperson Sullivan: So we're small? OK. In looking at these different questions, the smalls have it all of them.

Village Attorney Whitehead: Correct.

Chairperson Sullivan: So that's good. You've answered that part. In looking at these questions for SEQRA ...

Village Attorney Whitehead: Everything was small – no or small impact.

Chairperson Sullivan: I think in the case of like steep slopes we said their impact was going to be dealt with because of steep slopes law.

Village Attorney Whitehead: Right, so you called it small because of that.

Chairperson Sullivan: So we'll put that in part two.

Village Attorney Whitehead: You don't have to. If you've checked no or small you don't have to do anything in the part three. You don't have to further address things.

Chairperson Sullivan: I would think maybe when we've said there's something that gets in play it might be helpful to have it. Because we said it was small because of something else.

Village Attorney Whitehead: But the something else is a law they have to comply with. So it's not an extra condition that you're putting on.

Chairperson Sullivan: Good. So we have done the SEQRA, correct?

Village Attorney Whitehead: Yes. So now, because everything you found was small or

moderate on the part three, you can now just check off the box that says, *"The project will result in no significant adverse impacts on the environment, therefore an Environmental Impact Statement need not be prepared and a negative declaration may be issued."* So that'll have to be checked off on this form and this'll have to be filled in, but I think you should do a resolution stating that and adopting a negative declaration.

Chairperson Sullivan: OK, and you will help me with that?

Village Attorney Whitehead: The resolution should state that you have reviewed the EAF part one and all other materials submitted by the applicant; you have reviewed the part two in great detail and evaluated all the questions; and everything has been checked "no" or "small" may occur. Therefore, the Board finds the project will result in no significant adverse impacts on the environment and therefore an Environmental Impact Statement need not be prepared and a negative declaration is hereby issued. That's the motion. I probably said it too fast, Buddy.

Building Inspector Minozzi: I can't write all that down.

Village Attorney Whitehead: It's on the tape. I can go to the video and write it down.

Boardmember Alligood: You spoke clearly and it'll be transcribed.

Village Attorney Whitehead: I tried. So does anybody want to make that motion?

On MOTION of Boardmember Ambrozek, SECONDED by Boardmember Alligood, with a voice vote of all in favor the Board resolved to find that the project at O Warburton (aka Nodine) will result in no significant adverse impacts on the environment and, therefore, an Environmental Impact Statement need not be prepared and a negative declaration is hereby issued.

Chairperson Sullivan: OK, thank you.

Village Attorney Whitehead: Congratulations, you have your negative dec.

Ms. Ciolino: Thank you, Board. We look forward to being back before you after we finish with the ZBA.

Chairperson Sullivan: Thank you for all your help in preparing materials for tonight.

Ms. Ciolino: Thank you.

Chairperson Sullivan: We appreciate that very much.

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 two nonconforming lots and a new proposed single-family dwelling on their property at 196 Warburton Avenue. Said property is located in the R-10 Zoning District and is known as SBL: 4.130-139-17 & 18 on the Village Tax Maps

Village Attorney Whitehead: I've got a summary of where you were.

Chairperson Sullivan: Where we were on this would be helpful, thank you.

Village Attorney Whitehead: The Zoning Board has granted the variances that were required. You previously did view preservation recommendation. They've come back for you now, and the three steps to be taken if you're prepared to do so or we need to go through the part two – it's the short version this time – and do your determination of significance under SEQRA. Then you can act on the steep slopes approval and subdivision approval. We can deal with each of those as we go.

Chairperson Sullivan: So first up, do SEQRA.

Village Attorney Whitehead: Yes.

Chairperson Sullivan: Before they do their presentation.

Village Attorney Whitehead: Do you need a presentation at this point? I think they've submitted, they've dealt with the engineer. The main open items were engineering on the steep slopes. They've been working with your engineer. I think Buddy and I can both report. We've gotten an e-mail from Doug Hahn that said all his comments have been addressed. We will get a formal memo from him saying that, but I think those were the primary open items.

Chairperson Sullivan: Tomasz sent us a landscape plan, which I think was something else.

Village Attorney Whitehead: And today I think Paul provided just a revised plan that had the last revision Hahn had requested. We can make it a condition of your approval, since we don't have a final memo from Hahn. What I would recommend is that you include in any approval you give, if you give approval of the subdivision, that all comments from the Village consulting engineer be addressed to the satisfaction of the engineer before the

Chairman signs the final subdivision plat. That's where you are.

Chairperson Sullivan: You want to take a minute to take a look at this? Perhaps Tomasz should just do a quick presentation.

Village Attorney Whitehead: If you want.

Chairperson Sullivan: People, would you like to hear a quick presentation on the landscape plan?

Boardmember Cameron: (Off-mic).

Building Inspector Minozzi: I don't even have a landscape plan written down.

Village Attorney Whitehead: I didn't, but you have it now. I think it was part of the steep slopes review.

Tomasz Lopinski, project design consultant: This is kinetic design for landscape and ground cover just to show you how the area is going to be defined in terms of the driveway and sidewalk, and which area is going to be planted. Basically, the idea is to have two concrete retaining walls. I'm going to come up to the screen and show you. The idea is to have these two concrete retaining walls, creating a platform with the driveway and a walk to the house, to the stairs. There will be some stone pavers with a pattern to be determined. This is not a fully developed landscape.

Chairperson Sullivan: Doesn't need to be. Thank you.

Mr. Lopinski: Anyway, different type apron here at the beginning and maybe different stone a little farther there.

There will be natural stone here, exposed, as part of this retaining wall on the surface of the driveway. Flagstone path. There will be some railing on both sides of the entire platform because the difference in elevation is significant here in this area. Between the walk and the driveway there will be some planting area for lower flowers and lower shrubs. Perhaps there will be one tree here, but really not planning to put any trees because of the view of the river. Some shrubbery on this side, and something here. But, you know, this is not really a fully-developed landscape plan because we're not at that stage of the project yet.

Chairperson Sullivan: No, but we thank you for telling us what some of the plants would be. Appreciate that.

Mr. Lopinski: Thank you.

Boardmember Cameron: The only thing I would mention, we went up and visited the neighbor to the north. They sit back, looking out, they can't see very much because you have a tree which you're about to take down where you're going to bring the driveway in. But if you do put shrubs in on that side which, of course, you can I notice these ones said they grow to 8 feet. You put big shrubs in, they're going to lose some view, too. It's just what I call being nice to your neighbor. It would be nice to do that to your north.

Chairperson Sullivan: But keep them smaller?

Boardmember Cameron: Of the smaller kind, if you just could do that. I think those they said 6- to 8-foot tall. I just looked them up, but I don't know if those are the ones you plan. They all sorts of different ones. It wasn't decided yet.

Mr. Lopinski: No, we're thinking about, really, low shrubbery, like I said.

Boardmember Cameron: Anyway, just something to keep in your mind. I don't think we're going to write it down anywhere, but it would be very good because we were a better town for looking out for our neighbors. That's my comment.

Chairperson Sullivan: It's a good comment to have for your last meeting. All right, thank you.

Boardmember Ambrozek: Can you take this image so we can see closer towards the Aqueduct?

Village Attorney Whitehead: Sorry, we have to keep one door open.

Boardmember Ambrozek: Roughly where the numbers are for the elevations, you have an existing water course coming out from underneath the Aqueduct there. Your architect is nodding his head. I'm trying to understand the representations of the solid lines just below the 90-foot level and coming out at the flagstone patio to right. What do those represent and how will they impact the water course, please?

Paul Petreti, project engineer: This is not my plan, but I can speak to this. This is going to be a headwall and it's going to be high enough so it captures the water. It'll be a wall a couple feet high. This wall will remain. Water comes down and cascades over into here. On my plan, I have stone in here so it won't erode. It picks up the water and goes down to the drain.

Boardmember Ambrozek: OK.

Mr. Petreti: It catches it all.

Boardmember Ambrozek: Is there any reason ... don't you need a manhole there between those two sets of walls?

Mr. Petreti: No. The reason is, when the water cascades down it's going to spill over this little retaining wall like it does right now. It didn't get trapped behind this one, and there's an 18-inch pipe coming out into the headwall; 18 inch so it's going to capture all that.

Boardmember Ambrozek: OK.

Chairperson Sullivan: Michael, if it's any assurance I think our Town Engineer's been through this with Paul.

Boardmember Ambrozek: It's just something I remembered.

Chairperson Sullivan: No, just wanted to share that because there were some other comments we had.

Boardmember Ambrozek: Now, if you position the diagram again where you had it originally, on the left side of the driveway just where it says "drywell grate", what is the elevation of that line, please?

Mr. Petreti: Right here?

Boardmember Ambrozek: No, further to your left.

Building Inspector Minozzi: The drywell.

Boardmember Ambrozek: The drywell grate, yes. That solid line there, what it is that elevation?

Mr. Petreti: Right there?

Boardmember Ambrozek: Yes.

Mr. Petreti: Elevation 75 is going to wrap around like this. It's really flat. It's only a 6-inch pitch from here to here because this elevation on my plan is 75.5. This is 75, and 75 all the way across, and there's a little drain here ...

Boardmember Ambrozek: Yes.

Mr. Petreti: ... we knocked down a couple inches so the water would go like this and go

into that. That drain goes into the drain.

Boardmember Ambrozek: Right, yes.

Chairperson Sullivan: Any other questions from anyone? OK, I'll move on to my list from Linda. We're going to go through the Short Environmental Assessment Form, which is a handful of questions. Again, two choices: no or small impact, and moderate or large. *"Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?"* No impact. Does that sound good?

Boardmember Ambrozek: Yes, I agree.

Boardmember Cameron: Yes.

Chairperson Sullivan: *"Will the proposed activity result in a change in the use or intensity of use of land?"* No impact?

Boardmember O'Reilly: I agree.

Chairperson Sullivan: *"Will the proposed action impair the quality of character of the existing community?"* No impact?

Boardmember Ambrozek: No impact.

Boardmember O'Reilly: No impact.

Chairperson Sullivan: *"Will the proposed action have an impact on the environmental characteristics that cause the establishment of a critical environmental area?"* No.

"Will the proposed action result in an adverse change in the existing (unintelligible) traffic or affect existing infrastructure for mass transit, biking or walkway?"

Boardmember Ambrozek: No, no impact.

Chairperson Sullivan: *"Will the proposed action cause an increase in the use of energy or fails to incorporate reasonably available energy conservation or renewable energy opportunities?"* No impact?

Boardmember Ambrozek: No impact.

Chairperson Sullivan: *"Will the proposed action impact existing public/private water supplies, public/private wastewater treatment utilities?"* No?

"Will the proposed action impair the quality or character of important historic, archeological, architectural or aesthetic resources?" No. We determined though this was adjacent to the Aqueduct it was so far below it there was no impact.

Boardmember Ambrozek: That's correct.

Boardmember Cameron: Yes.

Chairperson Sullivan: *"Will the proposed action result in an adverse change to natural resources, wetlands, water bodies, groundwater, air quality, or flora or fauna?"* No.

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

Boardmember Ambrozek: It actually reduces that.

Chairperson Sullivan: Thanks to Mr. Hahn we can answer that no.

"Will the proposed action create a hazard to environmental resources or human health?" No.

So we will be able to say that this is a negative declaration in this particular project, correct?

Village Attorney Whitehead: Right.

Chairperson Sullivan: We'll check this box. This one. We will sign all that later.

Village Attorney Whitehead: I would – again, just for the record – have someone make a motion that the Board has determined the project will not result in a potential significant adverse environmental impact, and you make a negative declaration under SEQRA.

On MOTION of Boardmember O'Reilly, SECONDED by Boardmember Alligood, with a voice vote of all in favor the Board resolved that the project at 196 Warburton Avenue will not result in a potential significant adverse environmental impact, therefore, an Environmental Impact Statement need not be prepared and a negative declaration is hereby issued.

Chairperson Sullivan: The next thing we need to do is look at steep slopes. There have been changes in the calculations that were presented that, upon review, the steep slopes exceed the percentage allowed to be disturbed for the 15- to 25 percent slopes. They're 52.7

percent, where 35 percent was percent per 249-8. We can give a special hardship exception. *"The Planning Board may grant a special hardship exception to an applicant who cannot meet the requirements, provided the applicant demonstrates that lot cannot be developed without disturbing more than percentage limits or proposed construction is not contrary to the objectives of this chapter."*

"Steep slopes are, or areas will be, disturbed to the minimum extent consistent with the objectives of this chapter, and appropriate mitigation measures will be taken to prevent, to the maximum extent practical, the adverse environmental effects of such disturbance on steep slopes area and the requirements of this chapter are met."

May I have a motion to approve the hardship exception for the fact that this exceeds the allowable disturbed slopes for the 15- to 25 percent slopes?

On MOTION of Boardmember Cameron, SECONDED by Boardmember O'Reilly, with a voice vote of all in favor the Board resolved to approve the hardship exception for the fact that the project at 196 Warburton Avenue exceeds the allowable disturbed slopes for the 15- to 25 percent slopes.

Village Attorney Whitehead: And also do a resolution to grant steep slopes approval. You didn't write that down.

Village Attorney Whitehead: Sorry, it was understood. It was sort of part of it, but since you specifically said the hardship exception, now do the overall steep slopes – grant steep slopes approval.

Chairperson Sullivan: May I have a motion to grant steep slopes approval for this project?

On MOTION of Boardmember Cameron , SECONDED by Boardmember O'Reilly, with a voice vote of all in favor the Board resolved to grant steep slopes approval for the project at 196 Warburton Avenue.

Chairperson Sullivan: Last up is this, which I will read slowly and clearly because it's going to be a resolution. First thing to discuss is whether or not we feel *"a finding can be made, pursuant to section 295-13.3 that the subdivision results in an increased need for park, playground and recreation facilities, and the same cannot be appropriately located within the subdivision."* Any discussion?

Boardmember Alligood: Well, I concur with that statement.

Chairperson Sullivan: This is basically the payment in lieu of ...

Village Attorney Whitehead: This is, you have to make that finding in order to require the payment in lieu.

Chairperson Sullivan: May I have a motion?

On MOTION of Boardmember Cameron, SECONDED by Boardmember Ambrozek , with a voice vote of all in favor the Board resolved that a finding can be made, pursuant to section 295-13.3 that the subdivision of 196 Warburton Avenue results in an increased need for park, playground and recreation facilities, and the same cannot be appropriately located within the subdivision.

Village Attorney Whitehead: Then you have a resolution to grant conditional ... you want me to read it?

Chairperson Sullivan: Only if you want to because it's a lot. But go ahead and, I'm happy. I'm game, I'm totally game.

Village Attorney Whitehead: The next step you can do is that you someone can move a resolution to *"grant conditional final approval subject to the following conditions."* The first is: *"Conditions to be satisfied prior to the Chairman signing the final subdivision plat for filing:: 1. All comments from the Village Consulting Engineer shall be addressed to the satisfaction of such engineer; 2. The applicant shall make a cash payment in lieu of parkland in the amount of \$10,000" – that's the rate set by the Board of Trustees; "3. The applicant shall obtain Westchester County Department of Health approval of the subdivision map and endorsement on plat; 4. The applicant shall obtain any other approvals required from the county or other agencies in relation to the proposed drainage improvements; 5. All outstanding consultant fees shall be paid."*

And then you also have one condition that's to be satisfied prior to the issuance of a building permit for the new house on lot one, and that is that *"the applicant shall obtain a curbcut permit from Westchester County Department of Public Works and provide a copy to the Building Department."*

Anyone want to make that motion?

On MOTION of Boardmember Alligood, SECONDED by Boardmember O'Reilly, with a voice vote of all in favor the Board resolved to grant conditional final approval for the project at 196 Warburton Avenue subject to the following conditions: 1. All comments from the Village Consulting Engineer shall be addressed to the satisfaction of such engineer; 2. The applicant shall make a cash payment in lieu of parkland in the amount of \$10,000; 3. The applicant shall obtain Westchester County Department of Health approval of the subdivision map and endorsement on plat; 4. The applicant shall obtain any other approvals required from the county or other agencies in relation to the proposed drainage improvements; 5. All outstanding consultant fees shall be paid. All conditions to be satisfied prior to the Chairman signing the final subdivision plat for filing.

Chairperson Sullivan: Very good.

Village Attorney Whitehead: Congratulations.

Male Voice: Thank you so much.

Boardmember Cameron: So when you building the house?

Male Voice: Oh, tomorrow.

[laughter]

Village Attorney Whitehead: Soon as he gets his curbcut permit.

Male Voice: No idea.

Boardmember Ambrozek: You could wait 'til spring.

Male Voice: It's definitely not starting tomorrow.

Boardmember Ambrozek: Is there anything else?

Chairperson Sullivan: There's probably one thing I'd like to do is to thank Jamie very much for all his service all these many years.

Boardmember Cameron: Thank you. Well, I'll come back and haunt you. You'll look up one day and see me sitting in a audience raising my hand. You go, "Sorry, not a resident."

Building Inspector Minozzi: How many years on the Board have you had, Jamie?

Boardmember Cameron: I think all total it's 14 years because I did a couple years in the early '80s and then came back. As many years as you and I have been together.

Boardmember Alligood: I think it's been 12.

Boardmember Cameron: Well 12 plus 2 makes 14.

Chairperson Sullivan: Well, I'm going to miss your phone calls.

Boardmember Cameron: I'll call you.

Chairperson Sullivan: And your advice.

Boardmember Cameron: Send me the agenda.

Chairperson Sullivan: Thank you very much for everything.

Village Attorney Whitehead: By the way, we're also the village attorneys in Bronxville.

Boardmember Cameron: Oh, good for you.

Boardmember Ambrozek: Do we need a motion to adjourn?

VII. ANNOUNCEMENTS

Next Meeting Date – February 15, 2018

VIII. ADJOURNMENT

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