

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
REGULAR MEETING AND PUBLIC HEARING
SEPTEMBER 19, 2019**

A Regular Meeting and Public Hearing was held by the Planning Board on Thursday, September 19, 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 Kerry Gould-Schmidt, Boardmember Richard Bass, Alternate Boardmember Richard Martin, Village Attorney Linda Whitehead, Building Inspector Charles Minozzi, Jr., Planning Consultant Patrick Cleary, and Planning Board Secretary Mary Ellen Ballantine

Chairman O'Reilly: Good evening. Welcome to this, the meeting of the Planning Board of the Village of Hastings-on-Hudson for Thursday, September 19, 2019. Could we have a roll call, please?

I. ROLL CALL

II. APPROVAL OF MINUTES

Regular Meeting of June 20, 2019

Chairman O'Reilly: I think we can do the approval of minutes for June 20th. We'll start with June 20th, 2019.

Boardmember Sullivan: Oh, my goodness.

Chairman O'Reilly: Do we have the attendance of who was here for that meeting? I think we have sufficient ...

Village Attorney Whitehead: That'll be right in the minutes.

Bldg. Inspector Minozzi: You have June's?

Village Attorney Whitehead: So who was here?

Planning Board Secretary Ballantine: Eva, Kathy Sullivan, Richard Bass, Debra Oaks.

Chairman O'Reilly: And me. We have a quorum. I had no comments on the minutes of June 20, which I read many weeks ago. But I had no comments on them.

Boardmember Alligood: I don't have any comments.

Chairman O'Reilly: Let's ask for motion to approve the minutes of the meeting of June 20, 2019.

On MOTION of Boardmember Sullivan, SECONDED by Boardmember Bass, with a voice vote of all in favor the Minutes of the Regular Meeting and Public Hearing of June 20, 2019 were approved as presented.

Meeting of July 18, 2019

Chairman O'Reilly: Who was present?

Planning Board Secretary Ballantine: Bill O'Reilly, Kathy Sullivan, Eva Alligood, Kerry Gould-Schmidt.

Village Attorney Whitehead: That's your quorum right there.

Chairman O'Reilly: That's our quorum. I had no comments for the meeting of July 18. Any comments? Okay, motion to approve.

On MOTION of Boardmember Alligood, SECONDED by Boardmember Sullivan, with a voice vote of all in favor the Minutes of the Regular Meeting and Public Hearing of July 18, 2019 were approved as presented.

Meeting of August 15, 2019

Chairman O'Reilly: Last month, the minutes of August 15, 2019.

Boardmember Gould-Schmit: I was not here.

Boardmember Sullivan: I was here.

Chairman O'Reilly: Kathy was here, I was here, and Richard was here so we have four.

We can approve the minutes. Any comments?

Boardmember Bass: I didn't.

Chairman O'Reilly: No? Therefore, a motion to approve the minutes of August 15?

On MOTION of Boardmember Bass, SECONDED by Boardmember Martin, with a voice vote of all in favor the Minutes of the Regular Meeting and Public Hearing of August 15, 2019 were approved as presented.

Chairman O'Reilly: Cleared and done. Thank you.

III. OLD PUBLIC HEARINGS

Chairman O'Reilly: We have a number of old public hearings, three of which are deferred to future meetings.

View Preservation Advisory, Steep Slopes Approval & Site Plan Approval Application of Riverton Lofts West, LLC for the construction of a new seven-dwelling, multi-family unit on an existing lot, with associated parking, located at 10 West Main Street. Said property is in the CC Zoning District and is known as SBL: 4.70-48-13 on the Village Tax Maps.

[[This Public Hearing has been Deferred to Future Meeting](#)]

Site Plan Approval & View Preservation Advisory – Application of 15 Spring Street Realty, LLC for the demolition of the existing building and construction of a new structure creating a mixed-use occupancy to include 10 parking spaces in the basement, two retail spaces on the first level, and six dwelling units on the second and third levels at their commercial property located at 15 Spring Street. Said property is in the CC Zoning District and is known as SBL: 4.30-22-34 on the Village Tax Maps.

[[This Public Hearing has been Deferred to Future Meeting](#)]

View Preservation Advisory and Steep Slopes Approval – Application of Gabriel & Katalin Ce for a rear addition and retaining walls on the two-family dwelling located at 280 Warburton Avenue. Said property is located in the

R-7.5 Zoning District and is known as SBL: 4.100-96-11 on the Village Tax Maps.

[This Public Hearing has been Deferred to Future Meeting]

Chairman O'Reilly: We do have others to do, but in the meantime I'd like to just go, if I could, to the approval of the renewal of an accessory apartment application of Florin Mihai Cuibus.

IV. NEW PUBLIC HEARINGS

Accessory Apartment Renewal Approval – Application of Florin Mihai Cuibus, 237 Farragut Parkway. Waiver required for square footage.

Chairman O'Reilly: This is a renewal, Buddy? And I saw that this were no changes.

Bldg. Inspector Minozzi: No.

Chairman O'Reilly: You want to report on what you had?

Bldg. Inspector Minozzi: Sure, I'd be happy to. There's been no changes to this accessory apartment over the last three years, there have been no complaints received by this office in the last three years. The apartment is 40 percent of the principal dwelling, which is 50 percent over the allowable coverage. It is code-compliant. There is one waiver required: that it exceeds the square footage by 15 percent. There is off-street parking.

So it's my recommendation it gets approved.

Chairman O'Reilly: Okay, and there is no change. It had the waiver from the previous approval. Anyone from the public care to speak on this application? Any comments from members of the board? Therefore I ask for a motion to approve, with the waiver for square footage for the renewal of the application for 237 Farragut Parkway.

On MOTION of Boardmember Sullivan, SECONDED by Boardmember Martin, with a voice vote of all in favor. the Board resolved to approve, with the waiver for square footage, the renewal of the accessory apartment application for 237 Farragut Parkway.

Chairman O'Reilly: Thank you.

Village Attorney Whitehead: And just to update the board on the changes we discussed to the accessory apartment law, a draft will be on the Village Board agenda for their next meeting. They all agreed, they thought it was a good idea, so we're working on the draft. It should be on the next meeting to schedule a public hearing. It will get referred to you, so if you have any suggestions to what gets presented you can give it to them at your next meeting and then they'll be holding a public hearing. But that is moving forward.

Boardmember Sullivan: Nice to hear. I was thinking about that.

Chairman O'Reilly: That's good.

All right, old public hearings.

III. OLD PUBLIC HEARINGS (Continued)

- 1. 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: This is coming back after review for the last couple of meetings. I see we have someone to present. Would you please indicate your name and your affiliation, and proceed.

Angelo Liberatore, River Road, LLC: Good evening, everybody. I am the operating partner of Harvest on Hudson. I'll be presenting tonight with my son, Benjamin. Is there any way we can get the TV on?

Bldg. Inspector Minozzi: I'm sorry?

Village Attorney Whitehead: They want to connect to the screen.

Chairman O'Reilly: When you are speaking from there you need the mic. Not that microphone, the other one.

Bldg. Inspector Minozzi: You're all set.

Boardmember Bass: Before we start, I just have a procedural question. Linda, is this more

an amendment to the previous-approved site plan, or is this a new site plan?

Village Attorney Whitehead: It's an amendment because they have a site plan approval. I mean, procedurally it doesn't really make a difference.

Boardmember Bass: In terms of notice it doesn't make a difference?

Village Attorney Whitehead: It's been noticed.

Boardmember Bass: I know. But it is noticed as a site plan, not an amendment.

Village Attorney Whitehead: It's still site plan approval.

Boardmember Bass: Okay.

Mr. A. Liberatore: Okay. I hope everyone is doing well tonight. I do have one letter which I inadvertently left out of our application. I have copies for everybody. It's just a quick letter from our landscape architect, who said that ... he gave us a couple of options for the planting. So I just wanted everybody to have it before I proceed.

Boardmember Bass: Thank you.

Mr. A. Liberatore: Very brief.

Bldg. Inspector Minozzi: Angelo, just for the record. The first one, the cherry laurels, are the ones that are on the plan.

Mr. A. Liberatore: Yes. I just wanted to give you some options if you care to do something else. Okay.

So it came to my attention – or I seem to understand after listening to the last couple meetings – that some of the members of the board may or may not know what we have done in the past. So I just wanted to really give a quick overview of what Harvest has done, or how we got to where we are today.

This is a picture from our first application back in the mid- to late-90s. This is the existing building right here. That's Harvest. This is where our garden is, basically here. We added the dormer and our lobby area in this area. As you can see, the property was completely surrounded by a 6-foot high chain link fence with barbed wire. Right here at the end of the photo is where River Street ends and our property begins. Back before we opened up, if you wanted to go to the boat club you would have to get out of your car, you'd have to open up a gate with a chain on it, and you would drive down this road here, or, our driveway. But the

front of the property is right here.

There was a small access to the park, which was a 3-foot wide alleyway. It had chain link fence on both sides and barbed wire on both sides. So the only way to get to the park was through that alleyway, and it was kind of a scary little thing. This is the location of the garden today – not today, back then – so we transformed this area into what is now our garden. This area right here is the proposed site for our new greenhouse. As you can see, this is the barbed wire fence that's surrounding the whole property. That is our driveway, which we gave Metro-North access to allow more parking for the Village to cross through our property and create that parking.

So I just wanted to bring that up, discuss quickly what our property lines are. As discussed laterally with the building department, this is our side yard. This is our property line here for the side yard. This is our front yard here. Our other property line is right here, and our rear yard is here. So I just wanted to lay that out just real quickly so everybody had an idea ... you know, we are talking about putting the greenhouse basically right in the middle of our property. I do want to ... and believe that it is really important that it fits into everything else that we've done at Harvest. You know, we do come here with the open mind to do the best that we possibly can and present something that really works for the community as well as for us.

I am going to now pass this on to my son, who developed this PowerPoint, and let him speak for a little bit.

Ben Liberatore, gen. mgr. - Harvest on Hudson: Thank you, everyone. I made this presentation for you to kind of go through all of the concerns brought forth at the previous meeting. So we'll kind of go through each one of those and talk about our most recent accommodations to those concerns.

First, the height of the greenhouse. The consensus was that the greenhouse was too tall, so we have lowered the peak of the structure by a foot-and-a-half. It now aligns with the existing trellis roof. The trellis roof, as well as a proposed greenhouse, now exists at elevation 24. Both structures have the finish floor elevation of 8. They're raised 16 feet, bringing it to the elevation of 24, and that will be a little more clear in the next slide here.

So as you can see on this slide – or maybe you can't because it's very small – the ground level there is at elevation 8; the structure of the greenhouse is 16 feet tall, bringing that peak elevation to 24 feet. Another thing to note on this slide is the existing tower and lobby space that we built. That exists at elevation 42 feet 7 inches; approximately 20 feet taller than the proposed greenhouse, making the greenhouse one of the smaller structures on the property.

Another elevation drawing for you. Again, this is a little more clear. The finish floor

elevation of 8 feet, the structure raising to 16 feet, bringing the peak elevation to 24 feet. Another thing to take note of is the gutter height of 9 foot 6 inches, which we'll kind of touch on in just a few moments. So we believe that the greenhouse is an appropriate size for our desired function.

Height is necessary in a greenhouse structure for a couple of different reasons. Thermal stratification and air circulation require height in order to properly circulate air. Height is required; taller greenhouses with roof vents enable this to happen much more efficiently. We believe the specs of our greenhouse are in line with the modern standards, and we've done some research to support that. We've come to the conclusion that the North American greenhouse ranges from 16 feet to 24 feet depending on what kind of produce you're growing. Some of the research even supports the idea that the trend is moving towards even taller greenhouses than that. Given the fact that most of our growth will be vertical – hanging plants, layered and stacked growing boxes, and shelves – we believe the specs are right in line there.

Another thing to take into consideration is that we have to account for space used by non-growing items, including shades, ductwork, lights and fans. This will essentially occupy the majority of the peak. So that peak is not dead space, but it's space being occupied by non-growing items, and the plants will exist below those items.

And most importantly, our ultimate goal is to create an interactive experience for the community and for our guests. Similarly to our existing garden, the greenhouse is not intended to be a commercial production greenhouse. It's one where guests and community members can walk through, enjoy something to drink, something to eat, and really immerse themselves in our growing experience. You know, I like to use the analogy that if we wanted to produce more tomatoes we could take all the seats out of the garden. But then it wouldn't be the Harvest garden, so we're trying to replicate that experience with our greenhouse here.

As I mentioned, our research seems to support the design and the need for height in the greenhouse. A quick Google search will bring up a really nice article from a greenhouse trade magazine supporting that 16- to 24-foot spec. A couple other nice sources also support the need for height. The Nexus group, or Nexus Corporation, recommends a minimum gutter height of 12 feet. As I mentioned a couple slides previous, our gutter height is at 9 foot 6 inches so we're actually a little below what some of these corporations and greenhouse builders believe is the standard.

Providing a couple images for you of greenhouses, obviously these do not include scale or dimension but they do a good job in showing that greenhouses require height and it's kind of a similar aesthetic that we're going for.

So another concern brought forth was the seating as well as the use of space in the area

which we refer to as the south garden. The south garden, as is, currently has 12 dining seats. We are planning to remove those dining seats, replace it with the greenhouse, and include eight bar stools into the greenhouse. The service bar, which is located east of the proposed greenhouse, will be moved inside to the greenhouse. So the space – or the use of space, rather – has not changed at all, and seats are actually being reduce as opposed to increased. This is just the snippet of that drawing showing the eight bar stools surrounded by potting and planting areas.

Another concern brought forth in our previous meeting was the planting bed that separates our parking lot and the back wall of the greenhouse. We have increased the width of this bed to 3 feet. We've also consulted with a landscape architect to come up with a planting plan of potential plantings that we think will thrive and do a great job at screening, as well as being easy to maintain and manicure. So we've kind of settled on schip cherry laurel, or skip laurel, as well as some arborvitaes. So a combination of them, or one, or we have a couple different options and alternatives here. But we did find some that will do well in this size bed.

I'm going to hand it back to Angelo here.

Mr. A. Liberatore: Okay. So a couple of slides back I think there was some comment on the stove. What we are trying to do is, the wood-burning stove is both practical and adds a bit of an authentic feel to it. We would like to use it as a source of supplemental heat. You know, if you're trying to size up a unit that's going to be ideal for this in all weather it's a big unit. On the rare occasion where it gets incredibly cold, in the olden days they used to use this type of heating as your general heating. We thought it does lend a little authenticity to the plan, as well. It also allows us to create some humidity by just having a pot of water boiling. You know, in the winter when you're in this greenhouse working for hours it's nice, maybe, to have like a little touch of tea and keep a little extra warmth. So that was our concept there.

The summary: hopefully, we took care – or addressed – all the concerns that you had. But, you know, to summarize, with the greenhouse height the concern was that it was too tall. So our solution to that was to reduce it by 1-1/2 feet. We aligned the greenhouse peaks to the existing trellis peak. Seating, the use of space: we reduced the seating from 12 to eight:: we relocate the bar, and we believe there's really no change in usage. The width of the planting bed was insufficient as a concern, and we increased that to 3 feet; created a possible planting list; and consulted a landscape architect.

Finally, the inconsistencies of the dimensions on the plan: we did review that with our architect, our engineer. There were inconsistencies. We believe they are all adjusted. Our final plan intention is 41 foot by 4 inches long, 18 feet wide, and 16 feet tall. So if you have any questions I'd be happy to answer them.

Chairman O'Reilly: I have a couple I'd just like to start with before I pass it on to my colleagues here. The 16 feet is the height of the peak. And what is the height to the gutter, did you say?

Mr. A. Liberatore: Nine foot 6.

Chairman O'Reilly: And also, you managed to increase the southern verge, or planting, from 2 feet to 3 feet. Did you move the greenhouse, or did you go into the car park?

Mr. A. Liberatore: We moved the greenhouse.

Chairman O'Reilly: You moved the greenhouse. Why didn't you go into the car park?

Mr. A. Liberatore: Just trying to keep lanes.

Chairman O'Reilly: It's your car park, right?

Mr. A. Liberatore: We moved a little bit of each. So we moved it a little bit into the garden and we took a little bit out of the car park.

Chairman O'Reilly: Out of the car park, right.

Mr. A. Liberatore: Not to restrict it, really, by any noticeable amount.

Chairman O'Reilly: Right.

Bldg. Inspector Minozzi: That path that goes into the park from the parking lot is actually an emergency path for our ambulance when there's functions in the park.

Chairman O'Reilly: That's at the most southern end though, right?

Bldg. Inspector Minozzi: Right on the south end of the greenhouse.

Chairman O'Reilly: Oh, the south end of the greenhouse. Oh, okay.

Bldg. Inspector Minozzi: So as we had discussed with the owners, you can't restrict that opening too much. They only restricted it about 6 inches, Angelo?

Mr. A. Liberatore: I think it was 6 inches, yeah.

Bldg. Inspector Minozzi: Which is fine, just to clarify.

Chairman O'Reilly: Okay, thank you. Well, we'll open it up for general discussion along the table here. Eva, you missed the earlier discussions.

Boardmember Alligood: No, I was there for the first one.

Chairman O'Reilly: Oh, you were there for the first one. Okay.

Boardmember Alligood: I only missed the last one.

Chairman O'Reilly: Okay, the last one.

Boardmember Alligood: But I will say I think you did an excellent job of just walking through all the things you heard and responded to that and made adjustments. So I think it looks good. I don't really have a lot of questions.

Mr. A. Liberatore: Great.

Boardmember Gould-Schmit: I'm sorry, I was going to just second what Eva said. And for somebody who wasn't here when it got built, it was very interesting sort of understanding the property lines and what went on. I mean, it is very helpful. I think some of us think it just popped up out of nowhere, so it's good to see that.

Mr. A. Liberatore: A lot of board meetings back then.

Boardmember Gould-Schmit: Yes, I imagine.

I just want to clarify one thing on the rendered plans. I mean, obviously it just comes off as looking like the glass is opaque. I presume it will be completely transparent.

Mr. A. Liberatore: Yes.

Boardmember Gould-Schmit: Okay.

Chairman O'Reilly: Including the roof?

Mr. A. Liberatore: Excuse me?

Chairman O'Reilly: What is the roof?

Mr. A. Liberatore: The roof is glass, yes.

Chairman O'Reilly: Glass?

Mr. A. Liberatore: Yeah, it's a greenhouse.

Chairman O'Reilly: I guess you need it for that, right? I just wanted to be sure.

Mr. A. Liberatore: That's why there are shades. You have to have shades on the inside, otherwise it gets too hot. So again, those shades will be used to reduce any uplight. The lights that we are proposing are all downlight and have minimal impact, especially considering we have a tennis court just north of us. Some lumens coming out of there.

Boardmember Gould-Schmit: But sidewalls will be clear.

Mr. A. Liberatore: Sidewalls are basically all clear, yes.

Boardmember Gould-Schmit: Okay. I mean, I think you did a great job with your presentation and addressing the concerns that were raised.

Chairman O'Reilly: Including the PowerPoint. Congratulations.

Mr. B. Liberatore: Learned a thing or two.

[laughter]

Chairman O'Reilly: Richard?

Boardmember Bass: Can I just walk you through the plans? First of all, I love your establishment. And what you've done down there is amazing. But I do have a series of questions if you would be patient with me.

Mr. A. Liberatore: Sure.

Boardmember Bass: Can you go to your A-1 for a second? I think it's your first ... so you said verbally that the width of the planting area is 3 feet, but on this plan it's 2.6.

Mr. A. Liberatore: No, it's 2 feet.

Boardmember Bass: The plan I have is 2-1/2 feet. Elsewhere in your documents you have 3 feet. So 3 feet's great, but ... the planting area between the parking lot and the structure, where your right hand is, Bill.

Bldg. Inspector Minozzi: You were including the curbing in the 3 feet?

Mr. A. Liberatore: On this plan here it is 3 feet. Our engineer was supposed to have them all at the same exact ...

Boardmember Bass: Okay, 3 feet's fine.

Mr. A. Liberatore: This one here is what we're talking about. We're talking about 3 feet, not counting the curb.

Village Attorney Whitehead: Well, it'll be a condition that all the plans consistently show that it's 3 feet.

Chairman O'Reilly: Three feet looks like it was written in.

Boardmember Bass: Not on mine. Not on the one that ...

Boardmember Gould-Schmit: Richard just wrote that in on mine, actually.

Boardmember Alligood: No, but I have it here too.

Boardmember Bass: Oh, the one that I printed off the Web site is 2-6.

Village Attorney Whitehead: They're telling us it's 3 feet. I think some of the plans show 3 feet, this one doesn't. So it would be a condition of the approval to clarify that it is 3 feet.

Mr. A. Liberatore: But the site plan itself, which is what we're asking for approval on ...

Village Attorney Whitehead: Right.

Mr. A. Liberatore: ... shows 3 feet. I mean, this is the site plan that is on there. That is part of a rendering – I guess we missed it – which should be in your documents there.

Boardmember Bass: I'm looking at this A-1. Where are you?

Mr. A. Liberatore: That's where you are?

Village Attorney Whitehead: This is the one that has it in there.

Mr. A. Liberatore: Yeah, I see that.

Boardmember Bass: Okay. So my next question is, the trellis – no, no, stay on A-1 – that has the hat in the middle of your trellis, is not found on the original site plan. When was that built and when was that added?

Mr. A. Liberatore: That was added sometime after ... I believe – I mean, this is quite a while ago, between three and five years after we had our original approval – we went back. I don't have any documentation on it. But that whole area there was built, and my recollection was in order to do that we agreed to do all the planting to the south side of MacEachron Park as well as a sprinkler system there. And we planted everything on Kinnally Cove.

Boardmember Bass: That makes perfect sense, but I would like to see ...

Bldg. Inspector Minozzi: Let me clarify a little bit. Unfortunately, all of the buildings on River Street, the Village's records are not in correct order. We're missing a lot of records. We're missing all of the permits for this building. We have everything up to the original site plan. I did find something from a couple of years later for a change to the planting plan ...

Mr. A. Liberatore: Mm-hmm.

Bldg. Inspector Minozzi: ... that got approved, but unfortunately, we don't have the documents.

Boardmember Bass: Okay.

Bldg. Inspector Minozzi: They're just not here.

Village Attorney Whitehead: I can vouch for it having been there for probably at least close to 20 years.

[laughter]

Bldg. Inspector Minozzi: It's been there for about 20 years.

Boardmember Bass: Right. And the point I'm trying to make is, if it wasn't approved and it was just built, and we're now using that structure to justify the new structures, I have a question about the site plan.

Bldg. Inspector Minozzi: I understand.

Boardmember Bass: If your recollection is that it went through site plan review, I trust you.

Bldg. Inspector Minozzi: It's unfortunate that the details after the second planting coming to the Planning Board – the changes in the planting plan in 1999 – after that we don't have anything.

Boardmember Bass: Okay.

Bldg. Inspector Minozzi: Unfortunately. And believe me when I tell you we've got our due diligence to try to find it.

Boardmember Bass: I fully understand. Half the plans I look for in my profession I can't find.

Mr. A. Liberatore: I can't even paint my roof without having the Building Department come down. I couldn't have built that without a permit.

Boardmember Bass: More to your architect, you see the person represented in the upper left-hand side? How tall do you think that person is?

[laughter]

Mr. B. Liberatore: Well, judging by the 9 foot 6 height, I would guess he's somewhere around 5-5.

Boardmember Bass: Six-six? I would ask you to measure that. Again, one of the things ... I do a lot of site plan review, and having a person as a representative for a 16-foot tall building, that person is probably between 6-6 and 7 feet. It misrepresents the human scale to the Planning Board.

Boardmember Gould-Schmit: But he's under-scaled, he's not over-scaled.

Boardmember Bass: This is 7 feet.

Mr. A. Liberatore: It's 9-6 to the gutter line.

Boardmember Gould-Schmit: Yes, it's 9-6 to the gutter line. I was going to say that person's like 3-1/2 feet tall.

[laughter]

Mr. A. Liberatore: I'd say he's 5-5 to 6 foot. It's 9-6 to the gutter.

Boardmember Gould-Schmit: An average door is ...

Boardmember Bass: Okay, I'll let that one go. I disagree, I'll let it go.

Your planting beds. You're having things hanging from the ceiling. Are you having different levels of plantings?

Mr. B. Liberatore: Both. A typical greenhouse you would have ... we are doing a vertical bed from the floor up; several trellises, or tiers rather. And then you have hanging plants that come down. Part of it is you can't put plants closer than 2 feet to a fan or a heat source. So that's why we need height. If you have less height than that you can't put a hanging plant and then walk in there.

At 9 foot 6, if you have a plant that hangs down 2 feet you can see you can bump your head easily or, you know, you could have a very claustrophobic space. What we're trying to have is someplace that you would *want* to walk into. If you tried to walk into a greenhouse that was 8 foot tall you wouldn't enjoy that experience.

Boardmember Bass: Will the greenhouse have air conditioning?

Mr. B. Liberatore: No.

Boardmember Bass: Okay. I did a little research on height of greenhouses, and I wish you had provided greenhouse examples that we would find in Westchester. I enjoyed the example you found from Australia.

Mr. A. Liberatore: We also have them from North America as a general ... Westchester doesn't have a lot of greenhouses. Property is expensive and most people don't want to waste that.

Boardmember Bass: Stone Barns has greenhouses and they're not 16 or 17 feet tall.

Mr. A. Liberatore: I'm sure they would love it if they could have it.

Boardmember Bass: So I'm going to share this with the Planning Board. This is an example of a greenhouse, here's other examples of greenhouses, all between 10 and 12 feet tall.

Boardmember Gould-Schmit: Well, this couldn't be 10 or 12 feet tall.

Boardmember Bass: It says the height of the greenhouse ... it mentions it here.

Boardmember Gould-Schmit: Well, I'm just saying you're looking at ...

Boardmember Bass: I'm showing you the stats. It's a 10-foot tall greenhouse.

Mr. A. Liberatore: But again, 10 foot would ... if you tried to put anything in there, and hang a plant, it would be banging you in the head.

Village Attorney Whitehead: The brand of greenhouse that was built at Lasdon by Westchester County, which the planning federation had an event at tonight that none of us could be at, is 20 feet. We both were there and walked through it. So I think the ones at Stone Barns are probably older.

Mr. A. Liberatore: Yes. Part of our research really does point to the fact ...

Boardmember Bass: Are you giving testimony, or you have that factually?

Village Attorney Whitehead: I'm giving information. You're giving information about some others; I'm telling you one that both Pat Cleary and I have seen that is a recent construction.

Mr. A. Liberatore: Part of our research does point to the fact that in the past greenhouses did not have the height because they couldn't support the loads, the snow and ice. But due to more modern techniques of building they can now build them higher. Again, it's also an aesthetically pleasing thing.

Boardmember Sullivan: I'd like to say something. I mean, what's interesting is that I, like others, thank you for dropping the height to be more consistent with what's going on.

Mr. A. Liberatore: That was our original intent.

Boardmember Sullivan: But the issue of fighting over whether it should be high or not sort of doesn't make any sense. I mean, the letter that we received, it was very much, you know, we wanted to have height. You gave us an example and an article based on a commercial growing house, and if that's the type of facility that you're planning on doing then we're talking about an agricultural use down at the waterfront. And that's not what your intention is.

I think what Richard was starting to share, I have also found the same thing. And I've worked at a garden. I'm very familiar with greenhouses in the operation and how you deal with them, the kind of water use, the ventilation, the fans; all of that's fine. There are a lot of different ways to build a greenhouse.

Mr. A. Liberatore: I agree.

Boardmember Sullivan: And the size that you're talking about – something that's maybe 20 by 40 – is not the commercial greenhouse that you showed us.

Mr. A. Liberatore: Not our intention.

Boardmember Sullivan: I understand that. From the beginning I'm supporting this because I see it as at the end of your PowerPoint you talked about it being an experience that you want people to be part of ...

Mr. A. Liberatore: Correct.

Boardmember Sullivan: ... and you want to grow some things in there as well. So you have a contradiction in the sense that it's doing two different things.

Chairman O'Reilly: It's almost a shame to call it a greenhouse.

Boardmember Sullivan: No, it's fine to call it a greenhouse. But the issue of height and how you grow plants, and what you're going to grow in there and the fact that you're accommodating seeding and you're going to accommodate people walking through it, does not make it a commercial house like the pictures you're showing and the information that you're sharing with us. I did my own research and looked into what Cornell itself does – which has got a huge agricultural department – and I have pictures that show greenhouses the same size and width of yours with a height that's 5 feet below yours.

Now, it depends on what you're growing – and I know you want to have a good experience – but I don't really think you want to fight over the height at all because you will grow what you want to grow in here, you will accommodate your guests the way you want to accommodate them. And the height now is, from our perspective, fitting in with the rest of the buildings.

Mr. A. Liberatore: Great. I love that.

Boardmember Sullivan: I do, too, but we don't have ...

Mr. A. Liberatore: I'm not arguing.

Boardmember Sullivan: We had asked last time for some information on the type of beds that you're going to use. We hear stacked, we hear hanging which is going to cause this to not be good, we hear that there's pipes and fans. Yes, that's a greenhouse; a greenhouse has all that stuff.

Mr. A. Liberatore: Right.

Boardmember Sullivan: You can't get away from it but, you know, let's not go back and discuss the height and how it's going to impact your growing because you're going to accommodate it in some fashion with what you choose to grow. I mean, we're not going to change anything because you're saying this is not an applicable house to grow stuff.

Mr. A. Liberatore: I'm just not sure. Are you okay with the height, or not okay with the height?

Boardmember Sullivan: I like the height as it fits into the rest of the buildings, but I don't understand why we're getting information about how you have research showing us that this is not high enough.

Mr. A. Liberatore: No, we're not asking for it to be higher. We're just asking for it to be this high. The information that we came across said that there are – and many greenhouses are – higher than what we have.

Chairman O'Reilly: I can understand why you're taking that position.

Mr. A. Liberatore: And that is what we're talking about.

Chairman O'Reilly: Because we were saying in the last meeting that it was too high.

Boardmember Sullivan: We were saying it was too high from the perspective of how it fit in to the site.

Mr. A. Liberatore: But I'm not asking for it to be any higher. We lowered by a foot-and-a-half. I was just trying to give some support to the reason why it was that high. At our last meeting I believe Richard was saying that he wanted us to give some examples of heights on greenhouses so that's what I was trying to do. I can't find anything that shows dimensions. The only place that we could get dimensions is by hiring an architect and an engineer, which we did, and they drew it at that height. So we asked them to lower it by a foot-and-a-half to bring it into a more reasonable height, hopefully to satisfy your board.

Boardmember Sullivan: I found a fair number of American examples – you know, things very similar to what you have – that showed the heights you have.

Boardmember Gould-Schmit: I guess I came back to Kathy's question of it was in context of the site. So if that's it ...

Chairman O'Reilly: Right.

Mr. A. Liberatore: So we're good.

Boardmember Gould-Schmit: Yes. I'm just saying if the building height fits within the context of the site – which I think some of us believe it does ...

Chairman O'Reilly: No matter whether we call it a greenhouse or whether we call it a

house ...

Boardmember Gould-Schmit: – whether it's tall or short, or what it grows, I guess is significant.

Boardmember Sullivan: Well, it's going to be significant for them. But they have a structure that's going to operate not really as a commercial greenhouse, I assume. It's going to be an experiential thing where you're growing and have people participate. That's the kind of thing we saw ...

Mr. A. Liberatore: Certainly grow our herbs and vegetables and whatever we can grow all winter long. And then the intent is, in the summertime when we're not using it as a greenhouse we will be able to share that experience and have some growth so you can still go in there and get your basil and your mints; so when you have your mojito the bartender is pulling it right off of the back wall of the bar. That is the kind of thing that we're trying to bring to Hastings. We want it to be an interactive experience just like our garden where you see, you know, the bartender coming out and picking the mint every day, the chefs go out there and pick the vegetables every day.

Is our garden a commercial garden or a farm? No, it is not. But that is our intent. Our intent is to have something that allows people to experience this. Many people don't work in a greenhouse and, you know, would never be in one. This would be a great example. My daughter had gone to Iceland this year and she came back and showed me pictures of her having lunch in the tomato greenhouse farm, which was two stories tall, and had a beautiful experience. The height enabled them to actually sit and eat in a comfortable situation, and it was a beautiful experience that *she* had. That got me thinking – my partner thinking – you know, maybe we can do something like that.

Chairman O'Reilly: I have a technical question. Is this the sort of structure that's going to require a statement that occupancy by more than X number of individuals is the maximum, something like your restaurant does?

Mr. A. Liberatore: I think that's something for ...

Bldg. Inspector Minozzi: Yes, it will.

Chairman O'Reilly: It will.

Bldg. Inspector Minozzi: Without question.

Chairman O'Reilly: Okay.

Boardmember Bass: One last question. On the plant in the 3-foot wide planting, the laurels

you are suggesting are only 5 feet tall.

Mr. A. Liberatore: Well, that's where they start.

Boardmember Bass: And I know they grow to 14- to 16 feet. What's the length of time it will take to get to that height?

Mr. A. Liberatore: You know, I really don't know to be precise. Again, we are happy to plant whatever you like. If you would like us to plant Green Giant arborvitae which grow, I know, at a foot a year, we'd be happy to plant those. And I could start with 6- to 8-foot tall arborvitae if that is something that you would prefer to do. Again, that we do have the ability to change, and we're willing to. We did have a little bit of trouble with the arborvitae in the past. As you see, that's one of things that really got us going is they all died. We believe that happened because of the saltwater.

We do have the laurel growing also on the property, and it's thriving. We feel that would be a great choice. It is currently about 10 feet tall. So I think with time and patience it'll get as high as anybody would like. But again, our intent as always is to just have the most aesthetically nice project as possible.

Mr. B. Liberatore: If I may, I think it also depends on what the goal is with the screening. If we're looking to fully screen the entire backside of the greenhouse we can explore starting with larger plants. But if the goal is to create somewhat of a half-screen or three-quarter screen, then the 5-foot laurel will certainly work.

Chairman O'Reilly: Well, you don't want anything that's going to flow over into the car park.

Mr. B. Liberatore: Well, we'll have to maintain it regardless.

Mr. A. Liberatore: The laurel is more of a hedge, and we can trim it and maintain its width a lot easier than we can the arborvitae. Again, we're open to suggestion.

Chairman O'Reilly: I'd ask Richard, did you have any questions?

Boardmember Martin: No, I like it. I probably would have approved it last week.

[laughter]

Chairman O'Reilly: Okay, back to Richard Bass.

Boardmember Bass: I appreciate your sensitivity on it. Again, my concern when we first

saw this plan several months ago was that it was a brick wall that was 40 feet long and 17 feet tall. That's not a good urban experience. That wouldn't be a good experience for you all; that would be not a good experience for the Village. I understand you've changed the façade treatment. That's very good.

I still have a concern on a 41-foot wide building that's 16 feet tall. And that's what one sees when they approach your restaurant and the Village park.

Mr. B. Liberatore: It's our park.

Boardmember Bass: I know, I understand, but if you were to survey the people of Hastings they would think that was the Village parking lot and that's how they get to the park. And that's a pedestrian Village experience, even though it's your parking lot.

Mr. B. Liberatore: We want it to be beautiful.

Boardmember Bass: I understand that. I hear your arguments, and my fellow boardmembers seem to be swayed by it. Based on the research I've done and based on the urban design, I still think you can accomplish your mission and your goals with a 12-foot tall building. Sixteen feet, I think, is excessive for that location. And I think once it's built we'll have second thoughts about it.

Mr. B. Liberatore: Well, you have been to Harvest, haven't you?

Boardmember Bass: Many times.

Mr. B. Liberatore: Have you sat under the existing trellis?

Boardmember Bass: I have sat at the trellis

Mr. B. Liberatore: It's 16 feet tall. It's beautiful, it's very comfortable, people love it.

Boardmember Bass: I hear you. I respectfully disagree with this 41-foot wide, tall building.

Mr. B. Liberatore: You don't like that? Okay.

Boardmember Bass: And my last comment is, this is supposed to be a view preservation application and that's not included at all on this application.

Mr. B. Liberatore: There are pictures right here.

Chairman O'Reilly: I thought it was, as far as the general site plan was concerned. We haven't talked about view preservation.

Village Attorney Whitehead: But the pictures were in the beginning.

Chairman O'Reilly: Before we get on to that, though, Kathy you were interested in the earlier site plans.

Boardmember Sullivan: Yes, and that's exactly where I wanted to start. Thank you for sending those around, the previous site plans. They were very helpful. It explains kind of how this was laid out. In looking at these site plans from the late '90s, there were two places where there was talk in the minutes I saw about public access. One of them is what we're familiar with, which is the southern side which will remain access for many people. But also this place that Buddy referred to as sort of an emergency entrance also is considered with the previous Planning Board; public access, as well.

I think what I see as an issue is what Richard discussed a little bit: the length of this building at that particular point. Three feet is not a good dimension for a significant buffer, I feel. And I think we're running right into cross purposes a little bit – if that's a great picture that you had – because that's the southern side of your greenhouse, as well. You're going to get ... you know, the sun's going to be coming into the greenhouse at that point.

What I'd like to do, and I think this goes to the Architectural Review Board as well, is have them help us by looking at a way to make that a more attractive wall and not necessarily have screening that goes up 12 feet, 13 feet, whatever hedges we're talking about, the large trees. I think there's a potential for that actually to be a very attractive garden-like wall and, potentially, be not this thing that Richard's very concerned about: sort of this undefined, unarticulated sort of expanse of 40 feet of something.

I'm not saying make the buffer greater – the 3 feet, 2-1/2 feet, whatever we're talking about, pretty slim – but there may be another way of looking at that wall and making it ...

Mr. A. Liberatore: We're very happy to work with the Architectural Review Board to come up with something that works for everybody. Again, aesthetics means a tremendous amount to us as well.

Boardmember Sullivan: Right.

Mr. A. Liberatore: We did lower the windows, then we raised them again. So consensus is a difficult thing to get to.

Boardmember Sullivan: I was part of that because I know they were sort of a clear story

originally, then you made some differentiation by dropping them. You know, I think they could be of help to us by coming up with maybe a way to look at that wall and make it attractive, and give you the solar exposure that you would need from the southern side. That is a major walkway. People do use that coming in and out of that.

The only thing I noticed that I want to talk about regarding the existing site plan was, I saw that the original plan appeared to have a walkway from the emergency exit/public access into the park, into your garden, right? There would seem to be a way you could come in off that pathway into your garden. Right now there's sort of a little remnant of something that's now off your property line, into the park.

Mr. A. Liberatore: I'm not familiar with the original plans.

Chairman O'Reilly: A continuation?

Boardmember Sullivan: Yes. A little continuation, which is ...

Mr. A. Liberatore: So over here?

Boardmember Sullivan: Yes. When you look at the existing site plan, right there ...

Mr. A. Liberatore: Right. There is a little walkway right here.

Chairman O'Reilly: ... you're referring to the brick walk.

Boardmember Sullivan: It's got a planter in it on the site plan. I'm not sure if you can actually walk any more from ...

Mr. A. Liberatore: You can today, absolutely, and that should not be disturbed. I will make sure that it continues to be there because that is helpful for us, as well.

Boardmember Sullivan: Right.

Mr. A. Liberatore: We have a lot of customers that come in that way. I have no problem with giving access to anybody to come onto our property.

Boardmember Sullivan: I don't remember that myself.

Mr. A. Liberatore: It's still there. It's definitely there.

Boardmember Sullivan: It would be great to have that sort of be brought back and be a good connection for people to get to and from the garden from the park if it's not there.

Mr. A. Liberatore: I agree.

Boardmember Sullivan: So that was just my suggestion, is to have some Architectural Review Board help with that wall.

Chairman O'Reilly: Well, I'm sure the Architectural Review Board is going to have plenty of buy-in, which is helpful of course. They do advise us.

Mr. A. Liberatore: I'm sure they will.

Chairman O'Reilly: Do we have to look at the ... I know the engineer is here, Petretti?

Boardmember Alligood: I still had another comment. Did you have more comments? Because I still have some.

Chairman O'Reilly: No, I was going to talk about drainage and other such things which I thought we had discussed as well, but go to it, Eva.

Boardmember Alligood: I just want to say I acknowledge the fact – and what's helpful to me with the way you're presenting things this time over the way you did it earlier this evening and the first time – that it's clear that you are trying to create a space for customers to use that will be a greenhouse but is going to have a function for your restaurant in terms of drawing people and creating a new experience. I want to acknowledge that the creativity is a good thing. I think we should be helping our local businesses come up with attractions to continue to bring business in. And clearly, you're trying to bring people in when the weather's not as nice as when you have a lot of customers in the garden in the summer. In the summer I know it's teeming with people, and probably in the winter you want more of a draw.

I want to just acknowledge that I'm not just looking at this as a greenhouse. And I think it helps you showed the seating inside. The first time, a lot of our questions had to do with your being presented with a greenhouse but clearly it was more than that. So I think the transparency of just walking us through what you're trying to accomplish ...

Mr. A. Liberatore: Our original drawings were really to generate a conversation and see what direction you wanted to go. Every time we draw it costs us a lot of money.

Chairman O'Reilly: I think you achieved that.

[laughter]

You did achieve that. No, I mean I agree with ...

Mr. A. Liberatore: Thank you very much. I think you will really like it when it's done. I promise it'll be a nice place.

Chairman O'Reilly: I also had misgivings about the 17-foot wall – or whatever it was, 41-foot wall – that looked like a brick wall looking at the car park. The second iteration that came in last time I thought was a vast improvement on that. And I think it's continued to become that, to the point where I almost feel like it would've been better had it not been called a greenhouse in the first place. But you have to call it a greenhouse because that's what you want it for, except it's also going to serve another purpose.

Did you have anything to add, Patrick?

Planning Consultant Cleary: Just the clarification of the plantings in that 3-foot strip. You indicated you might be willing to plant taller plants. Wouldn't that be the purpose of the greenhouse? That's the south wall, that's where you're getting your sunlight.

Mr. A. Liberatore: I can only try to have a compromise with everyone.

Planning Consultant Cleary: My point is, if you agree to put something taller in, then, in operation, you're getting it off the top and you get sunlight in there.

Mr. A. Liberatore: Again, we do have a glass roof, so ...

Planning Consultant Cleary: But the question is, do you need that?

Mr. A. Liberatore: I think it would be helpful to have some light. It is also the separation between the parking lot and our garden where people will be seating feet away. So I think originally the engineer was looking at it more as protection from the parking lot and not thinking of it as that. So again, during these conversations we hired an architect. The first drawings were done by an engineer; they don't have the same level of eye. Again, we know that when we came here we were going to have to work with the Architectural Review Board, we were going to have to work with everybody. Those first plans were not what we really envisioned exactly to grow. We knew we were going to come here and we were going to discuss how we're going to do it.

The final materials I'm sure we will be discussing and having to deliver samples to the Architectural Review Board. We'll go over every nook and cranny, and how it's built. And that's where we'll shake out. What we were hoping to get to is that point. What we want to do is build something roughly this size, and this is the experience we're looking for. So I hope that you're all in agreement with that and we can move forward. We'll continue to work with the boards as we always have.

Chairman O'Reilly: I think Patrick raises a good point. We don't want to suggest something which is going to have to come back for review if it turns out to be incorrect, if we say the trees have to be this. I'd rather go by what your landscape architect is suggesting in comparison, again, with what the Architectural Review Board will be looking at as well. If we can rely on that I think ...

Mr. A. Liberatore: I think what's Kathleen was getting at is where she wanted to lower the wall a little bit and get more sunlight in there for the southern view.

Boardmember Sullivan: No, I think you cover it with vines. You could use something else to make it more attractive.

Mr. A. Liberatore: A growing wall was nice, and we had thought about that as well. Again, we're perfectly amenable to do whatever ...

Chairman O'Reilly: We're also going to be looking at the interior of the greenhouse from all directions.

Mr. A. Liberatore: Exactly.

Chairman O'Reilly: So there's the greenery as well as that goes. You've got the greenhouse with glass walls, which we'll be looking at as well. Not looking at a wall like we have at the back here, or the brick wall that we had before. Should we look at the question of drainage?

Bldg. Inspector Minozzi: No. We decided two meetings ago that they're not adding any more impervious surface.

Chairman O'Reilly: Right. And the functions that they have there ...

Bldg. Inspector Minozzi: They have plenty of surface area to handle any surface water.

Village Attorney Whitehead: And they were collecting the water.

Mr. A. Liberatore: We're going to collect the water and kind of use a cistern to recycle the water that we have.

Chairman O'Reilly: All right. So we do have the issue of view preservation.

Bldg. Inspector Minozzi: There's two things that you need to do. You have to recommend going to the ARB. We can handle that – and correct if I'm wrong – in two ways. They could do a site plan approval based on the ARB, or they can come back after ARB.

Village Attorney Whitehead: You would do a conditional approval that it only has to come back if the ARB makes significant changes. Or you can send them and make them come back.

Boardmember Sullivan: My vote in this one would be for them to come back. Because we have to have this go on to the Board of Trustees after this, at some point.

Bldg. Inspector Minozzi: That's correct.

Boardmember Sullivan: So I think it'd be nice to make sure we're comfortable with where it went because we haven't had a lot of interaction with the ARB after ...

Chairman O'Reilly: We should, yes. It'd be nice to have them come back.

Bldg. Inspector Minozzi: Yes, and we have to do a VP advisory to the ZBA.

Chairman O'Reilly: That's true. I'll remember whatever the wording was you said we have to do there.

Bldg. Inspector Minozzi: You have to do a view preservation advisory to the Zoning Board of Appeals.

Chairman O'Reilly: View preservation advisory to the Zoning Board, right.

Boardmember Sullivan: I just want to give an opinion because I didn't express it very well last time. One thing to consider, I think, in the width of your greenhouse – and now you're kind of caught between a variety of things like your pathway and the parking and the issue of keeping egress and widths and all that sort of stuff – the height of this wall that you have, the sidewall, being so close to your pathway I believe is going to really change the nature of your garden. I'd think a little bit about that.

Mr. A. Liberatore: We have plenty of room between our property line and the end of this building. I mean, I'm sure we can move the pathway over.

Boardmember Sullivan: I'm talking more about the pathway that goes from the river towards the railroad. You're building it smack up on top of that path; the path that runs right in front of the greenhouse, top to bottom.

Chairman O'Reilly: You mean going down?

Boardmember Sullivan: No, just there.

Mr. A. Liberatore: I'm sorry, which path?

Boardmember Sullivan: Your internal garden path.

Mr. A. Liberatore: Oh, okay. That path there. We may have to reconfigure that, and we're willing to do that. That, we assume, will be part of the Architectural Review Board's comments. But yes, I do realize that does feel a lot tighter once you put a wall up there.

Boardmember Sullivan: Quite a bit.

Mr. A. Liberatore: Again, the intent is that in the summertime, when we're using the garden, to open up the doors. It's supposed to be just an open feeling. But yes, we will definitely take that into consideration. We don't want it to feel claustrophobic.

Boardmember Sullivan: I think the height of the wall is going to be the issue because at 9 foot 6, whatever, it's going to ...

Mr. A. Liberatore: Well, that whole thing is supposed to open up.

Boardmember Sullivan: Yes, it does open up to some degree. But it's still going to have the roof and ...

Mr. B. Liberatore: That walkway would likely need to be disturbed to construct this so that's the point where you could make ...

Mr. A. Liberatore: I think there's a lot that's going to be disturbed when we do this. But absolutely we want to ... again, you know, our intent is to have something that is functional and ...

Boardmember Sullivan: Attractive?

Mr. A. Liberatore: Attractive.

Boardmember Sullivan: Okay.

Mr. A. Liberatore: So I do appreciate the comment.

Village Attorney Whitehead: Do you want to look at the view preservation?

Chairman O'Reilly: We should.

Village Attorney Whitehead: Yes. I think you have one from Edmarth?

Mr. A. Liberatore: This is from up top.

Chairman O'Reilly: I've looked at that site from all directions. If I go from the point of view of view preservation being preserving as much as we can the view of the Hudson River and the Palisades, I can see the case if one was to say one would be disturbing the view of the existing building of the restaurant. But I don't see a great case for the interruption or obstruction of the view of the Hudson River and the Palisades, given the fact that if you stand on the approach to the restaurant on the west side and look across you're looking at trees anyway and this is going to be no higher than that. You would have to look to the side where the new building is going to be and consider looking up the river.

That's my opinion. I'm just raising that. And I don't see any issue, from my point of view, of the question of view preservation. Others may disagree, I don't know.

Boardmember Alligood: I don't see an issue.

Boardmember Sullivan: I don't either.

Boardmember Gould-Schmit: Actually, my friend lives on the end of Edmarth so I'm there often. And I don't think it would have any impact in a negative way.

Chairman O'Reilly: Street level or above. Richard?

Boardmember Martin: I agree. I go down to the tennis court all the time, and I drove through and looked at the property. I don't see how this would impact a view of the river in any way, shape or form.

Chairman O'Reilly: Richard?

Boardmember Bass: I'm okay with it.

Chairman O'Reilly: All right. Then I think we can move forward.

Bldg. Inspector Minozzi: You need a motion.

Chairman O'Reilly: A motion to approve the site plan. No?

Bldg. Inspector Minozzi: Let's back up. We're doing view preservation right now.

Chairman O'Reilly: Okay. Help me out here, Linda?

Village Attorney Whitehead: You want a motion to recommend a view preservation advisory to the Zoning Board.

Chairman O'Reilly: A motion to approve that: view preservation to the Zoning Board.

On MOTION of Boardmember Gould-Schmit, SECONDED by Boardmember Alligood, with a voice vote of all in favor, the Board resolved to approve the view preservation advisory to the Zoning Board.

Chairman O'Reilly: Second, on the site plan.

Village Attorney Whitehead: So the question was whether you wanted to approve the site plan, conditioned upon them going to the Architectural Review Board, and not having to come back to you unless the Architectural Review Board makes significant changes. Or if you want to just refer them to the Architectural Review Board and have them come back after the Architectural Review Board ...

Bldg. Inspector Minozzi: Say a month at the ZBA, which will work out.

Village Attorney Whitehead: The ZBA doesn't meet now 'til the end of October.

Chairman O'Reilly: I think that is the preferred direction, the second alternative.

Village Attorney Whitehead: So then you just make a motion to refer it to the ARB, I think, now that the plan is set.

Chairman O'Reilly: A motion to send whatever to the ARB.

Village Attorney Whitehead: Refer.

On MOTION of Boardmember Sullivan, SECONDED by Boardmember Martin, with a voice vote of all in favor the Board resolved to refer the applicants to the Architectural Review Board.

Chairman O'Reilly: I stumble across these things, but I'm getting there.

Boardmember Sullivan: You had a lot of different ones.

Village Attorney Whitehead: And they can get on the ARB agenda.

Chairman O'Reilly: Did I miss anything by not asking for public comment?

Boardmember Bass: Yes.

Village Attorney Whitehead: Yes, we did sort of skip that.

Chairman O'Reilly: Is anyone here for public comment on this application?

Gary Rosenberg, 43 Buena Vista Drive: Having lived in the Village for 40 years and seen what Harvest has done for the waterfront, and looking at this particular addition to it, I think it's an addition to the Village. I think the sooner it gets built the better it'll be for the Village.

[laughter]

Chairman O'Reilly: Thank you.

Village Attorney Whitehead: I'm assuming you guys want to build it this winter.

Mr. A. Liberatore: Yes, we'd love to. Or start it at least.

Chairman O'Reilly: Thank you. We do appreciate your response to the concerns of the board that were expressed at previous meetings. We'll go forward and we'll see you after the Zoning Board.

Mr. A. Liberatore: Thank you very much. I appreciate everybody's efforts.

Village Attorney Whitehead: And you don't have to come back after Zoning. Now that you don't need a variance you do not have to come back after Zoning. So you have to go to the ARB, and then come back here. The Zoning Board actually now does not meet until the end of October. They have a funky schedule in August and September.

Bldg. Inspector Minozzi: You have to submit to us the beginning of next week to get on to the October ARB agenda.

Village Attorney Whitehead: So you should do that, and then get through ARB hopefully in one meeting to be back here.

Mr. A. Liberatore: Excellent. Looking forward to seeing you with a great plan. Thank you for your time. I appreciate it.

Chairman O'Reilly: Thank you.

Second of the old public hearings, steep slopes approval.

2. Steep Slopes Approval – Application of Michael Berger & Janna Rosenberg for the additions and rear patio on their single-family dwelling on their property at 130 Euclid Avenue. Said property is located in the R-10 Zoning District and is known as SBL: 4.20-12-14 on the Village Tax Maps.

Chairman O'Reilly: Are you waiting for technical assistance?

Brandon Stewart, Michael Lewis Architects: Yes. Buddy, I think, is looking for his machine.

Village Attorney Whitehead: And Buddy, I think, sent you all the memos from Hahn. Just to report, while Buddy's gone, they did obtain the required variance from the Zoning Board.

Boardmember Sullivan: Did that memo come out today?

Village Attorney Whitehead: No, it came out last week or the week before.

Mr. Stewart: It came between the meetings, soon after the first Planning Board meeting. There were other comments issued by them in the form of an e-mail to Buddy and yourself, Ms. Whitehead. I think I have the date on that e-mail if that's helpful.

Village Attorney Whitehead: Yes. Buddy, you have the Hahn memo?

Bldg. Inspector Minozzi: Hold on one second.

Boardmember Sullivan: I don't see it. That's okay.

Chairman O'Reilly: I didn't bring my iPad.

Village Attorney Whitehead: There's a September 5th e-mail.

Mr. Stewart: Yes, that's the one I'm seeing as well.

Boardmember Sullivan: Oh, okay. So that wasn't really a memo, the e-mail was the memo.

Mr. Stewart: Correct.

Bldg. Inspector Minozzi: Here it is right here.

Boardmember Sullivan: I was looking for an attachment.

Bldg. Inspector Minozzi: *"As discussed, the engineers for the referenced property will have revised the drawings with the infiltration system as well as the detention system. Our concern with the infiltration is that it remains on a rock. This may have a negative impact with filtration by directing the water laterally. Therefore, any infiltration system can overflow to the Village (off-mic) proposed. If they encounter rock on-site, the infiltration system will need to be converted into a detention system at that time. In either case, the location of the system will be the same and the overall site plan will not change" – meaning they're not going to be disturbing the steep slopes with the infiltration system.*

"Please note that in either case we will need to connect to the Village stormwater system. If the Planning Board does not have any other issues with the site plan I do not have a problem with the site plan approval subject to the stormwater details being revised as described above. Once we have the revised drawings and calculations, and they are acceptable, we can issue our approval. Please contact me with any concerns, Doug Hahn."

Village Attorney Whitehead: Have they been provided with the revised drawings?

Bldg. Inspector Minozzi: No, 'cause they don't know where the rock is yet. It all depends on the rock.

Village Attorney Whitehead: Okay.

Mr. Stewart: So I guess while this is booting up, I'm representing the owners at 130 Euclid, Janna Rosenberg and Michael Berger. And as has been mentioned, this is our second time before the Planning Board. A couple weeks ago we received Zoning Board approval pending this board's decision. As Buddy is describing – let me open up the drawings here.

Bldg. Inspector Minozzi: It'll open. You just have to give it a another minute.

Mr. Stewart: The USB's in. There we go.

Chairman O'Reilly: The part we never see.

Bldg. Inspector Minozzi: I didn't realize you needed it. I would've had it warmed up for you.

Mr. Stewart: Oh, yeah. Sorry.

Boardmember Sullivan: In the right direction for the camera, too.

Mr. Stewart: So as this is opening up, the three major concerns from the board at the first meeting. Here's the view of the front of the house. The original infiltration system was proposed – or sorry, the original stormwater management system was located – in the front yard around this zone here. One of the comments made was to have us explore relocating the system closer to the street and also changing the orientation of it and the size of it as to impact less of the front yard.

Another comment was that we needed to provide a steep slopes narrative, which we've done. And also to provide some more information – to provide a landscaping plan – showing in detail what is happening at the south property line, which is on the right of the screen, over here. As you can see, these existing plantings are quite mature and solid. We've endeavored to show that, as well, on the site plan.

Lastly, a comment that didn't come from the board meeting but rather through Hahn Engineering's comments was to explore doing an infiltration system as opposed to the attenuation system which was previously, originally proposed; the main difference being that one allows the stormwater to seep into the ground after it's been detained, and the attenuation system merely provides a storage tank underground. It does not have holes in it to infiltrate into the ground, but just has a smaller orifice at the downstream end to slow the flow into the Village system.

The reason the architects originally proposed an attenuation system was because of the nature of the steep slopes. They deemed that it was not advisable to install an infiltration system on slopes that were that steep. Hahn Engineering wanted us to explore both ways, so that's been done and a report has been submitted by our engineers to Hahn and the board showing the implications of both systems. As was indicated in the letter from Doug Hahn that Mr. Minozzi just read, either system requires a connection to the storm system of the Village. And the final decision on which system is installed should most appropriately occur during construction when there's excavation occurring there to see what the situation is with bedrock.

Bldg. Inspector Minozzi: What we're going to do is to keep an active escrow account on this particular project until such time as we have Hahn's final approval, when they do their research and they start to excavate, and see what they come across.

Boardmember Sullivan: So on your proposed site and landscape plan then, the area that's indicated is the location of the stormwater area that will stay. That's the same area you're

referring to. It's there no matter which system you use.

Mr. Stewart: Correct, it's the same location. It should be noted that the footprints of the two systems differ and the depths that have been shown in our engineer's report differ. So the overall impact on the front yard and on these trees may be determined by which of the two systems ends up being installed. But for now, we've endeavored to comply with the board's request to relocate the system as closely as possible to the street so as to minimally impact the front yard. Here are the engineering drawings that you've seen that show the same thing: the proposed location for the stormwater system in either configuration.

I'm not sure what that's doing there.

Bldg. Inspector Minozzi: That's something on yours.

Mr. Stewart: Yeah, it looks like it.

Bldg. Inspector Minozzi: I don't have AutoCAD on my computer.

Mr. Stewart: Interesting. Maybe we'll try this. This is just existing and proposed views of the improvements. We had this for the board last time around, but there were technical issues so we ended up using the easel instead. This just serves to show the proposed improvements.

That's what we've endeavored to do. If there are questions from the board ...

Bldg. Inspector Minozzi: Last month the board had specifically asked for a landscaping plan, and asked us to get a letter from the engineer which we got. And for the applicant to follow the steep slopes checklist, which they were provided with. Those were the items I had written down for your knowledge. So you can go from there, okay?

Mr. Stewart: Mm-hmm.

Chairman O'Reilly: Do we have any questions on the reports? Kathy?

Boardmember Sullivan: No.

Chairman O'Reilly: Eva?

Boardmember Alligood: No, I don't have any.

Chairman O'Reilly: Richard?

Boardmember Bass: I'm good.

Boardmember Martin: Is the property on the south side impacted by this at all?

Mr. Stewart: Yes. There's currently an impervious stone patio on this side of the house – let's see if we can see it – and a nonconforming little sunroom that extends well into the side setback. The sunroom is proposed to be demolished and the stone patio is proposed to be converted into a grass lawn. The impact will be to return this portion of the property into a more natural state than it currently is in. It maybe should be noted, the neighbor to the south is with us here and happens to be the father of one of the new owners. The idea is that there will be ...

(cross-talk)

Chairman O'Reilly: ... complain?

Mr. Stewart: ... perhaps some cooperation between the two properties in the future, going forward.

Chairman O'Reilly: All right, so we have no questions here. Any comment from the public at all? In which case, I'm in that position where I try to come up with the approval to move forward. What are we asking here for?

Boardmember Sullivan: Hahn's final approval?

Chairman O'Reilly: That's one thing, yes. Then that comes when construction has begun though, right?

Village Attorney Whitehead: Yes, it's a site issue so you can grant the steep slope approval. And one of the conditions is that the escrow be maintained and Hahn review the drainage during construction if they hit rock.

Chairman O'Reilly: Whichever system you're determined to go with, infiltration or the other one.

Village Attorney Whitehead: Well, the plan right now is to do the infiltration.

Chairman O'Reilly: That's right.

Mr. Stewart: Yes.

Village Attorney Whitehead: If they hit rock they will contact Buddy, we'll bring in Hahn and determine whether to convert it to detention.

Mr. Stewart: Correct.

Planning Consultant Cleary: One question. Would either of those choices affect that pine tree?

Mr. Stewart: Yeah. The footprint of the infiltration system and the CULTEC units will likely be broader than the attenuation gallery. So if one tree were to be impacted it would be this one. In other subsequent conversations with the owners and the neighbors to the north, the tree also might be preferable to have it either trimmed or impacted. That's the decision: whether to do one system or the other will impact, probably, what happens to the tree.

Planning Consultant Cleary: So, really, you should decide. And the landscape plan should be amended to replace that with something if you think that's important.

Village Attorney Whitehead: If the tree comes down.

Chairman O'Reilly: If the tree comes down, yes. If that were the case, then it would be requiring some remediation in that regard. That's a pine tree?

Planning Consultant Cleary: It's a function of the stormwater management plan. It's all sort of connected.

Village Attorney Whitehead: It wouldn't be a big thing. It would be to plant a couple of smaller trees.

Chairman O'Reilly: Is that a pine tree?

Michael Lewis, Michael Lewis Architects: My understanding was that a tree like that could be removed without any approval process. Am I incorrect in that?

Planning Consultant Cleary: Separate and apart from a permit that's sort of affecting the site from a larger perspective -- where issues like a landscaping plan is being discussed by the Planning Board -- you grow the tree today. The fact that it's part of a steep slope permit that's part of the stormwater management plan that's affecting the steep slope permit, there's a connection to the board. So if the board finds it necessary, they can require it as a mitigation measure. It's up to the board to determine if it's necessary or not.

Village Attorney Whitehead: And one of the things the board can take into consideration is that they could take the tree down today without any approvals.

Mr. Lewis: That's right. So I would like to just further the argument a little bit. That we

understand that it takes a long time to grow a tree, and they're a thing of beauty and whenever possible they should be protected, in this case the chance of it being damaged by the stormwater mitigation practices that are required are extremely high that the tree will be damaged. It also has another detriment in being very close to the house, very close to the new construction that'll be happening. I think it also impacts the neighbor's view seriously, and there have been discussions with them.

So I would ask, very respectfully, that the approval process is not contingent upon this tree. I think that's basically the argument.

Boardmember Bass: Thank you.

Boardmember Gould-Schmit: Just as a boardmember, I think I would go along with that. I live in this neighborhood, and I think people have to manage their trees. And I do feel if they didn't have something in front of us today they could take that tree down. And I have to imagine that during construction my bet is the tree's going to be damaged. I mean, I would hope you do all you can to protect it.

I don't necessarily feel like ... we are asking you to meet code in a way that we think is appropriate and based on the environment. This is my own take. I mean, everybody might feel differently from me. I don't think we need to also add on to that; that you have to replace the tree or have a planting plan approved by us.

Mr. Lewis: I guess the one additional fact is, I'm not really sure – and maybe I'm missing something – what that tree does in terms of the steep slopes application; whether it's part of the steep slopes application at all in any way, really. Perhaps it could be construed to, but I'm not even sure why it's part of the discussion, frankly.

Mr. Stewart: But as you say, the system that's being proposed currently, especially the attenuation system which is what we originally proposed – the footprint of it and the location of it – if all goes well, would provide for the future health of the tree. But we wanted to be on the record about saying that it's possible that it would be damaged and would be removed, and didn't want to step on the board's toes in that regard.

Planning Consultant Cleary: Purely your decision, Mr. Chairman. I don't believe it's a mitigation measure in any way with a steep slope permit. It's simply an aesthetic concern that you may want to address.

Boardmember Sullivan: I think when we've had one conversation about this before it was when we were looking at the Andrus Home parking lot and there was a real need to say let's bring back a tree that was being removed. It improved things because that was helpful for kind of shading and those types of things.

Mr. Lewis: Exactly right.

Boardmember Sullivan: But in the case of the private residence I don't really see the direct connection. I agree with what Kerry said. I don't know what type of pine it is. If it's hemlock it's got some troubles already, but it doesn't look necessarily to be the healthiest thing on earth. But nonetheless, it could be part of our bailiwick if it comes to steep slopes that we ask for landscape plans. But in this case I don't think it's necessary to try to replace it.

Mr. Stewart: And maybe it should be noted there are three other large trees in the corner of the property that we feel really are important for providing screening from the neighbors. And also, the bend of Bellair Drive coming in to Euclid here, those three trees have a definite presence and contribute to the streetscape in a way that the single tree we're discussing closer to the house does not.

Chairman O'Reilly: Okay, I think we can agree. I have nothing which would cause me to – no further information that would cause me to – disagree with what's been said already up here. So I would say that it is not contingent upon anything.

Another thing that interests me: does that driveway flatten out at the top? Because that left side of that garage door looks pretty low.

[laughter]

Mr. Stewart: It's very steep, yep. And part of what we discussed with the Zoning Board is the different things we've tried to do with the design to mitigate that height as you come up and then have the house be additionally imposing. So we hope to have done that with the overhang that we've created and the scale of the building. But you're right, it's very steep.

Mr. Lewis: It is really steep.

[laughter]

Chairman O'Reilly: Very good. So we need a motion to ...

Village Attorney Whitehead: Grant steep slopes approval, conditioned upon maintaining an escrow for Hahn to review the drainage situation during construction.

Chairman O'Reilly: Right. Do I have a motion?

Boardmember Sullivan: Do we have public comment?

Chairman O'Reilly: Oh, didn't I say public comment? We've had public comment.

Boardmember Sullivan: Okay, thank you.

Bldg. Inspector Minozzi: (Off-mic).

Chairman O'Reilly: Did I miss somebody?

Village Attorney Whitehead: No.

Planning Consultant Cleary: Bill, just a moment. So you have both alternative designs. Is that correct?

Mr. Stewart: Correct.

Planning Consultant Cleary: That's fine. So then to either/or, and you know what they are.

Mr. Stewart: Right.

Planning Consultant Cleary: So there's no confusion.

Boardmember Sullivan: And importantly, Hahn knows what they are.

[laughter]

Chairman O'Reilly: And they will look at it.

On MOTION of Boardmember Bass, SECONDED by Boardmember Martin, with a voice vote of all in favor the Board resolved to grant steep slopes approval, conditioned upon maintaining an escrow for Hahn to review the drainage situation during construction.

V. DISCUSSION ITEMS – None

VI. ANNOUNCEMENTS

Next Meeting Date – October 17, 2019

Chairman O'Reilly: I also passed around a course that is being offered on three Fridays. I

hope you all received it. It is quite a commitment of time for anybody, but I understand it's a valuable course.

Village Attorney Whitehead: I did it a few years ago. It does take three Fridays, but it is really a great program. I know, Kathy, I think you said you had done it.

Boardmember Sullivan: I did it a couple years ago.

Chairman O'Reilly: That's not the one I did at the same time, was it, with you?

Boardmember Sullivan: I think so. I don't remember.

Chairman O'Reilly: Oh, I might do it again.

Boardmember Sullivan: I've done it twice.

Chairman O'Reilly: I could do it again.

Boardmember Gould-Schmit: It sounds interesting, though. I can't do it, but ...

Chairman O'Reilly: Yes, I think I will.

VII. ADJOURNMENT

On MOTION of Boardmember Bass, Chairman O'Reilly adjourned the Regular Meeting.