

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
PLANNING BOARD  
REGULAR MEETING AND PUBLIC HEARING  
MAY 16, 2019**

A Regular Meeting and Public Hearing was held by the Planning Board on Thursday, May 16, 2019 at 8:15 p.m. in the Municipal Building Meeting Room, 7 Maple Avenue, Hastings-on-Hudson, New York, 10706.

**PRESENT:** Chairperson William O'Reilly, Boardmember Kathleen Sullivan, Boardmember Eva Alligood, Boardmember Michael Ambrozek, Boardmember Richard Bass, Boardmember Debra Oaks, Boardmember Kerry Gould-Schmit, Village Attorney Linda Whitehead, Building Inspector Charles Minozzi, Jr., Planning Consultant Patrick Cleary, and Planning Board Assistant Jennifer Petillo

**I. ROLL CALL**

**II. APPROVAL OF MINUTES**

**Chairman O'Reilly:** We have a number of minutes to approve, and I'm just waiting for Kathy to get her mic.

**Bldg. Inspector Minozzi:** Except Kerry, she's supposed to be here though.

**Chairman O'Reilly:** Oh, okay.

**Village Attorney Whitehead:** So you can actually approve some minutes this time.

**Chairman O'Reilly:** Well, we'll see. Let's see who we need for the minutes here.

**Boardmember Sullivan:** This is quite the test.

**Meeting of November 27, 2018**

**Chairman O'Reilly:** We're going back to November 27, 2018. Those who were present were O'Reilly, Alligood, Bass and Oaks. So we have sufficient, and we can therefore ask for any questions on the minutes as written for November 27, 2018. Any comments?

**Boardmember Oaks:** No.

**Boardmember Alligood:** Who remembers?

On MOTION of Boardmember Bass, SECONDED by Boardmember Oaks, with a voice vote of 5 to 0 (Boardmembers Sullivan and Ambrozek abstained), the Minutes of the Regular Meeting and Public Hearing of November 27, 2019 were approved as presented.

### **Meeting of February 21, 2019**

**Chairman O'Reilly:** Those present were Richard Bass, Mike Ambrozek, Debra Oaks, and Kathleen Sullivan. Any questions, comments on the minutes as written for February 21, 2019?

I therefore ask for a motion to approve the minutes.

**Boardmember Alligood:** I wasn't here.

**Chairman O'Reilly:** I abstain, I wasn't here.

On MOTION of Boardmember Ambrozek, SECONDED by Boardmember Bass, with a voice vote of 5 to 0 (Boardmember Alligood and Chairman O'Reilly abstained), the Minutes of the Regular Meeting and Public Hearing of February 21, 2019 were approved as presented.

### **Meeting of March 21, 2019**

**Chairman O'Reilly:** We did not approve these. Those who were present Bill O'Reilly, Eva Alligood, Richard Bass, Kerry Gould-Schmit, and Kathleen Sullivan. We have four, therefore any question in relation to the minutes of March 21, 2019? Any comments?

**Boardmember Sullivan:** None.

**Chairman O'Reilly:** Therefore I ask for a motion to approve the minutes of March 21, 2019.

On MOTION of Boardmember Bass, SECONDED by Kathleen Sullivan, with a voice vote the Minutes of the Regular Meeting and Public Hearing of March 21, 2019 were approved as presented.

### **Meeting of April 18, 2019**

**Chairman O'Reilly:** Now we have the minutes of April 18, which have been circulated. I was here.

**Boardmember Bass:** I was not.

**Boardmember Sullivan:** I was here.

**Boardmember Oaks:** I was here.

**Boardmember Ambrozek:** I was here.

**Boardmember Sullivan:** Last month's, right?

**Chairman O'Reilly:** Any comments on the minutes of April 18?

**Boardmember Sullivan:** I gave mine at that meeting, so I'm good.

**Chairman O'Reilly:** You gave them to Jen.

On MOTION of Boardmember Oaks, SECONDED by Boardmember Ambrozek, with a voice vote 6 to 0 (Boardmember Bass abstained), the Minutes of the Regular Meeting and Public Hearing of April 18, 2019 were approved as amended.

**Chairman O'Reilly:** Very good, we've cleared the deck on them. That's good.

**Bldg. Inspector Minozzi:** Nice.

### **III. OLD PUBLIC HEARINGS - None**

### **IV. NEW PUBLIC HEARINGS**

**Chairman O'Reilly:** Now all the public hearings. We have two new public hearings.

- 1. Site Plan Approval – Application of Margaret Huckeba for the creation of a third dwelling unit in her two-family dwelling at 461**

**Warburton Avenue.** Said property is located in the MR-O Zoning District and is known as SBL:4.70-52-25 on the Village Tax Maps.

**Chairman O'Reilly:** The issue is the third dwelling unit in currently what is a two-family home.

**Bldg. Inspector Minozzi:** Correct.

**Chairman O'Reilly:** Who's speaking on that? You are, Margaret? Introduce yourself, with your address, just for the record, please.

**Margaret Huckeba, applicant:** Margaret, or Maggie, Huckeba. I live at 461 Warburton which is, for frame of reference, the old John's Bar. I think a few of you walked the parking lot about a year ago, just so you know what you're looking at. That's the description of the objective.

I originally bought the place to actually open it up as a wine bar. That didn't work out, my brother got very sick, I needed to convert it to a residential. The last time I was here you guys converted it to a residential. My brother got sicker, I've since rented that residential, and now the third unit would be the place that I could stay because currently, in order to make the mortgage, I have no place to stay. Clear? Questions? That's the objective.

So what you're looking at is the actual physical unit. It is largely already built out per code and approved by the building inspector. In order to approve it, it would require a larger door up to fire code at the back door, an alley kitchen, and some fire inspection ceiling monoxide system. Questions?

**Chairman O'Reilly:** Are you saying these changes have been made, or that's required?

**Ms. Huckeba:** No, the last three – the door, the alley kitchen, and the monoxide – are required; everything else is done.

**Chairman O'Reilly:** Okay.

**Ms. Huckeba:** So it's a finished basement. I don't know your business, but I think the primary interest is that you would have parking. It's a 25 by 24.4 turnaround space, as designed. Any questions on this?

**Boardmember Oaks:** I have a question. There's a house right across the street, or right across that parking lot? So do they have ... if you're facing the bar, on the left, do they have parking rights in that space, as well? That's all yours.

**Ms. Huckeba:** The property line is about 1 foot off of the building to the south, I think.

**Boardmember Oaks:** And the top two floors are rented now?

**Ms. Huckeba:** That's correct.

**Boardmember Ambrozek:** Regarding the parking spaces, the spaces are just divided by stripes. There is no physical pillars or anything going over the stripes, correct? And I guess the issue is that Village code requires 25 feet turning of circle. So you basically really have just 24 feet there.

**Ms. Huckeba:** 24 and 4. Sorry, I don't have the code memorized, but it's very easy to navigate. I mean, if the code is the code that's yours to approve. But if the code is my view, which is a pedestrian's view ...

**Boardmember Ambrozek:** Basically you're asking for a variance of the 25-foot radius. I'm not correct, Buddy?

**Boardmember Oaks:** That's new information.

**Bldg. Inspector Minozzi:** The turning radius is fine. The planning board has to give her the reduction of the parking space.

**Boardmember Ambrozek:** From 5 to 3.

**Bldg. Inspector Minozzi:** 9 feet to 8 feet.

**Boardmember Ambrozek:** Oh, reducing the width from 9 feet to 8 feet.

**Ms. Huckeba:** Was that done in the past conversation? I thought it was.

**Village Attorney Whitehead:** You're adding a space so it's got to be done again.

**Ms. Huckeba:** Thank you, okay. So it was done, and has to be done again.

**Boardmember Sullivan:** And how long are the spaces?

**Ms. Huckeba:** I think 11.

**Village Attorney Whitehead:** Nonconforming in length; it's the width.

**Boardmember Bass:** As part of your presentation do you have any façade drawings? The

front façade and the north façade?

**Ms. Huckeba:** No, sorry. I didn't even think about that.

**Boardmember Bass:** How below grade is the unit and what's the size of the windows, and what would be the experience of someone living in that basement?

**Bldg. Inspector Minozzi:** The back is full height, the front is on the ground. There are no side windows, it's just going to be back windows. And the light will be coming in from the back that'll be the studio apartment.

**Ms. Huckeba:** There's two side windows.

**Bldg. Inspector Minozzi:** Is there two side windows? Oh, I'm sorry.

**Ms. Huckeba:** It's quite nice, actually.

**Boardmember Bass:** That's why I'm asking. Again, if the wide windows are at the top of the floor as opposed to the middle that would be helpful for me to know that.

**Ms. Huckeba:** Sure, I'm happy to bring pictures. The side windows are about (off-mic) foot tall up in the ceiling. The back windows are standard width windows.

**Boardmember Bass:** And there's a window in the front?

**Ms. Huckeba:** No, the front of the building would've been the old place to carry in bottles from the street.

**Boardmember Bass:** So the only light and air would be from the western façade and from two small windows on the northern façade.

**Bldg. Inspector Minozzi:** It's already a finished space that was approved.

**Boardmember Bass:** Okay.

**Bldg. Inspector Minozzi:** She's going from a finished space that's connected at the second floor, now she wants to make it an apartment. So it had already passed all of the code criteria.

**Chairman O'Reilly:** Yes, I thought we'd done this a while ago.

**Boardmember Bass:** I wasn't here then so I missed that one.

**Ms. Huckeba:** But to finish your question, the door is also glass so it's quite lit, it's a nice space. If you'd like me to bring pictures, it's not a dingy, dusty basement unit. It has a beautiful backyard.

**Boardmember Sullivan:** So we're being asked to look at a reduction in one space. Is that what it is? There's two spaces.

**Village Attorney Whitehead:** No, the width of the space.

**Chairman O'Reilly:** The width of the parking space.

**Village Attorney Whitehead:** From 9.8 to 8.

**Boardmember Sullivan:** That's what we're being asked to look at.

**Village Attorney Whitehead:** And it's site plan approval because they're adding a third unit. And it needs variances because in this zone the minimum lot size to have three units is 65-hundred square feet. This is just under 5,000 square feet.

**Boardmember Sullivan:** So the things again – I'm a little confused – is lot size, the width of the parking space, for us?

**Bldg. Inspector Minozzi:** We're not dealing with lot size. That would be the zoning board, which she's going to, hopefully, next week. What we're looking at is site plan approval for, now, the creation of a two-family dwelling to a three-family dwelling – now it's a multi-dwelling – and for reduction of the parking spaces.

**Village Attorney Whitehead:** And addition of one parking space. So the parking lot is being revised to add one space.

**Boardmember Sullivan:** I remember when we went there last time, it's a pretty spacious spot. And I remember there were some issues with people having thought they could park there, but it was really your property.

**Ms. Huckeba:** I approach this as like a common sense thing as well as a consumer thing, or a civilian thing. Still, every day I'm like this lot is frickin' huge.

**Boardmember Sullivan:** I don't have any questions or any objections.

**Chairman O'Reilly:** And we're looking at five parking spaces, right?

**Ms. Huckeba:** That's correct. Adding one; there's four stripes now.

**Chairman O'Reilly:** And it doesn't require tandem parking because you have the space between the front parking lots.

**Boardmember Oaks:** What's the width of the two in the front? That's wide enough for three? Like two cars, and then a car to go through the middle?

**Ms. Huckeba:** Yeah. This is 11.6.

**Bldg. Inspector Minozzi:** You have to use the microphone, please.

**Boardmember Oaks:** Oh, 11.3. Okay, I'm sorry, I missed that. Okay.

**Ms. Huckeba:** It's 11.6 on one end, 11.3 on another.

**Boardmember Oaks:** I guess I'm not good at that, but that's enough space for a car to get through.

**Village Attorney Whitehead:** Yes, it's just going to be one way. So if somebody's waiting to come out they're going to have to wait if somebody's coming in.

**Boardmember Oaks:** Like there's no danger of hitting the cars on either side.

**Boardmember Bass:** Travel lanes on highways are 12 feet, just to give you perspective.

**Boardmember Oaks:** Okay, thanks.

**Boardmember Ambrozek:** I have a question. There will now be three people, three occupants, in three units within this building. Are they all from one family, or are they from different families? Are they all related?

**Ms. Huckeba:** I think what you're approving is the ability to have three unique families regardless of who they are.

**Boardmember Ambrozek:** A variance to approve that, yes.

**Ms. Huckeba:** Currently, they're different. In the future I would love it to be my family, in which case it would be one.

**Boardmember Ambrozek:** Okay.

**Chairman O'Reilly:** So do we have enough to move on this? Any further questions on



this?

**Boardmember Alligood:** No, it looks fine to me.

**Chairman O'Reilly:** Therefore this is going to the zoning board, I take it then, after this. So we're basically giving approval – or referring to, recommending to – the zoning board approval of site plan.

**Village Attorney Whitehead:** Well, you still give site plan approval. There's a couple of different ways you can do this. You could just send them to the zoning board. You could make a recommendation that the variance be granted, then she would come back next month, actually, for site plan approval because hopefully by then she would have the variance. You could, although you shouldn't because it really shouldn't be done with a variance, approve it subject to or conditioned upon her obtaining the variance. So that your approval is not effective unless she obtains the variance.

**Chairman O'Reilly:** Which would mean no reason to come back; would not have to come back.

**Village Attorney Whitehead:** Correct.

**Boardmember Alligood:** I see no reason to make her come back.

**Boardmember Oaks:** I agree.

**Chairman O'Reilly:** Therefore asking for approval of the third dwelling unit, released from restriction of the third dwelling unit, and ...

**Village Attorney Whitehead:** It's just site plan approval. You could say site plan approval ...

**Chairman O'Reilly:** Yes, conditioned upon zoning board approval of the variance at that meeting.

**Village Attorney Whitehead:** And authorization to reduce the width of the parking space from 9 feet to 8 feet, which you're allowed to do.

On MOTION of Boardmember Bass, SECONDED by Boardmember Sullivan , with a voice vote of all in favor the Board resolved to grant site plan approval conditioned upon the reduction of the width of the parking space from 9 feet to 8 feet and Zoning Board approval of the variance.

**Ms. Huckeba:** Thank you.

**Boardmember Sullivan:** Good luck. Still breaking the hearts of people who want the bar back, but that's in the past.

**Chairman O'Reilly:** I know, out of business.

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

**2. View Preservation Advisory & Site Plan Approval – Application of River Road, LLC for the creation of a new greenhouse and exterior renovation at their property located at 100 River Street. Said property is located in the MW Zoning District and is known as SBL: 4.30-19-4 on the Village Tax Maps.**

**Chairman O'Reilly:** I understand the question is relating to insufficient rear yard setbacks.

Please introduce yourself, who you are.

**Paul Petretti, civil engineer:** With me tonight is Bruce Bernacchia, owner of the Harvest. We're coming before you for exactly what you have stated: we're going to propose to put up a greenhouse.

Here's your Harvest Restaurant as it sits right now, this is the parking area. Hopefully you're all familiar with that. This is the garden area, and here's where we propose to put an 18 by 44 greenhouse which would be 24 feet high in this area here. The theme of the Harvest has always been exactly what it says, a "harvest," and Bruce has always been desirous of ... he plants this garden in the spring and he would like to be able to start plants earlier so that they can plant and have a more robust planting.

There is a trellis here, a covered area here, and there is a barbecue right there and there's also a fireplace. The intent is to put this up, make a little connection to this area, take this somewhat antiquated bar and fireplace down and rebuild it. So that's basically the application. The rear yard setback variance we're going to be asking for is 24 feet, the required is 60 feet, and that's it. The coverage is respectable, I think – 20 percent coverage – and I think we're going to increase this 14-feet-and-change, to 16. So that's basically the application.

**Boardmember Bass:** So I have some questions. You just said that the width of it is 44 feet. On your second drawing it's 38 feet, on your third drawing it's 41 feet. So I'm going to take

you at your word it's 44 feet wide; 6-1/2 feet tall is a brick wall facing the parking lot. That's your proposal.

**Mr. Petretti:** Right. The glass is to this side, there's a door here and a door there. There'll be doors on this side, but this side looking to the parking lot is correct.

**Boardmember Bass:** So you're seriously proposing that as an urban design in terms of the parking lot for the public. That's what they see when they drive into this parking lot for your restaurant and for the public park. You're really proposing that.

**Mr. Petretti:** That's the proposal.

**Chairman O'Reilly:** What's going to happen to the vegetation that's currently there?

**Mr. Petretti:** There is a row of arborvitaes there. And you're correct, that's exactly what I'm proposing. To put nice stone in here.

**Chairman O'Reilly:** Could I ask, I know Patrick Cleary proposed a subject, or a review, of this proposal. I'd just like to ask him to – if he could, before we get into further questioning – just go through that, and we can come back to this issue.

**Planning Consultant Cleary:** Sure, Mr. Chairman. There's a couple points. First, the question of where the greenhouse should go, the siting of it. So there aren't many options regarding as it exists today. And the other location adjacent ...

**Bldg. Inspector Minozzi:** Paul, can you give ...

**Planning Consultant Cleary:** Any other location would probably compromise the garden. Similarly, the greenhouse is oriented perpendicular to the river instead of long-ways to the river, which minimizes the view impact by siting in that location. So it's a reasonably appropriate location for the greenhouse. You noted the zoning compliance issue.

A question with respect to the use of this area. It's changing from what it is today and the bar area is changing. So that relates to simply the question of whether the intensity of the use of the restaurant's increasing as a result of the improvement they're proposing on the property. That relates to the off-street parking requirement, as well. If the restaurant's growing because of this in some way, that would relate to the parking requirement, depending on which provision is applied. Utilities to the greenhouse: is it being illuminated, are there lights in there, is there electric, water, anything like that? So clarify that.

And then with respect to comments on view preservation, there's also the greenhouse – and in front of the greenhouse, or on the inland side of the greenhouse – there is a structure that's

(background noise) bar and the barbecue area. So we should understand that if we're considering view preservation. That's sort of the first thing you'd see so the elevations of that are relevant for us.

To Richard's point, the detail of the glass of that greenhouse (off-mic). In effect, can you see through the greenhouse? That's an objective, so clarifying that. That relates to what's inside the greenhouse, as well. So whether or not there's clear glass (off-mic) plants that are hanging from the ceiling, and you can't see through it, sort of minimizes the objective of the view preservation.

**Boardmember Bass:** Patrick, are you saying on plan 3 – this 44-foot side, 6-1/2 foot wide – is glass, not brick?

**Planning Consultant Cleary:** No, no, no. That's the area where the greenhouse is a solid wall above that, and both ends where (off-mic).

**Boardmember Bass:** Right. And the planting area on the southwest corner, the existing planting area, you didn't consider that as an alternative for the greenhouse? And the greenhouse needs to be 24 feet tall? I've never seen a greenhouse that's 24 feet tall.

**Planning Consultant Cleary:** That's another question, the height of the greenhouse. It's design is something we should know more about; why was it selected to be that high.

**Boardmember Bass:** But, Patrick, when you did your analysis you just stated that there was no other place for the greenhouse to be relocated.

**Planning Consultant Cleary:** When we say southeastward, where do you mean?

**Boardmember Bass:** The southeast corner at the lower part of the screen, that L-shaped green area could ...

**Planning Consultant Cleary:** Yes, but if they were to go there – the design of the greenhouse as you see it – that would be perpendicular to the river unless they were to squish it down into a box and put it in that corner.

**Boardmember Bass:** I don't understand the purpose of the orientation to the river. If it's to the east of the building, so who cares where the river is? A greenhouse is a greenhouse; it's not being oriented towards the river. We're talking about a location, and you stated that this is the only location for a greenhouse. I disagree.

**Chairman O'Reilly:** All right, well, we disagree. Can you finish what ...

**Planning Consultant Cleary:** Maybe if I could interject a little bit. Lighting was the last comment about this; what's going to be done for that building? Is it going to be lit, exterior lighting? Same thing with that other building in front. Could you clarify that?

**Boardmember Sullivan:** One thing, Patrick, I've noted in your memo was that you stated it was going to be used for seasonal dining ...

**Planning Consultant Cleary:** So that's a clarification ...

**Boardmember Sullivan:** ... and a service bar. When I look at the applicant's description of it, it does not appear to accommodate any seating for people who are coming to the restaurant.

**Planning Consultant Cleary:** That's right. So it doesn't show it on the plan, it's referenced in their materials. And that needs to be clarified, obviously.

**Boardmember Sullivan:** But they're not referencing ... I don't think they talk about it in their materials.

**Planning Consultant Cleary:** Right.

**Boardmember Sullivan:** So it's a service structure.

**Boardmember Bass:** So is it a greenhouse or is it an expansion of the restaurant? What is it?

**Bruce Bernacchia, owner – Harvest on Hudson:** If I could interject just for a minute. We started the restaurant, Angelo and I, 20 years ago, and I think that was the last time we were before the board. This is generally a very preliminary concept of what we're trying to do.

We asked about ... the concept of the restaurant is, obviously, farm-to-table. The primary purpose of this restaurant is to grow our own food. We've been doing that in the garden for a long time. We get six months of the year of growing. With this, we'd be able to really grow year-round. We're saying planting earlier, things like that, we can grow greens and things like that literally 10 months a year. So the primary objective is to create a real farm-to-table experience for people so they can see it's growing, utilize the food year-round.

The concerns about the brick and things like that, those are easily remedied whether we bring the glass down lower. We can do greenery vines against that. The arborvitaes there are really done anyhow. They're 20 years old, they've been wiped out by Sandy and a couple of hurricanes so they're on their last legs anyhow. We have to replace in any case. We're happy to talk about whether we create vines on the outside, whether it's all nice, stacked stone. At

any rate, it'll be an architecturally nice experience. It's not going to look like a brick wall coming into a parking lot or a side of a prison here.

You had concerns about the height. I think we're overestimating the height, and we fully agree that we would be probably toning this down quite a bit and doing that.

**Boardmember Bass:** So you understand my concerns. I'm reading your site plan and I've now had three different lengths on the wall.

**Mr. Bernacchia:** We were going to clarify everything for you. Again, this was preliminary. We want to get this kind of started. We certainly have the expectation that you would have concerns and questions and feedback, and we're more than willing to, you know, address any of these things. I think there's nothing insurmountable with what we're talking about here.

You had talked about usage on the site. The site is ... we have a little service bar where that fireplace is. We're trying to put that into someplace dry. So inside, we'd move the service bar in there. Largely what's going to happen in there is, a little service bar, a little work area, and a lot of growing area. We're taking up two or three tables and lounge seating which is in that corner of the garden also. So there's a little reduction in tables that are in the garden, and there'll be a couple of stools or something in there in the little service bar.

So we're not talking about adding a use that isn't really there. We'd want the overall experience to be pleasing. So we want people to be walking into a greenhouse, seeing what's growing, seeing what will be on their plate in the next week or two, and just really continue with the rest of the garden concept and bring that into a year-round situation.

You had asked about lighting. There's interior lighting, there's interior utilities. You need water. There will be some heat in there. It's not, you know, a room temperature situation because you don't want things totally freezing in the winter. There's interior lighting, but there's no real exterior lighting plan. There's garden lighting right now just so there's no trip-and-fall situation. You do need some lighting, but there's no major lighting.

The glass is translucent, but any greenhouse needs shades. So it's nice when the sun's coming in and the plants are growing. You get a nice 90-degree day in the summer, you'll just cook everything. So you need ... you know, there's automatic shades that will be inside in the greenhouse.

**Planning Consultant Cleary:** Could I just ask you to clarify the lighting inside? Is that lighting to grow the plants?

**Mr. Bernacchia:** It's low lighting, it's not necessarily grow lighting. There may be some grow lights, but we're counting on basically just sunlight to do the whole thing.

**Boardmember Bass:** I appreciate everything you've shared with us and I love your restaurant. You're a benefit to Hastings, you're a benefit to Westchester County. Just in terms of a preliminary design, so much more needs to be done. Also, I need to better understand why you can't relocate it to this large green area in the lower part of the plan as opposed to there. This is a public area that we drive into, that Hastings drives into. And to see ...

(Cross-talk)

**Boardmember Bass:** No, right there.

**Village Attorney Whitehead:** Do you have a view on that?

**Mr. Bernacchia:** Yes, yes, but this is really the seating where that is. That's the front door and there's a utility shed, and that would be a difficult place to put ...

**Boardmember Bass:** Again, you're selling us a package. And right now, your preliminary plans have three different dimensions on it, has no landscaping on it, has a 6-1/2 foot brick wall for 41 or 44 feet wide. That's not very friendly to your host community. I know this is preliminary. But when you come back, if you're going to stay with this location we need a lot more urban design and a justification why this site is the only place on your property that works.

**Mr. Bernacchia:** Well, I would go ...

**Boardmember Bass:** ... and why you need 24 feet in height when I've never seen a greenhouse that's 24 feet high. They're usually 8 to 10 feet at most.

**Mr. Bernacchia:** Well, there's access inside here. I understand what you're saying. This would have to be a little taller than that because it's a functional place: there's people in there, there's people coming and going, there's ...

**Boardmember Bass:** Well, if there's going to be people in there you're going to have to show the tables and the population. Again ....

**Mr. Bernacchia:** Well, it's not necessarily tables. There's no addition seating coming to this. It's reconfiguring some of this stuff, but I want this to be an interactive thing. This is not a garden center greenhouse; this is something that's meant to be architecturally right and to have people come in and see this place as a working greenhouse and participate in the whole thing.

**Boardmember Bass:** Well, when you come back can you show us other greenhouses of

comparable size?

**Mr. Bernacchia:** Absolutely, yes.

**Boardmember Bass:** Again, there are lots of farm-to-table restaurants in Westchester County and I don't know any of them that are 24 feet tall.

**Boardmember Sullivan:** Also to Richard's point, your doors are 10 feet tall.

**Mr. Bernacchia:** Yes.

**Boardmember Sullivan:** And you have a 2-foot transom above it so you're actually ... to where the roof is 12 feet.

**Mr. Bernacchia:** Right, and I was trying to match that to the trellis.

**Boardmember Sullivan:** I mean, 10-foot high doors is high, very high.

**Mr. Bernacchia:** Yes.

**Boardmember Sullivan:** So you can, I think, bring it down to some degree and not lose the intent that you want to make it: a very pleasurable space.

**Mr. Bernacchia:** No, understood.

**Chairman O'Reilly:** Are you intending that the greenhouse be something of an extension of that central area that you use? Is there going to be traffic across?

**Mr. Petretti:** (Off-mic).

**Chairman O'Reilly:** The part I'm familiar with is that circle where you have the ...

**Mr. Bernacchia:** The circle. So this existing pathway exists and will continue. The majority of this would be open right to the garden. So that's where these are sliding doors that can open and it becomes really part of the garden.

**Chairman O'Reilly:** Part of the garden, yes.

**Mr. Bernacchia:** And that's the real intent of this is to be part of this garden environment. That's what we're trying to get to: it's ambience, it's functionality. But there's a great deal of ambience to try and make this palatable. There's an expectation at the Harvest, and this is just making it a little more inclusive and having people being able to see this visually. It's a



working garden, it's a working greenhouse, and it's part of the environment. That's why people come and walk through the garden in the beginning.

**Chairman O'Reilly:** It's a worthwhile discussion because I know some of these questions, obviously, you intend to go to the architectural review board on the plan of this thing. So these questions obviously are going to come up there and this is a useful discussion.

Eva?

**Boardmember Alligood:** Yes, I was just going to make an observation. I think your verbal, like, vision that you're sharing with us is more effective than what we're seeing; it's more effective than the drawings. I think the drawings kind of came across as sort of over-engineered as opposed to designed in a way we can understand. Because what you just described sounds appealing, and I think what came across was a big box and like are we trying to put more tables in here. Because there wasn't enough detail. Anyway, we've made that point.

**Mr. Bernacchia:** The vision is, it's a very rustic greenhouse – a cedar environment, a very earthy little place – that blends right into the garden, that's part of the garden. And yes, to convey that in a little bit more detail is no problem.

**Boardmember Bass:** But the bar is going to be in there.

**Mr. Bernacchia:** Well, we have a little service bar right now and I'm trying to move that to someplace dry.

**Boardmember Alligood:** Yes, but the bar that you have right now – as I recall ...

**Mr. Bernacchia:** Is 8 by 8.

**Boardmember Alligood:** Yes, but I don't remember any seats.

**Mr. Bernacchia:** No, there's no seats in there.

**Boardmember Alligood:** Anyway, I've heard you mention something about a couple seats at that bar. That's the kind of thing to just show. Have the next drawing show, you know, two barstools, four barstools, whatever you're proposing. Because that way we'll be able to follow your vision. We'll see it on the drawings.

**Chairman O'Reilly:** Also, the perimeter, the long perimeter – whether it's a 4-foot wall, 2-foot wall, 6-foot wall – why not have replacement of the vegetation that is currently there because that's really very attractive.

**Mr. Bernacchia:** Yeah, we're just trying to use a lot of the space. The only thing we could do is do some type of growing wall on the outside, or vines or grapes, any number of things. We could actually utilize that, too. But really, we're open to suggestions. I mean, if there's something that isn't compatible, a lot of the issues here, we have no problem tweaking this in any number of directions.

**Boardmember Alligood:** Can I ask you a question? I recall when you go along that pathway to go to the park area – along the long pedestrian entrance from the parking lot to the park – when you go along there, as I'm picturing in my mind, there's a lot of vegetation right now. It feels like you're walking by ... yes, that right there.

**Mr. Bernacchia:** This is all arborvitaes. We have to fix those anyhow because they're just gone.

**Chairman O'Reilly:** It's scraggy.

**Mr. Bernacchia:** Whether we do a little more arborvitaes and move it a foot, that's doable, or a grow wall on the outside.

**Boardmember Alligood:** Yes. But my recommendation would be – because I think that's a pleasant experience, it's green and kind of separates the parking lot from the restaurant – it creates a nice kind of passageway. So whatever you design, if you can create that feeling I think that would ...

**Boardmember Sullivan:** Eva, to your point, I wondered if there was the original site plan for this because it looked like that was deliberately planted to be a screen from the parking lot.

**Boardmember Alligood:** Yes. Because it's effective it must have been deliberate.

**Boardmember Sullivan:** I would encourage ... I don't know where that could be found, but it'd be interesting to look at the old site plan and see if there are any requirements or any suggestions about that.

**Mr. Bernacchia:** I've got a few old copies.

**Boardmember Sullivan:** That'd be good to see.

**Chairman O'Reilly:** I have a few, yes.

**Boardmember Sullivan:** I have two more things I'd just like to run through. It's interesting

that you're doing a working greenhouse. That's not a traditional use for a restaurant, and that's one of the requirements for the M-W district that it's accessory use or a typical thing. But in the context of your concept for your restaurant, it makes sense to do this the way you described it; to be part of people's experience. So I'm more supportive of it because I have some past work experience where they have production glass houses and they have very showy greenhouses. They're not necessarily the most pleasant spaces to be in, eating. They get a little down and dirty, and I'm glad that you're thinking of this.

One thought was just to look at any requirements, any past thinking about this space, and just seeing in your site plan if there's anything we should understand. The other concern I have – and it's interesting because in my time on the board this is the first project I have seen on the waterfront – is that this is in a floodplain, and we haven't discussed that. Sandy, you mentioned it, really did a number on your restaurant. I'm glad you're back, but I think I would be interested in how this structure accommodates some of the flooding that may occur in the future in the sense that there may be ways it's constructed, protected. Just I think that's something I would like as (background noise).

Maybe at some point Linda and Patrick want to talk about sort of what the process is. Because again, this is the first project I've ever seen in the floodplain. So if there's any guidance you can give us, I don't think we necessarily have a lot to do with it.

**Planning Consultant Cleary:** You don't. There's diligence in flood damage protection law, there are FEMA requirements with respect to habitable space in that floodplain. This is not habitable space in that sense, but those are requirements separate and apart from your authority. But it's a relevant concern from a site planning perspective.

**Village Attorney Whitehead:** And there's things like the utilities have to be above whatever elevation, things like that.

**Boardmember Sullivan:** And even if it's not a habitable space, I mean we are putting a structure down there that ...

**Planning Consultant Cleary:** It's not in the floodway. So in that sense, a building can be in the floodplain. It doesn't disrupt the flood. If it were in the floodway that is a physical impact on the hydrology of the flood.

**Boardmember Sullivan:** Right, but it's in a high special hazard zone.

**Planning Consultant Cleary:** That's right.

**Boardmember Sullivan:** So I'm just curious. Even though it's not habitable, is there anything in the construction of it that would be ...

**Planning Consultant Cleary:** So they'll design this in a way that passes the flood through it. That's the simplest thing to do, otherwise they're flood-proofing the building to send the flood around it.

**Boardmember Sullivan:** It would just be helpful to see how that gets played out with your presentation.

**Planning Consultant Cleary:** And those are prescribed regulations that must be addressed.

**Village Attorney Whitehead:** As part of ... they can't get a building permit without addressing that.

**Boardmember Sullivan:** But we'll see some of that, I gather, when we see this developed.

**Mr. Petretti:** Just let me add something to the conversation. The flood zone elevation is 7, and we put this floor at 8. The lower floor of the Harvest Restaurant is at 7, and then it jumps up to 8 feet.

**Boardmember Sullivan:** Right.

**Mr. Petretti:** So Bruce knows, there in Sandy – which was a surge, and water came in – we are in an AE flood zone, but a base flood elevation is 7 and this is 1 foot above. Relative to FEMA's regulations we're at least above the floodplain in elevation.

**Boardmember Sullivan:** I guess that's all. I understand what you're saying if it's 1 foot or 2 feet. I'm just curious, and I'll stop at this. I just think it's something we should hear about, about how you plan on – with this type of structure – you know, protecting it from flooding.

**Mr. Bernacchia:** On the engineering side, Paul will be doing the details of that. Just on the operational side, it's not designed to be a habitable space with high finishes that could get damaged. Yes, if the water comes in it's going to go right back out. So it's not like a residence or even the restaurant that has, certainly, a lot more stuff that can get damaged.

**Boardmember Ambrozek:** I have a couple of points. I strongly dislike the idea of a wall. I do understand that you do need to put in blinds that could be raised and lowered to protect the plants from the sun. I don't have a problem with that. I dislike the idea of having lights in this because it's a glass-roof building and any light you put in there, especially at night, can reflect back up. We're trying to reduce the light emission into the sky, so in this situation I'm not happy having lights inside.

**Mr. Bernacchia:** We could also do full cutoff fixtures, even inside.

**Boardmember Ambrozek:** But that still reflects off the ground. That's the issue: you cannot prevent up-reflection from lights. So you're going to be raising the existing ground level there by a foot in order to put in this structure, is that correct?

**Mr. Petretti:** Yeah.

**Mr. Bernacchia:** The footprint of the structure only, 1 foot above.

**Mr. Petretti:** Well, the elevation is 8 there now.

**Boardmember Ambrozek:** Oh, it is 8.

**Village Attorney Whitehead:** It is higher than the restaurant.

**Mr. Petretti:** Not trying to walk into it, they're not trying to make a step.

**Boardmember Ambrozek:** The other thing you're changing, aside from the fact that you have an existing arborvitae screen between the restaurant and the parking lot, is that you're putting in a solid material as a separator between the parking lot and the restaurant. I'm much more in preference of the arborvitae, but I suspect you can't have both because the arborvitae ...

**Mr. Bernacchia:** And you don't like the wall.

**Boardmember Bass:** A blank wall 44 feet wide, who would build that? Where would you build a 44-foot wide blank wall anywhere in the Village?

**Mr. Bernacchia:** All right, point taken.

**Boardmember Ambrozek:** You're missing my point. Right now, we have a natural division between the parking lot and the parking lot and the restaurant; a natural screen made out of vegetation. You have the right to remove the arborvitae, however you're now planning to put in a manmade separator. That's my concern, that you now have a structure there. It's not the same as trees or something.

The other thing is, you're proposing to put in a roof over the walkway. There is no roof at this stage and it hasn't been mentioned, but I don't like that idea either.

**Mr. Bernacchia:** Okay.

**Boardmember Oaks:** I was just going to say that if you just made the roof a little more architecturally interesting – like you had a lower wall, then a roof that slopes out or

something like that – then it would just reduce the size of that wall. Then there's the idea of the living roof, too.

**Mr. Bernacchia:** If we squeeze it over a foot or 2 and put arborvitaes there, then we don't need the wall at 6 foot. The wall at 6 foot was designed so you don't feel like when you're in there you're sitting in a parking lot. Then you could take the plants down much lower and you're seeing green from both sides.

**Boardmember Alligood:** I just want to say I understand the questions about it being in the flood zone, but I feel comfortable that it's going to have to meet the codes. And I think if it's clearly just for plants and a bar I'm less concerned about a lot of explanation in great detail about any additional flood-proofing you're going to do beyond what the codes require, from my perspective. I expressed other concerns, I just want to say.

**Chairman O'Reilly:** Kerry, you have anything?

**Boardmember Gould-Schmit:** You've heard most of it. The story you're telling is better than what we're seeing, obviously. You know, it is a sensitive site, lots of people use it. I think you've got to be really aware of the architecture. Obviously, the wall you've heard about. I think you've got to have more vegetation, whether you do have a green roof. I think just come back with something that's ...

**Mr. Bernacchia:** (Inaudible).

**Boardmember Gould-Schmit:** Yes. I think, when Richard and I were speaking, you should let us know what the net loss of seating is. I do think people are saying there's going to be seats in there, but there are seats there already. I go a lot and sit there. I think it would be good, in your presentation, for people to understand you have this many seats now and even after the structure you're at this. It would just be a good thing for us to know and for the public to know because you do look at it and you think they're going to put more tables and things in there.

**Boardmember Ambrozek:** Regarding the utilities, if you're going to be putting any lighting in there you're going to need electrical.

**Mr. Bernacchia:** Well, we need electrical anyhow. We probably need gas because it does need seasonal heat if you have any kind of activity there. We do need sunlight because people are there in the evening and 11 o'clock at night. You can't have it dark. There's an insurance issue on that alone. So there has to be some activity there.

If there's a rule at night, where the shades come down, that's fine also. They're designed to block the sunlight from coming in, and I think we could accommodate something in that

light. We do need general utilities there, you need sewer access. But we have sewer access and water and everything else right by that little service bar. So we're not taking anything too far, but everything's right there.

**Village Attorney Whitehead:** Does that bar have lighting now?

**Mr. Bernacchia:** Yes.

**Village Attorney Whitehead:** There's lights there.

**Mr. Bernacchia:** Yeah, there's lights on the trellis, there's lights in the garden, there's perimeter lighting there and ground light. So there's a variety of lighting there.

**Boardmember Ambrozek:** But you'd have to increase the capacity. I can't say for the water or the gas, but for the electricity probably you'd need to increase that over what you have presently. My concern is that if this is a flood area, that electricity will have to be provided above ground; that it cannot be provided below ground.

**Mr. Bernacchia:** Well, we have above-ground electricity already on all the trellises. The conduit across is up 12 foot high, so most of the stuff is already up there. As well as we just added some heating on the covered porch.

**Chairman O'Reilly:** Yes, it looks very festive. I think we've probably covered it, unless anybody has any pressing last-minute things.

**Boardmember Sullivan:** I guess I have one question. I appreciate what Eva's saying with the flood. Not needing to know more information necessarily, but Buddy and Patrick and Linda, what sort of is the process with a project coming in front of you as the building inspector and any of the other boards when it comes to being in a floodplain?

**Bldg. Inspector Minozzi:** It's the building inspector.

**Bldg. Inspector Minozzi:** It would have to be state code for floodplain.

**Village Attorney Whitehead:** And he's the one who reviews that.

**Planning Consultant Cleary:** The administrator has to certify compliance.

**Village Attorney Whitehead:** (Off-mic). Sorry, we're all sharing mics.

**Boardmember Sullivan:** Thank you.

**Bldg. Inspector Minozzi:** Remember to just keep in mind that this also has to go to the BOT for approval as well because it's in the M-W district.

**Boardmember Sullivan:** Okay, interesting.

**Bldg. Inspector Minozzi:** Not that it has anything to do with the floodplain, but this project is going to see all of our boards.

**Boardmember Sullivan:** Okay. So the review starts with you, and you make a determination about the construction and how it meets the various requirements.

**Bldg. Inspector Minozzi:** At the time of construction, yes.

**Planning Consultant Cleary:** But I would say, Kathleen, it's relevant for you because you're talking about design modifications to the building which may affect the way they address the flood compliance issues. So it's fair for you to raise those questions at this point and not simply defer to the flood control officers' review.

**Boardmember Sullivan:** Right. I just wonder if it would be helpful to have a sense of sort of some the issues that might be looked at in Buddy's review. Then that would just be helpful for us and the architectural review board and the other boards that might be looking at this. I don't know how that typically is done.

**Chairman O'Reilly:** You mean come back in a second iteration?

**Boardmember Sullivan:** Just sort of we had a nice set of issues Patrick put together. If there's any issues that Buddy feels would be worth us knowing now before we get too far down the road it would be helpful.

**Chairman O'Reilly:** When you say "now," you mean now?

**Boardmember Sullivan:** Mm-hmm.

**Village Attorney Whitehead:** I think he can tell you now because he's already looked at it.

**Boardmember Sullivan:** No, that's fine.

**Bldg. Inspector Minozzi:** Yes, the utilities are already in place well above ground. The gas line that was just put in for their new exterior heating has been sized big enough to handle this new space, which is all above ground.

**Mr. Bernacchia:** Ten to 12 feet above ground.



**Bldg. Inspector Minozzi:** The sewer access is already there for the existing bar, and that's gas. Water: the only thing I don't know about is the water. You want to tell us about that?

**Mr. Bernacchia:** The service bar has water as well. It probably would not need to increase the ...

**Bldg. Inspector Minozzi:** That's the only utility that I haven't physically seen myself.

**Village Attorney Whitehead:** Well, water doesn't have to be above floods.

**Bldg. Inspector Minozzi:** Correct. No, it does not.

**Mr. Bernacchia:** And it's also got a 10 juice on the waters.

**Village Attorney Whitehead:** And the building is a flow-through.

**Mr. Bernacchia:** Yeah.

**Bldg. Inspector Minozzi:** The building is flow-through because of the sliding doors they have in the front. You know, if there is a flood situation, open the doors: in-out.

**Boardmember Sullivan:** Thank you very much.

**Chairman O'Reilly:** If I could say, we have aired pretty well most of the issues. You know where we are and what needs to be done, or attempted, in the next go-round.

**Boardmember Sullivan:** Anyone from the public?

**Chairman O'Reilly:** I know, getting to that.

**Boardmember Sullivan:** Good.

**Chairman O'Reilly:** So my next thing would be to say, apart from any questions from us – we seem to have done that – any other questions or comments from the public? This is a public hearing.

If not, then the good news is I think all this is a reflection of how important you are to the Village and how well you've been received in the Village. That's why we pay so much attention to these things and that's why we go into the detail.

**Mr. Bernacchia:** No, appreciate everyone's input, take it to heart, and we'll go for the next generation.

**Chairman O'Reilly:** Well, there's nothing we can actually do at this point except ...

**Mr. Bernacchia:** My anticipation here was to just get a conversation started.

**Chairman O'Reilly:** Good to know. Therefore, I think we ...

**Boardmember Gould-Schmit:** I guess we started that.

[laughter]

**Chairman O'Reilly:** That's it.

**Mr. Bernacchia:** Thank you very much.

**Chairman O'Reilly:** Look forward to seeing you next time.

**Village Attorney Whitehead:** If you could just kind of adjourn the public hearing.

**Chairman O'Reilly:** That I did.

## **V. DISCUSSION ITEM**

### **Accessory Apartment Permit Process**

**Chairman O'Reilly:** The one item we have, at the last meeting a question was raised about the current procedure on the renewal process of accessory apartments. I know Patrick was going to be working on this, hasn't had an opportunity to comment at this point. There is another meeting scheduled with the trustees, the mayor, Buddy and Patrick and myself and Linda.

**Boardmember Sullivan:** About accessory apartments?

**Chairman O'Reilly:** About the overall thing. But we thought we'd open it up again for discussion now because we did have some suggestions at the last meeting.

**Village Attorney Whitehead:** We're sort of in a bigger discussion of a series of zoning amendments which will all come to you as referrals as they're done. So we're trying to include this as part of that discussion. As we discussed last month, any comment that you all have about things that you think should be changed we could talk about. Certainly, when the house has to have been built seemed to not make sense today.

**Chairman O'Reilly:** 1985 cutoff, right? And also whether it be every three years or every five years.

**Village Attorney Whitehead:** Originally, just an example: *"An accessory apartment shall be permitted only in a building or a portion of a building already in existence on, or for which, a building permit was issued prior to November 1, 1994."* That was around the time that this was adopted, I guess. So the idea was, does that date still make any sense. Then the three-year renewals and some of the things that you were all going to see if you had some things you thought maybe should be changed.

**Bldg. Inspector Minozzi:** The one thing about the three-year renewals that we have to keep in mind – and this is from now going for ground inspections for accessory apartments, and this just shows how long I've been here already – is, our biggest thing we find is in compliance with smoke and carbon monoxide detectors. So I am a little bit against getting rid of it altogether because it does make a difference.

**Boardmember Alligood:** The suggestion I have is that there be a mandatory review by the building inspector. But there's no reason for you come to us every three years for us to simply ...

**Bldg. Inspector Minozzi:** I think that's not a problem. As long as I get to get my butt in there.

[laughter]

**Boardmember Alligood:** I would support that. That's not onerous on the owner, it's in their best interest to have you make sure.

**Bldg. Inspector Minozzi:** Make sure because we have come across also – not often, but we have come across – the added bedroom.

**Boardmember Ambrozek:** What in the bedroom?

**Bldg. Inspector Minozzi:** Illegal bedroom.

**Chairman O'Reilly:** Addition.

**Boardmember Alligood:** That's different.

**Bldg. Inspector Minozzi:** Now that changes the whole thing.

**Boardmember Alligood:** You find a nonconformity to what was there.

**Bldg. Inspector Minozzi:** That was a few years ago, but we did come across it.

**Boardmember Sullivan:** So the point isn't we get in to take a look at it, but you get into it and make sure they're safe and compliant. That would be very helpful.

**Boardmember Oaks:** And that's great. I mean, I think that's a good suggestion, but I also think the accessory apartments are in the midst of homeowners, too, a lot of them. So I feel like the neighborhood should have a chance to weigh in. Nine times out of ten they're not going to, but if there was a situation with parking or with something, I don't know, I feel like there should be an avenue somehow for the neighborhood to ...

**Boardmember Sullivan:** Complain.

**Boardmember Oaks:** ... complain if that's ...

**Boardmember Sullivan:** We've never had anyone come ...

**Boardmember Oaks:** You've never had anybody. I don't know, I can't really imagine the situation.

**Village Attorney Whitehead:** Since I've been here, no one has ever come to speak on one.

**Boardmember Oaks:** It just seems like a big door to close, for me.

**Boardmember Sullivan:** It's interesting, Irvington has just put out a new local law which is trying to put legitimacy on Airbnbs. And it's interesting because they did just what the accessory apartment law was like: there was a lot of review, there's a lot of checks. And I think Linda mentioned, it was like back in the day, when that was first put in, people were concerned. They didn't know where this was going to go, and now we know where it goes. That we barely see people come to talk about it.

**Chairman O'Reilly:** Yes, you have to pay \$250, I think, for an Airbnb.

**Village Attorney Whitehead:** But that's why there were so many ...

**Boardmember Sullivan:** Restrictions, conditions.

**Village Attorney Whitehead:** ... conditions, restrictions, limitations because it was something new that people were worried about. But you now have 25 years' of experience with it.

**Boardmember Alligood:** I've been on this board over a decade. The only time anyone has raised a concern is *before* something and they were sort of anticipating a problem, and there was never one. I mean, what we could do, to address Debra's concern, is, we could say that the first time you put one in there is a review once – let's say, three years or later – and then just see, like, how it works. Because maybe there's some special circumstance in that neighborhood.

**Boardmember Sullivan:** That's a point.

**Boardmember Alligood:** But I think coming back again and again, I mean they just keep coming back and it's like ...

**Boardmember Oaks:** Or it could just be simpler. It could be like ...

**Village Attorney Whitehead:** [Mic not on], and after that it's the building department.

**Boardmember Oaks:** Like when Buddy does his review a notice gets sent to all the neighbors saying, you know, this apartment is under review, speak up if you want to. And then if nobody does then nobody does.

**Boardmember Sullivan:** Do they have any kind of notification requirements now?

**Bldg. Inspector Minozzi:** Oh, they do. They have to do a full notification.

**Village Attorney Whitehead:** When they come back for renewals, yes.

**Bldg. Inspector Minozzi:** Absolutely.

**Boardmember Sullivan:** So that could be something.

**Boardmember Oaks:** Then if you don't hear from anybody then you know it's fine.

**Boardmember Ambrozek:** And does it have to be certified mail?

**Bldg. Inspector Minozzi:** It has to be by certified mail, correct.

**Boardmember Oaks:** And maybe it doesn't have to be every three years, it could be every five years. Or a year review could be three years, and then every five years the neighbors get to weigh in.

**Village Attorney Whitehead:** So I think because this board deals with these, the most the board of trustees is going to be interested in is what you recommend in terms of any changes.

**Boardmember Alligood:** I mean, I highly recommend that we make it less onerous and that we don't put requirements in just 'cause we're so overly afraid and there's an off chance that one out of hundred there's a problem. So if there's some way to address the general concern without a big burden, that's ...

**Boardmember Gould-Schmit:** The certified mailings come. Like a few of my neighbors have accessory apartments and they always complain about ...

**Bldg. Inspector Minozzi:** (Cross-talk).

**Boardmember Gould-Schmit:** Yes, I think there's like three on my block.

**Boardmember Alligood:** It just seems like a waste.

**Boardmember Gould-Schmit:** But I think that doing the mailing is kind of a hassle. I mean, they'll do it but the certified mail is ...

**Village Attorney Whitehead:** (Cross-talk) they don't get their certified mail.

**Planning Consultant Cleary:** And who wants that? Nobody gets it. It's bad news.

**Village Attorney Whitehead:** Yes, you get a notice that you have something you have to go to the post office to pick it up, people don't answer it. Regular mail is actually much better.

**Boardmember Ambrozek:** You can do proof of mailing with regular mail.

**Planning Consultant Cleary:** Right, just put it in the mailbox.

**Boardmember Ambrozek:** Well, the proof of mailing gives the address it was mailed to. And there's a small fee, but it's not as much as certified mail. So that should be sufficient for this.

**Boardmember Alligood:** The thing is that if there's an issue, you know, the neighbors will inform themselves of what the process is and they'll ... even if only one person bothers to get their mail these days, they'll talk to each other and say how can we register our complaint. So I'm not so worried that every single neighbor has to ...

**Boardmember Oaks:** I mean, I guess I'm not really so worried. You know, if you're saying that you've never heard a hassle then I certainly don't want to create a problem where there shouldn't be one. But, you know, I also don't want to just cut it all off.

**Bldg. Inspector Minozzi:** That's what I was just going to speak to, Debra. The only time

we've really had anybody speak is a *new* application.

**Boardmember Alligood:** Exactly.

**Bldg. Inspector Minozzi:** They were speaking in concern for parking or for something like that. And other than that, on the renewals, I don't ...

**Boardmember Oaks:** Well, you know, I guess parking is the major thing, right? So then all of a sudden there's an apartment and they have like five cars.

**Bldg. Inspector Minozzi:** And that's why the accessory apartments are limited to two bedrooms.

**Boardmember Sullivan:** What I would like to raise is that there's actually a public information campaign to let people know about these as an option, especially if the change is in the age of the structure that we think's going to allow it in. Because I think it's a useful tool that not many people know about.

**Village Attorney Whitehead:** Maybe the affordable housing committee wants to sort of take the lead on it.

**Boardmember Alligood:** I think it's a great idea, Kathy, because I think people don't know that they can take advantage of this. I would say one other change I'd make is to make it even more user-friendly and useful to a homeowner, particularly maybe someone who has a downsized family. They're getting older and they don't want to leave the Village, they want to be able to afford to stay here.

We had one case where, oddly enough – and it sounds like a reasonable thing, but the way this is written it was a problem – the old homeowner wanted to move into the apartment because she didn't need a big space. She also probably wanted the bigger rental income from the larger space.

**Village Attorney Whitehead:** We were confused. They can, but they have to occupy one of the dwelling units.

**Bldg. Inspector Minozzi:** We thought it was going to be an issue and it turned out not to be.

**Boardmember Sullivan:** Good.

**Boardmember Alligood:** So that's allowable. I think, again, this would be part of the public awareness campaign.

**Bldg. Inspector Minozzi:** And by the way, she has done it.

**Boardmember Sullivan:** Yes, good.

**Village Attorney Whitehead:** She moved into the apartment.

**Boardmember Alligood:** What I wanted to say is that if we market it – if we publicize it – as, oh, you can just create an apartment and rent that out and that's sort of the one thing you can do, it's not as maybe enticing or interesting to people as, actually, you could create an apartment for yourself and rent out the rest. Which, for some people may be more useful and might help younger families move into the Village who need more space but can't afford to buy a house because it's getting really expensive here.

**Bldg. Inspector Minozzi:** And that was the perfect example. She was an empty-nester, didn't need the whole thing, and didn't want to leave town.

**Boardmember Alligood:** And what she proposed would be beneficial to a young family that needs more than one bedroom. So again, I would just make that part of the awareness.

**Village Attorney Whitehead:** So we're talking about you want to recommend just eliminating that date restriction.

**Boardmember Sullivan:** I think so, and then talk about the reviews.

**Village Attorney Whitehead:** And then I'm sort of running through the others. You're still good with the size requirements? So just reading through: *"The minimum floor area for an accessory apartment shall be 300 square feet, but in no case shall it exceed 1,000 square feet or 25 percent of the floor area of the principle dwelling."*

**Chairman O'Reilly:** Right.

**Boardmember Alligood:** There were many cases where it was like a shade bigger and we had the discretion to grant the waiver.

**Boardmember Gould-Schmit:** That's usually what the waiver is, right?

**Boardmember Alligood:** If we do have that discretion I don't have a problem with that, but we just look at it and say ...

**Village Attorney Whitehead:** Because you can waive it.

**Boardmember Alligood:** Exactly. So I think that's not a problem.



**Chairman O'Reilly:** And we've generally been waiving them, haven't we?

**Bldg. Inspector Minozzi:** Yes.

**Village Attorney Whitehead:** A lot of those are in the bigger houses where there's sort of an existing separation between areas so there's really no way to do the apartment without it being more.

**Boardmember Bass:** So on renewals, do we want to cede the ones that we waived originally?

**Village Attorney Whitehead:** I like the idea of the building department ...

**Planning Consultant Cleary:** Confirming it.

**Village Attorney Whitehead:** Because the building department inspects every three years.

**Bldg. Inspector Minozzi:** I have no problem with it. I *like* going into them because ...

**Village Attorney Whitehead:** You like checking on them.

**Bldg. Inspector Minozzi:** ... it's a good check.

**Boardmember Sullivan:** No, it's a smart thing.

**Bldg. Inspector Minozzi:** I've caught boarders. I mean, I've caught all kinds of stuff.

**Boardmember Bass:** No, your involvement and the notice I think are sufficient. We don't need to see these things every three years because ...

**Village Attorney Whitehead:** So do we want to change the notice to regular mail?

**All:** Yes.

**Village Attorney Whitehead:** And then what's the distance on the notice?

**Bldg. Inspector Minozzi:** 300 feet.

**Village Attorney Whitehead:** You want to keep it 300, or reduce that down to a hundred?

**Boardmember Alligood:** Yes, because really the only concern is the parking.

**Chairman O'Reilly:** And the neighbor, immediate neighbor.

**Boardmember Alligood:** That reduces the burden, too.

**Village Attorney Whitehead:** Regular mail and 100 feet.

**Boardmember Ambrozek:** Could we have regular mail with proof of mailing, please?

**Chairman O'Reilly:** And I think you said at the last meeting we have currently about 30 accessory apartments?

**Bldg. Inspector Minozzi:** We have 28, about 28. We're allowed 50.

**Boardmember Ambrozek:** Fifty. Good.

**Bldg. Inspector Minozzi:** I'm sorry, we have 24 and we're allowed 50.

**Boardmember Ambrozek:** Sheesh.

**Village Attorney Whitehead:** So there is, still, in here the maximum of 50 Village-wide. Do you want to also recommend that that come out?

**Chairman O'Reilly:** Well, we're having trouble getting there so ...

**Boardmember Sullivan:** I think just keep it in for now until ...

**Chairman O'Reilly:** Leave it now.

**Boardmember Ambrozek:** If it becomes an issue, then we could address it.

**Bldg. Inspector Minozzi:** We had over 30. As the houses are selling and younger couples are buying the homes they're getting rid of them.

**Boardmember Gould-Schmit:** My neighbor got rid of theirs.

**Boardmember Sullivan:** I think I was interested in what Irvington was doing because I think it came up someone was concerned about their Airbnb. And I think it's something to look into 'cause the rationale they gave was to help people stay in their homes. So it would be interesting to look at that as another option.

And something I've thought about is – I read something recently that makes me kind of question it a little bit – there are areas in the Village that we could change the zoning and

encourage two-family homes or three-family. You know, something that would be compatible with a residential type of feel? I just think we've had so much activity when it comes to the area around Warburton because it's the only place where there are options for multi-family. Now, those are bigger units – those are four or five, the townhome things we've seen – but I just throw that out there if anyone's interested in pursuing that or think it's useful.

It opens up a lot of things, but there's a need to increase density. And we have an option. We have a very lovely commuter area, and is there a way we can bring some diversity, bring different housing stocks into our community in a thoughtful way instead of being reactionary and just having to deal with things that come to us because of how a developer ...

**Chairman O'Reilly:** You mean become a planning board.

**Boardmember Sullivan:** What?

**Village Attorney Whitehead:** The reason why I think two-family is a much bigger ...

**Planning Consultant Cleary:** And I would add that it's a more complicated issue.

**Boardmember Sullivan:** I can imagine.

**Planning Consultant Cleary:** It's a worthy thing to think about, but I would be careful about is what you do then opening it up to developers. That's who shows up to build the two-family homes, and those because ... they're maximizing what could be done, and that's often sort of contrary to the form and character of the community. So you'd have to impose some architectural guidelines or controls to accommodate appropriately-sized two-family homes.

**Boardmember Sullivan:** We have that issue already. In our existing two-families we've seen some things, without the FAR type of thing that just was started by the zoning board.

**Planning Consultant Cleary:** And to your point, Kathy, when you do create that opportunity it's now recognized as a development opportunity. Instead of an individual homeowner accommodating an accessory apartment, developers are attracted to a two-family home opportunity as opposed to just the homeowner doing something.

**Boardmember Ambrozek:** But do we have a requirement here that an Airbnb must be for at least one month occupation?

**Bldg. Inspector Minozzi:** You don't have Airbnb requirements.

**Boardmember Sullivan:** This was nice because Irvington really ...

**Boardmember Ambrozek:** So there's no restriction?

**Bldg. Inspector Minozzi:** We have not caught up with Airbnbs.

**Boardmember Ambrozek:** But that is a boarder; Airbnb is a boarder.

**Planning Consultant Cleary:** That's correct.

**Boardmember Ambrozek:** So our boarding laws apply. You have to register the boarder.

**Chairman O'Reilly:** Not there, no.

**Boardmember Ambrozek:** But you have to register the boarder.

**Bldg. Inspector Minozzi:** Airbnbs, that is not addressed.

**Planning Consultant Cleary:** It's clearly a gray area, and like Irvington we'd have to spend some time thinking about it.

**Bldg. Inspector Minozzi:** It's something that we are definitely going to have to address.

**Village Attorney Whitehead:** I'm going through the accessory apartment permission, and right now there's a provision that it expires on a transfer of ownership. The new owner has to come in and apply. Do you want to keep that?

**Boardmember Ambrozek:** Yes.

**Chairman O'Reilly:** I would say so, yes.

**Boardmember Sullivan:** I think so, yes, so they can get up to speed and whatnot.

**Bldg. Inspector Minozzi:** The new owners get, I believe, 60 days. They have 60 days to come in and ...

**Boardmember Sullivan:** Talk to you.

**Boardmember Ambrozek:** Yes.

**Bldg. Inspector Minozzi:** ... apply in their own name.

**Boardmember Sullivan:** Do we want to see that reapply?

**Planning Consultant Cleary:** You should because the new owner needs to hear what you thought was important when you approved it originally.

**Boardmember Sullivan:** Okay.

**Planning Consultant Cleary:** They should hear it from ...

**Village Attorney Whitehead:** It's an opportunity to make sure they know the rules. So the next one – and this is sort of an odd one – is that if you buy a house that does not have an accessory apartment you can't apply to put in an accessory apartment for five years from the date you bought the house.

**Bldg. Inspector Minozzi:** I think that this board should say something about that.

[laughter]

**Bldg. Inspector Minozzi:** I think that law is awful.

**Boardmember Alligood:** That makes no sense.

**Village Attorney Whitehead:** I'm just reading what's here.

[laughter]

**Bldg. Inspector Minozzi:** We're sticking to it, and we've had to turn people away. I think it's horrible.

**Boardmember Alligood:** That's terrible.

**Bldg. Inspector Minozzi:** I agree.

**Village Attorney Whitehead:** This is why we're going through this.

**Boardmember Alligood:** Because you might factor that into buying your house.

**Village Attorney Whitehead:** I'm sitting here with the code and the conditions.

**Bldg. Inspector Minozzi:** That's a real point, a real thorn in my side.

**Boardmember Alligood:** Does anybody disagree with the recommendation being taken out?

**Boardmember Ambrozek:** No, I agree with it. I agree with the recommendation be taken out.

**Boardmember Sullivan:** A very brave person would have to disagree.

**Chairman O'Reilly:** Yes, and none of us are going to do that right now.

**Boardmember Ambrozek:** So we actually now have to propose this as a code change, correct?

**Village Attorney Whitehead:** I can take your recommendations – Pat and I can work on your recommendations – and pass them on to the board of trustees.

**Boardmember Ambrozek:** Okay.

**Chairman O'Reilly:** Yes, good.

**Boardmember Ambrozek:** Anything else, please, Linda?

**Village Attorney Whitehead:** I'm up to the end.

**Bldg. Inspector Minozzi:** She's reading further.

**Village Attorney Whitehead:** I'm literally going through it item by item.

**Boardmember Ambrozek:** Oh, okay.

**Village Attorney Whitehead:** I think the big ones are that 1994 date and the five years for a new owner that were so restrictive.

**Boardmember Sullivan:** We've learned we don't need them.

**Boardmember Ambrozek:** I suspect these were put in at the original time out of great concern about ...

**Boardmember Bass:** Outsiders.

**Chairman O'Reilly:** Well, we thought everything was going to be an accessory apartment.

**Village Attorney Whitehead:** Yes, I mean there's four pages, five pages, of restrictions. So I think we've ...

**Boardmember Ambrozek:** Well, if you find another one we're here next month.

**Chairman O'Reilly:** Okay.

**Bldg. Inspector Minozzi:** And it's funny that the boarders have probably just as many pages and we don't have one boarder (inaudible).

[laughter]

**Boardmember Ambrozek:** You don't have one registered.

**Bldg. Inspector Minozzi:** Correct, Michael, we don't have one registered.

## **VI. ANNOUNCEMENTS**

**Next Meeting Date – June 20, 2019**

## **VII. ADJOURNMENT**

**Boardmember Ambrozek:** Motion to adjourn!

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