PRESENT

Chairman O'Reilly: Welcome to the meeting of the Planning Board of the Village of Hastings-on-Hudson, Thursday, January 20th of 2022.

I. MEETING PARAMETERS

Chairman O'Reilly: "Due to the public health and safety concerns associated with the Covid-19 pandemic the board meets via videoconference using the Zoom platform in accordance with the governor's executive orders, specifically 202.1 as extended. There is no public participation in person, however the public can watch the live meeting through Zoom, online and on cable. Notice of tonight's meeting was published as required and posted on the Village Web site. The Web notice included instructions for members of the public to access the meeting and participate in any public hearings.

"Those wishing to comment on an application, at the appropriate time please do the following. Members of the public attending online via the Zoom app may use the 'raise-hand' feature at the appropriate time if you'd like to make a comment. The feature is located at the bottom of the screen. Those attending via telephone can press 'star-9'. The meeting host will see that your hand is raised or that you've pressed star-9 and will unmute those waiting, one at a time, so you can speak. Lastly, comments can be e-mailed to planningboard@hastingsgov.org. Any emailed comments will be read into the record. Please note that tonight's meeting will be recorded and a transcript will be provided at a later date."

II. ROLL CALL
III. ELECTION OF PLANNING BOARD CHAIRPERSON

Chairman O'Reilly: This being the January meeting, our first order of business is election of the Planning Board chairperson. I guess I pass this over to you, Linda.

Attorney Whitehead: Would anybody like to nominate someone, such as the current chair, to continue as chair? Or anybody else for that matter?

Boardmember Alligood: I would like to nominate William O'Reilly, very happily.

Boardmember Bass: And I would like to second.

On MOTION of Boardmember Alligood, SECONDED by Boardmember Bass, with a voice vote of all in favor the Board resolved to confirm William O'Reilly as Planning Board chair.

Attorney Whitehead: Bill, you win.

Chairman O'Reilly: You're all so kind.

Attorney Whitehead: You do a great job so you get another year.

Chairman O'Reilly: Thank you. I get a nod of approval here, that's wonderful. Thank you so much.

Bldg. Inspector Minozzi: Congratulations, Bill.

Chairman O'Reilly: Well, thank you. I should've said I'm pleased to accept the nomination and will serve the current year.

IV. APPROVAL OF MINUTES

Regular Meeting of October 21, 2021
Regular Meeting December 16, 2021

Chairman O'Reilly: First, we have the minutes of the meeting of October 21, 2021. Those
present at that meeting were Eva Alligood, Richard Bass, Kerry Gould-Schmidt, John Mondello, and myself. We have those who were present at that meeting so we can report on these minutes. The minutes have been circulated. Does anyone have any comments? I can tell you I do not. Seems like everyone can say they do not, or silence can indicate that you do not.

On MOTION of Boardmember Bass, SECONDED by Boardmember Alligood, with a voice vote of all in favor the Minutes of the Regular Meeting and Public Hearing of October 21, 2021 were approved as presented.

Chairman O'Reilly: Next we have the minutes of the meeting of December 16, 2021. Those present for that meeting were Eva Alligood, Richard Bass, Tom Speyer, John Mondello, Charles Kim, and Alternate Richard Martin. I was not at that meeting.

Bldg. Inspector Minozzi: We do have a quorum though, Bill.

Chairman O'Reilly: Which is fine. Those minutes have circulated for that meeting and we've had the opportunity to review. Does anyone have any comments on the minutes at all – accuracy, questions, otherwise? If not, I'll ask for a motion to approve.

On MOTION of Boardmember Martin, SECONDED by Boardmember Alligood, with a voice vote of all in favor the Minutes of the Regular Meeting and Public Hearing of December 16, 2021 were approved as presented.

V. OLD PUBLIC HEARINGS

Chairman O'Reilly: We have a fairly lengthy meeting this evening so let's get to them as quickly as we can.

1. Final Site Plan Approval – 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, one retail space and one dwelling unit on the first level, and six total 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

Chairman O'Reilly: This one we're very familiar with. It hasn't been around for awhile. The last we saw of this at the Planning Board was in the spring of 2020. It's gone through a number of discussions and presentations, and I think also to the Architectural Review Board on a couple of occasions. I'd like to see where we are with this at this point with the application.

Bldg. Inspector Minozzi: Bill, we're all done with the ARB. They had a couple of minor things that were taken care of via e-mail and recommended to this board. The view preservation advisory is done already so now it's just the items that were left over from last year.

Chairman O'Reilly: And we have a summary of them presented by the architect for this application, Edward Weinstein, and we have some reminder comments and summary from our consultant, Patrick Cleary. Perhaps we should go first to who was here on behalf of the application. I think that's probably the best thing to do. That would be Edward Weinstein.

Edward Weinstein, project architect: I'm here. It's good to be here.

Chairman O'Reilly: Haven't seen you in awhile. I've had a chance to look at your summary of notifications and the comments from Patrick Cleary, which we'll get to. Please speak to what you have presented and where you are with various items that are necessary.

Mr. Weinstein: First, I'd like to thank you for your patience. We have attempted to respond to all the comments made in the May 21, 2020 meeting. I think you have basically two parallel sets of responses. In my transmittal letter I did address all the issues raised except one that Mr. Cleary picked up which was regarding the green roof beneath the solar panels. Just to add that issue, if you look at drawing A-102 you'll see we've removed the green roof below the solar panels. Basically we have a net zero increase in stormwater because the site is currently paved and totally impermeable, and will remain the same. Whatever green roof we have will lessen the amount of stormwater runoff.

Chairman O'Reilly: Edward, can I just mention that when you're referring to something on the drawings can you bring them up and share your screen with us?

Mr. Weinstein: I'm not sure I can do that.

Attorney Whitehead: I can pull them up if you need me to.
Mr. Weinstein: I would love some help with that, yes. We've eliminated the green roof beneath the solar panels, and that's it.

Chairman O'Reilly: On that item there's probably not a lot to look at, but you may be referring to other things we do need.

Mr. Weinstein: The other issues – to go through my list, which is pretty much the same as Mr. Cleary's – we have reviewed the height. The board expressed interest in reviewing and confirming the height calculations. We've done that. I won't speak for the Building Inspector, but my impression is he's reviewed it as well. And probably before we get a building permit they'll get reviewed yet another time.

Just as an aside, or maybe important, we will have to renotice this application because there is a residential unit on the rear of the first floor. That requires a public hearing, and since it's well over a year-and-a-half it probably makes sense to notice again anyway. We plan to be back at the February meeting to try to finalize things. The board raised questions as to whether the apartment in the rear has sufficient air, light and egress. We've reviewed that. In my letter to you we've given you the calculations which demonstrate we meet or exceed requirements of the building code. There was a question of the planters on the roof. They are planting modules which, if you could go to photos on SP-2 which is further down, there's some photos. There you go. That's just an image of the planter module we would have. It's nothing complicated, it's pretty simple. There's also a question as to whether a green roof on a sloping roof would work. Just below the planter module we presented an image of a green roof on that sloping portion of the roof, which is the entrance to the garage. There was a question about the border planting on the roof. Again, those are planter modules, and the roof also has a roof paver system.

The traffic study, we are in the works. We are addressing questions raised by the Planning Board, which I think primarily have to do with pedestrian safety as vehicles enter and leave the garage. I mean all in all, in terms of traffic volume, significantly less than the current use. But we'll address that. We've hired Creighton Manning Engineering to do a traffic report which we will present at the next opportunity. There was a question as to whether the solar panels would be visible from the street. We provided a cross-section, and it's on sheet A-301. There it is, you can see the image. The solar panels will not at all be visible from the other side of Spring Street.

Other than those questions, there were a few questions raised by our neighbor to the west. That's the building that houses the Food For Thought retail space. I guess the biggest issue...
was, there's a window air conditioning unit that projects very close to the property line. But there is, between the building and our new retaining wall, 11 inches. Certainly they can move that window unit further in in order to increase the air circulation. There's also an option of using a unit above the door to the store. Actually, when I had my office at 14 Spring Street that's what we had. I think that can very easily be remedied by the owner of that building or by Food For Thought, the tenant.

The other issue they raised was could we use stucco on the wall that faces west. I mean, the ARB did not like that, I don't like it. And I think the rendering actually shows it. The brick appears darker. Attorney Whitehead, if you could … you were there even before I asked for it. That's a sample of the brick we're using. The upper photograph shows it against the existing brick of the wall that defines the funeral home parking lot. The lower photograph shows it adjacent to the 555 Warburton building. It's a brick type that, I think, conforms well to other masonry structures in the downtown, and I don't think it's going to have any impact on the light coming into the adjacent building.

I hope I have addressed the questions raised on that May meeting, and certainly welcome any questions.

Chairman O'Reilly: Thank you, Ed. That's fairly straightforward. Patrick, I'd like to turn to you because by the sounds of it the architect has had the opportunity to review your comments. But while we have a copy of them here, just in terms of the recording of this meeting it'd be worthwhile having your comments also in relation to what was discussed on these various items.

Village Planner Cleary: Of course, Mr. Chairman. Mr. Weinstein was very thorough in responding to the board’s concerns and staff concerns raised at the prior meeting. And Ed's summary was quite accurate. The green roof issue has been clarified. Again, the concern was plantings below the solar panels. They may or may not take, and the perspective was we'd rather have none than failing plantings below the panels, so Ed's removed those. The plantings on the angle portion of the roof certainly can work. We just need to know a detail of what that angle is so we can verify Ed's position that, in fact, effectively the plantings won't slide off the roof [laughter]. That's likely not an issue at all, but a minor detail is necessary. And Ed's indicated how he's responded to all those other issues.

If you remember, there were fairly significant changes made prior to the appearance in 2020. So by the time he was last before us, pre-Covid, they had cleaned up most of the significant site issues relating to development of the property. So they're moving toward the end of the process. As Ed indicated, they do have three notices, which gives us an opportunity to
address SEQRA. We have not yet indicated our intent to be lead agency. I would recommend that you can do that this evening and advance circulation of that notice. The intervening month will allow that notice to circulate and will allow us to get the Creighton Manning traffic study so we can evaluate that, which would be incorporated into your ultimate determination of the significance. So the timing works fine. And in terms of a procedural process moving forward, I think if you designate lead agency tonight we can continue to move the process along.

**Attorney Whitehead:** Do we have an EAF?

**Village Planner Cleary:** We have a full EAF that was submitted some time ago, Linda, yes.

**Attorney Whitehead:** Okay, just wanted to make sure because obviously we need that for lead agency circulation.

**Village Planner Cleary:** Yes, we've got it now.

**Chairman O'Reilly:** Okay, so SEQRA is satisfied in other words.

**Village Planner Cleary:** Not yet. We've got to commence that process tonight by designating the lead agency, but we have the materials to allow you to commence that process sans the traffic study, which hopefully is forthcoming. And the only thing I would say, Ed, is if you can goose Creighton Manning along to get that sooner rather than later – if that shows up at the next hearing. That's a difficult condition.

**Mr. Weinstein:** I understand. We will do our utmost to get that to you at least a week, 10 days before the meeting.

**Chairman O'Reilly:** Very good. We have just a couple of things – well, a number of things – still to consider. Let me turn to members of the board in terms of what we've gone through, where we are now, and what you've heard tonight; what questions you may have. I'd ask you to … I'll go in order and give you an opportunity to think about it. At the moment I only have one. I had a feeling, in the previous time we discussed this, that there was a little more space between the west wall of the premises you're constructing and the building that contains the food store. Now it's 11 inches. Has that gone down?

**Mr. Weinstein:** No, this 11 inches at that window – because that sloped roof, a portion of that – will be 11 inches from the air conditioner, not from the building. We have set back the building, essentially the wall of the building, 10 feet from the adjacent property as a friendly
measure to … you know, we could have built to the property line, but we're looking to be good neighbors so we did set that back. You could see the sloped green roof.

Chairman O'Reilly: Yes, yes.

Mr. Weinstein: The rest of the building is set back 10 feet. Only a small portion is blocking that existing window. It's not used as a window, it's used for the air conditioner. And that could be, I think, either moved further in or another type of package unit could be utilized. It's not going to prevent them from having air conditioned air.

Chairman O'Reilly: Okay, let me ask members of the board. Anyone want to go first?

Boardmember Bass: I'll go first, thank you. Thank you and good seeing you tonight, Ed. Thank you for the additions you've made to the plans. It's been awhile since we last saw you. You addressed all my previous concerns. I think it's a much improved design and streetscape, it fits in the Village, and I compliment you on the current design.

Mr. Weinstein: Thank you, we tried.

Boardmember Alligood: I also think it's improved. I think the aesthetic of it is better, in keeping with the rest of the buildings around it. Still not crazy about those little sunshades that kind of come out of nowhere for me. I know that's just a comment. But the only other thing is, I do want to hear more about the egress out of the garage. I think it's something that should be reviewed in more detail also for the public.

Mr. Weinstein: Well, from the matter of code I'm comfortable that we met the code. There are stairs leading from the garage. We will certainly double-check that as we go through the building permit process. I don't think it would require any changes that would affect site plan approval. But yes, that's a very important issue and we will make certain that we're in full compliance with the egress requirements of the building code.

Bldg. Inspector Minozzi: Ed, I think she was referring to the egress from the garage door over the sidewalk.

Boardmember Alligood: Yes. The cars, not the people.

Mr. Weinstein: As I said, we have some thoughts on safety measures in terms of audible and visual signals. And Creighton Manning is going to address that in their traffic report so I'd like to discuss that traffic issue at the next meeting.
Boardmember Alligood: That's exactly why I raised it. I wanted to make sure the public understands that's still an area to be explained, explored and discussed.

Mr. Weinstein: Understood, yes.

Boardmember Alligood: That report will be helpful, but that's my major remaining concern.

Bldg. Inspector Minozzi: And Eva, I just want to let you know the ARB has reviewed the sunshades you had mentioned and are comfortable with them. But we could always, if the board has a problem with it, send it back to the ARB, if you choose.

Boardmember Alligood: I'm not going to stand on that. I do really like the design, just wanted to make that one comment.

Boardmember Gould-Schmit: Bill, can you hear me? I'm having an issue with my mic. Again, I think the design has really improved and I appreciate that. I appreciate that you set it back somewhat as a concession to the neighbor. And I'm in favor of the project. I really think having something built out to the street will really benefit downtown. And I think it's been a long, but good, process. I think we've come out with something that will really compliment the downtown. So as Eva said, I am interested in sort of how the driveway's going to work with the pedestrians on Spring, but that will come. And I'm pleased with the progress.

Boardmember Mondello: I have nothing to add. I'm coming in a little bit late in the process here, so it looks fine to me.

Boardmember Kim: I also am less familiar with this. I'm looking at it, I think it looks okay. It seems like a good project. I would also be curious, as my colleagues have mentioned, to hear more about pedestrian safety in relation to the cars exiting. Other than that nothing further, thank you.

Boardmember Martin: I had one concern over that utility pole in front of the garage, but I guess that's already been looked at. Cars exiting and making a right, it looks like they could have an issue. But I think that was asked months ago so I assume that is not a concern. Again, safety is my only issue with this but otherwise I'm for it.

Chairman O'Reilly: Yes Richard, I think it was a concern. But if I remember correctly that
pole has to be moved. Am I correct?

**Mr. Weinstein:** Certainly I think that's true. We will address that issue when we discuss traffic circulation. Yes, that will be an issue we address.

**Chairman O'Reilly:** Okay. Everything's wrapped up in traffic circulation at the moment.

**Mr. Weinstein:** Safety is very important.

**Chairman O'Reilly:** Okay, yes. As I said, I have no further comments. I do think the project has come into good dimensions – and the various things it's gone through, which has been a number – all to the good. We appreciate the efforts that have been done, particularly consideration to Food For Thought next door and what else we have to do. I would like to ask … I'm sure there are some comments from the public, in which case I would ask if you have a question you use the … if you're on the phone and you've dialed "star-9," that's one thing. Or if you're on Zoom, I cannot see the chat or the raised hand. Actually I could, but I don't see any. Do we have any comments from the public?

**Attorney Whitehead:** Ann Marie Ross had her hand raised and has been admitted.

**Ann Marie, 24 Maple Ave.:** I live in the downtown. (Cross-talk) a couple of the meetings regarding this project. I just want to let you know I had trouble joining tonight's meeting. I went through the Web page and your Zoom link was not working so I had to find – through someone else who was on the meeting – the ID in order to link in. I'm not sure if other people have had trouble coming in, but I just wanted you to be aware of that.

I'd like to say that I know boardmembers have mentioned that the project is a nice project and has something that's viable. Some of the things that have been brought up in the past: commercial space that is suitable to our town, and something to change what is currently there that is more attractive and inviting. I think all of that is very good for us to include in a project like this. And I'm heartened to hear – because my major concern is safety – that many of the boardmembers echoed that concern. Because I joined late I only heard part of Mr. Weinstein's presentation and I don't know how much the traffic survey was discussed. But I'm very concerned, as someone that lives in the downtown and has a family downtown, about the egress, the garage egress. I wanted to just make note that given the structure and form of the building the garage is underground and is going to necessitate a steep driveway to come up to sidewalk level.

The photos in the image are nice, but they don't really show a clear picture of what's typical
on Spring Street. The picture was taken without any parking on the street, and that is almost unheard of. There are always cars that line that side of the street so anyone coming up out of the garage is going to have their visibility diminished quite a bit. I just want the board to really think about this project from a functional point of view when it comes to safety and traffic. It is a main thoroughfare into our town. Traffic is very busy, it is a very small street. There is a driveway immediately across from where the egress would be so there'd be two facing points of exit into a small, busy street. There is constant delivery and large trucks that pull up and park on the same side of the street as this project so that would further diminish visibility for anyone coming in and out of that driveway. It's going to necessitate a steep incline to pull out of the garage to get to the sidewalk level so anyone doing that is going to need to accelerate. It is the library downtown, and school kids walk to school along those sidewalks getting to the train. You know it is a very busy sidewalk in usual times. And it is an incline, so when it's snowy and icy it's very slick and slippery.

All of these things … I know the traffic report will look at some of it, but the traffic report is happening during Covid so traffic is down to what is typical pedestrian traffic is down. So there are other things that are going to impact on that. I really hope the board takes a very careful look at that and is willing to say, You know what? Flashing lights are not enough because once this building is built, when incidents start to happen you're not going to tear down the building. So you really need to do the correct project for the community before the building is built and really take these matters seriously. You're the regulatory committee and you need to really look at it and think about it in terms of function, the design and function.

The other point I want to make as a downtown resident is that if it is poorly designed the residents will not feel comfortable and will tend to park elsewhere. They will not utilize the parking that is under the building. If the spaces are small, if it is tight, if it is hard to get in and out in a reasonable fashion they will not use their parking spaces for their cars. They will park in the parking lot across the way, they will park on Maple Ave., they will park downtown. We know that. Poor design people don't use. People do what works and what is convenient. So please take a very intense look at those pieces.

Then I just had one question that's more sort of out of curiosity. I don't know if Mr. Weinstein has any feedback on this, but that portion of the building has been listed for sale. So I'm wondering if you could comment about the point of, you know, is the owner looking to finish the design so he can couple it with his sale because that's really the direction he's going, or is he actually looking to be an owner that manages the property. I'd be interested in knowing the answer to that.

Mr. Weinstein: I can't speak for Mr. Sinatra. I think having it for sale could mean a
number of things. He might be looking for people to partner with him in the development of this building. I do know he's interested in developing this, possibly with a partner, or possibly selling it once we've obtained the approvals.

Chairman O'Reilly: Regardless of whether it's partnered or sold or whatever, whoever comes in has the choice of either agreeing with what design has been approved by the Planning Board or starting from scratch on a whole new application. The design we're talking about currently, and the approvals which will be given, go with the property. A new owner or a partner is not free to make changes. They're free to try and make changes if they want to start a new application and start the whole process from scratch. I'm not sure what the outcome of that would be, but we're concentrating on what is currently being asked for at present.

I think, Ann Marie – that was your name – you did an excellent summary when it came to traffic of the concerns and questions which were raised by the board in the stages we went through. You may have missed the part where Mr. Weinstein was telling us that the applicant has asked Creighton Manning Engineering to address the comments we have all listed, many of which you have repeated quite succinctly and carefully, relating to traffic and traffic safety. We're expecting to have a report from them to present to the Planning Board – well, not today, at the next meeting – if they can finish their study in that time. But it's an important study and we agree with that. There are a lot of points raised and I think we can say it's been given extremely close attention and will continue to be so.

Ms. Ross: Thank you.

Chairman O'Reilly: We have a couple of things we need to …

Attorney Whitehead: You have one more member of the public to speak. Go ahead.

Bldg. Inspector Minozzi: You have to close your TV or whatever speaker you have on.

Suzannah Kane, 7 Spring Street: Hi.

Chairman O'Reilly: Much better.

Ms. Kane: Thank you for the detailed notes posted from the other meetings. My first comment would be that I would like to underscore all of Ann Marie's concerns regarding traffic and safety. And I appreciate that the board and the neighborhood in general is so focused on that. It is the most important issue in terms of how the driveway and residential
traffic will exit that building. In addition to the safety concerns, my other concern is one of safety for my actual property. As you may recall, I am the owner and resident at 7 Spring. I've mentioned this concern in the past and I would like to reiterate my concerns regarding, specifically, fire safety. I understand the plans have been modified in the past for things of light and air circulation with the setback of the rear portion of the building. But what hasn't really been addressed is that if there were to be a fire in the property – specifically in the front of the building – neither the tenants down below in Food For Thought, nor myself and my family, would really have any options in terms of exiting the rear portion of the building.

By virtue of the way the property is built into this incline – the two inclines in both directions – and the way the plans have developed that I can see, there is essentially a masonry portion of wall that separates my property in the rear from the patio of the new plans and then what appears to be a glass vertical extension above. That essentially blocks off the entire rear portion of my property. Were there to be a fire in the front of the building and we would need to leave out the back – we have a very small backyard which is all fenced in with a stockade fence – with this new proposed wall on our eastern side and a fence on the other side, the fence on the western side overlooks my neighbor on the west and it's also terraced down and completely inaccessible for us. Not only would we be kind of be trapped in the backyard, but then it also raises the question of accessibility for the rescue and fire teams to have access to the back. I was wondering how … I have raised this point in the past about my concerns of safety and I don't really see that being addressed in terms of how this wall area is being thought through. I was wondering if Mr. Weinstein could address that.

The other point in terms of just my property specifically is that of kind of maintenance; how – given the proximity of the lower level but, in general – how maintenance of what is my eastern wall can be done with this building next door. What his ideas are on that I would appreciate.

**Mr. Weinstein:** As I said previously, the building could've been constructed, or proposed, to be right up against the property line. Obviously safety is key. In fact, my son is a volunteer firefighter in the Village so I certainly wouldn't want him to be in any danger, or any of our first responders. Certainly that glass wall, if there were a fire and they needed to get onto your property, the glass would be shattered in a heartbeat. Property always becomes secondary to lives.

**Ms. Kane:** Right, but I'm looking to shatter that glass, Mr. Weinstein. That's a nice thought, but in practicality am I going to be standing in my bathrobe in the backyard as my building sets on fire?
Mr. Weinstein: I don't know right now. Nobody has a right of egress across another owner's property so I don't know this building is going to create any noncompliance for you. Presumably all the buildings have to have egress from their property to the street. That's just the nature of things, and I don't know what else I could say to make you feel comfortable. We're not creating a problem you don't already have.

Ms. Kane: I don't have that problem right now, Mr. Weinstein, because I have an open-sided porch I can exit from if needed to get to the Chase parking lot and into an area that would be safe. That's a little bit … I appreciate your concept in that, but I couldn't exit from the front if the fire was in the front of the building. I think that's common sense. With all due respect, Mr. Weinstein, it is different and it doesn't exist now. The building doesn't exist now, and I have the ability to safely exit through the back over my porch if warranted. No one wants that to happen, but to say the firemen will just break down the glass seems a bit harsh. It seems a bit …

Mr. Weinstein: No, not harsh at all. This is the nature of …

(Cross-talk)

Boardmember Bass: Linda, can I ask for a clarification? Can you explain to Ms. Kane property rights and easement rights? I don't think this is a really helpful discussion.

Attorney Whitehead: I don't either. It's not, and I was also going to ask …

Boardmember Bass: Can I finish, please? Don't talk over me. Linda, can you explain property rights and easement rights so Ms. Kane can fully understand what her rights are now and what they will be in the future?

Attorney Whitehead: Sure. And I was also going to ask the Building Inspector to address this just from a fire standpoint, especially in a downtown area like this. This is not unusual. That's why there are zero setbacks required. You do not automatically have a right to cross over your neighbor's property even for fire safety. So even with the property as it is right now the owner could put up a fence and block you access to the Chase parking lot. You have no easement, you have no right to cut through there today. So you are responsible for your own egress. Neighbors are not obligated to give you a right of egress over their property if you don't have an actual easement from that adjacent property owner. And I think from a firefighting standpoint this is very typical for a downtown infill type of development. It's a very typical situation. These are zero lot line buildings. The required setback is zero.
Bldg. Inspector Minozzi: Linda, I completely concur with you. There is no easement, there's no right granted upon the neighbors to use Mr. Weinstein's project as a means of egress. And as the owner has said that her backyard has a stockade fence that goes all the way around it would actually be up to her to create her own egress out of her property, not to rely on Mr. Sinatra's property as an egress.

Ms. Kane: I understand Mr. … and I'm not saying I have a right. I'm asking, at this point, if any considerations would be made. I think somehow the tone of that inquiry is to be informed. The fence I was mentioning, the stockade fence, is not mine. It was built by my neighbor so it's not something I can necessarily modify. That was the point.

Attorney Whitehead: That's an example of another neighbor who has used their rights to put up a fence on the property line.

Ms. Kane: I fully hear what you're saying. I was just asking that at this point it just seems like something that should be examined and put on the table. I appreciate your feedback, but I certainly wasn't escalating something. Somehow the tone of that took a left turn by others in this conversation [laughter]. Now seems like the time to be informed, if that makes sense.

Attorney Whitehead: The board cannot force an adjacent property owner to give you a right of egress over their property.

Ms. Kane: I understand.

Attorney Whitehead: And part of this comes from the fact that your building runs right to the property line.

Ms. Kane: Certainly. But it was, as you know, a very old building. This isn't a new build. Somehow the front of the building was built in 1880 and the others a few decades after. So that predates my ownership of said property.

Bldg. Inspector Minozzi: Right. And what predates the building of this building was a barn that was built to the property line also. It unfortunately doesn't have any reference here. But what Mr. Weinstein is proposing is as-of-right. Unfortunately I understand your concerns, but Mr. Weinstein is correct that he is within his right to do this project the way it's designed.

Ms. Kane: As a matter of course, just to correct something said earlier, I did mention the
issue of the stucco surfacing. That wasn't something I actually recommended. It was proposed by one of the former boardmembers to improve the aesthetics. That was very quickly addressed and negated by the ARB long ago. That was not a point. I was enquiring to say what happened with that detail because I was not present at the ARB meeting. But that's not something that was a request of mine personally at any point.

Bldg. Inspector Minozzi: Thank you, Suzannah, for clarifying that. Yes, that was a point at the ARB meeting but I don't remember exactly where it came from myself. That was one of the things they did not like and they negated right away. Thank you for bringing that up.

Attorney Whitehead: I remember that.

Ms. Kane: I think you've answered my questions.

Chairman O'Reilly: I think so. I agree with you, your question has been asked and answered. Anybody else from the public that has a question or comment?

Attorney Whitehead: I don't see anybody else with a hand raised.

Chairman O'Reilly: There are two things we have to require. A request would be that we're waiting on the traffic study. The apartment at the rear of the project, that part of it, has to be recirculated.

Attorney Whitehead: It has to be noticed.

Chairman O'Reilly: And we also have the question of lead agency for the SEQRA review.

Village Planner Cleary: Mr. Chairman, I think by motion if you just designate your intent that notice would be circulated to the other involved agencies.

Attorney Whitehead: You would need a motion to declare your intent to act as lead agency for SEQRA purposes.

Chairman O'Reilly: Therefore we have a motion of our intent to act as lead agency.

Attorney Whitehead: Can we do a roll call, just for the record?

Chairman O'Reilly: Roll call required. Eva Alligood?
On MOTION of Boardmember Bass, SECONDED by Boardmember Gould-Schmit, with a roll call of all in favor the Board resolved to act as lead agency for SEQRA purposes for the 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, one retail space and one dwelling unit on the first level, and six total dwelling units on the second and third levels at their commercial property located at 15 Spring Street.

Chairman O'Reilly: Therefore our notice of intent shall be notified to the other agencies. I think I've got everything. Correct?

Boardmember Alligood: Bill, can I just point out one thing? We did get a couple of messages from the public forwarded to us on this project. I think we should acknowledge that. I believe there were a couple of them, and they were in the vein of voicing objections to the look of the project, the scale. They were in the category of, well, at this point the design is as-of-right. I just want to make sure we acknowledge we received those comments.

Chairman O'Reilly: Okay, and they become part of the record?

Bldg. Inspector Minozzi: Yes, we have all comments e-mailed a part of the official record.

Chairman O'Reilly: Thank you. So we wait to hear from you, possibly at the next meeting Mr. Weinstein?

Mr. Weinstein: Yes.
Attorney Whitehead: And just for the public, all those comments received are received by each of the Planning Board members, as Eva acknowledged. They've all read them. And yes, there were several comments that objected to the size and scale of the building and whether it fit into the downtown. I think the boardmembers have addressed that.

Chairman O'Reilly: I think so, too. Moving on.

Mr. Weinstein: Thank you, Mr. Chairman.

Chairman O'Reilly: See you next time.

Mr. Weinstein: I will let you and the board know well in advance whether we will have the traffic study ready. I'm pretty sure we will.

Bldg. Inspector Minozzi: Yes, we'll have to notice that and also notice for the Zoning Board as well. So we'll probably take care of all that at one time.

Mr. Weinstein: Okay, thank you very much.

Chairman O'Reilly: Our second old public hearing is the application of SGA Brothers Realty.

2. Subdivision Approval of the application of SGA Brothers Realty II, LLC for the subdivision of their property located at 7 Nepera Place and 0 Farragut Avenue pursuant to the provisions of Section 295-120 of the Village Code, a subdivision that creates a nonconforming lot as well as a conforming building lot. Said property is in R-7.5 Zoning District and is known as 4.150-155-3 & 15 on the Village Tax Maps.

Chairman Manfredi: Again, we have some comments on this, rather extensive ones, from our consultant Patrick Cleary on a few things that are required. But let me ask who's speaking on behalf of the applicant and if they would identify themselves and their affiliation.

J.B. Hernandez, ARQ Prof. Architecture: We were in front of your board a couple months ago and submitted some changes to the project. And we tried to address some of the comments Mr. Cleary put forward. If I can share the screen I can kind of walk you through


the changes we made and kind of where the project stands today. Can I share-screen?

Chairman O'Reilly: There you are.

Mr. Hernandez: For this project, some of the changes we made were based on the last time we were in front of the board. Just to recap, this is a subdivision but is in essence a lot line adjustment we're doing, and we're creating a second building lot. The current project at 7 Nepera, which was also discussed, the work done … actually I should let the board know, and the neighborhood, it has been fully completed and a certificate of occupancy for all the work proposed has been done and finished as of a couple weeks ago. We did create four parking spaces in the rear and that brings us to what we're trying to do with our project.

The changes we have done in our project, going through the comments Mr. Cleary had, are that we did listen to the board and raised the house about 16 to 18 inches. So it wasn't a steep driveway going down until we addressed some of the issues brought up to us. We also showed the site distance we have for the proposed driveway. I know it is a deficiency, as stated by Mr. Cleary, of 10 feet. But we have that in our next submittal. We can rectify that, and it's not an issue to obtain the site distance. We did address the issue of landscaping as well. We added landscaping to the project, we added some trees along Farragut Avenue. We understand those need to be revised by the agencies in the town and approved.

Going to the comments, one of the major ones we have is the number of variances we're requesting. We do feel that there are six variances we need in order to complete this project. Three of those variances are inherent to the existing property in the location of 7 Nepera, which is the front yard, side yard setback, and minimum lot width. Independent of what we do with the project, those variances will be required. As to the other variances – the minimum lot size, floor area ratio, and development coverage – we felt that if we kept the one lot compliant we can minimize the number of variances required. We tried to find a medium where we kind of eliminated some of the variances required but, when we increased the development coverage that complies with both properties. Then floor area ratio does work, or for the minimum lot we will need another variance. We felt by doing it this way we were creating the minimum number of variances.

Again, we did show the new landscaping and provided that information. We did research, and there is some rock there, but we feel there's no need for blasting or any large rock removal. However, we haven't done any geo-technical testing for it. We're based on a survey provided by the state. We did provide a water system. Again, we provided the location of the utilities for the new house. And we did provide the landscaping. The layout of the house, the proposed new house, remains with the same issue we raised with it. At this
time I know we would like to hear comments from the board and the neighbors and see if we can move the project along. We feel some of the comments Mr. Cleary had – a couple of comments we tried to address – there is nothing there we don't feel is attainable.

**Chairman O'Reilly:** Thank you. Since you're referring to some of the comments, there are those of Patrick Cleary, some of which you've referred to. But I'd like to ask our consultant, Patrick Cleary, to speak to the memorandum we received today. I'm not sure whether you've seen it as the architect.

**Mr. Hernandez:** Yes.

**Chairman O'Reilly:** Patrick, can you just speak to what you've addressed here?

**Village Planner Cleary:** Mr. Hernandez, I think, was following my memo in his comments. He basically touched on the issues, and I'll summarize the big issues. The primary issue relates to the choice to create one conforming lot and one nonconforming lot. You discussed this when this was first presented to you in October. You just heard Mr. Hernandez say, "We assessed it and determined it's best this way." But that assessment really wasn't shared. The thought process behind it, or the various options, weren't shared with us. So you can either accept Mr. Hernandez's position and agree with him that one conforming and one nonconforming lot is appropriate or show us the work. Show us the alternatives that split the distance, for example, in lot areas, and so forth. That's sort of the fundamental question relating to the configuration of the subdivision itself. They did tidy up some of the boundary line issues that were discussed initially with them.

The second primary issue relates, obviously, to the new curbcut on Clunie. Mr. Hernandez mentioned the site distance concerns. I think the assessment they did needs to be reassessed. It appears as though they may have sufficient distances, but the way it's measured on the plan doesn't quite meet the AASHTO standards for how you do such an exercise. So that needs to be redone because it's a very significant issue. Parking's at a premium on Clunie, and it needs to be done right. That driveway location needs to be in the right spot. They did minimize the grade of the driveway. It was something like 15 percent, now I think it's at 12 percent. And importantly, the transition to Clunie is at a conforming 3 percent which meets our code requirements. I think it was about 5 percent originally, so an improvement into how that driveway's being designed and configured.

I think Mr. Hernandez touched on most of the other issues with respect to this. There's cleanup that needs to be done on some of the comments. There is new landscaping being proposed on that new lot. And while they are proposing some new street trees in the right of
way, that is our right of way so we want to make sure it's the right planting that can be maintained appropriately by the Village. The species that's proposed is not a typical street tree but more of a screening tree, so again we would want some comment from DPW. Finally Mr. Chairman we need to also – as we did with the last application – address SEQRA on this application. One thing I didn't see, Mr. Hernandez, is that you indicated you had submitted an Environmental Assessment Form. I have not yet seen that document so if you did submit it I've missed it. If you haven't, please submit that. And Mr. Chairman, I would suggest that with that document in hand, if in fact we have it, you can designate your intent to serve as lead agency for this project as well this evening.

Chairman O'Reilly: Very good, thank you. Very complete. There are three items that related to determination by the Building Inspector. At what point do we get that determination?

Village Planner Cleary: That's a good point, Mr. Chairman. Three of the variances relate to the existing nonconforming condition of the home, the existing width of that lot, and the setbacks of the existing home. Ordinarily that's a preexisting legal nonconforming condition. The only reason I raise that as a question is because the lot on which that nonconforming home sits is being changed. Buddy should simply review that and indicate that the characteristics of those variances didn't change, therefore the legal preexisting status remains in place. Or because the lot itself is changing all bets are off and you have to re-obtain those variances. I think Buddy needs to weigh in on that when he has a chance to take a look at it.

Attorney Whitehead: And those are existing nonconformities that are not being made worse.

Village Planner Cleary: Right.

Attorney Whitehead: And that's the distinction as compared to the issues of nonconforming development coverage and the nonconforming floor area ratio. By making the lot smaller you're making those nonconformities greater. It's a difference between the types of existing nonconformities.

Bldg. Inspector Minozzi: Yes, I hundred-percent concur. Those are the two that I would flag.

Village Planner Cleary: Again Mr. Chairman, as I said earlier the configuration of the lot and how it's proposed relates to those three other variances that are required. So they could be minimized, for example, by adjusting the lot line but the Clunie lot would then be
Attorney Whitehead: One additional issue I think is missed here is that there's an additional existing nonconformity to the 7 Nepera lot. I believe it's a nonconforming two-family or three-family, Buddy?

Bldg. Inspector Minozzi: It's a two-family.

Attorney Whitehead: It's a two-family, this is a one-family district. So you're taking what I've been told is a legal nonconforming two-family but putting it on a smaller lot. So are you increasing the impact of that nonconformity by putting that nonconforming use on a smaller lot? That's potentially another variance; increasing that nonconformity essentially.

Chairman O'Reilly: And Patrick, were you saying that one of the questions is if there were alternatives to what they have done have they justified what they have …

Village Planner Cleary: Right. Mr. Hernandez indicated he went through those alternatives, he simply hasn't shared them with you. You can take his word for it or ask to see those alternatives if it's a better option.

Attorney Whitehead: And those were the alternatives for where that lot line gets put: how you choose what area goes with which structure. I just want to clarify one thing, or have the applicant clarify one thing. The development coverage figure for the Nepera lot, does that include the four parking spaces that are now shown in all that driveway area in the back?

Mr. Hernandez: Yes. Can you hear me? Yes, it does. And we're willing to … we can provide the computations of how we went about trying to think it out; if we make both lot sizes nonconforming, how that affects. You know, we did try to find a medium where we can eliminate, of course, some of these variances. But we can surely provide to the board a copy of our computations and how we arrived to those numbers.

Chairman O'Reilly: It might be helpful because …

Attorney Whitehead: Maybe a matter of more variances but smaller variances?

Village Planner Cleary: Again, another philosophical point with respect to this is that the Nepera lot is the more intensively-used lot and that's the lot now that bears most of the
Chairman O'Reilly: I can understand wanting to make one nice, good lot with a nice house on it, then on the one hand sacrificing the one that's there and making it more nonconforming without us really having a sense of the alternatives. Which might have made it an equally okay project, but without sacrificing this house which is the oldest and just making it more cramped with all the variances it already has and requires more. It's worth a look.

Mr. Hernandez: When I'm looking at the project it's not so much the number of variances, but also the size of the variances we're requiring.

Bldg. Inspector Minozzi: Yes, I think what the chair and others have said tonight is maybe just show us a couple of different iterations of this drawing that may reduce the variances requested for 7 Nepera. Though adding variances to the new lot or the new proposed building lot may make the variances required for 7 Nepera smaller, I think they're looking to see some iterations from you.

Chairman O'Reilly: I think our concern is, or what our interests are, is considerations of the best use of the land you have available. And our question is related to is this the best and optimal use of the land you have available to you. Which is good for the Village because you've also got the issue we talked about very much last time which is the flooding that was experienced in this neighborhood and how best to alleviate any further conditions that might arise.

Village Planner Cleary: That's another good point, Mr. Chairman. The applicant did submit a stormwater pollution prevention plan. I think we want to engage the Village's consulting engineer to review that documentation now that it's been submitted.

Chairman O'Reilly: Let me turn to the board for a moment. My questions are all related to my concerns, but let's move ahead with their comments and questions. Let me just ask who wants to go first.

Bldg. Inspector Minozzi: Mr. Chairman, real quick. This will get sent to Hahn Engineering once we have something more concrete as far as design goes.

Boardmember Alligood: I would like to comment on this. I think it's really important that we get scenarios with the alternatives, not just numbers. I heard sharing numbers and I was glad to know you raised the flooding issues. I made a big point of this last time about
wanting to see that this project was attempting to deal with the conditions of frequent flooding and had some sensitivity to embracing resiliency strategies. I understand there's going to be a stormwater retention plan that will get looked at and all that, but I really was expecting this presentation to speak to that, however you'd like. The reason I point that out is, I think in the justification for what you're asking for you need to be speaking to the issues that have been raised about how much you're asking of this property. And let me clear. It's not about not wanting development here because that's not my position. You have a right to build there, or the owner if they're able to get approval for a subdivision. That's not the issue in and of itself, but is that development appropriate for this site and for the neighborhood in which it's sited. You need to make that case very clearly, and articulate how you've come to the conclusion that what you're proposing best addresses those issues you have to balance.

Absent that case to be made to this board and to the public that has raised concerns, we're going to conclude that what you're proposing is just in the best financial interest of your client. That's not necessarily a bad strategy, but I will tell you as a boardmember I'm going to look at this with how many variances do I think are acceptable in order to maximize the financial gains of this property. And I'm going to say in my deliberation – and I need the different possibilities here and a clear explanation of a design strategy that addresses these things – we will consider all those things in combination. But absent addressing those issues that have been raised, you're asking for a lot. That's my overall opinion.

**Boardmember Bass:** I'm in full agreement that we need to see alternative designs both graphically and numerically. I'd like to see the zoning calculations in terms of lot coverage and density for the two proposed lots, but also combined. I'm thinking of them as one zoning lot and what does that look like. Also just as a question, who owns the corner property on Farragut and Nepera?

**Bldg. Inspector Minozzi:** That's a Village park.

**Attorney Whitehead:** Yes, that's owned by the Village and has been designated parkland.

**Boardmember Bass:** Okay, I was just wondering. Thank you. I'm concerned with trying to get 6 tons of sugar in a 5-pound bag. I'm open to a discussion, but I need more information. You guys have better articulated the need to show your work.

**Chairman O'Reilly:** I like that: 6 pounds of sugar in a 5-pound bag.

**Boardmember Gould-Schmit:** I think it's all been said. "To be continued" on this one.
Boardmember Mondello: I agree, it just seems like we don't have enough information at this point.

Boardmember Kim: I agree with what has been said. I've noted the public comments that have been made that were quite impassioned, I would say. I'm curious to hear more about this because it seems to people who would be most affected by this also have strong opinions. Anyway, I agree just to wait and see. Thank you.

Chairman O'Reilly: Thank you. When this was before the board the last time we had a good amount of input from the neighbors and the public. I would ask anyone who is speaking from the public that made their statements already that they be brief in repeating them because we're going to be running with a longer agenda. Just be a little succinct in comments because we heard a lot in relation to parking, we heard a lot in relation to the nonconforming lot and those things.

Attorney Whitehead: And flooding. And also just to remind the applicant, in looking at these alternatives I looked back at the notes from the last meeting. Several boardmembers also commented perhaps looking at whether this house is in scale with the other homes in the neighborhood or whether another alternative is looking at making this house a little smaller. Those were comments made by boardmembers. I don't believe the house has been changed.

Chairman O'Reilly: That remains an ongoing question.

Mr. Hernandez: If I may say before we go to public comments, we've also provided a comparison with sizes of the houses in the neighborhood. The house we're proposing is 24-hundred square feet and we feel very much in scale with the rest of the homes, especially on Clunie Avenue. Also, when it comes to flooding I know our client has gone through the expense now of eliminating the garage in the back and raising the whole area in the back just to be able to deal with the flooding issue. So we are very conscious of that and it has already affected our client, not in a positive way. So we are conscious of that.

Chairman O'Reilly: Conscious, and also you're going to be giving us the information.

Mr. Hernandez: Yes.

Chairman O'Reilly: Having said what I said, is there any member of the public listening to us that has a comment? If so, raise your hand or use the alternate method. Anybody? Is there anyone in the chat room?
Attorney Whitehead: Yes, there are three people who have their hands raised, or two. Linda Manley?

Linda Manley: Yes, can you hear me? The last meeting I addressed a couple of concerns. One was the park adjacent to 7 Nepera Place. The owner has currently been using it as a dumping ground for his past construction. Before new construction begins I would like to see a much-needed fence that was originally put up and paid for by the neighborhood when the gas station that was there was torn down. I would plead with you to please look into funding for Parks & Recreation to put the fence back up so it will not be used as a dumping ground for his next construction project. That's number one.

Number two is the trees on the Farragut Avenue side. I see what some of them are to be, and I'm not understanding about securing them. Over the past several years some of them have fallen down and caused significant damage. Thank God no one has been killed by any of them. I was wondering if they are going to be inspected to see how alive they are or whether they need to be cut down for safety reasons.

The other question is, are provisions made along Farragut for sidewalks? Because currently it's so overgrown that any children walking from our neighborhood – and now new families are moving in with children – there's no sidewalks for them to walk on. That is an entrance and exit for the Saw Mill River Parkway and the traffic has gotten extremely heavy.

Then the other question was the contaminated soil. With the new construction and stormwater runoff, is there going to be a study done on the contaminated soil that was there from the gas station leak?

Chairman O'Reilly: Thank you, Linda. All noted, all the questions.

Ms. Manley: All right, thank you.

Chairman O'Reilly: There's a second person, or two more? Linda, you see their names?

Carol Distelhurst, 32 Nepera Place: Good evening, everyone. My concerns are similar to Linda. One of the concerns I also had is the use of the park. The park has been used as a gateway to his construction site on 7 Nepera Place. There's holes all over the park now from all this heavy construction equipment that's been going in and out of his backyard, which right now there's currently a forklift back there. This is a residential neighborhood, and when we get off the parkway that's the first thing you see. You see that lot is destroyed and then you see all this construction site. We had to look at this for two years. So now if this is
going to be a buildable lot are we going to look at another two years of construction site machinery lined all over our park area? One of my concerns is we should put up a fence before any construction is done. And they cannot use it as a gateway or storing area to put their materials in because right now he does not take care of his lot.

There was a storm the other day and there's garbage lining up and down Nepera Place from all the garbage that came out of his house. They picked it up in front of their house but they left everything in the parkway. Like I said, if he was a good neighbor I would understand. And another thing, the scale of this house is big. It's not conforming to the neighborhood. My house is 25 by 30 and I can point out another 20 houses in the neighborhood that are about the same size. That house looks like it's a very massive house trying to go on a small piece of property and it's just not … I don't think it's a good idea.

**Chairman O'Reilly:** Thank you.

**Ms. Distelhurst:** Oh, I do have one more takeaway. I do understand that he built up his backyard and put up a parking space. But at this point in time we don't know the effects that that's going to have on the whole neighborhood between Clunie and Nepera.

**Male Voice:** We're waiting for the next storm.

**Ms. Distelhurst:** When the next storm comes our concern is that the water could go there and sit there, and it did. The water didn't go anywhere else, but now it's not going to go there. So where's the runoff going to be? Is it going to be now Clunie? Clunie is a downslope so if the water doesn't sit in his backyard now it's going to probably run off into Clunie, which Clunie never got any effect of the water or any of the flooding. But now it's a good possibility that they might get water if there's another flood. It's a possibility that the houses down the street that never got water are now going to get water because of it. I don't think anyone really … I wasn't aware he was going to do that with the backyard. I understand why he did it, because they need parking. But we don't even know the effect of what he did behind 7 Nepera is going to affect Clunie.

**Chairman O'Reilly:** One of the future steps we pay attention to is the stormwater management system which goes along with the property, which is also part of the engineering report. They're there, but do know that's one of the future steps we pay attention to.

**Ms. Distelhurst:** Okay. Because like I said, the next storm, if Clunie gets flooded, then we know why. That's all I can tell you.
Chairman O'Reilly: Thank you. And there's one more?

Attorney Whitehead: No, there isn't now. We did receive also a number of e-mail comments on this. Now we do have a hand up. Lisa are you there, or did you have your hand up and took it down?

Chairman O'Reilly: I guess it's down.

Bldg. Inspector Minozzi: Linda, I received three e-mails tonight I sent to the board. One of them asked to be read into the meeting. What's your take on those e-mails?

Attorney Whitehead: All the e-mails that were submitted were in opposition and raised issues about the house being consistent – and Buddy, help me out if you want – with development on Clunie, flooding, and traffic issues, I think.

Bldg. Inspector Minozzi: Flooding, traffic and parking.

Attorney Whitehead: Parking on Clunie. Concern that parking is an issue on Clunie already.

Chairman O'Reilly: Very good.

Mr. Hernandez: I just wanted to add to the comment about the filling of 7 Nepera. We did have an engineer design it and it was an approved storm system for the area we raised. Again, a stormwater system was installed to address that issue. Even though we raised the grade at 7 Nepera it's still lower by 4 or 5 feet at a minimum. I will have to check, but lower than Clunie and the Clunie properties. As for the parking, the proposed dwelling will have enough parking for the house within the lot. And 7 Nepera, like I said, we just added all those parking spaces that were not there before.

Chairman O'Reilly: We'll be coming back to the stormwater when we're involved in the SEQRA part of this. If there are no other comments from the public I think we can move … you know you have the issues which have been presented to you. They will be paid attention to in any subsequent meetings. The architect and owner should be aware of that.

We have the question of indicating our interest in becoming the lead agency in the SEQRA process, which we will then need a motion to approve. So I need a motion to approve.
Village Planner Cleary: Motion to designate your intent to serve as lead agency.

Attorney Whitehead: Lisa – I'm sorry I don't know how to pronounce your last name – is now trying to speak. She was having trouble before, I think.

Mr. Iacofano, 11 Nepera Place: I'm directly adjacent to 7 Nepera. I'll make it quick because I know we're packing a lot of things into this meeting. My concern is the flooding. The backyard was raised to accommodate more parking spots. It used to be like 10 feet below, now it's level with my property. So this is going to force me to put up a fence, put up a wall. Because when that water comes in through the park and goes up the driveway I notice some type of irrigation system that was put in. But I don't know how many gallons of water that can hold. So in the next flood that water's just going to come right across that driveway and go right into my property. So I'm going to have to like try to protect my side now. I just wanted to address the flooding that happens a lot here on Nepera Place.

Not only that, there's the parking. There's four cars in the back, there's still a couple of cars in front on the street. That's a big, big help but the first floor of that house has not been rented yet. So there's going to be more people moving in, which is going to cause more congestion on the street. Also the garbage. There's garbage pails out in front of the house right now so I don't know if the owner comes and takes care of it or not. But it just doesn't look good, it's a bad look for the block. The flooding is my main concern. The other structure that's going to go up on Clunie, good luck with that on Clunie. I think it's a mistake and it's just going to over-congest.

Someone made the comment about the sidewalk. There's a bus stop for children on the corner of Clunie and Farragut so maybe that might have to be moved. Maybe not, but it's a safety concern in my eyes. But thank you for hearing my comments, appreciate it very much. Have a great night.

Chairman O'Reilly: Thank you very much.

Bldg. Inspector Minozzi: Mr. Chairman, can I address some the comments that were made about the existing driveway being filled in? They did come in for a permit. After the last huge storm their brand-new basement got flooded again so they wanted to fill it in and create four above-ground parking spaces – I mean, four ground-level parking spaces. We did go over it, it was designed for the hundred-year storm as required by the Village. There is a couple of feet buffer between that property and the property to the south. All the issues with the park have been rectified, all the holes that were made were filled, plus they actually filled
some holes they didn’t make. Sod’s been put down where some of the grass was destroyed. Everything was replaced as it was, or better than originally.

They've met with the Tree Commission and the Parks & Rec commissioner and took down some very diseased trees and trees that were in very bad condition between the two properties. They're also going to be putting up a row of screening between the park and the house. The Village is also planning on putting a fence up around this property once we have a clear definition of the property lines. But as far as the driveway goes, it's all been engineered, permitted, approved, and closed out by myself. I do all the inspections, and there are no concerns there on my part.

Chairman O'Reilly: Okay, thank you. We're in the process of the motion indicating our interest in being lead agency and the SEQRA process. Kerry moved, Richard Martin seconded so let me go around and get a roll call. Eva?

Boardmember Alligood: "Yes."

Boardmember Mondello: "Yes."

Boardmember Gould-Schmit: "Yes."

Boardmember Kim: "Yes."

Boardmember Martin: "Yes."

Boardmember Bass: "Yes."

Chairman O'Reilly: And me, "yes."

On MOTION of Boardmember Gould-Schmit, SECONDED by Boardmember Martin, with a roll call of all in favor the Board resolved to act as lead agency for SEQRA purposes for the application of SGA Brothers Realty II, LLC for the subdivision of their property located at 7 Nepera Place and 0 Farragut Avenue pursuant to the provisions of Section 295-120 of the Village Code, a subdivision that creates a nonconforming lot as well as a conforming building lot. Said property is in R-7.5 Zoning District and is known as 4.150-155-3 & 15 on the Village Tax Maps.
Chairman O'Reilly:  Very good.  So you have our intentions, you have our discussion, you know what your homework is.  So we'll see you at future meetings.

Mr. Hernandez:  Thank you very much.

VI.  NEW PUBLIC HEARINGS

Chairman O'Reilly:  We have three new public hearings.  We have an accessory apartment application for 60 Washington Avenue.


Attorney Whitehead:  Could I just jump in before we start on this one?  We've had some discussions – I've had some discussions – with the Building Inspector.  This property is in an MR-1.5 zoning district, which allows two-family or multi-family as a permitted use.  It doesn't necessarily allow – and we've had some back and forth on whether it actually permits accessory apartments – but it's sort of irrelevant it allows a two-family.  So I'm not sure this actually needs an accessory apartment approval because a two-family – which this is becoming essentially – is a permitted use in this zoning district.  Buddy, I don't know if you want to add to that.

Bldg. Inspector Minozzi:  Yes.  We went through the code very diligently and the accessory apartment in the MR-1.5 is not necessarily allowed.  But on the one hand, as Linda says the house can be an as-of-right two-family.  Which in that matter, the applicant would not have to present tonight.  She could legally convert this to a two-family.  So I'm going to put it out there to the applicant for her feelings about our findings.

Chairman O'Reilly:  For tonight, therefore, we can move on from this?

Attorney Whitehead:  Correct.  I'm happy to answer any questions, but this two-family is a permitted use.  It does not require Planning Board approval.  And Buddy, there's nothing being done here that would require Planning Board approval, right?

Bldg. Inspector Minozzi:  No, there's nothing being done here that would require Planning Board approval.  It's just an interior renovation, a newly-purchased home that’s being gut-renov'd.
Attorney Whitehead: It might need a variance for parking.

Bldg. Inspector Minozzi: To convert it back to a two-family it would have to go to the Zoning Board for parking, yes.

Attorney Whitehead: Okay, but it does not need to be before the Planning Board. I told the applicant that we just sort of took a look at this and noticed it today. But happy to answer any questions.

Annabelle Rolland, 60 Washington Avenue: I guess I'm a little bit confused because I had prepared a presentation. You're saying the accessory apartment is approved?

Attorney Whitehead: It's not an accessory apartment, it's actually just a second unit. You're allowed to have a two-family house.

Chairman O'Reilly: Not an accessory apartment, but an apartment.

Ms. Rolland: Okay, but instead of a waiver for parking I would need a variance for parking.

Attorney Whitehead: Correct.

Ms. Rolland: Well, I prepared a very succinct, very simple presentation. It can be done in 10 minutes, I think even less. Can I present it quickly and …

Attorney Whitehead: It's not this board. This is not the board that grants the parking variance. It's the Zoning Board.

Bldg. Inspector Minozzi: And Annabelle, it wouldn't be necessary at this board. If you want to come in and meet with me on Monday we could sit and discuss the next step on how to go about getting your approval.

Ms. Rolland: As a two-family.

Bldg. Inspector Minozzi: That would be correct.

Attorney Whitehead: And I apologize again that this wasn't caught sooner.

Ms. Rolland: Okay. My concern is that I went through the whole process with neighbors,
with the mailing, and all of that.

**Bldg. Inspector Minozzi:** Yes, that's what I want to come in and discuss. I want you to come in to discuss that with me, yes.

**Ms. Rolland:** Okay, because I do not want to redo that 'cause I …

**Bldg. Inspector Minozzi:** No, that's why I want you to come in.

**Chairman O'Reilly:** I've never seen so many e-mails in support of anything.

**Attorney Whitehead:** We know there were a number of e-mails in support …

**Ms. Rolland:** I know.

**Attorney Whitehead:** … and those will certainly be passed on to the Zoning Board.

**Chairman O'Reilly:** Yes, they were very complimentary and it was a well-organized piece, but it's not for us.

**Ms. Rolland:** All right. I can reuse this presentation anyway.

**Bldg. Inspector Minozzi:** Yes, Annabelle. If you could just come in and see me on Monday I'll discuss the entire scope of it.

**Ms. Rolland:** Okay, I'll go back to my knitting. All right, good night everyone. Thank you and good luck.

**Chairman O'Reilly:** Thank you. Okay, we do have a another new public hearing, a view preservation advisory.

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2. **View Preservation Advisory – Application of Daniel & Christina Cleary for an addition of a second-floor extension and balcony plus front stoop to their single-family dwelling located at 200 Warburton Avenue. Said property is located in the R-10 Zoning District and is known as SBL: 4.130-139-16 on the Village Tax Maps**

**Chairman O'Reilly:** Our concern here is simply on view preservation. Do we have a
member speaking on behalf of this application?

**Gabriel Ce, Gabriel Koche Ce Architect:** Can everybody hear me? I'm going to share my screen. I have a quick presentation to go through. Is my screen visible?

**Chairman O’Reilly:** Yes.

**Mr. Ce:** Great. I separated this into four parts where we are seeking existing condition, proposed alterations, and some view studies we made. As you mentioned, the project is in a view preservation district. In addition to that we are also seeking some variances for front yard encroachment which is part of the Zoning Board. In terms of the petition just to give a little bit of background, the family when it moved into Hastings was a couple, very typical. It grew and has two kids now. We've covered working from home, as we are all doing right now, and they need more space to their single-story house.

The house is at 200 Warburton on the mountain side of the avenue. The lot size is roughly 12,000 square feet and gross square footage is 2,000 square feet, being only 1,000 livable, 1,000 basement. The current zoning – which I'm not going to get into much detail here – just so you all know, in terms of building height the existing house is 24 feet in height. The proposed height for the house once we add the second floor will bring the number up to 30 feet, which is still we think the maximum allowed 35 feet. The house currently is one story and will become two stories. In terms of FAR, we are within limits. This is just showing the existing. I will have a slide come up down the road with the proposed.

Going through the floor plans, the basement is basically a garage, utility space for mechanical rooms, laundry, and storage space. The first floor is where you enter the house, facing Warburton Avenue. There's a living room on the right-hand side, or south side, of the house. On the north side is a small kitchen. Then three bedrooms organized on the east side of the house, and a small bathroom. What you are seeing here, dashed, is what's currently a front yard encroachment. Here's some elevation studies showing the maximum wall height measured from the top of the foundation, allowed 23 feet. Currently that's 9 foot 6. The maximum building height is 35 feet, way above where the house currently is. Side elevation and back, and just a diagram showing the same dimensions but in three dimensions. Again, the polka-dot hash here is showing front yard encroachment.

In the proposed alterations the yellow shows what we're building outside the current envelope. Here is where the proposed numbers appear in relation to the existing. You see for the front yard, again we're encouraging a little further because of a projecting balcony/canopy over the front door. The maximum wall height from 9.5 feet is going up to
18.5, maximum building height from 24 foot 2 to 30 foot 2. Gross square footage is increasing by roughly 1,000, 975 square feet. The maximum FAR is still within the 0.298 that's allowed for this house, with an increase to 0.236. Just going through the plans again, nothing to do in the basement besides incidental work.

The first floor, we're creating a stair that as you come into the house there's a stair that leads you up to the second floor. The idea is to stack the existing stair that goes out to the basement with a stair that goes up to the second floor, stacked above. Not much more work than just inserting a stair on this floor. Then on the second floor I'll walk you through. As you land from the stair from the first floor there is an open family room that leads you as you go north to two bedrooms and an additional bathroom serving those bedrooms. A linen closet north of that corridor. On the south wing of the second floor you have the master suite with a walk-in closet and dedicated bathroom. Then on the west side of the family room the idea is to combine having a canopy that will protect you downstairs as you enter the house from the elements. But also it would double-function as a balcony so this family could enjoy some river and Palisades views.

Elevations showing the proposed. The dark gray identifies the existing silhouette of the building. You see that we're just getting the roof up so it can view to that second floor. Side elevation and rear elevation, again the color code indicates the existing building and the yellow is for the Zoning Board to review in terms of front yard encroachment. Same diagram showing the proposed alteration. Then some view studies. The first one is traveling southbound on Warburton, you see the house on the left side with the proposed second floor. There is some cropping here but this house, 204 Warburton, will hide the back of the proposed building. Then a view from across the avenue, existing and proposed. Traveling northbound on Warburton, the house on the right side with the second floor added. Again, across the street and the second floor. The view from the Croton Aqueduct all the way in the back, you can see the house through the trees. With the second floor added the roofline doesn't block the river.

A view from the neighboring property on the north side. This is from the backyard of 204 Warburton, existing and proposed. And a view from 196, which is a new parcel that was recently separated from, I think, 194 Warburton. There is no property yet on this parcel, but view from where I guess would be the backyard, with the proposed. That's what I have.

**Chairman O'Reilly:** The early residences, you went further up from the Aqueduct. I think the residences behind this property would be up on Pinecrest Drive, right?

**Mr. Ce:** That's right.
Chairman O'Reilly: Well, our only concern tonight is with view preservation. Thanks for your presentation. Did the board have any questions in regards to this? I don't, I'll start it with that.

Boardmember Alligood: I don't see any questions.

Boardmember Bass: It's a thorough presentation.

Chairman O'Reilly: So we have no questions in relation to it and we're complimenting the presentation, which is good.

Mr. Ce: I appreciate that.

Chairman O'Reilly: You're welcome. Any members of the public wish to speak? Linda, do you see any hands up?

Bldg. Inspector Minozzi: There are no hands up. And I'd like to add, Bill, we haven't received any e-mails or phone calls about this project in particular. Our biggest concern was from the Aqueduct, which has always been a concern of the Village. In the Building Department I felt unfortunately, though minor, I could not present the waiver on this project because there is some impact. We had to do a full-blown view preservation approval on this particular project.

Chairman O'Reilly: Understandable. I won't quibble with that. The impact is minimal, at least from my perspective anyway. I assume this has to go to the Architectural Review Board at some point? No?

Bldg. Inspector Minozzi: No, sir. This has to go to the Zoning Board next.

Attorney Whitehead: Has to go to zoning. You have to make a recommendation on view preservation.

Bldg. Inspector Minozzi: Yes, this is for the advisory. That's correct.

Chairman O'Reilly: I only mention that because I know the ARB is interested in getting in on projects earlier than they have been given an opportunity to do so.

Bldg. Inspector Minozzi: Not on single-family homes, or two-family.
Chairman O'Reilly: Therefore I ask for a motion that we recommend to the Zoning Board approval of the application for view preservation, and I need a motion to that effect and a roll call. Eva?

Boardmember Alligood: "Yes."

Boardmember Gould-Schmit: "Yes."

Boardmember Bass: "Yes."

Boardmember Mondello: "Yes."

Boardmember Martin: "Yes."

Boardmember Kim: "Yes." I seconded.

Chairman O'Reilly: We have to ask you to vote again. I'm a "yes" as well.

On MOTION of Richard Martin, SECONDED by Boardmember Kim, with a roll call vote of all in favor the Board resolved to approve the View Preservation Advisory to the Zoning Board of Appeals for the application of Daniel & Christina Cleary for an addition of a second-floor extension and balcony plus front stoop to their single-family dwelling located at 200 Warburton Avenue. Said property is located in the R-10 Zoning District and is known as SBL: 4.130-139-16 on the Village Tax Maps

Chairman O'Reilly: Mr. Ce, there we go. The view preservation advisory is recommended to the Zoning Board.

Mr. Ce: Great. Thank you so much everyone. Have a good evening.

Chairman O'Reilly: The next one is a view preservation advisory, application of Timothy Whalen.

3. View Preservation Advisory – Application of Timothy Whalen for addition of a second story and a two-story rear addition to their two-
family dwelling located at 360 Warburton Avenue. Said property is located in the R-7.5 Zoning District and is known as SBL: 4.100-94-19 on the Village Tax Maps.

Tom Curro, project architect: I'm here this evening along with my client and owners of the property, Timothy and Joanne Whalen. What prompted this required meeting with the Planning Board was view preservation with our proposal to enlarge this home at the rear yard. This home has existing nonconformities, particularly lot coverage and yard setbacks. The proposed addition consists of a two-story enlargement of approximately 317 square feet and a small two-story addition of approximately 44 square feet. The 44 square foot addition will square off the right-hand rear of the home. The squaring off of the rear portion of the property will not result in a dwelling structure appreciably larger or otherwise out of character with the existing dwelling structures adjacent to and in the neighborhood.

In addition, the proposed renovation area is wholly located in the rear of the property and structure and therefore invisible to the general public and will go unnoticed. In addition, the property has substantial planting on its north and south sides which also add screening to the adjacent northerly and southerly properties. If I can share my screen with you I could show you a little bit about the property. Can you see my screen? This is a view from the rear yard looking at the existing home. As you can see, it's two-story and an attic. It's a two-family dwelling separated by a demising wall. The Whalens live at house number 360, and there's a tenant at the right side at 358. The proposal is to add over this existing one story.

We have a realistic rendering over here showing what that might look like, or will look like. Basically it's exactly the same width of the existing house; it goes up, it comes in under the window sill. We're complying with the heights. Rear yard setback, because of the nonconformity of the side yards we're seeking variances which will hopefully come next week. But as you can see, looking from the existing yards there's really no blockage whatsoever caused by going vertical with this one story. These are just views from the front of the house, very nice views looking back at the house. And here's all the foliage and plantings on the north and south sides. That's what we hope to achieve. Directly behind this house is an accessory building which the Whalens also own but separated by a street, a named street. I didn't see a name for it.

Bldg. Inspector Minozzi: That would be Nodine Street, sir.

Mr. Curro: Okay, Nodine Street. Basically there's no residences within, I don't know, a hundred feet of the rear of the property. If you go further back you're at Croton Aqueduct. So there's really no one looking through the house. I mean, this house isn't blocking
anything to begin with, let alone with the addition. Any questions or anything? Any comments?

**Bldg. Inspector Minozzi:** Mr. Chairman, again I'd like to just interject. The reason they're here tonight is, though minimal from Nodine Street looking southwest and northwest, there is a very slight impact. That's why they could not go for a waiver. So of course I recommend view preservation on this project as well.

**Chairman O'Reilly:** Fine. I don't have any questions. I mean, it looks rather … well, let me just say do any members of the board have any questions in regards to this application? Any comments if not questions? I have none, as I said. Do we have any members of the public who are on this call, or viewing? Anything to add, any comments?

**Attorney Whitehead:** I don't see any hands raised.

**Bldg. Inspector Minozzi:** I'm sorry Mr. Chairman, I'd like to add that we have received no e-mails, letters, or anything opposing this project.

**Chairman O'Reilly:** Looks like a fine project. I have no comments, no questions about it. It seems to make perfect sense. Therefore our task is simply to recommend to Zoning Board approval of view preservation. Richard Bass?

**Boardmember Bass:** "Yes."

**Boardmember Alligood:** "Yes."

**Boardmember Kim:** "Yes."

**Boardmember Mondello:** "Yes."

**Boardmember Martin:** "Yes."

**Boardmember Gould-Schmit:** "Yes."

**Chairman O'Reilly:** And I also am a "yes."

On MOTION of Richard Martin, SECONDED by Boardmember Gould-Schmit, with a voice vote of all in favor the Board resolved to approve the View Preservation Advisory for the
application of Timothy Whalen for addition of a second story and a two-story rear addition to their two-family dwelling located at 360 Warburton Avenue. Said property is located in the R-7.5 Zoning District and is known as SBL: 4.100-94-19 on the Village Tax Maps.

Chairman O'Reilly: There you go. Congratulations, you have view preservation approval.

Mr. Curro: Thank you.

Chairman O'Reilly: Enjoy your new space.

Timothy Whalen: Thank you so much. Have a good night.

Chairman O'Reilly: Our last item is a discussion item on 1 Warburton Avenue, which we've seen before in a different arrangement.

VII. DISCUSSION ITEM

1 Warburton Avenue – Proposed zoning and site plan for 21-unit townhouse development
Presentation by applicant and discussion of SEQRA Lead Agency

Attorney Whitehead: Just by way background, the Board of Trustees has received a petition from the applicant for a zoning change—a zoning amendment—to rezone the entire property. Right now a portion of it is MR-1.5 and a large portion is R-10. They are looking to rezone the entire property to MR-1.5, then construct a project consisting of 21 townhouses, 20 of which will be in Hastings, one in Yonkers. The Village Board has had a presentation from the applicant and he's discussed the application. In terms of the SEQRA process, they have deferred to you as the Planning Board, which will ultimately have to grant site plan approval. They ask that you consider indicating your intent and that you be the lead agency under SEQRA. Since you haven't seen this project we thought it was good for the applicant to come, make a presentation, and show you the project. Then we can discuss SEQRA when they are done.

Chairman O'Reilly: So that's all your asking from this board tonight; just to listen to the presentation and do the lead agency.

Attorney Whitehead: Correct. That would be the start of the process.
Chairman O'Reilly: Good to know. So who's here to speak and give us a rundown of what's planned?

Mark Fletcher, project attorney: Good evening Mr. Chairman and members of the board, Attorney Whitehead, and also Planner Pat Cleary. We have a number of people that are going to provide very brief explanations this evening. We are cognizant of the fact that we were last on your agenda. You've had a long evening so we're going to keep this as brief as possible.

I am here on behalf of the team representing a proposal for 1 Warburton Avenue. Our team leader is Neil DeLuca. Mr. DeLuca's had extensive experience in development in New York State, Connecticut, and the State of Pennsylvania. He's on both the public side of things as well as the private side of things. You're about to hear from John Sullivan from Sullivan Architecture. Richard Quigley, our landscape architect, will be speaking as well. Michael Stein from Hudson Engineering is with us to speak briefly and answer any questions. We will be introducing additional team members throughout this process in the upcoming weeks, however tonight we'd like to keep it as brief as possible and show you what we've come up with so far. Really, without any further introduction necessary, I would just ask John Sullivan to take over and begin to walk you through some of our drawings.

John Sullivan, Sullivan Architecture: Good evening Mr. Chairman, boardmembers and ladies and gentlemen. Thank you, Mark. As I begin to speak here, I guess I know a few of you professionally. Immediately to my left is my colleague, Richard Quigley. Rich is the landscape architect and he'll speak to you in just a few moments. We do have a PowerPoint presentation which we'd like to put up. My colleague, Greg Dallape is controlling that for us. We could start in right away.

Obviously this is a very lovely photograph taken from the property where currently is the existing 1 Warburton Avenue. It's the former, I guess I'll call catering facility, that existed there for quite a number of years. That's on the west side of the road. (Let's go to the next slide, Greg). Here's some photographs which I'm sure all of you are quite familiar with and know where it is. It's literally at the border of Warburton Avenue where we enter Yonkers. At the top photograph you can see there is this white fence that runs along Warburton Avenue from the road. It gave privacy to the catering facility's activities that were on that site. The lower left photograph clearly is of that existing building. And on the right is what was the parking lot they used on the site and today is occupied by the school buses and other trailer facilities here. Not quite certain who is occupying those or whose buses they belong to, but it's clearly rented to them. You can see the site is old – the building is certainly old –
and perhaps I could say perhaps it's time. But we hopefully plan to improve upon this streetscape.

This is a survey of the property. This was prepared only a year ago. As a matter of fact, I happened to notice a few moments ago that it was literally, to the date, 53 weeks ago. So it was very accurate in terms of our looking at the site and preparing it. The areas you see shaded in gray on both sides of this road are the portions of these properties that are currently disturbed. The lower one, the east side, is that massive blacktop parking area, and on the east side is the footprint of the existing building and all the areas on that site where they had outdoor activities and photo ops. There's a gazebo right in the middle of that site that clearly was an opportunity for wedding photographs. But I will point out, as Linda pointed out a moment ago, along the southerly property line of the site – and it doesn't depict it on the plan, I clearly apologize for that – the Village city line runs right through here. Can you guys see this cursor of mine? Now you can. That's the line, the property line, going across Warburton. It literally bisects the building. A portion of that existing building is in Yonkers. As a matter of fact, some terraced area is in Yonkers. There's even a portion of the property toward the extreme west that literally goes off the site they use onto the Metro-North property area here. But we just illustrated the area on the site that currently is disturbed.

Here is a plan that we created on these parcels. Let's talk about the east side first that Linda alluded to a moment ago. These are 16 townhouses broken up into three buildings, as you can see. Every one of these units faces Warburton Avenue. They each have – and you can see little walkways in each one of them – their own separate entrances off a sidewalk that does exist today, by the way. The blacktop paving area goes literally right to the curb line. So we would propose putting in a pedestrian sidewalk here. Yes, there is a sidewalk on the west side of Warburton Avenue that goes along that fence we looked at a moment ago that also leads to where the existing catering facility is. What we have here is parking for these units, entered into at the center of the site. As you can see, there is only one curbcut. All the parking for each one of the units has a two-car garage accessed from the rear, on grade.

You can see from the coloration here this is obviously a roof plan of these units. But the back portion of them, which is a light-gray area, each has a rooftop terrace. The rest of it is a vegetated roof. These are flat-roof buildings. You'll see that in a moment when we get to a rendering of this. But these are all vegetated roofs. On the east side there are five units, one of which is in Yonkers. The entire roof area of those, which is a two-story building from the street, is a vegetated roof. We're proposing to build townhouses here that create a street presence as sustainable and green as we can make it; vegetated roofs not only because of their ability to assist in the stormwater retention on the property, but you can even see how a significant amount of that asphalt that exists there today would be replaced with greenery.
across the streetscape as well as the rooftops of these buildings.

The back edge of this – if we run the cursor along the line of the back of the properties as we speak about it – is roughly the face of that existing rock cut that's on the property. We're obviously cleaning it up a little bit at certain edges, but we do not encroach into that rock edge. The entire area on the top of the building, all shaded in here in green, will remain undisturbed. To the north, if we run the cursor to our little spot I'll have Richard speak to in just a moment, is a public open space which we'll talk about in just a second. You can also note on the west side of the property, right in the center of that, we're just suggesting a small little outlook, if you would. It's kind of a public space. There is no proposal for development on that entire west side of the property along Warburton Avenue from the building going north. We can have a discussion about this, I guess, further as we get into this as to what may be an opportunity to do something with that piece of property in the way of just leaving it public open space, much the way we're speaking about the woodland area on the extreme easterly side. Let's bring up the next slide.

The next one is a site plan but this one's a little more definitive because we can see here that the letters you see on the buildings designate unit types. There's a diversity of unit types. They're all two-bedroom plus den units on both sides of the road. And they have slightly different unit plans, as I said, because of their configuration; including the ones that are on the east side, same thing. Parking for the units – the five that are on the east side – is accessible from an existing driveway that is in Yonkers. We'll just clarify that because you can see where I'm pointing to right now. That comes off of Warburton and goes under that building. So their parking is underneath their building, one level, basically a the lower level of where that restaurant catering facility is today.

Faintly, you can see there's a little walkway off that driveway. It stops at a certain point there. But that driveway leads to a boat club, which I'm sure you know, and there's a footbridge that goes over the train tracks. We've made discussions with the members of the boat club to improve that walkway, which is really a paved driveway today, improving the pedestrian access down to their boat club and, at the same time, maintain some level of accessibility for them. They're a party to the permissibility of us using that driveway to access parking under this building. The benefits for some of this are that we only have two curbcuts on Warburton Avenue; the one for those, and the one in the center of the site that is a split driveway, as you see, to allow in and out. That location was specifically identified because it has a very good site distance in both directions unobstructed in terms of safety.

Richard, you want to speak a little bit about our plans for the site and some of our sustainability measures, and the northerly piece as well?
Richard Quigley, IQ Landscape Architects: Well, thank you John. This project has a real opportunity to create something it doesn't have now, and that's a sense of gateway into Hastings from Yonkers. In addition, as we all saw in the previous photographs, the vinyl fence has really taken away an unbelievable view for all these years. We now can bring this view back for the whole community to enjoy. In addition to that, we're preserving that area which strengthens and reinforces more of the sense of gateway as we're coming in. Now we're seeing the beautiful Palisades and the Hudson River to the west and the new streetscape we're going to create which is a component of all good streetscape design. That is, all new curbs, green strips, and shade trees consistently mirror imaging on both sides to give it a real statement to the project.

The other thing, first of all, I should mention is that I've been a resident of the Village of Hastings for 38 years. My wife and I came here when we got married, fell in love with this village, and we love it. We couldn't say enough good things about Hastings. I care about this project. Let me talk about the project site itself. We're going to introduce all sustainable green design approaches. John mentioned to you we're going to be doing green roofs, which is an extensive green roof by definition. It reduces stormwater runoff from the buildings and improves the quality of the water that's discharged from the source. Green roofs also help in the energy efficiency of the units. It's an insulator. Additionally, we are proposing forest pavers that will again minimize the amount of site runoff throughout the project. Planting vocabulary will include native trees and shrubs throughout the project. Also, as John had mentioned before, to the north we have an open space where we want to create a native meadow with a pedestrian pass through it and a little overlook which connects to that wonderful amenity, the Croton Aqueduct we all know.

Mr. Sullivan: Greg, could you just highlight that with your cursor please? I'm sure the board knows what Rich is talking about, but while you're at it we should identify it.

Mr. Quigley: That's pretty much our concept for landscape. There's a lot of greenspace which is going to remain. It backs up the project to the Aqueduct. John will speak more about the cross-section of how the buildings fit into the landscape with no obstruction of views, et cetera. Thank you, John.

Mr. Fletcher: Thanks Rich. A little further description before we go on to the next slide about the units here. Of the 21 units – and more specifically of the units that are on the east side here – if you can see where we've designated Units-F, there are three at the north end of the cluster of buildings. Those are designated affordable housing units. They are very similar architecturally to the others. Yes, they're a little smaller; our units are between 2,000
and just under 2,500 square feet. The units, we're incorporating these here. They'll have the same features, same vegetative roof, same roof terrace, same level of finishes on the inside, but of course they're slightly smaller. They're about 15-hundred square feet, all two-bedrooms, similar. We want to introduce that and point that out to you here too. Next slide.

The next slide begins to introduce to you the architecture of the streetscape. Top is a street elevation from the south side on the right all the way to the left on the north side. If you see this, we've purposely subdivided the buildings into three as opposed to creating one long linear structure. You can see from the rendering on the bottom that a substantial amount of these buildings are glass and have patios or decks coming off them with glass railings. Let's face it, the beauty of the site of course – as I'm sure you all know – is the view. You want to make that be the reason why you're here. Those who would want to live here, that's one of the reasons they would want to buy here. You can see we're trying to create some diversity contextually and color-wise with the façade of the buildings so it's not all consistently the same exact texture and color. We'll study this even further as we get into this project.

You can see on the extreme left the cluster I mentioned a moment ago on the affordable units. They also have the same level of glass, same texture. But you can see those are two-story buildings because we're respecting the grade. There's a rock knoll on the site right there. On the back side of this is part of that paved parking area today. But we are respecting the fact that we want to not remove all that and will work with the grades as we meander up-grade, moving from south to north. The rendering on the bottom, by the way, I'll point out to you that the backdrop is a real photograph. We took that photograph from across the street earlier in the summer and superimposed the building in the center by blowing it up. That gives kind of a good sense of presence of the backdrop of these buildings and how they fit against that undisturbed vegetated high area on the site. I'll also point out to you that we've illustrated along the edge of that roof the greenery you may see as a result of this. As you can see, it's a flat-roofed building. You don't have pitched roofs. As a result, we're able to create that and give a nice edge to that, as Richard said, to provide some water quality and mitigation as well of the stormwater that would be on the site. Next slide.

These are three site sections we created cut through the site. Obviously you can see the one at the top is probably the southerly-most site section because it shows the west side of the building that is basically in the same area where the catering facility is today. You can see we carefully layered in the grade lines in each one of these sections and how these buildings relate to the Aqueduct all the way at the extreme right-hand side of each one of these. You know, a little person standing there in each one of these locations – as you can see if you're up there and you're on the Aqueduct – these buildings don't interfere with your view corridor.
Yeah, if you wanted to see – if you even could because of the topography and vegetation – Warburton Avenue, then of course you might get some obstruction. But the primary view corridors are well-maintained. And even in the case of seeing the buildings you'll be seeing green, you'll be seeing the vegetated rooftops of these buildings.

These three sections are illustrated where they were taken on the site plan we looked at a moment ago. One of the things I pointed out a moment ago was that that sliver of land on the west side that we're not using – where we want to remove that fence – the fence was clearly put there for a number of reasons: to create some privacy and separation for the activities the catering facility no doubt were using along that partial strip. But at the same time, the grade does fall off rather quickly along that sidewalk so there needs to be some level of protection. But we don't believe it needs to be a 6-foot high solid fence. As I said earlier, that's something we will work upon and improve as well. Neither will the future residents, hopefully, of these units want to look at that either. So there's opportunity here, as Richard said, to improve the streetscape and bring some quality and visibility as you enter the Village, to improve the public's view corridor of the river and the Palisades. As I mentioned, elimination of that fence – and hopefully to just generally, visually improve upon the site as it exists today – and elimination of the hardscape from a building that is old and for the most part not in use. We think we're trying to make a valiant attempt here at making a contribution. What's our next slide, Greg?

I'll ask Mark to come back in and just give a little explanation as to what we're illustrating here in the way of the zoning issues. Mark?

**Mr. Fletcher:** Thank you, John. When we looked at the site and did our analysis we were trying to find the least impactful zoning change possible. What we discovered was a little bit of an anomaly on your zoning map. In the bottom left-hand corner you see the MR-1.5, a very small zone. Then slide all the way on your left and it's the existing conditions, the existing zoning. That MR-1.5 covers the building footprint of the existing catering hall. We found that if we could just expand the boundary of that MR-1.5 over the remainder of our site – the remainder, as you see, is an R-10 – and cover our site with that boundary of the existing MR-1.5, we do not need to propose any kind of a zoning textual amendment. It's just simply a boundary amendment, and that would allow us to undertake the project as we propose this evening. In terms of a zoning petition, it's a rather straightforward ask from the legislative body; it's just simply a boundary line amendment. That's really the extent of our zoning petition is just the boundary line.

**Mr. Quigley:** Further to that, Mark – as I'm sure you're about to say – with that consideration, this plan, this proposal we have before you, would not require a variance; my
Mr. Fletcher: In terms of the action requested from the board of legislators, as Attorney Whitehead mentioned earlier the board seems to have deferred to this board for your discussion on lead agency. The only ask we would propose this evening is that the board accept the designation as lead agency and that you direct staff to circulate your notice of intent to be lead agency. We'd like to kick off the process and really get moving on bringing back more information to you as you're moving on the approval process. Unless anyone else on my team has anything further, I believe that's really the extent of the presentation we wanted to give tonight. We, of course, are here for any questions or any discussion you want.

Chairman O'Reilly: No, it's all very interesting. But let me clear – and I can't point to your thing – on that last slide are you talking about a chance of zoning? Everything becomes, then, MR-1.5 and we wouldn't see R-10 anymore. Is that what you're saying?

Mr. Fletcher: That's correct, sir. The MR-1.5 fits us, it will fit our project. We will be able to follow through with what we're proposing tonight without proposing a text change. It's just simply the boundary change. Then one of the reasons we want to cover the entire site is, on the west side – the river side of Warburton Avenue – we're contemplating providing conservation easements or some sort of dedication to the Village. As Richard said earlier, we are highly interested – somewhat selfishly because it's going to benefit our project – in preserving the gateway, the greenery, and gateway concept, as you come into the Village. What's important to note is, our vision is a whole-home ownership, a townhouse ownership. This is not a rental project. I think the beautification of it, for us, is that much more important.

Chairman O'Reilly: Just to comment, your challenge is going to have people identify the fact that they are actually in Hastings. This is an area that's sort of always been cut off from the Village. If you look at the bottom part there you can see the density of the Yonkers side. Everybody thinks this is part of Yonkers. I wouldn't be surprised if they still identify that. But it'll be interesting to see what that change does. It's obviously a site that could see better usage than it currently has at the moment, even though it was a great catering facility. Spent many a gala and dinner event there, but those days are gone.

Mr. Fletcher: Fortunately, yeah.

Chairman O'Reilly: Comments from anybody?
Boardmember Bass: Can I just ask, for the viewing audience and also because I don't have my zoning resolution in front of me, to detail the delta between the MR-1.5 and the R-10? What the differences are?

Mr. Fletcher: Oh absolutely. Under the R-10 it's the residential, single-family zone. We would only be allowed to essentially develop maybe four, or potentially five, single-family homes on the east side of the portion. The west side would be variances. We could do, in that pocket of the MR-1.5, a number of units on a standalone multi-family building. But it would remain somewhat incongruous. The project itself would not really blend together. And I think the R-10 on the east side would be vastly utilized. And with the R-10 – with perhaps variances and engineering marvels – you may get a single-family home further north where it widens. But our vision is really that we wanted to have the smart-growth/smart-planning concepts, locate the density where it's most easily built, and preserve as much open space as we could.

Boardmember Bass: Just a follow-up question. Since this is splitting two municipalities – and of course I've seen this since I've been on the board – what's the coordination and approval process between the two municipalities?

Mr. Fletcher: It's an interesting question. Yonkers of course, under the general municipal law because you're on the border, gets a referral in and of itself just from your Hastings activity. But we also do need site plan approval from Yonkers, as well, for the Yonkers unit. We've already reached out to Yonkers, we've reached out to the department. We have not made a presentation to their planning board but we have talked to their planning department and have been received positively. Once we are essentially through this municipality we would be turning our attention for our approvals in Yonkers.

Attorney Whitehead: Richard, just to expand on that, under SEQRA the City of Yonkers will be an involved agency.

Boardmember Bass: That I knew. I actually haven't gone through the mechanism.

Attorney Whitehead: Interestingly, the curbcut for the building on the west side is in Yonkers.

Village Planner Cleary: And Richard, just to answer your question a little more accurately, the density of MR-1.5 is one unit per 15-hundred square feet of lot area as opposed to one per 10,000 for the R-10 zone.
Boardmember Bass: Thank you, Patrick. Last question, you mentioned there's a walkway to the boat club. Is that a formal easement? What's the relationship going forward?

Mr. Fletcher: There are two boat clubs at the bottom of that driveway. I'll have to get to the bottom on the right, which I believe is the Palisades Boat Club. They are the owner, fee titled, of that driveway. The boat club to the south has a right of way access over that driveway. The driveway's in very poor repair, especially after Storm Ida. It did a number on that driveway. We have been in discussions with them to obtain an easement for our driveway. We would only be utilizing the top portion of it. Then as part of our consideration for that easement we are proposing to repair the remaining driveway for them to improve their conditions, but I would say we are still in negotiations. That has not been finalized, that's something that most certainly would have to be finalized for this board before final approvals.

Boardmember Bass: Bill, I'm done. Thank you.

Mr. Fletcher: Talks with the boat clubs are going very well. We expect to have the formalized, recordable easement well before final approval from this board.

Chairman O'Reilly: Any other comments?

Boardmember Alligood: I have a question. Have you gotten feedback from the Affordable Housing Committee on what you're proposing for the four units?

Mr. Fletcher: It's three units we're proposing, and yes we've gotten very good, positive feedback. One of the comments we received was they were very happy we took the units and placed them where we did. As John Sullivan mentioned earlier, they are slightly smaller. But arguably, other than the west side, on the east side they may have the best views of the whole project. We're very sensitive to seamlessly incorporating the affordable units into the project proper. Nobody would tolerate having them be in any way discernable or separate from anything else. So they really fit seamlessly into our project. So far everything we've gotten from the Affordable has been very positive.

Boardmember Alligood: Are they home-ownership, too?

Mr. Fletcher: Yes, they would be home-ownership as well.

Chairman O'Reilly: So they'd be townhouses.
Mr. Fletcher: Yes, correct sir.

Mr. Sullivan: Yeah, they're all townhouses. There are no stacked units or apartments over the unit. They're all individual townhomes.

Chairman O'Reilly: Very good. Last call for comments, questions? Speak now, otherwise we'll go to …

Attorney Whitehead: We'll have plenty more opportunity to speak [laughter].

Chairman O'Reilly: I'm sure. So the one thing you are asking us for tonight is notice of intent to be lead agency.

Village Planner Cleary: Mr. Chairman, if I could just clarify. There are actually two actions covered under a single SEQRA umbrella here. So the applicant's proposing to amend zoning of the site in action, and they have developed a site plan quite significant. It's, in fact, farther than we would have anticipated. It's a very well-conceived site plan. That being the case, the rezoning is being done for the specific site plan you saw this evening. So both of those actions are combined as the action. The applicant has submitted a revised Environmental Assessment Form and you should have today received some final adjustments to that document. That's now the combined action you would be designating your intent to serve as lead agency for.

We would do a coordinated review for this action, we would involve the City of Yonkers, we would involve the other agencies in this action. It is in our interest to make that designation as soon as possible so, in accordance with the Board of Trustees' direction, we can assume control of environmental review of the project. Then as John Sullivan indicated, it's a challenging site. Not only is the rezoning an issue worthy of consideration, but so is development of the property. There are challenges on the site as well, so it's not a no-brainer. There are issues to consider carefully. The sooner we can dig into this the better.

Boardmember Bass: I propose a resolution to do what you just summarized.

Attorney Whitehead: Declare your intent to be lead agency, for the third time tonight [laughter].

Chairman O'Reilly: Stacking up on lead agency here. So a motion for notice of intent to be lead agency, incorporating all the things Patrick described.
Boardmember Mondello: "Aye."

Boardmember Kim: "Aye, yes."

Boardmember Martin: "Yes."

Boardmember Alligood: "Yes."

Chairman O'Reilly: And myself a "yes," but I'll ask Richard to vote.

Boardmember Bass: "Yes."

Boardmember Gould-Schmit: "Yes."

On MOTION of Boardmember Bass, SECONDED by Boardmember Gould-Schmit, with a roll call vote of all in favor the Board resolved to act as lead agency for SEQRA purposes for the proposed zoning amendment and site plan for a 21-unit townhouse development located at 1 Warburton Avenue.

Chairman O'Reilly: We look forward to moving ahead with this interesting project.

Mr. Fletcher: So do we. Thank you very much everyone.

Mr. Sullivan: Thank you.

Boardmember Alligood: Can I ask one last question? I'm curious, is it going to be a condo structure?

Mr. Fletcher: No, it's not anticipated to be a condominium. This is going to be stand-alone ownership.

Attorney Whitehead: Fee simple.

Mr. Fletcher: Exactly, fee simple.

Boardmember Alligood: Something we need to consider. Okay.
Mr. Fletcher: We look forward to working with all of you. Thank you.

Mr. Sullivan: Thank you and good night.

VIII. ANNOUNCEMENTS

Next Meeting Date – February 17, 2022

IX. ADJOURNMENT

On MOTION of Boardmember Bass, SECONDED by Boardmember Gould-Schmit, with a voice vote of all in favor Chairman O'Reilly adjourned the Regular Meeting.

Bldg. Inspector Minozzi: Good night everybody.