

**<http://hastingsonhudsonny.swagit.com/play/06292018-672>VILLAGE OF
HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
REGULAR MEETING AND PUBLIC HEARING
MAY 17, 2018**

A Regular Meeting and Public Hearing was held by the Planning Board on Thursday, May 17, 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 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: Welcome to the Planning Board of Hastings-on-Hudson Thursday, May 17, 2018 meeting. May I have the roll call, please?

I. ROLL CALL

II. APPROVAL OF MINUTES

Meeting of April 19, 2018

Chairperson Sullivan: All right, next item up is approval of our minutes from our April 19 meeting. First off, do we have a quorum? I believe we do for everyone who was here.

Any comments on those meeting minutes?

Boardmember O'Reilly: I do not.

Boardmember Ambrozek: No.

Boardmember Bass: I'm good.

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

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 April 19, 2018 were approved as presented.

Chairperson Sullivan: That's nice, we caught up. That's good.

First up is some new public hearings. First up is an accessory apartment approval.

III. NEW PUBLIC HEARINGS

1. **Accessory Apartment Approval – Application of Kathy Carrozzi-Battacharia – 31 Stanley Avenue – 4.120-128-2. Waiver for square footage required.**

Chairperson Sullivan: Buddy, would you like to give us ...

Building Inspector Minozzi: Yes. This is an old accessory apartment that's being reactivated so the report's a little bit different than normal. There's no report on the last three years because there hasn't been a last three years. So the current requirements have been met, except for the accessory apartment coverage exceeds the code limit of 25 percent by 1.3 percent for the percentage of the area of the principle building. So it's code-compliant and one waiver for a 1.3 percent overage, over coverage. That's it.

Chairperson Sullivan: Is there anyone from the public who would like to speak about this application?

Boardmember Bass: Well, I have a question. When it wasn't an active accessory unit, was there any complaints or any issues?

Building Inspector Minozzi: Oh, no. Well, the one issue was they moved away and that's when they lost the accessory apartment.

Boardmember Bass: Okay.

Building Inspector Minozzi: And then they moved back. So now they're back, and they reactivated the accessory apartment. That was not a problem; that was the only issue that we had, and that was 2012 or '13, something like that.

Boardmember Bass: Okay, so no big deal.

Building Inspector Minozzi: So it's the same owner. It hasn't changed ownership so we don't have to fall under that code section. It's just she's reactivating her accessory apartment.

Chairperson Sullivan: That's good to have, that's nice to know. So no one from the public to speak? Any other comments from the Board?

Boardmember Alligood: My only comment is, I support the existence of accessory apartments.

Chairperson Sullivan: Well, thank you for that. It would be nice to increase that in the Village if we can figure out a way to do that.

All right, can I have a motion to approve the accessory apartment application?

On MOTION of Boardmember Bass, SECONDED by Boardmember Ambrozek, with a voice vote of all in favor the Board resolved to approve the accessory apartment permit application for 31 Stanley Avenue.

Chairperson Sullivan: Next up is a steep slopes approval of the application of Marc Leaf and Debra Oaks.

2. **Steep Slopes Approval - Application of Marc Leaf & Debra Oaks for a 500-square foot side yard deck at their single-family dwelling located at 30 Floral Drive. Said property is located in the R-10 Zoning District and is known as SBL: 4.40-34-4 on the Village Tax Maps.**

Boardmember Alligood: So, Kathy, I'm going to be recusing myself as I have a family member who is the architect.

[Boardmember Alligood recused]

Chairperson Sullivan: Thank you very much. Awesome.

If you wouldn't mind, Mr. Alligood, to say your name and address.

Douglas Alligood - project architect, 157 Rosedale Avenue: I'd like to ... first, I guess I should describe the drawing, as soon as it comes up, the proposal.

Male Voice: It's up on the left.

Mr. Alligood: There it is. Ah-hah, okay. Hopefully, you can see the mouse moving. The gray shaded box is the existing house. Actually, I should describe the property line. A little bit hard to see with all the lines. The property line is this outer dashed ... the outer solid line here. I'll just go ... is it okay if I go up to the screen?

Chairperson Sullivan: If you take the handheld mic, yep, you're more than welcome to.

Mr. Alligood: Where is the handheld? Okay, it'll be just faster if I just point to it.

Chairperson Sullivan: Sounds right. Great.

Mr. Alligood: Okay. The property line is described by this solid line. The required setbacks are these dashed lines that are approximately 30 feet from the front and rear, and 12 feet and 8 feet from the side yards. The existing house is the gray-shaded box. The proposed deck is this 38 foot 6 by 13 foot gray area here, with lines to indicate the decking. And the steep slopes area is defined by this green hatched area. So it's a 500 square foot proposed deck. It's not covered, it is open, pressure-treated decking. And about 50 percent of the deck is on the steep slope.

Building Inspector Minozzi: I'd just like to add that the coverage of the actual deck is not affecting the slopes, just the piers that hold the deck up. But because of the way our code is written we had to have the applicant come here because there is some construction on a steep slope. But we're talking about 12-inch piers here.

Mr. Alligood: Okay. I also have a photograph of the area where the deck is – or, you know, the proposed deck. As you can see here, what you can see on the right-hand side of this is the existing house. The deck is proposed to go right where the dog is in the snow patch. And it's really the beginning of the steep slope, the deck proposed. It's hard to see exactly, but this ridge right here is a retaining wall. That's really where the slope actually begins. As you can see in this photograph, it's just the beginning of the part that exceeds 15 percent.

Chairperson Sullivan: Would you mind showing that on the plan, where that slope starts?

Mr. Alligood: Sure. What we were just looking at was a photograph standing almost exactly where the hand is here, just at that spot right at the corner of the existing house right there. So the existing house is about that far, and what we're looking at is really this area right there.

Boardmember Ambrozek: Buddy, I have a question. Is there any need for a setback variance? Because the end of the deck actually goes into the rear yard setback.

Building Inspector Minozzi: You're allowed to protrude into a setback 6 feet.

Boardmember Ambrozek: Okay.

Village Attorney Whitehead: With a deck.

Building Inspector Minozzi: With the deck serving the main floor of the dwelling.

Mr. Alligood: So this application is on the same level as the ground floor ...

Boardmember Ambrozek: Yes.

Mr. Alligood: ... and it's 6 feet exactly.

Chairperson Sullivan: Anyone from the public like to speak?

Boardmember Bass: I have a question.

Chairperson Sullivan: Questions? Please.

Boardmember Bass: How many foundation points in the steep slopes variance?

Mr. Alligood: There's three 18-inch diameter Sonotubes proposed in the area of the steep slopes, a total of five supporting the deck. But three of those are in the green area.

Boardmember Bass: I'm good.

Chairperson Sullivan: All right. So if no one from the public ...

Boardmember Ambrozek: Could I just check? The deck is not physically connected to the house; it's supported entirely by these posts?

Mr. Alligood: Okay, I'll describe it by pointing. It is actually ledgered off of the existing foundation.

Boardmember Ambrozek: "Ledgered" meaning?

Mr. Alligood: Ledgered meaning that's it's going to be connected to the house, foundation level, because the foundation is right here.

Boardmember Ambrozek: Right.

Mr. Alligood: So we're going to put the joists going left to right on the drawing. The Sonotubes will be holding up a dull header around the outside, and then joists will go from the existing house out to ...

Boardmember Ambrozek: Okay, and all the support pillars then will be the furthest away from the house.

Mr. Alligood: There's going to be one in that location aligned with the existing house, and then the other four on that side in these locations.

Boardmember Ambrozek: Right.

Mr. Alligood: So these three are the ones that'll be in the steep slopes, and these two are not.

Boardmember O'Reilly: Are there any steps involved?

Mr. Alligood: Actually, no. It's possible, at this corner, that as the slope is so gently sloped at this point we think that as you walk across here you might actually be at the level of grade. But it's entirely possible that as you go back a little bit there might be one step onto kind of the rocks that are existing in the outcroppings.

Boardmember Ambrozek: And will you have it fenced where it drops off – on the sides where it drops off?

Mr. Alligood: A railing.

Boardmember Ambrozek: Yes.

Mr. Alligood: Yeah, 36-inch.

Boardmember O'Reilly: So the access to it is from the house, not from the outside.

Mr. Alligood: You can walk ... this is the walkway. There's a deck underneath this portion of the roof, a cover deck, that goes around. It wraps around two sides of the house. You'll be able to access it from that deck, or if you walked across the grass you could walk right onto it.

Boardmember O'Reilly: No rail there, okay.

Mr. Alligood: So no steps in the back where you're lifted off the ground. This is just ...

Chairperson Sullivan: It always happens.

Building Inspector Minozzi: Mic.

Mr. Alligood: No, it's not here.

Male Voice: Yeah, it's not me.

[laughter]

Village Attorney Whitehead: It's not 'cause it's only on that screen.

Mr. Alligood: Oh, yeah. Maybe it didn't like me touching it. Okay.

Village Attorney Whitehead: There you go.

Mr. Alligood: So there are no steps like you'll see on a lot of decks where you have these long steps going up to the deck. There's nothing like that proposed here because all the access is from the grade as it lifts off.

Chairperson Sullivan: I think I'd like to talk to the Board about a waiver possibility, a waiver of some type, when it comes to steep slopes. I mean, I'll stay with that for a moment. We're talking about five piers that are so many inches in diameter.

Village Attorney Whitehead: Three.

Boardmember Bass: Eighteen.

Village Attorney Whitehead: Three piers.

Chairperson Sullivan: Three piers that are in the steep slopes. And you know, that's one ... our code talks about you have to have a thousand square feet of steep slope to come in front of us ...

Building Inspector Minozzi: To be considered, yes.

Chairperson Sullivan: ... to be considered. And we have people that are ... people come to us who are falling within the percent that we say can be disturbed and people that are falling without a net. But we have people in this situation, such a small amount, that it just seems we should talk about that at some point.

Building Inspector Minozzi: It's frivolous, I know, but I don't know ...

Chairperson Sullivan: Well, I don't know what the amount is, but I think it would be useful to think of a way to vet people so we can protect the steep slopes but not necessarily ...

Boardmember Ambrozek: Does steep slopes also have to go to Zoning Board?

Village Attorney Whitehead: No.

Chairperson Sullivan: No, it's just us.

Village Attorney Whitehead: You could recommend to the Board of Trustees that they amend the Steep Slopes code to sort of have a minimum, or an administrative permit up to the certain square footage of disturbance.

Chairperson Sullivan: I think so.

Building Inspector Minozzi: We've had this before, and this has come in the past few years. There hasn't been one in a while, but I agree.

Chairperson Sullivan: This is a real example of ...

Building Inspector Minozzi: Absolutely.

Chairperson Sullivan: ... again we want to protect the Village's steep slopes. But this, I don't think we're going to ...

Building Inspector Minozzi: No, absolutely not.

Chairperson Sullivan: The other thing, too, Doug, I just want to mention. I remember you from before when you talked ... you did some other work at this site. The calculation of our steep slopes is kind of particular in our code. I'm not sure, but I think you're using what you picked up from Westchester County, if I'm not mistaken.

Mr. Alligood: That's correct, yeah.

Chairperson Sullivan: I do it in a dumb way and it may not be the right way, but I think when you look at the slopes – and the distance between your contour lines – you might not really have the steep slopes in the area.

Mr. Alligood: Well, I would love to know that method. I only have the map that's online.

Chairperson Sullivan: Yes. Just, I think, maybe when you do this again touch base with Buddy and walk through it a little bit.

Mr. Alligood: Okay.

Chairperson Sullivan: My bigger point is just I think it would be nice to come up with a waiver scenario for people who are at a certain point.

Mr. Alligood: Sure.

Chairperson Sullivan: Anyways.

Building Inspector Minozzi: I think that's the best idea, I do. It's what drove the view preservation waiver. It was the same exact thing, so ...

Chairperson Sullivan: And I know, as being part of that, it actually works pretty well. So it's a nice way to vet things, and there's actually a bit of conversation between the Zoning Board chair and myself on a certain option that's not here yet, but might. Anyways.

Does anyone have any questions, any other comments? All right, may I have a motion to approve ...

Village Attorney Whitehead: And in approving it you also need to ... they've asked for a waiver of certain of the requirements.

Chairperson Sullivan: Thank you.

Village Attorney Whitehead: And the code authorizes you to give that waiver under section 249-1.

Building Inspector Minozzi: Of the engineering requirements.

Mr. Alligood: The waiver is, yes, for the engineering for the ...

Village Attorney Whitehead: 241 ... sorry.

Chairperson Sullivan: Let me pull up the application electronically and we can figure out what we need to say.

Village Attorney Whitehead: It's in 249-7(a)(8).

Building Inspector Minozzi: They want to apply to – not apply it application-wise, but to the Board for that waiver.

Village Attorney Whitehead: Right, so you have to approve a waiver under that section from some of the engineering requirements, as required.

Mr. Alligood: The engineering requires any activity like this on a steep slope to do a drainage analysis, and the total disturbance for these three footings is less than 0.05 percent. I think in the waiver request I rounded it up rather than going to the ninth digit.

Village Attorney Whitehead: So my only point, as part of your resolution to approve it you need to also grant the waiver, the requested waiver.

Chairperson Sullivan: I don't have them written out, so I apologize ... what you've requested, we're looking for. But we've got this electronically. Happy to do that.

Village Attorney Whitehead: A waiver pursuant to section 249-7(a)(8) of the requirements – certain of the engineering requirements – set forth. The requirements for engineering analysis set forth in section 249-7(a). That's why you're granting a waiver.

Chairperson Sullivan: So with that waiver, may I have a motion to approve the steep slopes application of Marc Leaf and Debra Oaks?

On MOTION of Boardmember Bass, SECONDED by Boardmember O'Reilly, with a voice vote of all in favor the Board resolved to approve the steep slopes application of Marc Leaf and Debra Oaks **for a 500-square foot side yard deck at their single-family dwelling located at 30 Floral Drive** with a waiver pursuant to section 249-79(a)(8) for the requirement for engineering analysis set forth in section 249-7(a).

Chairperson Sullivan: Thank you very much.

Mr. Alligood: Thank you very much.

Chairperson Sullivan: Okay, next up is our site plan. We have old public hearings, three of them. The first one up is site plan approval, application of Tabi Realty, LLC.

IV. OLD PUBLIC HEARINGS

- 1. Site Plan Approval – Application of Tabi Realty, LLC – 425 Warburton Avenue**

[Boardmember Alligood returns]

Chairperson Sullivan: It's been awhile since we've seen this project so I think we're going to need an update from Linda, perhaps.

Village Attorney Whitehead: Well, the Zoning Board, in December, granted the requested variances for side yard setback, front yard setback, driveway slope: driveway slope for the first 3 feet, the driveway area, and the parking space size. All of those variances, in the form that you last saw it, actually, have been granted. I think the only change might have been the driveway slope that's reduced to 13 percent so that the variance was only for 1 percent. Remember, there was a lot of discussion about the driveway slope. And they required certain traffic control devices in connection with the driveway, which are shown on the plans.

Boardmember Ambrozek: And that 13 percent is less than the percentage that we have. So it's less steep than the percentage that we had approved.

Village Attorney Whitehead: You had, at one point, seen 15, 14 ...

Boardmember Ambrozek: Correct.

Building Inspector Minozzi: A reiteration, just to bring everybody up to speed. The review from Hahn that you have in your packets is actually the second go-round. The applicant had come to us, we sent it to Hahn, they sent revisions. I mean they sent a review. They responded to that review. This is Hahn's response to the second go-round.

Chairperson Sullivan: Right.

Building Inspector Minozzi: So we're kind of ... they have done a bunch of work before they got here tonight, and now they have submitted a revision to *this* response, which is what they're going to talk about tonight.

Village Attorney Whitehead: Right. So submitted today, and I think Buddy e-mailed it around.

Building Inspector Minozzi: Yes.

Village Attorney Whitehead: The response to Hahn's last set of comments.

Building Inspector Minozzi: Which was April 16.

Village Attorney Whitehead: And, again, the primary thing, this board obviously spent a lot of time on this application previously. And really the primary thing that was left to be addressed was stormwater and the details – engineering details – of the plan.

Chairperson Sullivan: So Hahn's response was e-mailed around to us today?

Village Attorney Whitehead: The applicant's response to Hahn's second memo.

Building Inspector Minozzi: You guys got Hahn's last week with your packages; a hard copy and electronic one.

Chairperson Sullivan: Right, okay. Then the response to that has gotten back to Hahn.

Building Inspector Minozzi: That was today.

Village Attorney Whitehead: Just today, so you don't have Hahn's final review of that.

Mr. Michael Mastrogiacomo, project engineer: Yeah. I believe he's away until the 21st.

Building Inspector Minozzi: Yes.

Mr. Mastrogiacomo:: I think I got an e-mail back that he's out of town until the 21st, if I remember.

Village Attorney Whitehead: Then just to know, there were two things in the engineer's response that indicated that other parties had to respond. One was to hire a landscape architect for a landscape plan.

Mr. Mastrogiacomo:: Which we just did tonight. I have a landscape designer that works with me on a lot of projects. So we just got her on board, and very quickly we'll turn around a landscape plan.

Village Attorney Whitehead: Okay, and then there was a comment about some information on height. It was indicated that the project architect would provide that information.

Mr. Mastrogiacomo:: Correct, correct. Those are the only ... actually, now that's the only outstanding letter.

Village Attorney Whitehead: Well, obviously Hahn has to review what you submitted today.

Mr. Mastrogiacomo:: Correct.

Chairperson Sullivan: And where are we with the ARB review?

Building Inspector Minozzi: We haven't started it yet.

Chairperson Sullivan: Okay.

Building Inspector Minozzi: So we'll be doing that along with this project.

Chairperson Sullivan: So that should start (cross-talk) ...

Building Inspector Minozzi: Yes. Now that the variances have been granted and we're getting Hahn underway, now we're going to start with ARB as well.

Village Attorney Whitehead: It should get there like soon. There's not a lot.

Chairperson Sullivan: Yes, it's time to do it. So what are we trying to accomplish tonight? We're going to get an update on Hahn, the engineering? Is that what our goal is, and then we'll see them again?

Building Inspector Minozzi: You know, I don't think it should go too far without you guys hearing it between the applicant and Hahn going back and forth.

Chairperson Sullivan: No, no.

Building Inspector Minozzi: So I think it would be good if the applicant brought us up to speed and let us know where we're at and how he responded to Hahn's comments.

Chairperson Sullivan: Okay.

Building Inspector Minozzi: And we should take it from there. If the Board has any questions on site plan stuff you can always add it on to what they need to submit next time.

Chairperson Sullivan: You guys have been with this project for a while. We haven't, so thank you for helping us. Appreciate it.

Village Attorney Whitehead: And Hahn's comments are pretty detailed, as you can see.

Boardmember Ambrozek: Yes.

Chairperson Sullivan: As typical, yes.

Okay. So with that, let's go ahead.

Mr. Mastrogiacomo: I'm the engineer for the project at 425 Warburton Avenue. As the

Building Inspector said, we responded to Mr. Hahn's comments. A majority of them were more detail-oriented, which we all understand: make sure everything ... all the t's are crossed and i's are dotted. We carefully went through each comment and made sure that we took care of everything.

The biggest thing had to do with stormwater. We've made sure all our calculations were correct with the type three storm, as you requested. We also looked at ... there's an existing stone masonry retaining wall just over the rear property line. Doug Hahn wanted to make sure that any of the infiltration system or any of the stormwater leeching back, percolating back, into the ground didn't have any structural effects on that wall that would make it fall or anything. So we also put notes on the drawings indicating that should be inspected by a structural engineer and verify that any work being done will not have an adverse effect to that. We also verified that the slope of the driveway was at the 13 percent that the Zoning Board did approve. There were a couple of spot elevations that needed to be tweaked to make sure that we maintain that 13 percent.

A majority of the other comments, again, were minor details such as the garbage bins. We stated in a note that there'll be curbside pickup. And a couple of clarifications on some details like the stone curbing. You wanted the heights of the stone curb so I guess they could be verified on what work is being done and that it's being constructed properly. Lastly was the riprap along the slopes on the rear of the property. The way the property is graded out, in order to meet the adjacent grades and not disturb anybody next door we lined the slopes with riprap in order to maintain it so those slopes wouldn't fail or anything would happen.

Chairperson Sullivan: Do you have a set of plans to prop up, and maybe ...

Mr. Mastrogiacomo:: I did not bring my computer with me. I didn't, honestly, know to bring my computer with me tonight.

Chairperson Sullivan: I don't know, maybe if you want to just use my set you could just sort of show us.

Building Inspector Minozzi: I can give mine, Kathy.

Mr. Mastrogiacomo:: I have a reduced set with me. That I brought with me.

Chairperson Sullivan: Just something you can put up on the easel, and maybe you can point out kind of what some of the stormwater pieces are.

Village Attorney Whitehead: Maybe just give a summary of how the stormwater ...

Chairperson Sullivan: Thank you, thank you very much.

Mr. Mastrogiacomo:: Okay, the way we'll be retrieving the stormwater, the runoff, from the building will go ... these are the older drawings, the newer ones. In order to take into account pretreatment, what we're doing is we're taking the leader drains, tying them into the drain inlet and to this trench drain which has a 2-foot sump in it to allow any debris to settle out before the pipes go out into the infiltration system. The filtration system has been designed in accordance to the code. We've made sure that any pavement areas pitch towards drains. We've provided curbs so then water won't overflow and just flow downhill. They'll be detained and directed into the drain inlets and the trench drains in order to be collected into the stormwater system.

Chairperson Sullivan: Thank you. Any questions from people on the Board?

Boardmember Ambrozek: Well, I have a question on the very first page of the plans. You talk about an "anti-tracking pad." This is something I'm not familiar with. Could you explain what it is and why you're providing it?

Building Inspector Minozzi: That's requested by the Building Department under site plan review. An anti-tracking pad is a gravel pad that's put down so when machinery and trucks enter and leave the property that they don't drag mud onto the street.

Boardmember Ambrozek: Okay.

Chairperson Sullivan: It's during construction.

Building Inspector Minozzi: Exactly, for doing construction. There's many points on the site plan that when it's presented to the Building Department – silt fence, hay bales, soil storage ...

Boardmember Ambrozek: Those are familiar, yes.

Building Inspector Minozzi: All of your basic SWPPP items are all addressed, and a tracking pad is one of those items.

Boardmember Ambrozek: Right, okay.

My only other comment is, I want to be sure – as we've already agreed previously – on the north side there is an existing residence that is very close to your construction area. And they're concerned about the impact on their foundations. I just want to be sure that will be observed and care will be taken not to do any damage to the foundations there.

Mr. Mastrogiacomo:: Yes, the site has been designed – the driveway and the retaining wall – with enough distance from the house to not disturb ... any construction activities will not disturb the existing residence next door.

Building Inspector Minozzi: The two items that were a concern was, the neighbor to the north's foundation and the neighbor to south's retaining wall were two items that had to be taken into consideration during construction.

Mr. Mastrogiacomo:: Right, and both of those items are to remain and they're to be preserved during construction, and the contractor's got to take special care around both of those areas.

Boardmember Ambrozek: Right. And I think there's also, then, the issue that Hahn brought up of the retaining wall to the west. That it not be impacted by the runoff from your water capturing, water retention.

Mr. Mastrogiacomo:: Correct. And that's the note I put on the revised drawings that were sent to Hahn. That this wall is going to be inspected during the course of construction to make sure that nothing happens to that wall.

Boardmember Ambrozek: Okay. Those are my only comments.

Chairperson Sullivan: Bill, anything?

Boardmember O'Reilly: I don't have any.

Chairperson Sullivan: Richard, Eva? No? I don't either. I was asking, anyone from the public have any comments?

With that, we'll see you again. Thank you very much.

Village Attorney Whitehead: Make sure those other two pieces – the landscape plan and the information from our tech on the height – are submitted.

Mr. Mastrogiacomo:: Yes.

Village Attorney Whitehead: And Buddy get it to the ARB.

Building Inspector Minozzi: Mm-hmm.

Chairperson Sullivan: That would be nice to get that, as well.

Village Attorney Whitehead: Being we're close to being able to wrap this up.

Chairperson Sullivan: Yes, very close. So thank you very much for your presentation. Appreciate it.

Mr. Mastrogiacono: Thank you very much.

Chairperson Sullivan: Thank you.

Okay, next up is a steep slopes and view preservation advisory.

2. **Steep Slopes Approval & View Preservation Advisory – Application of Julie Tyson for an addition of a side yard pool and reconstruction on a new home proposed on steep slopes on an existing lot for her single-family dwelling at 67 Pinecrest Parkway. Said property is located in the R-10 Zoning District and is known as SBL: 4.100-95-32 on the Village Tax Maps.**

Chairperson Sullivan: Hello?

Mike Jacobs, JacobsChang Architecture: Good evening. Buddy, do you mind turning the screens on?

Building Inspector Minozzi: Oh, sure.

Mr. Jacobs: Good evening. I am the architect for the applicant for the property at 67 Pinecrest. We're back from a previous month's presentation where – and forgive me if I'm misunderstanding what we're here for tonight – I believe we were granted view preservation approval. And this is for steep slopes tonight?

Village Attorney Whitehead: Correct. View preservation is already done.

Mr. Jacobs: Okay, great. I have both presentations, but I didn't prepare that one. So okay, again I'm just going to get right into it.

Building Inspector Minozzi: Just let me interject for one second.

Mr. Jacobs: Of course.

Building Inspector Minozzi: We do have a review from Hahn and we do have the applicant's ...

Mr. Jacobs: Response.

Building Inspector Minozzi: Thank you. His responses to Hahn's comments. But we have not received ... that was only a week ago, so we have not received Hahn's comments to this latest response, as of yet.

Chairperson Sullivan: Okay.

Mr. Jacobs: Yeah, that's correct. So we did prepare a response based on his 15 points. Those points ranged from some technical information regarding stormwater retention and erosion protection of course, steep slopes calculations, and range to, you know, the stamping of drawings.

Boardmember Alligood: I just want to say this was a very thorough response ...

Mr. Jacobs: Thank you.

Boardmember Alligood: ... very clearly written.

Mr. Jacobs: Thank you very much.

Okay, so not to belabor things, again, just to refresh everybody's memory, this is the property as it stands today. And just to get a sense, again, of how the topography actually looks today on the property. You get a little bit of a sense of the topography just from these photos.

And again, this is a site map of the existing property without the proposal on it. So this is how it looks today, and I'm using this just as a reference when I'm going to show you the next slide, which is the steep slopes analysis. We have to the north, at the top of the page, the existing house. And at the south, to the bottom of the page, is a one-story stone garage. Pinecrest Parkway is to the right and, of course, the property slopes down from Pinecrest Parkway and borders on the Old Croton Aqueduct Trail on the west.

So from the slope analysis on the property, it breaks down more or less as follows. The white areas on this map represent slopes that are between zero and 15 percent grade. These are somewhat relatively flat. They also represent the areas of existing structures on the property. All told, the property is 16,103 square feet. This area of white represents about 34-hundred square feet, or about 21 percent of the property.

As we move into the light-gray area, that represents slopes between 15 percent and 25 percent. And this is the beginning of the threshold for steep slopes, as all of us probably

know. This represents about 8,850 square feet, or over half the property – 55 percent of the property.

And the darker gray areas represent slopes that are greater than 25 percent grade. This is about, again, 3,850 square feet, representing 24 percent of the property. And to my calculations, that brings us to roughly 79 percent of the property which is over 15 percent grade. So it's a sloped property. And as we went through last month, this is a property that has a history of development. There's a house on the property with a garage, and of course the neighborhood has a fairly consistent grade from Pinecrest down to the Aqueduct and it's fairly significantly developed.

So in response to the comments from the Village Engineer, we've kind of brought back some reviewed erosion and sediment control plans. These very much reflect similar to what we presented a month ago, with some nuance. But essentially what we're looking at in the blue area is the area of disturbance during construction, which includes areas for temporary stockpiling. One of the comments from – and I'm going to go from memory here so forgive me – and I think some of the concerns from, the previous meeting had to do – or the hearing from the public had to do – with stockpiling and runoff off of the property onto existing, neighboring steps, of course, and then towards the Aqueduct. So we have an erosion control plan now that I think satisfies the Village code. And the stockpile areas are set back a little bit further from where they were last month. But this should meet all the Village requirements, I guess pending Hahn's review.

This next slide was not part of our presentation last time, but this is our grading and drainage plan. Again, the blue line represents kind of the general area of disturbance of the property during construction of the house. This is not the overall end result of the property, which I'll show in a minute, but during construction when there's materials and staging and, you know, laborers and machines out on the property. This incorporates the staging of the materials that I showed you in the previous plan, and begins to outline – in the black lines – some of the areas where the site drainage will take place and how it will be diverted to a recharge cistern on the western side of the property.

Not to get too technical, but – again, I'm going to be an architect speaking like an engineer for a moment – there is a slight increase in the amount of, I think it's 0.07 inches, vertical inches, of water that needs to be accounted for. I think that's less than an eighth of an inch, to my calculations. And that is being captured in a 707-gallon mitigation tank. So I think it's like two basic cisterns that recharge back into the aquifer.

And finally, this is a representation of what is the post-construction disturbance on the site, which is very much tied to the proposed house, pool and driveway. And just to sort of understand what the summary of this is, the steep slopes criteria allows for a lot of leeway in slopes less than 15 percent, so that white area that we previously saw. In the areas that are

between 15- and 25 percent, there is a limit. On this particular property, based on the size of the property, the allowable disturbance is 31-hundred square feet; the proposed disturbance is less than that, it's 2,174. So that is less than 25 percent so that is in compliance. And for areas that exceed 25 percent, we are slightly over.

Our allowable disturbance in this area is 962 square feet. We are proposing a site plan that is asking for 1,256 square feet, for a net gain, or a net overage, of 294 square feet. If I were to sort of outline an understanding – again, this is the proposed site plan as we are proposing it; the house in yellow, the pool and, of course, the patio area in gray – when we look at what 294 square feet represents, it's roughly the width of the driveway by the same length. So roughly 20 by 20 – 20 by 15 if we were to put it in terms of our immediate room – we're probably talking about from this fence line to the wall as an area of disturbance that exceeds what's allowable. So again, we're asking for that hardship exemption, which I believe is part of the code, for that 294 square feet.

Building Inspector Minozzi: And you're also asking for an exemption, from the checklist, A.. And A, B, C, on your responses, you're asking for an exemption from the Board?

Mr. Jacobs: Correct. I think it's all related to the same talking point, which is that we are over, exceeding, disturbance on, slopes 25 percent or greater. And I think part of that is our more formal response, as outlined here in our drawings and in the documents we forwarded you. But in summary, I think when we look at properties that have a history of development such as this one, that is up to 80 percent over the 15 percent grade and what we look at is potential alternatives for the placement of the house.

I don't think there's much in terms of alternatives. We still need a driveway into the slope – sorry, into the house – and the driveway is actually crossing over, generally, the steepest part of the site, which is up by the curb. So when we look at this diagram here, to the right against Pinecrest Parkway you see that long stretch of dark gray. That is a pretty steep drop-off from the street. That is an area where we need to bring a driveway in, and one of the areas that's contributing to this excess.

Chairperson Sullivan: So basically, the hardship is asking for the overage on the slopes that are over (cross-talk) ...

Mr. Jacobs: That's correct, yeah. I believe it represents 7 percent of the slopes over 15 percent, in total. So something to that effect.

Village Attorney Whitehead: Right. And that's the exception that you can grant under 249-8.

Chairperson Sullivan: I guess your argument, and I think I agree with it, is that it's difficult

to avoid that, given the confirmation of the site and where the steep slopes are, especially the ones that are over 25.

Mr. Jacobs: That is correct.

Chairperson Sullivan: You can go right up next to the street, so at some point you're going to be going over them to get to the house.

Mr. Jacobs: That is correct.

Boardmember Ambrozek: I think there's actually an existing compensation because there's an existing driveway that's going over a comparable steep slope that is going to be returned to a ...

Mr. Jacobs: That is correct.

Boardmember Ambrozek: Some of it's going to be returned to its natural slope.

Mr. Jacobs: Yeah, in fact the driveway will be entirely sort of brought back to landscape. We will be having like an entry path adjacent to where you have a driveway, but essentially it's picking up that same topography. That's correct, yeah.

Boardmember O'Reilly: Well, you'll also be filling in the lower level of what was the garage?

Mr. Jacobs: The lower ... you mean like underneath, like the area that's at ground?

Boardmember O'Reilly: Where it is (cross-talk) ...

Mr. Jacobs: That's actually going to be incorporated into the interior of the new proposed house, the stone structure to the south. Is that what you're asking? It'll be accessed through the interior.

Boardmember O'Reilly: That will be incorporated.

Mr. Jacobs: Correct, yeah. So that'll actually be just part of the built house. I mean, no effective disturbance there.

Chairperson Sullivan: Any more comments? Any comments, Michael or Bill? Richard, do you have anything? Eva?

Boardmember Alligood: No.

Chairperson Sullivan: I don't, as well. So may I have a motion to approve ... I've been really good with this until now, I'm very sorry. Anyone from the public like to speak to this application?

I'll try again. May I have a motion to approve the steep slopes?

Mr. Jacobs: Okay, thank you very much.

Building Inspector Minozzi: You're not done yet.

Village Attorney Whitehead: They didn't vote.

Building Inspector Minozzi: They didn't vote yet.

Village Attorney Whitehead: If there is a motion, is there a second?

Chairperson Sullivan: We were just getting the motion on.

On MOTION of Boardmember O'Reilly, SECONDED by Boardmember Alligood, with a voice vote of all in favor the Board resolved to approve the steep slopes application of Julie Tyson for an addition of a side yard pool and reconstruction on a new home proposed on steep slopes on an existing lot for her single-family dwelling at 67 Pinecrest parkway, with the hardship exception in 249-8 and subject to Hahn's approval of the final submission.

Chairperson Sullivan: Now you can go.

[laughter]

Mr. Jacobs: Thank you, now.

Chairperson Sullivan: We wanted to keep you waiting there.

All right, so I reached out to our Downtown Advocate, who may show up to be a resource at some point – she is on her way – just for conversation.

Our next public hearing is a site plan approval and view preservation advisory.

3. Site Plan Approval & View Preservation Advisory – Application of

Pam 555 Warburton Realty, LLC for the build-out of a vacant structure to create a mixed-use occupancy, to include a restaurant on the basement and first floor levels and two dwelling units, and rooftop deck on the second, third and rooftop levels at their commercial property located at 555 Warburton Avenue. Said property is in the CC Zoning District and is known as SBL: 4.30-22-1 on the Village Tax Maps.

Chairperson Sullivan: If you wouldn't mind grabbing a mic, name and address please.

William Alicea, architect – Ward Capital Mgmt., LLC: Thank you. Good evening. Can you guys see this?

Chairperson Sullivan: Yes, we have a camera. You might want to just aim it a little bit so it can pick it up. We can see it. That should be fine. Perfect.

Mr. Alicea: Good evening. Last we met, we had gone through the project. And we made the adjustments that the Board asked for. As you stated, this is for approval of a mixed-use building, what was previously approved as a commercial building: first- and cellar to be commercial restaurant; second and third floor to be one apartment per floor; and a rooftop use for the restaurant.

What was asked previously was to compare the previous approval and create some kind of chart that you can sort of read and make comparisons. So what I've done in this chart is, basically on the left column is printed the previous approval.

Chairperson Sullivan: Right.

Mr. Alicea: On the column to the right is the proposed plans and what the statement is. Finally, in the compliance of the previous approval where I feel we complied to the letter of the previous approval, I put a "yes." If we are not complying I put a "no" and the degree of noncompliance, just to try to sort of do a conclusion as to how they compare to the previous approval. For example, if you go down to the column on the right you'll see there's a no under the first, or previous, approval. And that no is not in agreement with the previous approval by a plus-2. What's that? That's specifically referring to it being approved for 75 guests allowed under certain circumstances. What we're asking for is 77; sort of an explanation as to how the table is set up.

Chairperson Sullivan: Could I suggest why don't we read the section from the previous approval so people watching can hear what we're talking about, and then ...

Mr. Alicea: Sure. You want to go through each? Whatever you like. So there's two pages

of this. There's 16.

Chairperson Sullivan: I don't know about ... what do people feel? I'm curious, right now, more on where there is some ...

Mr. Alicea: So that's what I was going to suggest. If you look at the noes, that would be a clear focus. We can go to those immediately.

Chairperson Sullivan: Right.

Mr. Alicea: Where there's a yes we're basically saying it's the same.

Chairperson Sullivan: Right.

Mr. Alicea: We are saying it's the same.

Chairperson Sullivan: So I think focusing on where we want to have a conversation about the differences between what you're proposing and what was previously approved would be effective.

Mr. Alicea: Right. So that's why I did it this way. First up is number one with the no. I'll say here there's 77 spaces required and no more than 77 guests allowed during times when additional space not available. The previous approval set that number at 75. Because of the calculations we did, I did, on this current, it came out to 77.

Chairperson Sullivan: I'm just going to read this. *"The maximum number of guests allowed at the dining and bar areas of the restaurant, including any in the basement and on the roof, should be 75" – you're proposing 77 – "unless the owner of 555 Warburton Avenue has a valid agreement, satisfactory to the Village Attorney, to lease, license or otherwise have the right to an exclusive use of a minimum of 41 parking spaces located at 565 Warburton. More than 75 ..." – you're proposing 77 ...*

Mr. Alicea: Seventy-seven.

Chairperson Sullivan: *"... guests are allowed only during those times when the parking spaces are exclusively available to the owner. For any reason such agreement is canceled or expired, or is not renewed, or the use of that 45 parking spaces is limited or restricted, no more than 75" – 77 – "guests shall be permitted."* So that's the statement, and you want to change it to ...

Mr. Alicea: Exactly. I'll just point out again that the use we're applying to the mixed-use building is actually less impactful because of the two residential apartments on the upper

floors as opposed to being commercial floors.

Chairperson Sullivan: Because the parking requirement is less.

Mr. Alicea: A lot less, yeah.

Chairperson Sullivan: Okay.

Boardmember O'Reilly: Excuse me, though. The parking only relates to the commercial use. Is that correct or not?

Mr. Alicea: Well, I've included the entire building, including the residential, in that number.

Boardmember O'Reilly: Including the residential, okay.

Boardmember Alligood: And that's how it was calculated before, or was that just having to do with the restaurant?

Boardmember O'Reilly: Well, I have one other.

Village Attorney Whitehead: The prior plan also had another use, another second commercial use.

Boardmember Alligood: What I'm saying is the total from the previous approval included all the uses. I'm asking because I don't know.

Mr. Alicea: Yeah, the previous ... actually, they were asking for more. But, however, I was just sticking to the previous approval. But you granted 75. They're asking for 120-something, I think.

Male Voice: That's for the dining and the ...

Building Inspector Minozzi: You have to speak into the microphone.

D'Wayne Prieto, applicant: Sorry. The previous approval states for the dining and the restaurant spaces only.

Boardmember Alligood: That's what I was asking. So there was more parking required in the old application.

Mr. Prieto: Correct.

Boardmember Alligood: Because there were other uses that weren't included in that calculation.

Mr. Prieto: That is correct.

Boardmember Alligood: So you're saying your new calculation ...

Mr. Prieto: Is the building.

Boardmember Alligood: ... is all the uses of the building.

Mr. Prieto: That's correct.

Chairperson Sullivan: So the wellness center was 20-some spaces, I think, the commercial use that was being proposed on the second and third floor.

Mr. Prieto: That's correct.

Chairperson Sullivan: Now you're down to four for the ...

Boardmember Alligood: Yes. So that's an important point because you almost need to look at the total number.

Chairperson Sullivan: And your next note?

Mr. Alicea: So the next note would be under number three: *"The proposed restaurant and any dining service ancillary to the wellness center shall not be open for lunch or brunch on Saturdays."* We say N/A, doesn't apply, because the wellness center is no longer part of the plan. The residential apartments have replaced the wellness center on floors two and three. Also that the restaurant and roof to operate for lunch and Sunday brunch.

Boardmember O'Reilly: I missed a meeting about some of the discussion here so I just have a general question. When you're talking about the rooftop ...

Mr. Alicea: Yeah.

Boardmember O'Reilly: ... is that a year-round operation? It's open, isn't it?

Mr. Prieto: No, it's seasonal.

Boardmember O'Reilly: It's seasonal, right?

Mr. Prieto: Yeah.

Boardmember O'Reilly: Okay, I just want to be sure. So it's in good weather; it's just an add-on that might be used on occasion.

Mr. Alicea: And, you know, we go further in. There are certain time limits, and we'll go through this chart.

Boardmember O'Reilly: Okay.

Mr. Alicea: We're asking for certain times. So it won't be a late into the night kind of thing.

Chairperson Sullivan: So this particular point, I was curious why the Board, the previous board, was interested in restricting it on Saturdays. I looked a little bit into the meeting minutes of this meeting, and it seemed to open up around the fact that there weren't spaces available at the Citibank lot. I'm not sure quite how that rationale worked.

Boardmember O'Reilly: You mean the Chase lot.

Chairperson Sullivan: Chase lot, excuse me.

Mr. Alicea: Chase lot, yeah.

Chairperson Sullivan: That won't get you too far away: halfway across town and around the bend. I guess it was kind of curious to me why they restrict lunch or brunch on Saturdays and they're not even talking about Sundays. I'm not sure I know the rationale for why this was proposed.

Mr. Prieto: We weren't part of that plan, why that was done.

Chairperson Sullivan: Do you remember, Eva, from being on the Board? I don't want to put you on the spot.

Boardmember Alligood: Probably there was concern about how busy the Village is on a Saturday.

Chairperson Sullivan: I guess we'll talk later about the agreement you have in place with the bank, and find out what the hours are and open that up. Any other comments?

Boardmember Alligood: I have a basic question. So the parking spaces that you're asking for include those for the people who would be eating on the roof? Are they expected to ... I don't know how that piece works.

Mr. Alicea: Well, the calculus includes the roof use. It actually doesn't exceed the previous approval. I think it has 49 people maximum.

Boardmember Alligood: Okay, you want to base it on a maximum number of people. And the more you have on the roof the fewer you can seat downstairs? Is that how it works?

Mr. Alicea: No. Actually there's two calculations. One is by floor area and one is by seating. I use the largest number here, by area usually, to calculate the number of people; Number of spots, that is. I can show you that sheet. See, that's actually worked out on ... if you look at sheet S-1, it takes the ... what I went for was, there was a previous approval that asked for and was approved for 123 parking spots. That was previous.

We're proposing 77, and that calculation came based on an area. So one space per 100 square feet, depending on use on the floor. For example, the apartment requires two parking spaces, a single apartment requires two parking spaces. So the second and third floor require, cumulative, four spaces because there's two apartments. So the rest of the parking's really for the restaurant and the restaurant use – the roof use.

Boardmember O'Reilly: Go back to the one that was approved because the previous one said *"not approved for lunch and brunch on Saturdays."* You seem to have no objection to Saturday. You're saying that you want brunch on Sunday.

Mr. Alicea: Let me just shoot back to that one. I'll break for lunch and Sunday brunch. Yeah, that actually should have included Saturday, you're right.

Boardmember O'Reilly: Okay. I would think so. Okay?

Chairperson Sullivan: The next no is the ... oh, I'm sorry.

Boardmember Bass: I'm confused. I'm looking at your S-1, and there's 41 parking spaces? So I'm just being a little slow.

Boardmember Ambrozek: Well, there's 41 if there's valet parking included.

Mr. Alicea: Right.

Boardmember Ambrozek: There's 30 without.

Boardmember Bass: But there's 77 spaces required.

Boardmember Ambrozek: That's correct.

Boardmember Bass: So is the application seeking relief from that number, or ...

Mr. Prieto: That is correct.

Boardmember Bass: Okay.

Chairperson Sullivan: I think what had happened is, in the previous board's discussions they settled on 75 as the number that would be sort of the point where if it got above that number parking needed to be found around the Village for use of the owners of the restaurant and the wellness center.

Boardmember Bass: It's I just briefly remember some of that happened years ago. Part of it also revolved around parking exemptions that I think are available, as well.

Chairperson Sullivan: I think we are in a situation now where the Village has a parking exemption for retail and restaurant uses under 25-hundred square feet?

Building Inspector Minozzi: Yes, there's some parking exemptions that Linda and are I going to have to go over because ...

Village Attorney Whitehead: They're not particularly well-drafted.

Building Inspector Minozzi: Yes. Some of these parking issues may become moot at some point.

Chairperson Sullivan: Become moot.

Building Inspector Minozzi: But the restaurants ...

Boardmember Ambrozek: So what do you mean by restaurant exemptions?

Building Inspector Minozzi: ... under 25-hundred square feet are exempt, yes.

Boardmember Alligood: But how many square feet (off-mic) ...

Building Inspector Minozzi: But I think with the rooftop it blows you away.

Village Attorney Whitehead: Well, you've got the first floor, the basement, and the rooftop.

Mr. Prieto: For actual use, the restaurant is less than 25-hundred square feet. If you add the rooftop, the senior rooftop, then you're exceeding the 25-hundred square feet.

Building Inspector Minozzi: Assuming we have to go back to parking meters.

Village Attorney Whitehead: We have to look at it.

Chairperson Sullivan: The Board, I think, in this previous approval was looking to kind of say, look, we're in an old village, we don't have a lot of space to build parking, there's a certain kind of density in use that we think is going to be worthwhile and acceptable here and not going to send anyone crazily driving around in circles. That number was 75. Then when you got over that, the issue was creating what they called an "organized event" of some type, when you have people all converging because they've been invited to a party. That particular situation was problematic because people would be arriving, and coming and going, at the same time. And that's where the 41 spots was the relief valve for that.

Mr. Alicea: And there's also a mention, to that point, about providing valet service and ...

Chairperson Sullivan: For noted cause, sending out letters.

Mr. Alicea: Yeah, there's sort of stipulations for that amount of people.

Chairperson Sullivan: What I'd like to do is to walk through all the things that they want to have up for discussion, and then try to pull them together.

Mr. Alicea: Okay.

Chairperson Sullivan: Just because I think we try to get a picture of where some of these things are happening. Eva, thank you for asking for this.

Mr. Alicea: Yeah, I just want to reiterate that we came on what I think is a lower-impact use because of this; you know, for the second and third floors. All right, so the next ...

Chairperson Sullivan: Talked about lunch and brunch, and the next one is, what, the roof?

Mr. Alicea: The next no is about ... so it's number eight, and I'll just read it: *"Except when an organized event is scheduled, the parking lot at 565 Warburton Avenue shall be available to the public during the hours that the parking spaces are exclusively available to the owner."*

Chairperson Sullivan: I think you skipped over one: *"The roof may not be used ..."*

Boardmember O'Reilly: Sunset.

Mr. Alicea: Oh, I'm sorry. The sunset clause, sorry. The previous approval mentioned that

the roof may not be used later than one hour – that's "hour" – after sunset, and we're asking for two-and-a-half hours after sunset.

Chairperson Sullivan: Okay, thank you.

Boardmember Bass: Sunset in the summer is at 8:30, so 11 o'clock would be the cutoff.

Building Inspector Minozzi: Correct.

Boardmember Ambrozek: Well, I have an issue with using sunset because right now, for example, today it's just after 8 o'clock and I don't know when you'd want to start using it. Certainly later in the fall it's still warm, but the sun is setting earlier. I'd rather set a specific time because doing compliance on hours after sunset, firstly, the neighbors don't know what the regulations are, and ...

Chairperson Sullivan: Really good points.

Boardmember Ambrozek: So, you know, I'd like to set a particular time.

Chairperson Sullivan: We'll keep that up for discussion, and thank you for saying that.

Then your last one is *"except when an organized event is scheduled."*

Mr. Alicea: So the next no is eight: *"Except when an organized event is scheduled, the parking lot at 565 Warburton Avenue shall be available to the public during the hours that the parking spaces are exclusively available to the owner."* So I put *"at the owner's discretion"* on that.

Chairperson Sullivan: Okay.

Boardmember O'Reilly: And you're talking about the Chase lot there, too?

Mr. Alicea: Yeah.

Boardmember O'Reilly: Would Chase agree to that?

Mr. Alicea: Well, there is an agreement with Chase.

Mr. Prieto: But the agreement's very straightforward and it's written on the plans. Monday through Friday – so we're on the same page – there's seven spaces that Chases uses on our lot for their clients. And so it's Monday through Friday ...

Mr. Alicea: It's on the second page.

Mr. Prieto: Sure. I think it's after 5 o'clock it's exclusive for our use. Saturday after 1 o'clock is exclusive to our use. Sunday all day.

Mr. Alicea: So it's also on page S-1. There's a note on the top of the drawing, and I'll just read it: *"The Chase-Pam parking lot is available for use when bank is closed"* – then in parentheses – *"(Monday through Friday after 6:30 p.m., Saturday after 1:30, all day Sunday valet parking is for banquet facilities only)."*

Mr. Prieto: Which we do not have.

Chairperson Sullivan: So what's the ...

Mr. Alicea: The previous approval asked that the public be able to park there when ...

Mr. Prieto: After ...

Mr. Alicea: When the owner has use of that parking lot. The previous approval asked for the public to be able to use that.

Mr. Prieto: And the reason we wrote *"at our discretion"* is because it's not open to the public, it's open to the restaurant guests so you're not just parking there and then going down to Juniper, which happens now.

Boardmember O'Reilly: How would you monitor that, though?

Mr. Prieto: Well, we're going to have valet parking on the weekends. So if you're not with the fire department or going to the restaurant, then you have no business parking there.

Chairperson Sullivan: So this is the lot that's owned by the bank, and also by you as well.

Mr. Prieto: It's a shared lot, yes.

Chairperson Sullivan: Yes, so ownership is private.

Mr. Prieto: That's correct.

Boardmember Ambrozek: So, Richard, you pointed out that the space that's marked as number 18 on this page S-1, sheet S-1, that there is currently a dumpster there. I'm not sure if that's for the fire department or whose use that dumpster is.

Female Voice: Chase.

Mr. Alicea: That's Chase.

Female Voice: (Off-mic).

Boardmember Ambrozek: So have you ... this has already been brought up at a previous meeting.

Mr. Prieto: Mm-hmm.

Boardmember Ambrozek: You have it marked as a parking space, but if you've got a dumpster there you're not going to be able to use it as a parking space.

Mr. Prieto: It's a very small dumpster, so if we're using valet parking we could still put a car in front in front of it because we're monitoring who's coming in and out.

Boardmember Ambrozek: Well, yes. You have it marked as a non-valet space right now.

Mr. Prieto: Right.

Boardmember Ambrozek: Then the four spaces marked 19 through 22, that is actually beside the firehouse. That is actually, if the signage actually says it, a fire lane and there's no parking allowed.

Mr. Prieto: It's private property. It's considered a fire lane by ...

Boardmember Ambrozek: Yes, a supermarket is private property, there are fire lanes there and the police enforce those fire lanes.

Mr. Prieto: That is correct. And currently there's plenty of cars that are always parked there. So it's not actually being used as a fire lane, but it's a fire lane. And if we're going to enforce it to be a fire lane, then we should do that. But that sign, there's nothing that says that was an actual fire lane by the fire department and was designated as a fire lane.

Chairperson Sullivan: I guess, Michael, something like that we might – if it's something you wanted to pursue – ask for advice from the people in the Village that helped organize that. It's a good point to bring up, but ...

Village Attorney Whitehead: It's really a fire code issue.

Chairperson Sullivan: Yes, that needs to be worked out. But it's a good point to bring up.

Boardmember Bass: Could we see the original site plan for the Chase bank?

Village Attorney Whitehead: It's been there forever.

Boardmember Ambrozek: No, fire lanes are not put in by owners. Fire lanes are put in by the police.

Boardmember Alligood: This layer was approved years ago, just so you know.

Mr. Prieto: Just to be clear, a fire lane is a lane that you could commute through. It's not a parking ... these are parking spaces against a wall.

Boardmember Ambrozek: A fire lane, exactly, is a lane that is designed to always provide access to fire vehicles at any time ...

Mr. Prieto: That's correct.

Boardmember Ambrozek: ... 24/7.

Chairperson Sullivan: I propose we ask our fire department.

Village Attorney Whitehead: See what the fire code requirement is?

Mr. Alicea: And also, there's also an understanding that there will be valet available all the time all the time on this stuff.

Boardmember Ambrozek: I'm not talking about ... these are designated on your plan as being parking spaces, one of the 30 numbered spaces. You don't show them as being valet.

Village Attorney Whitehead: I think Buddy can check the fire code because it's not even really the fire department's fire code.

Mr. Alicea: It's fire code.

Village Attorney Whitehead: So we can confirm what's required by fire code.

Boardmember Ambrozek: I don't want to talk about this. I don't want to take more time. I'm saying, in my opinion, it's an issue.

Mr. Alicea: Okay.

Boardmember Bass: The valet parking that you propose, right now you're just proposing it for the Chase spots. Would your valet parkers go down to the city lots that are under-utilized at night and on weekends?

Mr. Prieto: Those are some of the conversations we've been having. That if there's an overflow of event that we could go and provide valet in the parking lots that are not readily used after a certain time.

Village Attorney Whitehead: Like the commuter lots.

Mr. Prieto: Right.

Boardmember Bass: No, because the train commuter lot would be perfect, and you just have a really healthy runner.

[laughter]

Mr. Prieto: Yes, it's been done before.

Boardmember Ambrozek: There are things called cell phones, if you have somebody stationed down there.

Boardmember Bass: You know, they didn't have that when I was a kid.

Boardmember O'Reilly: Okay.

Chairperson Sullivan: So I think that ... Bill, you have something?

Boardmember O'Reilly: No, I just said "okay."

Chairperson Sullivan: Richard, anything that you want to ask?

Boardmember Bass: No.

Chairperson Sullivan: Eva, anything at this point?

Boardmember Bass: Actually, I'd like Michael's idea on the timing. Some of it's going to be common sense. Do we fix it to seasons? Setting 11 o'clock may be excessive for the middle of winter – they're not going to use it – and is 11 o'clock an appropriate time. When I did my quick math, two-and-a-half hours after sundown in the summer is kind of late.

Chairperson Sullivan: My thinking about that was, you know, with issues of noise and

when noise ... you might not want noise from an outdoor event in the downtown. So I don't know what that threshold is. I think our code is midnight or something like that not to have music, so that's one thought. And I agree very much, I think Michael's point about coming up with something that's more easily understood. We have our leaf blower ...

Boardmember O'Reilly: Right, everybody knows.

Chairperson Sullivan: ... which changes on a seasonal basis. So it could be something like that.

Mr. Alicea: Right.

Chairperson Sullivan: I don't know what the dates would be, or the hours.

Mr. Alicea: I don't think you'd have a problem with a restriction on music. You know, we haven't been thinking in that direction. So yeah.

Boardmember Ambrozek: But if you're talking about ... if the concern now is about noise, one has to realize that this is an outdoor location so there's no walls or anything to suppress any noise.

Mr. Prieto: There's going to be a 42-inch guardrail that goes around the parapet ...

Boardmember Ambrozek: Parapet, yet.

Mr. Prieto: ... probably made of glass. And then the sound, if there's any music being played, will be played at low volumes facing down on the floor. The only noise you will hear is chatter.

Chairperson Sullivan: We need to a little bit more about what you're proposing for a sound system up there, I think.

Mr. Alicea: Mm-hmm, absolutely.

Chairperson Sullivan: So you may need some assistance with that.

Boardmember Bass: How does the Village deal with sound testing prior to an approval? The reason I'm asking is, we had the same issue for the Ink Hotel and their rooftop bar at 49th and 11th so we tape-recorded a 200-person party and had a speaker on the parapet. I had the host community standing outside to see if they could hear it. But it's a tall building. This is not a tall building. Can we do something similar to that so we know what the impacts could be prior to them being impacts?

Boardmember O'Reilly: I think no matter what you do you're going to have people who will hear it. I know there are people who will call and complain about noise, music, coming from that restaurant on the other side of the Saw Mill, at her street. I don't know the name of the restaurant, but they play music every ...

Building Inspector Minozzi: La Lanterna.

Mr. Prieto: Yeah. So just so we're on the same page, this is not going to be something like that.

[laughter]

We're talking about like you're going up there for some conversation. You're going to probably be sitting on a sofa, you're going to be below the parapet. It'll be like walking in a resort and you have the little speaker that has some background music. That's it.

Boardmember Bass: But occupancy? How many people?

Mr. Prieto: Max is 49.

Chairperson Sullivan: That's for egress. You have to be below 50, right?

Mr. Prieto: Yeah. And that was always sort of getting into the previous approval with the wellness center.

Chairperson Sullivan: So we talked about the hours of the roof. Do we have any comments about the numbers of people, 77 versus 75? We kind of were getting into why that number. Any more conversation about the number of 75 versus 77, or wanting to talk about why we have 77 as the benchmark before they have to go into valet parking?

Boardmember Ambrozek: Well, included in that number for 77 is parking for employees. On S-1, where we came to a total required of 77, for employees there was 14 spaces.

Mr. Alicea: Well, I'll take you to number nine. If you look at number nine on the previous approval, the Board had addressed that. If I can read that, we're agreeing with it:

"Employees of the restaurant and wellness center at Warburton Avenue must park in the Zinsser parking lot after 6 p.m. Monday through Friday, and all day and all evening Saturday and Sunday. Employees may not park, at any time, on Maple Avenue. The owner of 555 Warburton Avenue or his agents shall be respond for enforcing these parking requirements."

Boardmember Ambrozek: Okay, so Monday to Friday what are your anticipated hours of operation then if you say employees can park there until 6 p.m.? So you're saying that the employees can park in your lot, in your property parking lot ...

Mr. Alicea: After 6.

Boardmember O'Reilly: ... not after 6?

Boardmember Ambrozek: Oh, wait. Before 6.

Boardmember O'Reilly: Zinsser lot *after* 6.

Mr. Alicea: Before 6, right.

Boardmember Ambrozek: But your agreement with Chase is that Monday to Friday they can use the parking until 6. So how can your employees be there as well as Chase using it? I think you've got a doubling-up of parking.

Mr. Alicea: Well, that's something we need to work on. I mean, this is an attempt to answer your question about where would employees go.

Boardmember Ambrozek: I think maybe it'd be better to simplify that statement and just have the employees park in the Zinsser lot Monday through Sunday.

Mr. Alicea: I'm okay with that. Again, this chart was previously approved by the Board, which that was agreed on, and we said yes. So if you want to alter that we can do that.

Mr. Prieto: And again, just to put it in context, we're talking about local employees that are going to be walking to go to work here, or taking the train or the bus.

Village Attorney Whitehead: Some.

Mr. Prieto: Yeah, some.

Chairperson Sullivan: So, Michael, your proposal is to change that to park only in Zinsser.

Boardmember Ambrozek: Employees. Employees of the restaurant, yes.

Mr. Alicea: So the previous approvals said yes. Now we're amending that to say only park in ...

Mr. Prieto: Only park in Zinsser.

Boardmember Ambrozek: Correct.

Village Attorney Whitehead: Make sure you clarify which Zinsser because during the day the Zinsser lot is commuter parking.

Boardmember Alligood: Yes, they can't park at the Zinsser lot.

Boardmember Ambrozek: That's true. I guess that's why ...

Village Attorney Whitehead: They can park at Zinsser Park during the day, but not at the Zinsser lot.

Boardmember Alligood: I think Zinsser Park is really hard in the winter.

Village Attorney Whitehead: A lot of downtown merchants park there. That's the Village that has encouraged the employees. It's not that hard having to walk to Zinsser.

Boardmember Alligood: Good.

Boardmember Ambrozek: And now care providers who try to park there can't find spaces.

Village Attorney Whitehead: Well, they've just added spaces. They've cleared out ...

Boardmember Ambrozek: All the wood chips?

Village Attorney Whitehead: Yes.

Male Voice: Nice.

Chairperson Sullivan: Well, I think we might have to include all of this with a chart of what the agreement is, and making sure we have people having a place to park when they are coming to work as well as to enjoy the restaurant. I think that, Michael, might take away from what you're bringing up.

Is there anything else we want to talk about before we open it up to the public for comment?

Boardmember Ambrozek: Yes. Looking at the floor plans for the restaurant, there's some duct that runs a great distance. I'm concerned, again – and I'm not trying to do the fire department's work – that there's a risk if re-striving those ducts.

Village Attorney Whitehead: All of that's going to have to be reviewed per code, and the

interior really isn't ...

Mr. Prieto: So are you referring to the ...

Boardmember Ambrozek: Both the basement and the first floor.

Mr. Alicea: You're coming to an exterior duct that's exposed on the outside of the building.

Boardmember Ambrozek: Right, but each of those ducts will have a horizontal run in excess of 30 feet. The further you run horizontally the greater there is a chance of oil and grease condensing inside that ductwork. And condensed flammable liquids like that can get ignited at a later time when a higher temperature exposes it to its point of inflammation, or flammability.

Mr. Prieto: It's a good point. I mean ...

Building Inspector Minozzi: That's why the ducts have to be cleaned every six months.

Mr. Alicea: They need to be cleaned, and they're of 16-guage steel. I would just refer to a mechanical engineer.

Boardmember Ambrozek: I'm just bringing this to your attention. This is not a Planning Board issue. I'm just saying that, to me, it's an item I'd be concerned about.

Then getting to the rooftop, you do have – what is, in my opinion – a use because you have a bar and a refrigeration area? I would look more favorably to your parking requirements if you were to remove that use feature on the roof. Just have people take their drinks up to the roof. I know it means they have to go back downstairs to get a refill, but I hope that doesn't impact your profit margins too much.

Mr. Alicea: You mean where the notation says "dry bar"?

Boardmember Ambrozek: Dry bar, low storage area, those are all uses. Those are actual use areas as opposed to just outdoor roof deck area.

Boardmember Alligood: Well, why would you ... what's the rationale for that?

Boardmember Ambrozek: Well, my rationale is they're selling drinks. If people take drinks from the ground floor or from the basement to the rooftop you're just standing around enjoying sitting at a chair or enjoying the view.

Boardmember Alligood: You're trying to reduce them of drinking up there? Like what is it,

what's the concern about serving the drinks?

Boardmember Ambrozek: My concern is you're increasing the square footage that is actual restaurant use. You're making a ...

Boardmember Alligood: Well, they're asking for restaurant use.

Boardmember Ambrozek: On the roof?

Boardmember Alligood: Yes.

Boardmember Ambrozek: I'm trying to help them with their parking requirements.

Chairperson Sullivan: Well, I think the parking ...

Building Inspector Minozzi: That's not going to help them. The whole space is counted.

Boardmember Ambrozek: But if there's no use up there, if it's just the roof that they have access to ...

Mr. Alicea: So if we ... I'm trying to understand. You're talking about, this is our hatched area for ...

Boardmember O'Reilly: Sitting.

Mr. Alicea: Seating. Am I understanding?

Boardmember Ambrozek: That's the 49 feet.

Mr. Alicea: That's it, and the rest should be roof landscaping or something.

Boardmember Ambrozek: Well, you could make it larger for the 49 people. I'm not trying to dictate what the size of any area is. I'm only trying to work with you to see if we could find a compromise that the Board would agree to try to help you with your parking.

Mr. Prieto: Here's the challenging part, and I'm just going to be frank with you.

Boardmember Ambrozek: Yes.

Mr. Prieto: I have purchased a building that has many requirements put on it that are antiquated. One of the requirements specifically that I could do without, by submitting letters of hardship, is the elevator, right? In order for me to put an elevator that's going to go

all the way up to that floor I have to pay for the construction to the wall from the basement to the roof deck. What you're asking me is that I shouldn't sell drinks on that floor because it will help with my parking. My response is that I can't afford to build an elevator that is technically not really required if I go back and forth with you guys on it.

So I'm trying to balance out a building structure, and I have a tenant already in place that is signed on based on this plan and using this roof deck and is ready and able to come to this town and spend major money to outfit that building. Which I haven't had in a year-and-a-half in working on this projects, right? So if I start taking out revenue sources for them, then I don't have anything. I might as well put it on the market and it'll be empty for the next 10 years. And that's where we are.

Boardmember Alligood: Yes, and I am sympathetic. I want to just have it on record I am sympathetic. I am tired of that being empty and unused, and we have somebody who is trying to do something with it and I personally don't want to get into something where we chip away. I mean, we should take seriously the real issues the public and the rest of us as Planning Board members should consider, but I don't think we should start proposing changes that just don't make it feasible for you to carry out your plan and don't have a logic.

So that's why I'm asking the question what is the logic with removing the dry bar? If you're going to have people up here enjoying the roof, either just have the bar and use it. Or, as a planning board, I think we should say no; no rooftop use. I don't understand why we would say you can go sit up there but you can't have a bar, you have to go downstairs. I don't agree with that.

Boardmember Bass: Michael, I appreciate your concern and I agree with it. The issues are parking and noise, and how do we mitigate that or how do we address that. Limiting the activity on the roof, as you're describing, I don't think accomplishes the parking. They still will have to have the same number of parking spaces because the square footage is there. What you're envisioning is what Red Hat's doing in Irvington, and their space is half the size of what you're proposing. I mean, what's your occupancy?

Mr. Prieto: I don't remember, but I think our space is actually smaller than theirs by a lot.

Village Attorney Whitehead: Their roof deck is pretty small.

Mr. Prieto: Once you net out all the spaces here, it's not big.

Mr. Alicea: Plus, I just want to add, in order to address the noise and the use of the roof, if you notice, that area is surrounded. Even the storage area is surrounded by what would be planted-out landscape.

Mr. Prieto: This is the entire ...

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

Mr. Prieto: This is the entire roof. The deck is just, the usable deck is just ...

Mr. Alicea: Surrounded by green planter boxes.

Boardmember Ambrozek: You know, I agree with what Eva says. Having the building empty for all these years is an eyesore and I would really like to see it being used productively. I was taking what I thought was a concern about parking spaces and trying to, you know, put something out. I'm not telling you ... I'm not trying to tell you how to design your layout. And I don't know all the ins and outs of what you're working with potential tenants.

Mr. Prieto: And just so we are all on the same page here. The net use, the actual space for the restaurant where people are going to be in, is less than 25-hundred square feet.

Village Attorney Whitehead: The customer space.

Mr. Prieto: The customer space. So this area here will be used for the hallway and going up to the second floor and the elevator space.

Boardmember Ambrozek: Yes.

Mr. Prieto: So the restaurant's about that big, right? That's the main restaurant. That's it. If there is a private function, from here all the way over is all prep space and bathrooms. We're only using that amount of space. So although we have a parking issue, if I was to extract all of this and all of that it's less than 25-hundred square feet. So what we have here is a restaurant that's about 25-hundred square feet, and in addition to that we have 41 spaces that we could use when the restaurant's probably going on the elevator, which is from 5 o'clock on.

Mr. Alicea: The way it's leading to is an exemption for restaurants under 25-hundred square feet – exemption from parking.

Chairperson Sullivan: I think I'd like to open it up to the public.

Boardmember Ambrozek: Okay.

Chairperson Sullivan: We're at that point, and we can talk again. So anyone like to speak to this application? Please come up, say your name, and thank you very much for coming.

Appreciate you taking the time.

Downtown Advocate Prisament: I just was trying to understand something from earlier so I just want to clarify. Didn't you guys say that 123 spaces were approved in the past for this building?

Chairperson Sullivan: I think there was a need for 123.

Village Attorney Whitehead: That was the requirement.

Downtown Advocate Prisament: Oh, it wasn't approved?

Mr. Alicea: No.

Downtown Advocate Prisament: So 75 is the maximum.

Chairperson Sullivan: Yes, 75, and that's the first number we were talking about is that they would like it to be 77.

Downtown Advocate Prisament: And the amount that you feel – with the description of the space that D'Wayne just mentioned – how many spots are you feeling is required based on the actual space of the restaurant?

Mr. Alicea: We're asking for 77.

Downtown Advocate Prisament: And 75 was approved in the past?

Chairperson Sullivan: The chart's a little confusing, and it's our ...

Downtown Advocate Prisament: I'm just wondering what the discrepancy is. Like how many were short.

Village Attorney Whitehead: Well, 77 is the requirement for this plan, and it's not a code. Forgetting the 25-hundred square foot ...

Downtown Advocate Prisament: And how many are we short?

Village Attorney Whitehead: Forgetting about a potential exemption.

Mr. Alicea: That's not including ...

Village Attorney Whitehead: It's based strictly on the proposed uses on this plan right now.

Downtown Advocate Prisament: Okay.

Village Attorney Whitehead: That's the amount that is required.

Downtown Advocate Prisament: And they're short by how many?

Chairperson Sullivan: In the past, what was approved, or what was required, was 123.

Village Attorney Whitehead: On the previously (cross-talk) ...

Downtown Advocate Prisament: Oh, that's what was required. So the shortfall is the 46 or whatever.

Village Attorney Whitehead: So in fact, this plan requires less than previously approved.

Mr. Alicea: And the reason why – I just want to point out again – instead of making second- and third floor commercial we went residential, one apartment per floor, and each floor requires two parking spots. So we identified that as a problem with the previous ... that's why the building didn't make it for so many years. And we said, well, why don't we address this aggressively and reduce the actual parking requirement? We came down to, with that change of use, the 77.

Chairperson Sullivan: I don't think we want to upturn the applecart when it comes to having an agreement in place. There's a certain number of spaces – a certain number of guests you can have at the restaurant – before you need to trigger all of the requirements for valet. And I think that number was 75.

Mr. Prieto: Right.

Chairperson Sullivan: You're asking for 77.

Village Attorney Whitehead: No, *77 spaces*. There's two different issues. There's the number of people that triggers the valet requirement versus the number of required spaces.

Chairperson Sullivan: Am I confusing it as that number? Was it 75 guests triggered it? I think it's just a coincidence that 77 is the parking spaces as well as the guests.

Mr. Alicea: Yes. I just want to be clear. The way I came to 77 spaces was per the code requirement per the use group.

Village Attorney Whitehead: Right.

Boardmember Bass: So that's the requirement. We're still deficient in terms of the number of parking spaces provided.

Mr. Alicea: Yeah.

Boardmember Bass: This plan reduces the degree of noncompliance from the previous plan, but we still have a deficiency.

Mr. Prieto: Right, thank you.

Boardmember Bass: How was that?

Chairperson Sullivan: Right.

Village Attorney Whitehead: That's correct, and I think we're talking about how to deal with ...

Boardmember O'Reilly: We're trying.

Village Attorney Whitehead: That deficiency in terms of at what point to require that they provide valet and some other solutions, potential solutions.

Boardmember Bass: Well, there's a technical and there's a market response.

Village Attorney Whitehead: Right. They need it from a market standpoint.

Boardmember Bass: Right, because if they're, hopefully, successful they're going to either direct people to park in the neighboring parking lots or they're going to have high school kids doing the valet thing.

Mr. Prieto: And that's noted on item number 6 that says "previous approval." If there's an event that's going to happen, the owner's required to have a certain amount of valet parking – I think it's four – and to notify the town.

Village Attorney Whitehead: Right, because there is ... events, you know, are generally going to be at night, and there is certainly parking available in the commuter lot at night.

Boardmember Bass: Right, and it just becomes an issue of whether people will walk the two blocks up Maple.

Village Attorney Whitehead: Or valets.

Boardmember Bass: Or valets, yes. That would be the answer.

Building Inspector Minozzi: And why is Steinschneider off of the chart at night?

Village Attorney Whitehead: It's not, it's just not empty the way ... if people can find a place to park in Steinschneider they can certainly park there.

Building Inspector Minozzi: Gotcha.

Downtown Advocate Prisament: But the valets won't use it.

Village Attorney Whitehead: The idea is that for the valets, have them use the commuter lot, which is pretty much empty, where there's plenty of parking available at night.

Downtown Advocate Prisament: Yes, you don't want to fill up the lot the other business owners need for their businesses.

Boardmember O'Reilly: No, I take the position that we're not a village that has great opportunities for parking. It's always short, but yet we want to have downtown development. And if we want to encourage that, I take the position that it's somewhat incumbent upon us in the Village to help to meet that plan as much as the business owner. Because otherwise we're never going to have any sort of opportunity to do the sort of development that I think we say we want, but say we want it without people and without cars. So I don't see how that can happen. I think we've got to find an accommodation.

Village Attorney Whitehead: Well, we do have the benefit of nights and weekends with a big, fairly empty, parking lot.

Boardmember Alligood: Exactly. That's the accommodation I think we should make.

Village Attorney Whitehead: Yes.

Boardmember Alligood: I think we have to think creatively about how this could work.

Boardmember Bass: This goes back to – and we've been talking about this for several years – where we have parking relief. As other villages in Westchester have, we should have a parking fee that then helps develop additional parking.

Boardmember Alligood: I don't think this is a case where we need additional parking. Because during the times when they're going to have all these customers coming we have an empty commuter lot.

Boardmember Bass: Yes, but ...

Boardmember Alligood: I don't think this is a case ... if this were a daytime business – I mean, I guess there's lunchtime that that could be a problem.

Boardmember Bass: But I see it as a way of generating, you know, money for parking for the Village holistically. If we have a rule we can't say, well, because they're going to be a nighttime activity and you're a daytime activity you get to pay and they don't. And parking regulations and impact fees work. So we should have that discussion at another time, but I agree with you that there is really sufficient parking in the area. And whether their patrons walk or their patrons are delivered to their car is going to be decided. We should decide how we want to deal with it.

Mr. Alicea: And you're right, you know. There could be a golf cart taking people or whatever. There's a lot of ways because you do have a lot of surplus parking.

Boardmember Alligood: To me, this is not an issue that we need to build in parking in the Village. I just want to go on record. That's why I'm not agreeing. We could debate that another time.

Boardmember Bass: Okay.

Boardmember Alligood: I don't think it's relevant to this application is what I'm saying.

Downtown Advocate Prisament: Okay. I may have an additional comment, but does anyone else? I'll be back up if I do.

Chairperson Sullivan: Yes, please.

Say your name and address, please? Thank you.

Paul Molakides, Boro6 Wine Bar: Hi, I just want to say that I hope to God this man gets to open this restaurant because I will tell you that night after night I get asked ...

Female Voice: What's over there?

Mr. Molakides: ... what's happening over there? And I will tell you that if this man can pull off what I hope he gets to pull off he'll bring so much business. The Argentinean Steak House, my God, how fantastic would that be? Or whatever it is to bring bodies here, I'm one of those people like, Explode, we'll figure it out afterwards. I know you don't want to hear that, Buddy.

[laughter]

But really, there's so much ... let it be a problem that you can't find a frigging parking space.

[laughter]

My God, lucky us. How lucky are we to have that sort of problem. I just recently joined the Chamber of Commerce. I've been talking to a number of people about this being way off in the distance, but a lot of communities in southern California and northern California work together. We are a booming economy in the Rivertowns. I would love to see on your line, sir, a golf cart. Very primitive, but I like it.

[laughter]

But of having a shuttle bus that would run up and down Broadway shuttling folks who don't want to drive drunk who want to participate in great establishments that we're all breaking out back to make.

Female Voice: Trolley.

Mr. Molakides: A trolley, thank you. You remember that conversation. And then all towns, two towns, all the towns that participate in two trolleys. So let's keep this forward momentum going. Let's make it happen. We're minding history, but we're also tending the future and bringing in new tax revenue. We'll help, the business community. Ellen over at Penny Lick, Helen over at By the Way, whatever we have to do – the Center Diner, Jeremy – we'll all do whatever it takes to make this happen. But keep the forward momentum going and fill that building, for God's sake, please.

[applause]

Chairperson Sullivan: Thank you for the stump speech. Appreciate it.

Boardmember Bass: But did you bring any wine?

Chairperson Sullivan: There's some other people, thank you.

Mr. Molakides: I have to go back to the shop. Thank you.

Steve Topilnycky, 18 Maple Avenue: Basically I'm 45 degrees north and behind where this is going to be – actually right across the street – and from my backyard, some of the concerns are several. One, rooftop noise, and trust me the noise – even when the Village has events –

carries into the backyards of our houses. Parking, being beat to death but on Maple Avenue there is major parking. I don't know how easy it's going to be for them to enforce their employees not to come up there and say, Oh, there's a space there and I'm working right there versus parking somewhere else where they got to walk half a mile.

The other thing, I was looking at their plans. Next to the building, they're going to bump out the guardrail so they can accommodate their dumpster and trash removal. If they do that, the way I'm looking at it they're going to lose two parking spaces in the Chase lot.

Mr. Prieto: Actually, are you looking at the site plan?

Mr. Topilnycky: Right there, yes.

Mr. Prieto: There was enough space to put a parking spot there.

Mr. Topilnycky: Right now, the cars are right at the edge of the driveway.

Mr. Prieto: The property line actually ...

Chairperson Sullivan: You what'd be helpful?

Village Attorney Whitehead: Just make your comment.

Chairperson Sullivan: What would be better is let the gentleman have his say, then we can ...

Mr. Topilnycky: What I'm trying to say, your plan's saying you're moving the guardrail out this way into the parking lot. Currently, where the cars park up to the guardrail, the rear end of their cars are right on the edge of the driveway to cars passing through. So by moving that out you're losing two parking spaces.

The fire lane, I know you've already discussed that but I'll just make a general comment. Most of the cars that park on the side there in the afternoon and evenings are firemen from the Protection Fire Company.

Chairperson Sullivan: Thank you.

Boardmember O'Reilly: That's what they mean by firefight.

[laughter]

Mr. Topilnycky: And I'm just looking at your valet plan, the doubling up of the cars on the

side closest to your building. I don't see adequate space for people to be able to drive around and be able to exit the driveway safely. It just looks like ... I mean, on paper it looks good, but in reality – the way people park, valet or not – it looks to be extremely tight.

Oh, and the last thing. I was looking at your front view of the building and I didn't ... my knowledge of that building, from when it used to be a Hastings House restaurant, that back entrance, it's a step up to get into the building.

Mr. Alicea: Right.

Mr. Topilnycky: You're putting elevators in for handicapped-accessibility, but how are you supposed to get into the building?

Mr. Alicea: No, there's another entrance along Warburton.

Mr. Topilnycky: That's the one I'm referring to.

Mr. Alicea: I'm responding.

Chairperson Sullivan: Again, we just ...

Mr. Alicea: Oh, sorry.

Chairperson Sullivan: Thank you.

Mr. Topilnycky: Yes, the one on the corner of Spring Warburton, that's three steps up. Then you go around the back of the building, which is right next to where your garbage is, that's a step up also. There's a curb like that to step up to get into the building. You're not getting a wheelchair up that. And I didn't see any notation in your plans to accommodate that situation for disabled individuals.

Chairperson Sullivan: Thank you very much.

Mr. Topilnycky: Thank you.

Chairperson Sullivan: Appreciate your time.

Kelly Topilnycky, 18 Maple Avenue: I do have a couple of concerns. The rooftop deck was only brought up at the last meeting, and my feeling is that the neighbors and everybody within the range have not been properly notified. We were notified about a restaurant, not about a rooftop deck adding 49 seats in occupancy to the restaurant. So you've increased the occupancy for the restaurant by adding a lounge to, what, 216 I think was the number on

there? And that is a great concern because obviously that's more cars and more issues with the parking.

I understand you're trying to solve the issues of the parking with the Chase parking lot and don't totally agree with that. Again, you can't say, Okay, the firemen can park there but people who, you know, normally park there or have alternate parking – we have alternate parking nights, and people sometimes park in that lot – Chase has never had a problem with that. What are you going to do? Tow them? That's not going to win you friends and neighbors in this small town.

Also, the rooftop deck, now you're saying, oh, you're going to play music and you're going to have trees that screen it. That doesn't really suppress the noise. Noise here, especially if you walk out here at night, it echoes. It bounces off all the buildings. I mean, I can tell you when people go over there and have coffee behind our house. So, you know, it's a give and take and I understand that, but you are overlooking residents. You're overlooking houses, apartments, you're overlooking my neighbor who's got three little kids and he's directly behind Chase parking lot. I don't think he'd be real appreciative of not only the cars in and out but the rooftop deck noise if he's trying to get his kids to sleep.

So that's a real great concern with us downtown is the noise issue, and you want to push it 2.5 hours after sundown, or 11 p.m. or 11:30. That's late for a lot of families that live downtown. And there are families that live here with their little kids because it's convenient. So that's a big concern.

And a lot of these people were not notified of this so obviously they probably have not sent you e-mails. I didn't realize the extent of the rooftop deck until I started looking at the plans, and that was only this afternoon. So I can only post on Facebook for people to see. It was kind of short notice. I understand, I was here at the last meeting. You did introduce it, and I mentioned it out there. But, again, we didn't have the actual plans until they published them online. So I would like it considered to be re-notified to the neighborhood so people are aware that you want to put a rooftop deck for a lounge area/restaurant

I do agree that the building has been empty for a very long time and that we would like to see something in it, but you have to balance that. And with all due respect, you guys are trying to balance business with residential. Maple Avenue, whether people like it or not, is a residential street. We already share it with commuters, merchants, employees from the Village, okay? I walk down here tonight, there was not one parking space, not one two-hour meter, not one six-hour meter, nothing on our side of the street.

I have spoken 'til I'm blue with the BOT, the Board of Trustees. You guys want to talk to them. We've talked about permitted parking for certain things. So, you know, again with all due respect you can't tell people that you have to valet your car. If they want to go to a

restaurant they're going to park where they're going to park and they're not going to say, Okay, oh, well, I'll park in the Chase parking lot and valet my car. Not everybody likes to valet their car.

And also your brunch you're talking about on Saturdays, 11 a.m. is probably brunch time. Chase is open until 1 p.m. so how are you going to say that you're going to use the Chase parking lot when they have customers in there in the business until 1 p.m. Again, we live right behind it and their parking lot's always full. You know, people come to use the ATM. Quite frankly, a disabled person you're going to tell them you have to park out in the middle of the street someplace on Warburton or find a space further away because they can't park in the lot to use the ATM? So that's an issue.

There was one more thing I totally forgot what I was going to say. It's just very aggravating, I guess. You know, I understand that. And this particular building – and this is probably why it failed the last time – it was, again, because they were trying to do such a large-scale project and needed so much of a waiver for parking.

Oh, that was what it was. You all want to sit there and talk about the Chase parking lot and you want to have a downtown and, you know, the brunch. Which also coincides, by the way, with the Farmers' Market. Again, we already have a parking problem during Farmers' Market. But you're not also considering Friday Night Lives, Barbara, and you're not considering the Spring Fling, okay? You're having that on a Sunday, and where is that? In Chase parking lot.

Downtown Advocate Prisament: That's once a year.

Ms. Topilnycky: Yes, but that's once a year, and Friday Night Lives where you close Warburton down. You have firemen barbecues and they all take over that parking lot. Again, you close Warburton down for certain things. You can't do that if you have a restaurant, active restaurant, that uses that parking lot. So you can get permission from Chase, but the restaurant's not going to be able to give up their (dropped mic). So that's kind of ... you know, again, you're going to either have to move all of the Friday Night Lives and all the other things to, where Boulanger? But again, if they're having a big thing where are you going to park?

Downtown Advocate Prisament: (Off-mic).

Ms. Topilnycky: Yeah, well, it's a big competition.

Boardmember Bass: Ma'am, can you wrap up. We get the point of the parking.

Ms. Topilnycky: Yeah, that's fine.

Boardmember Bass: You know, I don't mean to be rude but ...

Ms. Topilnycky: Well, you are but that's fine. You know, you guys don't live downtown so you don't understand, I don't think, the pressures and the issues that you have with parking.

Boardmember Bass: Trust me, I truly understand the parking in the area. I understand the traffic and how the downtown works. So I understand your point, you've made it.

Ms. Topilnycky: Well, my other concern is the occupancy of the building, you know, from – what is it ... what was the original number before the rooftop deck? Like 170, I think it was.

Village Attorney Whitehead: The rooftop deck is counted as the parking requirement.

Ms. Topilnycky: How is it counted in the parking requirement, when they only suggested the rooftop deck at the last meeting?

Village Attorney Whitehead: It's in their calculations that are on their plans.

Ms. Topilnycky: Okay, but they're adding 49 occupancy on the roof.

Chairperson Sullivan: I think it's a little bit more complicated than what you're ... it's not what you're suggesting. I'd like, when we get back to it, we can walk through kind of where the numbers are coming from.

Ms. Topilnycky: Well, I mean if you have the restaurant full you can still have 49 additional people in the lounge.

Chairperson Sullivan: No, they can't. They can't.

Ms. Topilnycky: Well, they had an occupancy of 216 and I thought that was a very kind of like high number.

Chairperson Sullivan: Well, we understood your ... thank you for your comments.

Ms. Topilnycky: Thank you.

Chairperson Sullivan: All right, Barbara. Please?

Downtown Advocate Prisament: Thanks. I wanted to wait and hear what Paul had to say and what the residents had to say before I commented again. It is tricky to have a residential street. I feel for the people on Maple Avenue who are in the middle of a downtown that we're

trying to keep vital with businesses and Farmers' Markets and Municipal Buildings. So appreciate your comments.

But here are some thoughts that I have. I also appreciated Paul's because I do find that the businesses in town, for the most part, seem to have an abundant smile where they feel if other like businesses come into town they'll only prosper from that. So I do feel that's the case. When we had Boro6 and Juniper and Bread and Brine open at the same time the feedback we got from the restaurant owners and from customers was that they came to one and they're like, Ooh, I'm going to come back and check out the other. Everybody sort of gained in that. The customer mix was sort of split between people coming in from Scarsdale and other neighboring villages and residents.

In terms of keeping the downtown vital, I have to say that agree with Paul and D'Wayne and his plans. I think it's tricky because if you try to put a retail operation in a space that big, on the main level like a retail store which wouldn't really cause the parking issues in the evening per se, at the rent that would have to be charged and the foot traffic, it's pretty hard to attract – you know, D'Wayne has tried to attract, you know. He's talked to some people about being retail merchants and it's not going to be an easy thing to fill for that use.

Then if you go the other way and it's a catering hall, which people have wanted and obviously more than one group has wanted it to be, then you really run into major, you know, potential parking issues. Although the valet could have worked for that, but there was opposition to that. So this sort of is like a middle place, I feel like, in terms of having a restaurant, having the condos upstairs which limits the parking to a certain degree. As Paul said, he welcomes it. He's the competition right across the street, but he doesn't see it that way, per se, you know.

So with all due respect to the other points brought up, and just to address a couple of those really quickly, the other businesses in town, when there is a Friday Night Live or a Memorial Day parade or whatever it is, all the businesses lose their spots and lose their ability to have the street open on those days. In reality, we've lessened the amount of closed street events since I've been in this position because the Village Crawl is open-street and the Literary Friday Night Live in April is open-street. So we really have only been closing the streets in Boulanger, in October for this Oktoberfest, and then on Warburton in May and June. According to the weather forecast, it may not ... may actually ... we turned it into a Sunday afternoon when a lot of the businesses are closed and there's not as many other parking needs and may not even happen because there's 70 percent chance of rain. But that's how it goes with outdoor event.

Then the June Friday Night Live the streets are closed, Memorial Day closed, Halloween parade for a few hours, but that's really the extent of that. In terms of the noise, I have worked in a different village with a rooftop restaurant who did what D'Wayne was

suggesting, which is have light jazz and quieter music on a roof, not the kind of music that plays at the Saw Mill Restaurant. You know, of course, all the particulars can be worked out with making sure that employees don't park on that street and what time does the music end and what time was the rooftop end and how much noise does your barrier take out and if it's not enough noise for the families with young children can it be beefed up or can it be re-brought up if it's really an issue later.

You know, those are all the details obviously I'm not here to work out, but I am in support of this sort of middle ... in general, in sort of a middle place use. Because I do feel, like, I mean, you know, he's made a big investment in this building. It's not been easy to fill. And if we don't find ways to make it work we can end up with something, I think, a lot worse than any proposal, which is an empty building that's not going to get filled. So I'm concerned about that, and I appreciate everything you're all doing to work out all of these various concerns. It's tricky. I don't envy your position, but I appreciate it. That's really just what I wanted to say.

Boardmember Bass: Barbara, by chance do you know the number of parking spaces in the three public parking ...

Downtown Advocate Prisament: I don't know what they total. I could find out.

Boardmember Bass: Because it would be interesting for us to know, but also to know what their occupancy is after 5 o'clock.

Downtown Advocate Prisament: Yes, to sort of study how filled they are in the evenings. I mean, look, I've been a resident here for 22 years and there hasn't been – and I'm not a Maple Avenue resident and I appreciate that you want to park on your own block in front of your home. I get that, so I'm not talking about that. But as someone who lives not in the downtown, but ... in the school district, but not in the downtown, I can't remember a night that I've come downtown, in 22 years, and haven't been able to find a spot in either Steinschneider or Boulanger. I don't know, but you live here too, most of you, so I don't know if you agree with that or not.

Now, I'm not saying that won't change, you know. But there's really only two empty spaces right now in terms of big spaces, and that's Tony's Steak and Seafood and this. This building, which was, historically, a restaurant. I don't know if it'll be as popular – I mean, if it was as popular as this will be. You know, it's trends and different things. But it's not unlimited. It's not like we're opening a giant of worms. We may be opening a particular can of worms, I appreciate that in some ways. But, you know, Tony's was full up until a few months ago and there was not a night I couldn't park downtown personally. I'm just speaking on a personal level, and I haven't heard other people say that.

True, on a Farmers' Market Saturday people are circling, I've had to circle. Still, I can get a spot within 10 minutes and I can use the commuter lot. Not everyone does want to walk up that hill, I understand. But after this space, the only other empty space of any significant size is 541 Warburton – you know, the old Chelsea's – which was the Latimer office. The owners don't want a restaurant. At the most, they'd have a light café without a full kitchen or something. They don't really want that as a use. Then the only other empty space besides that is Eric Anderson's space, right?

Building Inspector Minozzi: It's kind of on the down-low right now.

Downtown Advocate Prisament: So that's kind of quiet. And the last space was 5 Main Street, which was the Fitness Gallery. And the knitting shop is going in there and a resident has taken that space and they're under the parking issues anyway. I'm just saying it's not like there's going to be ... until the waterfront or something else is developed this is going to be it. So if we can come up, figure out the parking rules and the neighborhood issues, which are important but hopefully solvable in some way. That's all.

Boardmember Alligood: I do want to comment, to answer your question, Richard. I know there were a lot of studies done for the previous round of approvals on this site, and the parking lots were studied and there was available parking. I mean, it showed that there was. So I'm not a big fan of going through all that again, but I just want to say that it was studied. That's how we came to these. I want the public to know, too, that there were counts of cars.

Downtown Advocate Prisament: My answer was anecdotal, but there have been people who have studied it.

Boardmember Alligood: The Planning Board, frankly, got flak for going through such a rigorous process to study the parking and all those issues. I think it was merited at the time because we really needed to look at it, but having gone through it we're now seeing part of a slightly less impactful proposal along the same lines. I think it's a better proposal than the last version because I agree that I think residential is more appropriate on the top two floors.

So I'm just trying to reiterate that I think we should be very careful and consider all the issues, but we shouldn't like go over old ground again and again and make it impossible for this property to be developed.

Downtown Advocate Prisament: Exactly. I appreciate that. Yes, and some of the people that come to the restaurant will be the same people that go up to the roof. It won't be necessarily like, you know, double – whatever it is – the amount of people. But anyway.

Boardmember Alligood: But on a nice summer day people are going to go upstairs. They're not going to want to be inside.

Downtown Advocate Prisament: For drinks come downstairs or go up instead. Right, chances are. But in any case, I appreciate it. Does anyone else want to ask me anything? No?

Chairperson Sullivan: Thank you for coming. Appreciate it very much.

Downtown Advocate Prisament: All right, thank you.

Downtown Advocate Prisament: On invitation. It was wonderful.

Boardmember Ambrozek: I don't know if you want to reply about the parking spaces at Chase, but you might want to point out that the reason you use the Chase parking lot is that you own a portion of that property so you have an agreement with Chase to share some parking.

Mr. Prieto: Yeah, there is a symbiotic use. They use our spaces during the day and that's why we have an agreement with Chase. We do have seven spaces they utilize.

Chairperson Sullivan: I'd like to try to kind of catch up where we're at. We've gone through a handful of the older conditions where you're requesting, or proposing, a change to them. I think, in reverse order, we were talking about whether or not the lot is open, the bank lot is open, to the public when it's at owner's discretion rather than being ... you basically would be able to decide whether or not that lot is open to the public when it's under your purview.

Mr. Prieto: Maybe the wording might be a little strong, but essentially it's a private lot, right?

Chairperson Sullivan: Right.

Mr. Prieto: No one should be parking there without the permission of Chase or myself. Chase needs my spaces, I need their spaces.

Chairperson Sullivan: Right. And the resolution before had it open to the public.

Boardmember Bass: Yes.

Mr. Prieto: For some strange reason, I don't know who did that. But this is private property.

Chairperson Sullivan: So that's the change in that condition.

Mr. Prieto: That's right.

Boardmember Ambrozek: I think that's simply because there was no need so they made it open to the public.

Chairperson Sullivan: The next condition that you're proposing a change to is the roof being used no later than one hour after sunset. You're talking about two-and-a-half hours that we've reacted for Michael's suggestion that we may want to come up with some type. So I think that's something for us to be in dialogue about, but it's not a huge stopping point by any means.

Next is the issue of the restaurant and any dining service adjacent to the wellness center, which is no longer there. *"The proposed restaurant shall not open for lunch or brunch on Saturdays."* One of the things I think we have to be clear about, there's going to be the operation of the restaurant with under 75 or so people, and then was going to be when you were triggered and need to look for the valet parking because you have an event of some type that's going to bring you that amount. That's how I read the first statement.

In this case, when I looked at the Board's previous discussion, if you're open for business and you're under 75 or so people I don't know why we're going to want to control whether you're open for brunch or lunch or dinner. You know, it's like that should be how the operation of the restaurant makes sense.

Village Attorney Whitehead: Can you clarify? Were you planning on being open for lunch?

Mr. Prieto: At the moment we are. So since the cat is out of the bag, we're looking to do kind of like the Argentinean Steakhouse but it's not purely an Argentinean Steakhouse; i.e. it means that it's probably going to be open after 5 o'clock Monday through Friday. And if there is a brunch crowd/lunch crowd on Saturdays, then we will be open on Saturdays. But historically, the town is not ... have not been to a restaurant. It's more occupied by more than 75 people at lunch on Saturdays.

Village Attorney Whitehead: Because obviously Saturday and Sunday are different because Saturday the bank is open.

Chairperson Sullivan: Right, but the thing is if they're just open for business with under 75 or so people we aren't triggering the requirement for you to provide those spaces.

Mr. Prieto: Correct.

Chairperson Sullivan: So I don't see the reason, necessarily. You have 1 percent talking to

you about maybe more of a dinnertime operation. Well, maybe there'll be a breakfast operation. You know, I just don't know why that helps us and helps them. I mean, I don't understand it.

Boardmember Alligood: So, Kathy, you're proposing not to be so specific.

Chairperson Sullivan: I don't see,, as a business, they have that kind of inability to open up for lunch.

Boardmember Alligood: Yes, I agree.

Chairperson Sullivan: Because you're talking about if they get over that amount of people – 75 or 77, whatever – you know, then we need to make sure there's parking available for these special events. You know what I mean? It doesn't make sense to me to monitor the operation.

Boardmember Alligood: I think it's keeping it more simple that way.

Chairperson Sullivan: That's just my reaction to that. Then the first one we talked about was this issue going from 75 to 77. Again, you're keeping the same conditions in place: that the maximum number of guests will be 75 or 77, and you can only go over that unless you have an agreement in place like bakeries do. That there's some spaces available – 41 spaces at the bank lot – and over that amount of 75 or 77 are allowed when that lot's available exclusively. That's all the conditions you've agreed to so really we're just talking about the number shifting from 75 to 77 – a small amount.

I think the things that have come up that we might want to explore more, from my perspective, would be the issue of noise. I think there's been a lot of review of the parking lot, and I think that would be, potentially, a great thing for Hahn to take a look at and kind of talk to us about, if that makes sense, Buddy, just to sort of look through and make sure the fire lane should be there.

Village Attorney Whitehead: The fire lane isn't a Hahn issue.

Building Inspector Minozzi: It's not.

Village Attorney Whitehead: It's a fire code issue.

Chairperson Sullivan: But it's more feeding him that information, looking at the issues that were brought up about guardrails getting in the way of car parks. Just to make sure that number works, that would be better for us to get the engineer to tell us that it works than for us to talk about it and hope it works.

Building Inspector Minozzi: Are you saying you want me to have Hahn look at the site plan before your next meeting?

Chairperson Sullivan: I think getting the parking would be helpful, just that piece.

Village Attorney Whitehead: Is that the same layout that you guys approved before?

Mr. Alicea: The one that we're showing here, yeah.

Boardmember Alligood: That's what I thought. It looks the same to me exactly. I've never asked you about the dumpster, but I do remember this.

Chairperson Sullivan: Well, if it already has gone under review then I don't want to spend the time doing it. So do you feel even that we should have it looked at again?

Boardmember Alligood: I think we have to resolve the question. It should get resolved about the fire lane.

Chairperson Sullivan: Right.

Boardmember Ambrozek: Yes, but I'm not sure it's appropriate to ask Hahn to resolve that.

Village Attorney Whitehead: No, that's Buddy.

Chairperson Sullivan: That's a piece of information that can be fed to Hahn. I think I'd like Hahn to look at this if it's not a huge thing just to make sure. Because we've heard comments about it from people, and we just maybe make sure that it does work.

Boardmember Bass: Can I raise the issue of noise on the northwest corner of the roof?

Chairperson Sullivan: Yes, please.

Boardmember Bass: Since that's not going to be where your guests are standing, but it's the closest point to the residential buildings, is there a way to have sound baffling?

Mr. Prieto: I'm glad you rolled that up.

Village Attorney Whitehead: Speak into the mic.

Building Inspector Minozzi: Into the mic, please.

Mr. Prieto: I'm glad you brought that up. It's very important to note that the parapet wall and the elevator will be closest to the residential neighborhoods. So in order for them to hear the sound in this area it has to travel above this and come down so you can hear it. Nearly impossible. We're actually ... this is going to be a glass wall, and you're going to be sitting at the glass wall like this, speaking.

Chairperson Sullivan: You disappear.

Mr. Prieto: Very little sound intrusion going outside at the levels we're talking about.

Mr. Alicea: Yeah, D'Wayne's right. This mass here will block that corner. I was going to say that they are also acoustic-attenuating materials that we could apply to that surface to mitigate it. You know, we could look at that a little closer.

Mr. Prieto: It's a structure, not more acoustic.

Mr. Alicea: There's no reverberation so we can cut that down a little bit.

Chairperson Sullivan: I think, Richard, that's the next point I wanted to make is the noise. You will understand how much noise it will be, what kind of sound systems you might want to have, and have someone help us make sure that doesn't cause grief.

Boardmember Bass: And I think what they're addressing and what they're proposing will address a lot of the concerns. We won't really know until they're operational. So maybe we have a six-month or a year review to see what the noise levels are, and then other mitigations can be installed. Whether you have to put a Plexiglas wall on the northwest corner, but we won't know until they're operational.

Building Inspector Minozzi: I think our noise ordinance is like 65 decibels or something like that, which is the sound of a normal person talking.

Boardmember Bass: Great, but we're going to have 49 normal people talking. Again, I understand the concern but we won't know until we know.

Boardmember Ambrozek: So are you saying there should be a review after six months or 12 months of operation? Is that what you want to make it conditional on?

Boardmember Bass: I think so, or we do it with the squeaking wheel. We have the neighbors complain to the Village. I'm not sure, Linda. Do we have the ability?

Village Attorney Whitehead: It's hard to do that. They've invested, they've opened for business. It's hard. You know, if there's a specific standard and a specific response that you

could ask them to do that doesn't really affect things it has to be carefully tailored if you're going to do something like that.

Boardmember Alligood: It's one thing to say we would look for more mitigation measures, but I agree. We can't make an experiment ...

Village Attorney Whitehead: And then say you can't use the rooftop deck anymore.

Boardmember Bass: No, that's not what I'm saying. There are ways of dealing with it. We can either do it reactively and have complaints to the Village, or we can be proactive and have some sound testing and then bring it to their attention. Either way, maybe it won't be an issue at all.

Chairperson Sullivan: Right. Well, I don't know. It would be helpful if you could help us by telling us what you're proposing; you know, what kind of systems and maybe some of the materials and we could just sort of get a sense of where you're headed. Knowing we're looking at our town code about the sound requirements, and continue this.

Boardmember Alligood: The only thing is, I think we need some point of comparison because I don't know how to evaluate issue. I don't know how we're equipped for it. Like if he says what kind of sound system I'm not going to be able to judge whether that's the problem or not.

Chairperson Sullivan: It would be to take it and have it reviewed by our engineer.

Boardmember Alligood: So that's what you're proposing?

Chairperson Sullivan: Yes, I think, on this issue. It doesn't impact anything in the proposal for the plan. I think it's a detail. I mean, it's looking for potential.

Mr. Alicea: So you're basically going with that sound system should have a certain decibel maximum or something like that.

Mr. Prieto: Facing us, or away.

Chairperson Sullivan: Just so we understand ...

Female Voice: (Off-mic) sound system, decibel level.

Boardmember Alligood: It sounds like, Kathy, you're proposing that they give a detailed plan for exactly what would go on the roof, including all the sound systems, the barriers you talk about, the planters, everything. Then you have an engineer that knows how to evaluate

that because I don't think it's the typical engineer. I think it's a specialty.

Village Attorney Whitehead: Yes, it's not something Hahn can do.

Boardmember Alligood: That's what I'm trying to say. The information's only useful if it's being evaluated by people who know what they're looking at.

Building Inspector Minozzi: We're going to have to set up an escrow account, at this point, yes. Because we're going to have to start getting professionals in.

Village Attorney Whitehead: Well, but are we?

Boardmember Alligood: We haven't decided yet, we're just talking.

Mr. Prieto: I want to make sure because I'm starting to get concerned here. We are here today for site plan approval for the uses we have designated here. I'm not in a position to go back with more studies for this plan to be reviewed again for more studies. Honestly, I'm at the end of my rope on this deal. It's very simple: if we're allowed to use this I have no problem coming back, investing in the studies, and so on and so forth.

Chairperson Sullivan: Right. And I'm not ...

Mr. Prieto: I'm not escrowing, I'm not ...

Building Inspector Minozzi: If we go into engineers you are escrowing.

Mr. Prieto: Oh, under certain conditions.

Chairperson Sullivan: Please. I wasn't putting this out there as a condition for site plan approval. If anything, it would be a condition to your site plan approval. I see this as an important detail.

Mr. Prieto: That's agreeable.

Chairperson Sullivan: It's not going to sink the boat, in my book.

Mr. Prieto: That's definitely agreeable.

Chairperson Sullivan: I think it's a concern for the people who live nearby, and it'll be a concern for other people in the Village that they don't have some kind of thing happening that's going to be distracting.

Boardmember Alligood: I think we have to decide ... I'm just going to say I think we have to decide, as a board, are we okay with the concept of the rooftop use. And we just ensure, during the process, that there are mitigation measures we are comfortable with about that rooftop use. If we're not sure about that, and then we ask him ... I understand where he's coming from. He doesn't want to do all these studies to see whether we like the idea. No, I think we have to get to a ... I think, in all fairness, we have to be comfortable with which way we're going here, and I think he's presented at two meetings in a row now. So I think we should decide is there anybody on the Board right now who really isn't comfortable with the rooftop use. And we should say it now.

Boardmember Ambrozek: I am very comfortable with the rooftop use. I do want to say that when we did view preservation it was based on not obscuring any more of the view above the existing height of the building. You were mentioning that you're going to put in transparent parapets that are higher than the existing parapets.

Mr. Alicea: I don't believe they're higher.

Boardmember Ambrozek: They're not higher? Because when you demonstrated here that a person would be below the height of the parapet I don't know what the height of the parapets on the roof are.

Mr. Alicea: They're like 42 inches, and what he was referring to was the perimeter of the actual seating area, not the actual parapets. So there would be a double ... there would be belts and suspenders, essentially.

Village Attorney Whitehead: I don't think you've actually done view preservation yet, and I think they've actually submitted some information for view preservation.

Mr. Alicea: We have some views, yeah.

Boardmember Ambrozek: I was stipulating something that I didn't realize I need to stipulate. In terms of the use of the rooftop deck, I like the idea.

Chairperson Sullivan: Bill, any comments?

Boardmember O'Reilly: No, I like it. I mean, I like it as well. I want to encourage what there will be. And I think in terms of the reaction around your immediate neighborhood you'll have those that won't care, those that will object, and those that will be talking to you. I think, in a way, working with the surrounding community would be something you might be considering. I think there is some obvious ... there's going to be some noise, there's no doubt about that. I mean, we can't say it's going to be a silent group of people whispering to each other, the 49 amongst each other.

So in terms of just relationship to the surrounding community, I think there's a whole skill about that. I don't know if you have anybody that's good at that in your organization, but it can be something that we all have to pay attention to. I think inevitably, if you're going to live in the downtown, you run the risk that you're going to have noise as development occurs. You can't keep a quiet neighborhood for the rest of your life. But we have to be sensitive to the fact that there are those that have particular needs so any mitigation that can be done in terms of noise abatement I think is in your interest.

Since it's going to be seasonal – I mean, you're going to be open certain times of the year – it's almost, you'd think, being separately incorporated almost to take that responsibility away from you having the restaurant and the deck. But you've got it there. I like the idea of it, and I think most of the people that live around there might enjoy coming up there and having a wine on the deck, as well, hopefully.

Chairperson Sullivan: Well, I'd like to move onto the next step to take the site plan.

Village Attorney Whitehead: Did you finish?

Boardmember Alligood: No, I was calling everybody.

Chairperson Sullivan: Just giving my opinion, I'd like to push it on if that's it, Eva.

Boardmember Alligood: You want to push it on?

Chairperson Sullivan: Yes. I think the plan is great. I think there's things we can work out as we move forward, but it's a fantastic opportunity.

Boardmember Ambrozek: Just getting back to its use as a roof, even if it was just occupied by apartments those apartment unit owners would have to be eligible to use the roof. They could have barbecues up there. They could be making as much, or more, noise playing music as well.

Village Attorney Whitehead: Without time limitations.

Boardmember Ambrozek: Yes.

Boardmember Alligood: That's a very good point, an excellent point. So I've already stated I'm in favor of this project. I think, as a village, we should be working with a business owner and property owner that wants to do something that has been sorely needed for some time, I think, if I were downtown. So I think there are ways to address the concern of the neighbors. I think nobody will be ... it's not possible that everyone's going to be 100 percent happy, but

I think we have to work towards trying to mitigate the concerns that have been raised. I think we can do that, so there'll be a process for that. But I'm in favor of the project and, as you can hear. I've been advocating for it.

Boardmember Bass: Yes, the redevelopment of this site is long overdue. And as you develop your site plan and you look at that northwest corner on the roof, I don't know if there's a solid fence on the western side of the Chase parking lot but those type of mitigations you're going to do because you want to be a good neighbor. I think that's where you're going to go. But I'm ready to vote for this tonight.

Chairperson Sullivan: So what are our steps with this?

Village Attorney Whitehead: Well, you have to do view preservation. So I think they can take a few minutes. They'd submit to you views, and the view preservation is required because of the new bulkhead.

Chairperson Sullivan: But in the process of what they've submitted, what we require, where are we?

Village Attorney Whitehead: Well, I think in terms of view preservation they've submitted it to you. You can let them take a couple of minutes to present it. You can act on view preservation and pass it on to the Zoning Board.

Mr. Alicea: So we can continue the process.

Boardmember Alligood: So we can get the process going.

Chairperson Sullivan: And then with our site plan.

Village Attorney Whitehead: On site plan, I think there was a couple of things that you talked about tonight where they might agree to slightly different conditions. I think the Board should come up with a list of conditions, be working on its conditions. You guys can come up with what you're willing to sort of change, some of the things we talked about tonight. And maybe we can even get this wrapped up next month, unless there's anything else that anybody on the Board is looking for or wants them to provide.

Boardmember Alligood: As far as I'm concerned we've raised all the issues we were discussing.

Chairperson Sullivan: And I think the things we've raised are tweaking the language of the previous resolution.

Village Attorney Whitehead: Right. So, Kathy, you have the previous resolution there?

Chairperson Sullivan: Correct.

Village Attorney Whitehead: You've gone through a lot of them. If you even want to take a shot, or I can work with you, and see if we can start putting together drafting a new resolution, a new set of conditions for the next meeting.

Mr. Alicea: If I could simplify one of them for you, what was approved in terms of the rooftop, the roof deck ...

Building Inspector Minozzi: Will you please speak into the microphone?

Mr. Prieto: What was approved for the roof deck was, the roof may not be used later than one hour after sunset.

Village Attorney Whitehead: So let's come up with a time.

Mr. Prieto: Like what, 11:30? That's the latest sun that you will get – no, that's not it – summertime 9:30, 10 o'clock.

Village Attorney Whitehead: The latest is like 8:30.

Boardmember Ambrozek: Yes, but that's the latest throughout the summer, like June 21.

Mr. Prieto: So 11 o'clock was is fine with us.

Village Attorney Whitehead: Is 11 o'clock good with the Board?

Boardmember O'Reilly: Yes.

Village Attorney Whitehead: Okay. So there's your condition.

Chairperson Sullivan: I just wanted to find out what else they have to do, if anything, before we can push this on.

Village Attorney Whitehead: Well, they've got to get the view preservation from the Zoning Board.

Chairperson Sullivan: Do you have any other submittal information we need from them, package-wise, site plan-wise?

Village Attorney Whitehead: And Buddy's got to check on the fire lane.

Building Inspector Minozzi: I have to check on the fire lane. I mean, I have a whole bunch of things written down. I don't know what we need for our next time around.

Village Attorney Whitehead: Let's go through them because we want to get this done.

Building Inspector Minozzi: Okay. So the fire lane I have to look into. The rooftop hours we just did, 11 p.m. We're talking about the brunch hours, we never really settled that conversation.

Village Attorney Whitehead: I think we decided we weren't going to put anything in.

Building Inspector Minozzi: Okay, so no brunch. That's fine.

Boardmember Alligood: Not brunch.

Building Inspector Minozzi: No brunch hours.

Village Attorney Whitehead: No restrictions.

Building Inspector Minozzi: We were going to talk about valet perimeters.

Village Attorney Whitehead: I think the valet parameters is over 70 ...

Boardmember Alligood: Yes, it's the same as before. There's like a trigger.

Chairperson Sullivan: The trigger's 75, and they've asked for 77.

Building Inspector Minozzi: Okay, that's good.

Boardmember Alligood: So we're okay with the two extra.

Chairperson Sullivan: I think so. I don't see the significance, but if it makes you happy.

Village Attorney Whitehead: An even over 77 you have to have valet.

Mr. Prieto: An organized, planned event.

Village Attorney Whitehead: And your restaurateur might decide he wants to use valet even on a normal Saturday night, even without that, just to make it easier for his customers.

Chairperson Sullivan: Yes. What else, Buddy?

Building Inspector Minozzi: The noise ordinance and the sound system kind of correlates with are we doing a sound engineer or are we not?

Chairperson Sullivan: No, we will not.

Boardmember Bass: No.

Building Inspector Minozzi: No? Okay, very good. That's it.

Village Attorney Whitehead: I think they've explained that the bulkhead is between ...

Mr. Alicea: It's the crucial corner for this sensitive sound area.

Boardmember Alligood: And I would just say – you've said it, but I just want to repeat – that any speakers would be low down and facing down.

Mr. Prieto: They'll be outdoor speakers.

Chairperson Sullivan: We'll try to craft something about that in the resolution.

Building Inspector Minozzi: And Linda and I will discuss parking waivers by the next meeting. Employee parking question?

Chairperson Sullivan: I think we have it, it was addressed about people parking in the Zinsser parking lot.

Building Inspector Minozzi: So Zinsser lot. You guys have that down?

Village Attorney Whitehead: At night and on weekends in the Zinsser lot, daytime the Zinsser Park.

Boardmember Ambrozek: It's basically staying as it is now. My suggestion didn't work.

Village Attorney Whitehead: It's Zinsser Park during the day, during the week, the Zinsser lot – the commuter lot – the rest of the time.

Chairperson Sullivan: We'll clarify that.

Boardmember Ambrozek: Okay.

Chairperson Sullivan: I think that was it, right, the conditions?

Village Attorney Whitehead: What else, Buddy?

Building Inspector Minozzi: That would be that. Two things we didn't discuss but that definitely have to be discussed, from site plan approval, is the exterior vent to the roof and the air conditioning equipment.

Village Attorney Whitehead: Where's your air conditioning equipment going?

Boardmember O'Reilly: The north end.

Mr. Alicea: There is a duct that we have on the ... it's shown on the plan. It's on the parking lot side of the building, a 16-guage exhaust duct that's coming up from the restaurant kitchen, from the cellar, up on the external side of the building and exhaust on the roof area.

Village Attorney Whitehead: And that's a building code and health department issue.

Building Inspector Minozzi: Right. And where would your AC equipment be?

Mr. Prieto: It would be on the roof.

Mr. Alicea: Or actually, let me just codify this. The residential units will have their own contained units.

Mr. Prieto: Within the apartments.

Building Inspector Minozzi: But they still have condensers.

Mr. Alicea: Actually, the technology I'm moving towards is heat pump systems which are all contained within the unit.

Building Inspector Minozzi: Oh, you're doing like all self-contained like hotel units?

Mr. Prieto: Yeah.

Mr. Alicea: They're not PTAC. It's kind of like a PTAC concept, but they're actually more efficient now.

Building Inspector Minozzi: Okay.

Chairperson Sullivan: So they're self-contained for the two residential units.

Mr. Alicea: For the two residential. As far as the restaurant itself, we have a lot of space on the roof area.

Building Inspector Minozzi: Okay.

Boardmember Ambrozek: Going back to the duct, you addressed the duct out of the basement burners but you actually have a range on the first floor on the west side.

Mr. Alicea: Yeah, the idea is to branch them into that main exhaust duct.

Boardmember Ambrozek: As well, because it doesn't show the ductwork.

Mr. Alicea: I didn't get into the mechanical, but that's the idea. Incidentally, the one in the cellar is ... they're not that far, just to give you an idea.

Boardmember Ambrozek: The one in the cellar's closer, the one on the first floor is a longer run.

Mr. Alicea: So the one in the cellar's about, I would say, about 16.

Boardmember Ambrozek: No, it's about 28 feet and the other one is 30-odd.

Mr. Alicea: The one here on the first floor, you're right it's a little further out. It's over 25 feet.

Boardmember Ambrozek: 16, 7 and 8 is 31.

Mr. Alicea: Yeah, very good.

Building Inspector Minozzi: It has to be signed by the mechanical engineer, and we'll check all those numbers at the time of the building permit. I have a couple more.

Chairperson Sullivan: Are you comfortable with those answers?

Building Inspector Minozzi: Oh, yes, so far. You've answered everything so far.

Mr. Prieto: Well, let him ask those questions.

Building Inspector Minozzi: Well, I'm good so far except for the two things I have to look up. We're doing very well.

One thing one of the residents had asked, a legal question about noticing for the change in the rooftop use compared to what was originally noticed.

Village Attorney Whitehead: But you know what? Would the Board like – since they have to come back next month – to send another notice specifically referencing a rooftop deck?

Building Inspector Minozzi: Because it was referenced as "rooftop use," but it was referenced for the residential, not the commercial.

Village Attorney Whitehead: Oh, it was referenced for rooftop use.

Mr. Alicea: But I did mention at the previous meeting that we were amending that.

Village Attorney Whitehead: But this is for ...

Boardmember O'Reilly: Public notification.

Village Attorney Whitehead: Let's re-notice it.

Boardmember Alligood: Let's just cover that. Let's not make that an issue.

Chairperson Sullivan: Thank you, Buddy.

Building Inspector Minozzi: We talked about Chase being open to the public. What are we doing with that ?

Village Attorney Whitehead: It's private property.

Boardmember O'Reilly: We can't say that.

Boardmember Alligood: Sorry, but that's not our place to tell them.

Building Inspector Minozzi: No, I just didn't know what the decision was.

Boardmember Alligood: I think that was given as like a negotiated thing. There was no obligation on their part to do that.

Building Inspector Minozzi: Okay. And the only last thing is what Kathy had asked about Hahn looking into the parking lot.

Village Attorney Whitehead: The circulation in the parking lot?

Chairperson Sullivan: I proposed two things and I let the Board decide if they want to follow up with parking. If other people do not feel it's worth having it reviewed, and you think it's been reviewed already, I'm happy to stand down on that. I just thought it might be helpful because we had some comments about it. But I don't feel strongly about it so if other people don't share that concern let's put it aside.

Boardmember Ambrozek: I think there is no doubt that the existing parking dimensions allow the flow of traffic so how you park vehicles there is really ... the number of parking spaces, I think, is more of the issue than trying to figure out if traffic flow with the vehicles parked. But Hahn certainly could do that, trying to verify you could move the vehicles around if there's the 41 vehicles parked there.

Boardmember Alligood: I feel like this was a preapproved plan, parking plan, so I would vote for just approving it again.

Chairperson Sullivan: With a lot of consultants helping with that as well, right?

Village Attorney Whitehead: Everything was looked at very carefully the last time around.

Boardmember Alligood: Many, many reviews and layers, yes. Anything that stands from the last one I'm fine with this being approved as is.

Building Inspector Minozzi: And the very last thing I have is more about equipment. Were we good with the garbage? Because we always talk about garbage and dumpsters and how we're going to do that, and is that layout okay from what's proposed?

Mr. Alicea: We did not change it.

Building Inspector Minozzi: Were you talking about a bike rack?

Boardmember Ambrozek: Yes, there's a bike rack.

Mr. Alicea: Did you put the bike rack in? I don't know.

Mr. Prieto: We have not changed anything on the location of waste and disposal from what the original approvals were.

Building Inspector Minozzi: So my only question to the Board is, we're good with all of the ...

Boardmember Ambrozek: Well, there is the issue of the mail box being in the way. You show the mail box and I don't know what you plan to do with that. What are those things?

Mr. Prieto: We shifted it over.

Mr. Alicea: Can you see it on the plan ?

Boardmember Ambrozek: Well, it's U.S. government property. Be careful about shifting it.

Mr. Prieto: We could petition for them to come over and move it over.

Building Inspector Minozzi: Okay, and that's everything that I have written down.

Chairperson Sullivan: Okay, so are we good?

Boardmember Bass: I have a dumb question for you all. Is the building eligible for a National Register designation? And if it would, then the renovation would be historic tax credits.

Mr. Prieto: Tricky, tricky, tricky, right? The building's not historic so I would have to put the building into the historic registry. Whatever story's is behind the building it has to be presented and whatnot. The building's too small to make that investment. So if the building was a little bit larger ... my legal fees alone would wipe out the tax credit benefits.

Village Attorney Whitehead: Yes, the historic tax credits aren't enough.

Boardmember Bass: If you're going to establish ...

Mr. Prieto: I went down that road.

Village Attorney Whitehead: Okay, so do you want to look at the view preservation, what they submitted on view preservation?

Boardmember Ambrozek: Yes.

Building Inspector Minozzi: I'm comfortable, I have the three things I have to do.

Village Attorney Whitehead: Okay, so Kathy and Buddy and I will all work on getting something together for the next meeting.

Chairperson Sullivan: A revised resolution?

Village Attorney Whitehead: Yes, but let's look at view preservation so we can get the

Zoning Board on that.

Mr. Alicea: Just so I'm clear, in regards to stipulations on an approval or coming back to the next meeting for an approval?

Village Attorney Whitehead: Coming back next meeting hopefully for an approval. We'll have a draft resolution.

Mr. Prieto: Okay, that's painful.

Village Attorney Whitehead: What, to come back?

Mr. Prieto: Yeah, because it's not like it's a 30-day process.

Building Inspector Minozzi: You're three times in a year and two months.

Village Attorney Whitehead: We're talking one more meeting.

Mr. Prieto: Yeah, that's fine, but I just ...

Village Attorney Whitehead: And you've got to go to the Zoning Board for the view preservation.

Building Inspector Minozzi: For major site plan approval you've been here three ... this is your third time here in 14 months.

Mr. Prieto: This is not a major site plan approval.

Building Inspector Minozzi: Yes, it is – yes, it is.

Mr. Prieto: Okay.

Building Inspector Minozzi: Okay? So just please let us do our process.

Mr. Prieto: I totally understand, but I do also have a process and that process needs to be respected as well.

Building Inspector Minozzi: Of course, but you have to understand that the first time you were here was just a very general – 14 months ago it was a very general – introduction to the project.

Village Attorney Whitehead: It was a different plan 14 months ago with the retail.

Building Inspector Minozzi: And now you're two months in a row and we're this close to a site plan approval, which is excellent.

Boardmember Bass: Don't tick us off.

Chairperson Sullivan: Well, we're building on the past work we haven't had to delve into because we look this and Eva's keeping us honest about certain things.

Village Attorney Whitehead: And I think you're hearing pretty clearly the direction the Board is going. We need to have it put together and prepared in writing.

Mr. Prieto: Correct, okay.

Village Attorney Whitehead: Yes, t's crossed, i's dotted.

Chairperson Sullivan: And view preservation.

Village Attorney Whitehead: And view preservation has to go to the Zoning Board.

Boardmember Alligood: So we want to review that and vote on that so you can go to the next step.

Village Attorney Whitehead: And then come back here and finish up next month.

Chairperson Sullivan: Okay, view preservation please.

Mr. Alicea: Okay. If you look at VP-2 this kind of like sums up what's going on. You'll see the different points of view taken from the VFW building, which is directly across. You'll see a picture from the VFW building, you'll see the bulkheads shown on the building in the lower right-hand corner, and you'll see shots also taken without the bulkhead. You'll see a diagrammatic shot of a person walking by the building across the street at the visual line. Again, it shows that they can't see the bulkhead.

Basically, what this is showing is you can't see the bulkhead from the street. You can see it from the VFW building, from the second floor of the VFW building, which is on this location map located here. But it doesn't hinder the view of the actual Hudson.

Village Attorney Whitehead: Because the building's already blocked.

Mr. Alicea: Yeah, the building's blocking the view of the Hudson. The bulkhead itself does not block the view of the Hudson, even from the second floor of the VFW building which is

actually further way and at a higher elevation.

Chairperson Sullivan: Now, one question I had was that we have a section the long way through the building, but you don't have one through the short part of the building. And it looks like the roof slopes quite a bit. Is that the case?

Mr. Alicea: Actually, the dotted line is the point of view of an individual.

Chairperson Sullivan: I'm talking about the actual roof itself, between the two parapets.

Mr. Alicea: It drops a little bit.

Chairperson Sullivan: So how high? When I'm on that level ...

Mr. Alicea: When you're on the roof?

Chairperson Sullivan: ... on the roof, where am I in relationship to the parapet? How high is it?

Mr. Alicea: The parapet varies in range, but it's on the average about 42 inches.

Chairperson Sullivan: So you're going to set the new floor at 42 inches below the parapet?

Mr. Alicea: Yeah, as close as possible. There'll be little sleepers about maybe 2 inches, that's it.

Chairperson Sullivan: What's the drop of the roof from one side to the other?

Mr. Alicea: It's almost flat. There's a minimum pitch for drainage right now. It's basically a flat roof, just pitched for drainage and not aggressively.

Chairperson Sullivan: And how high will the mechanical equipment extend?

Mr. Alicea: Well, we haven't selected the mechanical, but it will be selected so that it's ... I mean, today maybe some mechanical equipment is 24 inches high, 30 inches high. So it should be hidden by the parapet.

Chairperson Sullivan: So we can make that a condition of the site plan if it's below the parapet? Does that seem reasonable?

Boardmember O'Reilly: What would be below?

Village Attorney Whitehead: Mechanicals.

Boardmember Ambrozek: They see mechanicals.

Mr. Alicea: I haven't done the engineering yet.

Boardmember Bass: I don't think it's necessary.

Village Attorney Whitehead: If they're in front – if they're on the same side as the bulkhead – you're going to see the bulkhead.

Boardmember Bass: That's why I don't think it's necessary to make that a condition.

Mr. Alicea: And that's actually the good location, where we're talking about storage.

Village Attorney Whitehead: On that side.

Mr. Alicea: Exactly.

Chairperson Sullivan: I'm sorry, you're proposing to have it on the side ...

Village Attorney Whitehead: On the same side where the bulkhead is.

Boardmember O'Reilly: Yes.

Village Attorney Whitehead: Because that's not the usable roof deck section.

Boardmember Alligood: I agree with Richard.

Chairperson Sullivan: But if it's organized so it's on that side, that would be good. That's helpful.

Boardmember Alligood: I agree with that side. You wouldn't want it there 'cause it'll detract from your façade and also from your ...

Village Attorney Whitehead: From your roof deck. If you don't want your mechanicals right next door.

Mr. Alicea: The building is beautiful and that's a gorgeous corner. We want to keep that clean.

Chairperson Sullivan: Okay, so that will be part of it. Good. Any comments, Richard, on

the view preservation?

Boardmember Bass: I'm good.

Chairperson Sullivan: Eva, any thoughts?

Boardmember Alligood: No, I'm good.

Chairperson Sullivan: Bill?

Boardmember O'Reilly: I'm good with what they've got.

Chairperson Sullivan: Michael?

Boardmember Ambrozek: Yes. As I said last time, the last time when we talked about view preservation, I'm happy with the view preservation. Do we need a motion?

Chairperson Sullivan: I'm going to ask if anyone from the public wanted to speak about view preservation. No? All right.

So may I have a motion to refer view preservation.

Village Attorney Whitehead: To make a recommendation.

Chairperson Sullivan: Make a recommendation for a view preservation advisory to the Zoning Board. Do we have a motion?

Building Inspector Minozzi: It works out well because we have to notice for the Zoning Board. Remember, we talked about not doing double notices anymore on these big projects. So they're going to come back, we're going to notice for next month for the Planning Board and Zoning Board. So we'll do it in one notice, which will be good.

Village Attorney Whitehead: You'll be done by the end of June, completely done.

On MOTION of Boardmember O'Reilly, SECONDED by Boardmember Ambrozek, with a voice vote of all in favor the Board resolved to approve the view preservation advisory to the Zoning Board of Appeals for the application of Pam 555 Warburton Realty for a rooftop deck at their commercial property located at 555 Warburton Avenue.

Boardmember Ambrozek: I'm an "aye."

Boardmember O'Reilly: I'm an "aye," too – whatever you say.

Chairperson Sullivan: Okay, thank you very much.

Boardmember O'Reilly: Motion to adjourn?

Chairperson Sullivan: Are were there yet?

Female Voice: (Off-mic).

Mr. Prieto: It's way beyond that, and I don't know if you guys understand the significance of what we're going through.

Village Attorney Whitehead: Well, legally you've got to get view preservation.

Mr. Prieto: No, no, I hear you on that part, right? But in my opinion – my humble opinion here – is that you could approve the site plan for the uses. Like I could go and tell my tenant keep investing money on this, this is gonna happen.

Village Attorney Whitehead: And you don't think you've heard enough tonight that you're comfortable?

Mr. Prieto: I heard this ... this is the same conversation we had last time. So the only thing we did tonight here – and I'm not talking about ...

Village Attorney Whitehead: We were a lot more detailed and a lot more specific tonight.

Mr. Prieto: Yes. What we did last time when I was here, essentially what I was supposed to do it go back, review the old plans, crush it together – let's go side-by-side – then if there's nothing that really changed I expect an approval. Now we're going, all right, you did all that. Come back, and ...

Village Attorney Whitehead: And we'll vote next month.

Mr. Prieto: Vote, right. So for a developer that's a substantial impact, right? Because now I'm carrying the building for another 30 days, and it's not only 30 days because I have to wait for ... at this point I don't owe you anything.

Chairperson Sullivan: Do you have a full building sent in? Do you have a full permit sent in to the Building Department?

Mr. Prieto: I do.

Chairperson Sullivan: Do you?

Mr. Prieto: For the restaurant, yes, and it's been there for six or seven months now.

Chairperson Sullivan: But not for the rest of the building.

Village Attorney Whitehead: Well, you just said you don't have mechanicals so you don't have a full building permit.

Mr. Prieto: Right, because I need the use to be approved for me to invest money and get those plans.

Village Attorney Whitehead: So what I've just said to you is ...

Mr. Prieto: So we're waiting for June.

Village Attorney Whitehead: ... I think you heard enough from this board tonight to know that your use is being approved.

Mr. Prieto: But I heard enough last time and the time before that.

Village Attorney Whitehead: No, we never got this specific.

(Cross-talk)

Boardmember Alligood: I'm going to insert myself here.

Village Attorney Whitehead: We never got this specific and this detailed.

Boardmember Alligood: I have been saying since you came here let's get this project moving quickly. I've been saying this sounds like the right plan, this building is obviously really difficult to develop, it's been empty for a long time. But I will say that we have a process, you heard our process tonight. We all just agreed. We just all said we are in favor of this project. So we have another step we have to take. We did not approve it last time, we did *not* get to where we are tonight.

So you're saying *last* time that we were where we at this time. That is *not* true. Last time we were deliberating we were asking for more information, so tonight you made *huge* progress as an applicant. As well you know, you made *huge* progress. So I think, you know, there is one more step. I mean, I don't know what else to say.

Mr. Prieto: No, that's fair.

Boardmember Alligood: You're not in the same spot as last time.

Boardmember Bass: Have your tenant watch the television program.

Chairperson Sullivan: Yes.

Village Attorney Whitehead: I think you and your tenant (cross-talk) ...

Mr. Prieto: My tenant advised me that this is more of a process than it is. That's why I lost two other tenants.

Village Attorney Whitehead: You and your tenant should both feel comfortable that this is getting approved. I think this board has been very, very loud and clear tonight on this particular plan, use and everything else.

Chairperson Sullivan: Yes, we're writing the resolution so we can vote on approving it for next time.

Boardmember Bass: You can't get any better than that.

Chairperson Sullivan: Yes, that's the task we have to take. And you have to go to the Zoning Board a week after us, correct?

Mr. Alicea: Yes.

Mr. Prieto: We got the notice for this?

Village Attorney Whitehead: No, it wasn't noticed for next week.

Chairperson Sullivan: So we'll have our final discussion next month, then you'll be ...

Village Attorney Whitehead: And it'll be quick because we'll have a written resolution. It'll just be yes, it's what we all talked about, and they'll vote on it.

Mr. Prieto: Right, but for planning purposes we will miss the view preservation for this morning. Therefore, we can't have a resolution for next month.

Building Inspector Minozzi: You can go to the ZBA next week.

Mr. Prieto: I agree, so now we're talking July.

Village Attorney Whitehead: No.

Boardmember Ambrozek: No, June.

Boardmember Alligood: No, June.

Boardmember Ambrozek: No, June.

Village Attorney Whitehead: June.

Mr. Prieto: Right, but I won't be able to go to view preservation ...

Village Attorney Whitehead: June. They meet the week after this board.

Boardmember Alligood: In June.

Village Attorney Whitehead: They meet in June.

Building Inspector Minozzi: Everything's in June.

Mr. Prieto: Right. It might be I'm missing something. I need to get the view preservation approved first.

Village Attorney Whitehead: No.

Boardmember Alligood: No.

Village Attorney Whitehead: This board will give you site plan approval next month ...

Mr. Prieto: Oh, okay.

Village Attorney Whitehead: ... subject to you getting the view preservation.

Mr. Prieto: Oh, got it. So, yeah, okay. Got it.

Village Attorney Whitehead: Okay?

Mr. Alicea: I thought that was before, but June.

Mr. Prieto: That's what you just said, right? You're recommending for the June ...

Boardmember Bass: Yes.

Building Inspector Minozzi: Everything's going to be ... your typical ... as the attorney and the chair said, I mean, your site plan approval, the resolution's getting written for next month. And right after that you're going ... we have to re-notice for the rooftop bar anyway. We'll notice for view preservation as well for ZBA. And right after this meeting next month, the next week is your Zoning Board meeting.

Boardmember Alligood: And I just want to say again, on the note, because I heard that comment about you were warned, you know, it takes a long time to get things through. Approving rooftop use for 49 people, that is huge. Show me other towns around here that have approved that. So you should be calling this a victory ...

Village Attorney Whitehead: And that have approved that in one or two meetings.

Boardmember Alligood: ... and not complaining that you have one more month to get approval.

Building Inspector Minozzi: Absolutely.

Boardmember Alligood: I'm sorry, I'm just going to tell it like it is, okay?

Mr. Prieto: Again, it's all relative. This is what I do for a living. In New Rochelle it takes me 30 days. It's all different.

Boardmember Alligood: You're in a small village where we've never had a rooftop use so you made huge progress tonight.

Mr. Prieto: Thank you.

Village Attorney Whitehead: And the rooftop deck, which is the biggest change, was really approved in one meeting.

Mr. Alicea: Which is incredible.

Boardmember Alligood: Yes. And by the way, we had some complaints about it.

Village Attorney Whitehead: Right. It was done over opposition.

Boardmember Alligood: Yes. So I think you should be counting ...

Building Inspector Minozzi: You were white-boxing. Now you have a tenant. It's one month. If your tenant ... I don't know how any tenant could expect any faster service from *any* village.

Boardmember Bass: Well, they can, but (inaudible).

[laughter]

That's why they call it "tenants," or "clients."

Mr. Prieto: Right.

(Cross-talk)

Boardmember Alligood: Tell them to try to go get that approval at some other Rivertown or some other part of Westchester.

Chairperson Sullivan: The reason is, is that we were building off what was done in the past. So many issues were resolved and dealt with.

Mr. Prieto: And that was my initial thesis in investing in this property. So there's 67 plans done already.

Chairperson Sullivan: Right, and you took advantage of them.

Mr. Prieto: And I *thought* I took advantage of them.

Village Attorney Whitehead: You did. Would you like to be here a year from now? If those did not exist ...

Boardmember Alligood: No, if you had come back to us with exactly what was approved before we would've been done in one meeting.

Mr. Prieto: No, you wouldn't.

Boardmember Alligood: No, not true.

Boardmember Bass: Let's call it a night.

Mr. Prieto: Yeah.

Chairperson Sullivan: Thank you.

Mr. Prieto: Thank you so much. Appreciate it.

Chairperson Sullivan: We're happy, we're very excited to work with you. We've kind of come to terms and look forward to seeing you, sadly, for the last time.

[laughter]

Village Attorney Whitehead: Sadly.

Mr. Prieto: Thank you all.

4. **Steep Slopes Approval – Application of Mirjana Alilovic for the gross illegal re-grading and drainage of backyard on her property located as 12 Prince Street. Said property is located in the 2-R Zoning District and is known as SBL: 4.140-151-11.2 on the Village Tax Maps.**

***** Deferred to June Meeting *****

V. ANNOUNCEMENTS – Next Meeting Date – June 21, 2018

VI. ADJOURNMENT

Boardmember Ambrozek: Shall we move to adjourn?

Chairperson Sullivan: Yes, we shall. May I have a motion to adjourn?

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