A Regular Meeting and Public Hearing was held by the Planning Board on Thursday, October 21, 2021 at 7:00 p.m. with Boardmembers participating via Zoom, live-streamed via WHoH-TV (Channel 75), and online at WHoH-TV.org

PRESENT Chairperson William O'Reilly, Boardmember Eva Alligood, Boardmember Richard Bass, Boardmember Kerry Gould-Schmit, Boardmember John Mondello, Village Counsel Linda Whitehead, Building Inspector Charles Minozzi, Jr., Planning Consultant Patrick Cleary, and Planning Board Secretary Mary Ellen Ballantine

I. INTRODUCTION

Chairman O'Reilly: Welcome to you all and welcome to the Hastings-on-Hudson Planning Board meeting of October 21st, 2021.

"Due to the public hearing and safety concerns associated with the Covid-19 pandemic, the board is meeting via videoconference again, using the Zoom platform, in accordance with chapter 417 of the laws of 2021. There is no public participation in person tonight, but rather the public can watch the 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 hearing.

"If you wish 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 'raised-hand' feature at the appropriate time if you wish to make a comment. That feature is located at the bottom of the screen, using your cursor. Those attending via telephone can press 'star-9.' The meeting hose will see that your hand is raised or that you have pressed star-9 and will unmute those waiting, one at a time, so you can speak."

Mary Ellen, can we have the roll call, please?

II. ROLL CALL
III. ANNOUNCEMENT

New Planning Board Member

Chairman O'Reilly: I want to mention that the Board of Trustees recently appointed a new member to the Planning Board who is yet to complete the next couple of steps, including being sworn in as a boardmember, so cannot participate this evening. That will be done shortly. So we will have a full complement of seven boardmembers. His name is Charles Kim, and he has a background with the United Nations and with the City of New York Office of the Manhattan Borough president, and also has an interest in issues of land use. So we look forward to Charles coming aboard at the next meeting.

III. APPROVAL OF MINUTES

Regular Meeting of September 23, 2021

Chairman O'Reilly: Does anybody have any comments? I do, but I've just got to look them up. So if anybody has any other opening comments please do so now. I had a couple of picky ones. On page 3, at the top, it quotes me as saying – in reference to the agenda, in response to Buddy Minozzi – "Okay, sorry about that. Please make that adjustment. We're simply talking about 295-104 to recommend view preservation approval." Actually, the correction would be that we were not looking at view preservation approval since we had already approved that. It was to do with site plan approval. So if some note of that error could be made.

Also, on page 16 it looks like I'm asking, in the middle there, people for their comments. I turn to Richard, and it says, "Richard – with a question mark – "Pass?" What I was actually saying was "Bass," to make the distinction between Richard Bass and Richard Martin. Also one last one. On page 17, for some reason it changes the chairman to Manfredi. I will stick with "O'Reilly."

Anybody else have any? If not, I ask for a motion to approve the minutes of the meeting of September 23, 2021.

On MOTION of Boardmember Mondello, SECONDED by Boardmember Bass, with a show of hands of all in favor the Minutes of the Regular Meeting and Public Hearing of September 23, 2021 were approved as amended.
Chairman O'Reilly: Show of hands, fine. Any extensions? If not, the motion is approved and the minutes are approved unanimously.

V. OLD PUBLIC HEARINGS - None

VI. NEW PUBLIC HEARINGS

View Preservation Advisory and Site Plan Approval, as per Sections 295-82 and 295-104 of the Village Code, for the Application of River Road, LLC, for the creation of a new greenhouse and exterior renovation at their property located at 100 River Street. Said property is located in the MW Zoning District and is known as SBL:4.30-19-4 on the Village Tax Maps.

Chairman O'Reilly: We have two new applications tonight. Going to the agenda, no old public hearings. We have two new public hearings, the first being view preservation advisory and site plan approval. We have had previous consideration of this application. But this is a new application and should be considered as such – similar to what we had previously – for the proposed greenhouse at the garden of Harvest on Hudson. Who is here to represent the applicant? Please identify yourself and present the application.

Bruce Bernacchia – principal, Harvest: I'm with Angelo Liberatore of Harvest on Hudson. To go over a little bit of what's transpired over the last year or two and give you a better idea of what we're talking about – or a refresher of what we've been working on – Ben Liberatore, our operations manager will give a little brief summary of things. If we could share the screen, is that possible? We have a little PowerPoint.

Chairman O'Reilly: Could be possible.

Mr. Bernacchia: Okay. Ben, you're in charge.

Ben Liberatore, dir. of ops: All right everyone, thank you so much. I'm going to share my screen and go over a brief PowerPoint, as Bruce mentioned. I was testing this out earlier and I think we got it. Does that work?

Attorney Whitehead: You have to click on the screen you want to share.
Chairman O'Reilly: Raf, do you have to give him permission?

Attorney Whitehead: No, he's got the permission, he's screen-sharing. Ben, you have to click on the actual … it should be giving you a choice of what you want to show.

Mr. Liberatore: Yeah, I saw that and I believe I clicked. Let me try it once more.

Chairman O'Reilly: It says you’ve started screen-sharing so I'm expecting to see it.

Attorney Whitehead: Even 18 or 20 months in we're all still, you know.

[ back and forth conversation to resolve applicant screen-sharing ]

Chairman O'Reilly: While we're waiting for Ben to make the connection, however we overcome that, do you have any sort of introductory comments about what's been happening since last time?

Mr. Bernacchia: As it's going over, Ben, you can just sort of start reading through what you would've been … PowerPoint items, and just kind of go through the outline.

Mr. Liberatore: Okay, I'll run through it without the PowerPoint for now I suppose. As mentioned, my name is Ben Liberatore. I'm the director of operations for the [four-pun may] Fort Pond Bay Company, and happy to be back here in front of the Planning Board. I just want to briefly recap kind of … you know, as we mentioned, this is a new application. However, in 2019 we came before the Planning Board to propose a greenhouse. Although some design elements of the greenhouse have changed, which we'll touch on, the concept of the greenhouse remains the same. The proposed structure will replace a bed of dying arborvitae in our garden with a beautiful on-theme and practical structure. The structure will provide horizontal and vertical growing space year-round. Additionally, we will be looking to relocate a service bar from outside … aha, there we go, look at that. Perfect. All right.

Chairman O'Reilly: You know Linda's going to have to advance you, right?

Attorney Whitehead: Yes, you've just got to tell me.

Mr. Liberatore: All right. I'll just say, "Next slide," I suppose. It's one more slide, and that's where I am. Perfect, excellent. Thank you so much, Linda, I really appreciate your help. I was saying we are looking to relocate the service bar from our garden area into the
proposed greenhouse. The structure will displace 12 hard seats with 8 bar stools. If we could go to the next slide? The greenhouse, or proposed greenhouse, will propel our restaurant's vision. It will allow us to provide organically-grown herbs and vegetables to our guests year round, in turn expanding our ability to provide our garden-to-table experience and somewhat pioneer suburban indoor growing in Westchester. Nest slide, please?

The greenhouse will epitomize environmental-friendliness. We have plans to recycle the rainwater to irrigate the greenhouse and our garden plantings, utilize organic and sustainable garden practices, and compost waste from the restaurant to fertilize the garden. Next slide, please? Of course, the greenhouse, or proposed greenhouse, will be a community attraction for years to come. People will travel far and wide to experience the true uniqueness of the Harvest greenhouse, and the greenhouse will provide a perfect venue for community outreach events such as our annual trip from Hillside Elementary where we teach young students the principles and practices of our garden. Nest slide, please?

After several meetings with the Planning Board in 2019, our team addressed all the concerns that were brought forth. You can see in this summary chart here some of the previous concerns we discussed and how our team addressed those concerns. Again, I acknowledge that is a new application. However, for those of you who were involved in that process all of those changes remain in place. There was some concern about height of the greenhouse. It was reduced by 1 foot 6 inches and aligns with the existing trellis peak that is still the case here. Seating and use of space: as I mentioned earlier, we're reducing 12 seats to 8 bar seats. The width of the planting bed was determined to be insufficient between the proposed greenhouse and the parking lot. That bed was increased to 3 feet and still remains 3 feet in our plans today. The first time around there were some inconsistencies in our plans and dimensions. We worked diligently to correct those and ensure some access and consistency. Next slide, please. Thank you so much.

In October of 2019 we were referred by the Planning Board to the Zoning Board of Appeals and Architectural Review Board. The ZBA had no objections in regards to view preservation, which was the only matter of discussion there. And we had a really productive conversation with the ARB regarding the aesthetic approach to our greenhouse. That's kind of where we left off. The pandemic struck, the company – the fabricator – we were working with actually went out of business during the pandemic. And of course as many of us experienced, our focus turned to our business in survival mode as opposed to our greenhouse project. In the meantime, I'd like to show what we've been up to if we could go to the next slide.
The previous variables once approved, or preliminarily approved, by the Planning Board have not changed. That site plan is unchanged. There are still no variances required. The footprint of the proposed structure has remained unchanged and the dimensions of the proposed structure have remained unchanged. The height, width and length are all the same as they once were. Next slide, please? After our meeting in 2019 with the ARB, out of necessity we switched our fabricator to Solar Innovations based out of Pennsylvania. They specialize in fabricating greenhouses with a traditional aesthetic but a modern technology and construction. As you'll see in the next slide, which is the first digital rendering we'll show you, we took the ARB's suggestion to heart and really kind of leaned into the more traditional greenhouse aesthetic. You'll see that over the next two slides as well, and I'm sure you've seen it already in our packet.

Then I'll just finally go on to summarize and say what we're seeking here. Of course we are once again seeking referral to the ARB and the ZBA with preliminary approvals from the Planning Board. We look forward to, and anticipate, positive outcomes with the other boards. And, of course, we look forward to meeting with the Planning Board once again for final approval. That's all I have for the brief PowerPoint. I hope that was enough to kind of catch everyone up on the first time around, and give us sort of a starting point for our conversation this evening. Linda, once again thank you for the assist there. Now I suppose we'll open it up to everyone, and my team can certainly chime in and field any questions you may have.

Chairman O'Reilly: Thank you. That was fairly complete and straightforward, considering what we remember from the previous iteration. Bruce, want to add anything before we move on to other people?

Mr. Bernacchia: We've got a pretty good idea of what we've done. I mean, we had supplied the whole package with site plan and everything else. I don't know if you have the ability to bring those out. They're all on disks, and Charles has got all that information. I guess you all have that on disk.

Chairman O'Reilly: We do.

Mr. Bernacchia: But any discussion or any questions, we'd be happy to answer.

Chairman O'Reilly: Patrick, do you have any comments in relation to what you have seen? If I remember correctly, you were not with us at the time we looked at this.
Village Planner Cleary: I remember the evolution of this plan. We spent a good deal of time modifying the plan, the applicant working with the Planning Board to make modifications to suggestions that came to the applicant. Ben gets a gold star for his presentation. That was very thorough and comprehensive. Effectively, the only thing we're looking at this time around is a different architecture, so to speak, of the greenhouse itself. Same location, same size, so effectively the same project we saw last time, with a different building.

Mr. Bernacchia: The one thing I would add is that the one fortunate thing about the pandemic was that we had to switch companies and wound up with just an excellent company. We went out to see their manufacturing facility in Pennsylvania. It's a company called Solar Innovations, and I would encourage you to look at their Web site. It's a simple search, Solar Innovations, but it's really a product that's significantly better than what we were looking at.

Chairman O'Reilly: Very good, thank you. Let me just ask one question. What would be the construction period?

Mr. Bernacchia: Probably, I would say, four months. I think a little bit depends on when Solar Innovations can get us in the production schedule and get that done. They build the whole thing and actually install. We're putting up the footings and foundation, and they do the balance. There is a lead time for their production so it's probably about four months. We'll figure out when that four months starts.

Chairman O'Reilly: They construct the greenhouse elsewhere, or bring it in?

Mr. Bernacchia: They actually build it up. There's actually videos. They build the entire thing in their shop, dismantle it, and bring it back to the site where they reassemble it again.

Chairman O'Reilly: Okay, good. Let me turn to members of the board, many of whom remember this project well. I'll go in alphabetical order, the same way as our roll call goes. Eva Alligood?

Boardmember Alligood: Yes, I also thought that was an excellent summary of where you are, it was helpful. I'm glad the PowerPoint went up. Since I was a member of the board while this was presented last go-round and there haven't been any changes, I don't have any comments about changing anything. I actually do like the current design better than the last one so I think that is an improvement. I like how it's very transparent, I actually like the fact that it looks a little bit industrial, and it's on the waterfront. That's just one comment. But I
really don't have any particular questions since the specifics about where it's sited and the size and all that haven't changed from the last presentation.

**Chairman O'Reilly:** Thanks, Eva. Richard?

**Boardmember Bass:** Thank you for the presentation. Thank you for reducing the height. Linda, can you go to the southern façade drawing?

**Attorney Whitehead:** I have to go back to sharing my screen, hold on. Now I'm having problems.

**Boardmember Bass:** That one's fine, just leave it as is. We're looking at view 2, on the left. This is a general question. Is there any programmatic reason why the wall has to go from what looks like a foot-and-a-half to 3 feet? Why can't it just go straight across like it does on the northern side?

**Attorney Whitehead:** This is facing the parking lot, right?

**Mr. Bernacchia:** The parking lot, but there's also equipment and things like that that are higher than the 18-inches we were going to put against that wall. There's work stations, and everything from sinks, a planting area, the back of the service bar. So yeah, it was just something to hide as much as possible any of the equipment that would be tucked into that area.

**Boardmember Bass:** Okay. I'd prefer if it wasn't there because, again, this is the side that the public's seeing.

**Mr. Bernacchia:** We do have a big planting area in front of that, too, so they may not see any of that.

**Boardmember Bass:** I fully understand. Again, it's a great house, and you have a low wall for 75 percent of it. And the side that faces the majority of the public is taller for your programmatic needs. I would prefer it was lower.

**Chairman O'Reilly:** I'll add a little on that. What is the … in your previous submissions you had some foliage and plantings along there.

**Mr. Bernacchia:** The entire south-facing side of this building has a 3-foot planting bed which will be largely concealing all, or most of, that side of the building.
Chairman O'Reilly: So you haven't eliminated that.

Mr. Bernacchia: No, we have not. That was increased at the request of the Planning Board last time. Richard, anything else?

Boardmember Bass: I'm done. That's my only concern.

Village Planner Cleary: Richard, there is an elevation in the plan set that shows that side with the planting. It gives a better view of that. So if you take a look at that, that's drawing A-2.

Boardmember Bass: Again going back to the earlier discussions … and I appreciate this is a more glazed building and the southern façade doesn't have a brick wall, which I felt was a do-not-enter sign, and it's a vast improvement. I think it just could be a improved a little bit more.

Chairman O'Reilly: Okay, and you said you had nothing else. Kerry Gould-Schmidt.

Boardmember Gould-Schmidt: I remember you presenting the first time around and you did a really nice job, concise and to the point, and you did that again tonight. So thank you, it's not always like that. I supported this first time around, I still support it. I like the fact there's more glazing, the building's a little more transparent. I looked at the landscape plan, it's lush. And I think it'll be a nice amenity to the restaurant and the community, so I support it.

Mr. Bernacchia: Thank you.

Chairman O'Reilly: John Mondello?

Boardmember Mondello: I wasn't part of the original presentation a couple years ago. It all looks fine to me. Thank you.

Chairman O'Reilly: I was pretty much in favor of this project the last time. I think we went through it, and I don't see anything which changes my mind. I think the new accommodations are fine, I thought the presentation was to the point. I think with the green foliage, I understand Richard's point about wanting a lower wall there but I can understand the reasons for doing it. I would therefore say it's a nice addition to the outer space there. And I take it it's going to be a bar as well as a greenhouse.
Mr. Bernacchia: There's this little service bar and yes, that's tucked on the other side and will be removed and put in a weatherproofed area.

Chairman O'Reilly: It's seasonal, or it's open all year round?

Mr. Bernacchia: Well, the operation of the greenhouse will be all year round. Obviously the garden and everything else – with the exception of last year – is definitely seasonal. Last year people were ready to dine outside in the middle of January, so …

Chairman O'Reilly: [Laughter] It's not going to be heated, in other words?

Mr. Bernacchia: I would expect there might be a little activity but primarily the off season is just growing, and working that.

Chairman O'Reilly: Okay, I have no further questions. Therefore, I ask is the board ready to grant view preservation approval? By the way, we did grant view preservation approval and I don't see anything which has changed dramatically in any way. In fact, it's still the same in terms of that.

Bldg. Inspector Minozzi: Bill, that would be view preservation advisory.

Attorney Whitehead: Right, it's recommendation.

Chairman O'Reilly: Yes, recommendation. Back to the Zoning Board again?

Boardmember Bass: And you may want to open it up to the public in case there's anything.

Bldg. Inspector Minozzi: Yes, and we also have to go back to the ARB, too, Bill.

Chairman O'Reilly: To recommend, in other words. Let's go back to the public. Is there anyone from the public who wishes to speak?

Attorney Whitehead: On this application. Don't see anybody raising their hand to speak on this.

Bldg. Inspector Minozzi: I received no e-mails.

Chairman O'Reilly: Therefore what are we doing, a motion?
Attorney Whitehead: You need a motion to recommend view preservation.

Chairman O'Reilly: Approval for the proposed improvements to the property at 100 River Street, as far as that goes. So do we have a motion for that, recommending view preservation approval to the Zoning Board? Richard?

Boardmember Bass: "Yes."

Chairman O'Reilly: Eva?

Boardmember Alligood: "Yes."

Boardmember Gould-Schmit: "Yes."

Boardmember Mondello: "Yes."

Chairman O'Reilly: And I vote "yes."

On MOTION of Boardmember Mondello, SECONDED by Boardmember Alligood, with a roll call of all in favor the Board resolved to recommend View Preservation for the application of River Road, LLC, for the creation of a new green house and exterior renovation at their property located at 100 River Street.

Attorney Whitehead: And they should also go back to the ARB.

Chairman O'Reilly: Then they come back to us.

Bldg. Inspector Minozzi: Was that one motion for …

Attorney Whitehead: They don't need a motion to go to the ARB, do they?

Bldg. Inspector Minozzi: No, they don't.

Chairman O'Reilly: What about site plan approval?
Bldg. Inspector Minozzi: This is just motion for VP advisory, and you will direct them to go to the ARB then come back for final site plan approval.

Attorney Whitehead: Yes.

Chairman O'Reilly: So there are the two directives, and only one motion required as far as view preservation. In which case it is passed, and we'll see you in the near future after you've been to the ARB.

Mr. Bernacchia: Thank you very much.

Mr. Liberatore: Thank you very much. Appreciate everybody's help.

Chairman O'Reilly: The other application, new public hearing, is for the application of SGA Brothers Realty, LLC.

Subdivision Approval of the application of SGA Brothers Reality II, LLC for the resubdivision of their properties located at 7 Nepera Place & 0 Farragut Avenue, pursuant to the provisions of Section 295-120 of the Village Code, to create 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: Who is here to present the application? And if so, please identify yourself and begin.

Jorge B. Hernandez, project architect: We did receive the comments early today. Thank you to Mr. Cleary for sending those. We know that originally we had studied the lot line adjustment. But we entertain this is for one lot, so our proposal is for subdivision. The property our client, Mo Ibrahim, had bought is one lot. It used to be two lots, however has been merged into one. It is between Nepera, Clunie Avenue, and Farragut Avenue. The property right now has one house; 7 Nepera is a two-family, two-story home. It's a brick home existing there, and the lot is a through lot; it goes from one street to the other. The total square footage we have is 13,504 square feet, and we're trying subdivide the property into two lots.

In this corner here there is a piece of property that is owned by the Village. It's more like a park area or an empty lot. This is the schematic we created, and this blue and brownish color is the lot we own. Then the blue and brownish are the two lots we're trying to subdivide. We are proposing a 2-1/2 story dwelling with four bedrooms that will be facing Clunie
Avenue. The driveway will be on Clunie Avenue, and we have moved it as far as we can from the intersection. Again, 7 Nepera will stay as it is. By dividing the two properties, the two lots we are creating on Clunie Avenue meet all setbacks and requirements. The lot on 7 Nepera is existing nonconforming from some of the values. By subdividing, we're reducing the necessary lot size. So we don't have 7,500 square feet, we only have 6,008. We'll be requiring a variance for that.

Bldg. Inspector Minozzi: Can I just make one correction before we go forward? The second lot, the official address is 0 Farragut Avenue.

Attorney Whitehead: Except it's not a separate lot so it doesn't really have an address. The tax lot is 0 Farragut.

Bldg. Inspector Minozzi: Yes, the Nepera lot is Nepera but the Clunie lot is actually 0 Farragut.

Mr. Hernandez: Okay, we'll change that. Before it was merged, I guess this small lot on the corner had an address. One of the items we have seen when we surveyed is that the size of the lots in the area, by creating these two lots, we are creating lots of the same size. They're not going to be too small or too large for the neighborhood. In the immediate neighborhood we have 10 homes around our properties. Five of those are two-family and about the same size lot we have. But we are proposing a one-family dwelling on the Clunie Avenue side.

We are proposing some landscaping, we're proposing the driveway. The house is going to be 2-1/2 stories, it's going to have an exercise area on the bottom and a lower area garage. It has a master suite on the first floor which is going to be used by Mr. Ibrahim and his family. It has three bedrooms and a study upstairs. The architectural and finishes all match the adjacent neighborhood, so what we are proposing is going to increase the aesthetics of the neighborhood. It's not going to be a detriment or be a house that's going to be out of place. Like I said, we did receive the comments from Cleary and reviewed them. So we will provide the information required for the subdivision. I guess we won't have to submit for the variances required for the existing nonconforming lot.

One of the questions was why do we maintain the new lot at 7,500 square feet and reduce the size of the 7 Nepera lot? The intent was to kind of reduce the number of variances we'll be requesting. We're trying to obtain one lot with its proper size. Now I guess our next step will be to submit for subdivision of the lot, be able to address your comments, and go for a variance required to do the subdivision.
Chairman O'Reilly: Thank you, Patrick, you have presented a very complete review of this proposal, which I've had the opportunity to read. For the sake of clarity, could you summarize the main requirements you indicated in your memorandum?

Village Planner Cleary: Sure, Mr. Chairman. A few things need to be clarified, a couple of issues related to the subdivision. The Clunie lot does appear to be zoning-compliant, however we do need the square footage of the proposed building so we can calculate the floor area ratio. That information wasn't provided. It's another zoning criteria that would apply to this lot, so we can't confirm that the Clunie lot is entirely zoning-compliant yet. That information's required. The applicant indicated they had elected to create one zoning-compliant lot and one noncompliant lot. The alternative is kind of splitting the difference, allowing the other one to be compliant and this one to be noncompliant.

There's a rationale for what they have proposed, so if you look at the subdivision plan the location of the rear lot line for the Clunie Avenue property corresponds to the edge of the lot line that abuts the Village parcel. That's a logical location for that lot line. The one comment I would have with respect to that is that it appears to be slightly offset. If there's a possibility to perfectly align that, that would be better. I would ask the applicant to look into that, as well.

Just one other point with respect to the Nepera lot. That's a noncomplying two-family home, not a single-family residence. There are a number of nonconforming conditions that are preexisting. The existing setback, the lot width, the side yard setback, those are legal preexisting conditions. But by virtue of making the Clunie lot conforming they are reducing the lot size of that parcel and making it now nonconforming. So that's what they'll need the variances for.

The issue with the Clunie lot relates to a couple of things. First and foremost relates to site access. As the applicant indicated, they've pushed the driveway as far away from Farragut as they logically can, which is the appropriate way to site a driveway near an intersection. However, it would be useful to have the adjacent driveways indicated on the plan as well so we could fine tune the location of that driveway. There is an issue with respect to the driveway. The applicant is proposing a basement, and this is a driveway that will descend to a lower-level garage. That's about a 15 percent grade, which is complying. But it's only over a distance of about 20 feet. It's steep. And typically when we have situations like that, in inclement weather, when it's icy, folks may not want to park or drive down that driveway. They'll park in the street, and now we have a problem because Clunie's very narrow and there's parking on the street as well. I think the applicant needs to justify that design.
There's always an alternative to set the garage at grade and not descend into the property. It can be designed appropriately. But it represents a concern, so I think the applicant needs to just justify that more appropriately. There is one zoning issue that relates to the driveway. The code requires the entrance to the driveway to be at no greater than 3 percent, and that's the portion that accesses the road. The plan indicates 5 percent so that's likely the applicant could adjust it. But again, that relates to the pitch of the driveway; "the hip bone's connected to the leg bone," and so forth. So an issue the applicant should look at. However that's a zoning issue so if that does not comply they would need a variance for that.

As most of you know in looking at the property, it's sort of overgrown. But there are some large trees on the property, so gaining an understanding of what trees would be removed is important. If those trees are significant trees, if they provide a significant value, we may want the applicant to replace those. This is an infill subdivision so some internal landscaping may be appropriate as an infill subdivision nonetheless. The location of utilities weren't indicated on the plan, that should be shown. If we have utilities coming through to this lot, if there's anything unusual about the way utilities are being served, we need to know that. That should be shown on the plan.

There was no compliance with the stormwater section of the code noted. So chapter 250, you need to work with us if, in fact, you do need to comply and what needs to be presented to us with respect to that. As I mentioned before, there's a basement, there's excavation that's necessary. So how much excavation is going on, how much material is going to be removed from the site, is there rock on the property? Some of that needs to be clarified as well. And finally, this is a subdivision, Mr. Chairman, so we have a provision in the code that requires, for all subdivisions, consideration of a parkland set-aside, which would be difficult to do in this case. There's an alternative provision of a fee in lieu. You should make a recommendation with respect to either one of those in your consideration of the subdivision.

That's a brief summary of my comments, Mr. Chairman.

**Attorney Whitehead:** If I could add just one other thing, we haven't been provided with the square footage of the existing house to determine whether the FAR is compliant for the new lot at that house. We know it's becoming noncompliant with respect to lot area. We know that it's becoming noncompliant with respect to development coverage. But we don't know the FAR.

**Village Planner Cleary:** And one other thing, Mr. Chairman, I forgot to mention. We'd suggest that the applicant submit a full Environmental Assessment Form with this
application. There may be a floodplain issue associated with the site. So if you can use the DEC's EAF mapper to produce it fully it's a relatively simple exercise. I think that would give us a better understanding of some of the issues associated with the site.

**Mr. Hernandez:** If I may add, I did receive all those comments. And we will provide—we have no issue with providing—all that information that was requested.

**Chairman O'Reilly:** Good. Thank you, Patrick. And thanks for acknowledging that. I just had one question. The frontage is going to be on Farragut Avenue, not on Clunie? Is that what you're proposing?

**Mr. Hernandez:** No, the frontage will be on Clunie. The front of the house will be on Clunie.

**Chairman O'Reilly:** The thing I'm looking at here, which is the one where you had your color thing, to the left of that you've got "front yard."

**Attorney Whitehead:** That's because it's a corner lot.

**Mr. Hernandez:** Yes, we actually have two front yards, one on each street.

**Chairman O'Reilly:** So you declared Clunie to be your real front.

**Mr. Hernandez:** Yes.

**Attorney Whitehead:** And that relates to what becomes the rear.

**Chairman O'Reilly:** Which is the adjusted? It says "existing lot line adjustment," and the adjustment is to move it forward, or back, from where it was?

**Village Planner Cleary:** There's no adjustment anymore, Mr. Chairman. That was what the applicant originally submitted, assuming it was a lot line adjustment. They've been merged for that purpose so it's a new lot line.

**Attorney Whitehead:** Right. So that's just the lot line, and they do show that as the rear with a rear setback.

**Chairman O'Reilly:** Patrick, you were saying it would helpful if the lot lines were adjusted. You made a comment.
Village Planner Cleary: If you could zoom in on that little area right there, it looks like they're offset by a foot, a few inches, something like that. You can see it right there. That's just an irregularity that becomes a little bit of a neighboring issue; where does the fence go and whose property is it? It would be better if it were aligned. Not a major obstacle, but (cross-talk) …

Mr. Hernandez: We will work on that and ensure these two merge; there's one point, not two points.

Chairman O'Reilly: Okay, very good. Let me then turn to members of the board. I'm sure you have a number of questions so I will go in the opposite direction from what I did last time. I'll turn to you, John Mondello.

Boardmember Mondello: I don't have any questions at this time.

Boardmember Gould-Schmit: Actually, Patrick, that was very thorough and really helpful that we have that already. My only question would be with the driveway. I understand people like to have like covered parking. But I don't know, I think the driveway needs some work. That's my only real discussion point there. Which I understand the grade is an issue. I don't know, it's just kind of prominent in the front of the house. That's really it. But as I said, Patrick, thank you. That was very thorough. I think once those things are addressed I'll have another discussion.

Chairman O'Reilly: Yes, we'll have plenty more opportunity for discussion.

Boardmember Bass: My two questions, or concerns: one is a better analysis of the other lots in this area that are noncomplying. Normally, when you create a need for a variance – particularly in our village – you have to have a unique physical hardship to show why you need the variance. This one, by doing the subdivision, is a self-creating need. For example, on my block only one of the houses is zoning-compliant. So I'd like more information on exactly what's the built condition for the rest of the block. We've done this on other applications on Warburton.

Attorney Whitehead: You're really looking to show, Richard, that 7 Nepera – on the new, smaller lot – is in keeping with the character.

Boardmember Bass: Exactly, exactly. Thank you.
Attorney Whitehead: Also as has been pointed out, it's a nonconforming two-family. I know there are a few others in the neighborhood.

Boardmember Bass: The second one is the driveway. Based on driving around the Village, all the houses that had similar types of below grade driveways had significant flooding. So I would like to see a redesign where we don't create a flood problem for some future owner.

Bldg. Inspector Minozzi: And I just wanted to let you know, Bill and Patrick, that when we get the new stormwater calcs (ph) on the new set of plans they will be sent out to Hahn.

Chairman O'Reilly: I think it's an area that needs to be looked at seriously, knowing the history.

Bldg. Inspector Minozzi: I didn't know where the application was going to go so I didn't want to waste Hahn's time with a client or direct the applicant's money at this point with a drainage plan review because I wasn't sure how the meeting was going to go.

Boardmember Bass: Otherwise, Patrick and Linda caught all the missing information. So I'm not going to go further in terms of my critique, but I'm not seeing anything unreasonable. I need more information from you to make a better-informed decision.

Chairman O'Reilly: Yes, I agree. I think we've got a lot to review and discuss, and I look forward to the answers, or the new proposal, when it comes back with responses to what Patrick outlined in his very detailed and excellent summary of the issues. Let's have comments from the board. I know we've had a submission from one of the neighbors on Clunie Avenue.

Boardmember Alligood: Hi, Bill. You skipped me.

Chairman O'Reilly: I'm sorry, I never do that Eva. I don't intend to.

Boardmember Alligood: I'm usually the first one up, but that's okay. I did just want to say that a couple of people mentioned flooding of the driveway and the basement with that steep kind of access for water to go down into that lower level. One thing I wanted to mention first is that I am in favor of infill lot building in the Village. I think it's a good way to provide some more housing within our boundaries. I think with the right design there can be appropriate development on these kinds of lots. We don't have many of them that render, potentially, more housing.
I just want to say that I am concerned that it's next to the parkway, and we talked about the potential for flooding of that because of the way the water would come down that very steep driveway. I know on Rosedale, where I live, a lot of those basements, like, everything had to be drawn away. But besides that point, because it's so close to the parkway I'm concerned with the flooding we've seen. It's been more than once in the time I've lived in Hastings. It's just an overall comment about this application needing to kind of address how it's trying to – and I think it needs to – address the effects of climate change and the level of flooding that particular area of Hastings has experienced. I don't know, in that analysis of the other homes in the area – and I'd love to know – how many experienced severe flooding in the past few flooding events we've had. If that's the case, I certainly would hope this house is being designed very much with that in mind. So that's my overall comment.

Chairman O'Reilly: I think the driveway issue is an important one; how they approach a sloping driveway into the house or into the basement in this location with caution. I'd put it that way because it is an area that has experienced chronic issues in that regard, as any neighbor there can tell you.

Boardmember Alligood: Bill, if I could just clarify, I'm trying to make a point that goes beyond just that driveway. I'm trying to make the point that the overall development should take into consideration the potential for particular flooding in that area. So everything from the way it's landscaped, the materials used in the driveway, the amount of development coverage, that is my point. It's sort of broader than just the driveway.

Chairman O'Reilly: Okay, point made. Gotcha. This is intended as a single-family house, I take it.

Mr. Hernandez: Yes.

Village Planner Cleary: Mr. Chairman, I just wanted to reinforce Eva's point that even full compliance with our existing stormwater management regulations would not have addressed the storms we saw a couple of months ago. Really unprecedented. I think it's incumbent upon the board just to think more broadly about these issues, and perhaps the regulations will catch up with the reality of the circumstances these days. But it's a real significant issue, and I just want to echo Eva's point. It's a good point.

Chairman O'Reilly: Very good. Okay, I haven't missed any other boardmember.

Bldg. Inspector Minozzi: The only other thing is that I'm not 100 percent sure if this particular lot's in the floodplain. But the floodplain is extremely very close here, if not in this
lot. Not only are we going to be looking at our regular 100-year storm event, we have to worry about it being in the floodplain or close to the floodplain.

**Attorney Whitehead:** I believe the existing house is in the floodplain, but I'm not sure about the proposed house.

**Village Planner Cleary:** And Buddy just touched on the issue. He mentioned the 100-year flood event. The storms of a couple of months ago were a 600-year storm, so that's what we're dealing with these days just to put it into perspective.

**Boardmember Alligood:** Right, Patrick, and your point being that if we just look at existing code it's not going to address what's happening. We already know the flooding is severe in that area. So I just encourage the applicant to really think hard and incorporate that into their design, and I don't see it here.

**Chairman O'Reilly:** Okay, any further comments from boardmembers. Just going back to you, John, you had no questions at the start. You still the same?

**Boardmember Mondello:** Just to comment, I know from personal experience that the recent flood issues have really jacked up insurance rates for homeowners. I would think that in this instance that might be a real concern.

**Chairman O'Reilly:** Yes, true. Let me turn to the public. As I started to say before, I know we had some comment from a neighbor on Clunie Avenue who wrote an e-mail, if that person is on the line.

**Attorney Whitehead:** There's a couple of hands raised.

**Chairman O'Reilly:** Let's go to them in order. I can't see the hands, so I leave it up to our host to bring them in. If you are speaking, please identify yourself by name and your current address.

**Attorney Whitehead:** If you stop screen-sharing then everybody can see things better. Jay Crowley, if you want to "unmute" and speak?

**Jay Crowley, 429 Farragut Avenue:** Hi, this is my first time calling in. I'm the lot directly across the street. This has been very interesting to watch, so thank you for the opportunity to speak. Everyone has mentioned the flooding issue. While I welcome new families to the neighborhood, and I'm a huge proponent of developing conforming lots and lands, I just …
Eva, I'm sorry I don't know your last name – totally nailed the point. It's not just the most recent storm that happens. In the four or five years I've been here, even the smallest amount of rain somehow creates a tremendous amount of flooding in that specific lot. So much that two major trees have fallen over and done significant damage. I just want to reiterate that it's something that needs to be strongly, strongly considered, all the way down to the landscaping that's going to be used. Thank you for hearing my comment.

Chairman O'Reilly: Thank you. Who's next?

Linda Manley: Hi, can you hear me?

Chairman O'Reilly: Linda Manley, and your address please.

Ms. Manley: My address is 25 Nepera Place. I have a couple of questions. One is pertaining to the parcelled land the Village owns. That, at one time, was a gas station that was abandoned and then had significant fuel spillage and oil spillage. I'd like to know if an environmental study has been done because once you're excavating I'd like to know if the soil is contaminated, if it's deemed safe. That parcel of land is considered parkland. We walk our dogs there, our children play in that lot. So I'd like to know if indeed an environmental study will be done on the soil there before they start excavating.

Chairman O'Reilly: I do remember when it was the ATI station. Buddy, do you have any response on that?

Bldg. Inspector Minozzi: I have to refer to Linda on this one.

Attorney Whitehead: There was remediation done. I don't know, it predated my time in the Village or my time as Village Attorney so I'm not sure.

Village Planner Cleary: I can help with that, Linda. The full Environmental Assessment Form we have requested accesses all the spill databases and the contamination databases. So by virtue of producing that document we'll have evidence of whatever reported contamination or spills occurred on the property.

Attorney Whitehead: I think it will definitely come up because there was something there which comes up as being in the area. But there was remediation done, I would think there was testing done, and it shouldn't necessarily have affected this property. Or it should've been cleaned up to the point that it wouldn't. But it probably would be a good idea that there be some soil sampling done on this property just to make sure there had been no carryover.
I'm sure that since the cleanup was done under DEC jurisdiction they did figure out the extent, but it would probably be a good idea to get the records, look at what was done, and make sure there's no issue with this lot.

**Bldg. Inspector Minozzi:** Linda is 100 percent correct. There was a remediation done on this property, but we are not certain of its full …

**Attorney Whitehead:** Extent.

**Chairman O'Reilly:** I also remember that it was quite lengthy, but it's all anecdotal. We'll see what comes up through the SEQRA report.

**Attorney Whitehead:** Well, we know the report is going to show there was a spill in the immediate area.

**Chairman O'Reilly:** There was, and there were tanks obviously.

**Mr. Hernandez:** Just to clarify, are we talking about the Village property having the gas station? That's where the gas station was, right?

**Attorney Whitehead:** Yes, but it could impact the soils on this property.

**Ms. Manley:** It did impact quite a number of properties.

**Chairman O'Reilly:** It did. Linda Manley, you said you had a second question?

**Ms. Manley:** It was regarding the parking. You were addressing the fact about the house on Clunie, but the house on Nepera also presents a problem with parking. It is currently a two-family house being rented by Mercy College students, with numerous cars that have not been able to park in the driveway. Also originally, when the gas station was there, there was a sign that said No Parking From Here to Corner which now, at some point, disappeared. So currently there are cars parking from the point of that house all the way to the corner of the property, and it's dangerous when you're trying to make a turn off of Farragut onto Nepera. So that also needs to be addressed: the impact of the parking in that area.

**Bldg. Inspector Minozzi:** That house – just for an FYI to everybody – is going to be having four full exterior parking spaces …

**Ms. Manley:** Good.
Bldg. Inspector Minozzi: … which is required by code. It will be meeting code. It will not be in excess of code, but it will be absolutely meeting code. Unfortunately, who they rent to and how many cars they have we can't control. But what we can control is that they are maintaining four parking spaces off-street.

Ms. Manley: Buddy, I'm talking about on Nepera now, where when the gas station was there there were no cars parked in the full length of the street. Now they're parking on what would've been the sidewalk. And there was a sign that used to say No Parking From Here To Corner. I don't know what happened to that sign, but some studies need to be done about the … you know, it's dangerous. The vision of when you're turning onto the street from Farragut or even when you're getting off the parkway turning on to Nepera causes a visual. Your vision is obstructed.

Bldg. Inspector Minozzi: I totally understand your point, Linda, thank you. And I also wanted just to bring to your attention that through the police department we have curtailed the parking on the sidewalk. And the owner is well aware of the criteria that any cars parked have to be parked on the street. As far as parking towards the corner, that's something I need to look into.

Ms. Manley: Okay, I'd appreciate it. It's been a problem coming down the street because the sidewalk, you know, we walk our dogs. We don't really have sidewalks on Farragut so it's a little difficult maneuvering around that corner.

Chairman O'Reilly: Thank you. Anybody else?

Michael Iacofano, 11 Nepera Place: Yes, sir. Good evening, Chairman O'Reilly and the honorable members of the Planning Board. Thank you for hearing me tonight. I'm adjacent to the 7 Nepera Place home that currently exists. I know this is all about the new structure that is supposed to be built. But to get back to what Linda Manley was just explaining about the parking, the parking starts at the end of my driveway and goes all the way down to the end of Nepera to the corner of Farragut Avenue. Now, this is without even the first floor of 7 Nepera even being rented. To Buddy's point, who knows who's gonna rent it? I don't know who's gonna rent that and I don't know how many vehicles are gonna be in there but, you know, it's congested.

Going along with 7 Nepera, the existing structure that's already there, there's been – I'd say for over a year now – constant renovations going on on the first floor, in the basement. It's drilling, sawing, chipping – you know, a lot of noise. My house vibrates once in awhile. I'm
not gonna get too dramatic with that, but once in awhile you get vibrations here. It seems like it's never-ending on the existing 7 Nepera structure. So I would like to know, with the new house that is being proposed, is there a planned date to start doing that at all if this even passes, or things like that. These are concerns I have because of the parking and the actual noise that happens. I work remotely, I hear noise all day pretty much. So these are some of the concerns I have.

Also, I was wondering if there was like an impact assessment taken; the infrastructure. Can Clunie, Farragut handle a new home with sewage lines, power lines, et cetera? Are the roads gonna be dug up to bring power into the home? Obviously yes, I guess. Gas lines. Has all of this been vetted? I do have some concerns about … and let's get back to the flooding. Someone mentioned a 600-year flood. Now let me tell this person about a 600-year flood. I've been living here since 2004. I have lost my basement over three times, maybe four, okay? You get like maybe 3 or 4 inches of rain, the Saw Mill floods. I mean, 7 Nepera gets it really bad and so does my house, at 11. Maybe my neighbor next door at 12, I don't know. I don't want to speak for them. I think they were flooded as well, but there is a lot of flooding issues on this street, on Nepera Place.

I don't know. With the new house, someone was talking about the way the driveway is being pitched, with the grade of it. The runoff of that, is that gonna come towards my home because I'm kind of like right behind it. So will the water come into my yard from that? These are just some of the concerns I have, and I just wanted to let people hear about that. Thank you.

Chairman O'Reilly: Thank you.

Mr. Hernandez: Just to the parking, to echo what Mr. Minozzi said, the owner of 7 Nepera is doing work. I'm finishing the four parking spaces in the rear so, hopefully, once it's finished there will be an improvement to parking in the area.

Attorney Whitehead: So there's parking being added in the rear? Are those shown on this plan?

Mr. Hernandez: Not on the current plan, no. This is for 7 Nepera.

Bldg. Inspector Minozzi: This is a brand-new change since the last flood. They lost their brand-new basement they're building so they're taking away the underground parking. Which was kind of a hindrance because having the garages hindered more parking on the exterior. Now there will be no underground parking and there will be four fully-accessible
slots on the exterior.

**Attorney Whitehead:** So I think we need those shown on the subdivision plan because they affect the drainage and everything else. And they're going to be in the back so this house is going to be looking out on them. We need to see that, so that's something else that needs to be added to the plan.

**Village Planner Cleary:** Just to reinforce Linda's point, remember, one of your decisions with respect to this will deal with SEQRA. So you have to reach a determination of significance. The amount of impervious surface on both properties is something that needs to be considered in order for you to adopt, presumably, a neg dec.

**Chairman O'Reilly:** So the changes on both properties need to be considered.

**Village Planner Cleary:** Correct.

**Attorney Whitehead:** Because you're subdividing. You're affecting both lots, you're putting 7 Nepera on a smaller lot. You have to look at the overall development of the two lots.

**Chairman O'Reilly:** Do we have any question about the size of the new house, in the neighborhood? I mean, obviously they have the land size for it but is it …

**Village Planner Cleary:** Yes. As I mentioned earlier, we don't know what the FAR is for the property. So the size of that home is governed by the floor area ratio and they did not yet give us that data so we don't know.

**Chairman O'Reilly:** On the new house.

**Village Planner Cleary:** Correct. And the same thing for the existing house. We don't know that.

**Chairman O'Reilly:** I know as you go up Farragut Avenue there are some larger houses. And one is being renovated extensively – or remodeled quite extensively – further up Farragut Avenue. But most of the houses along Nepera are smallish. And I don't know what the makeup of Clunie Avenue is, but on Clunie Avenue most of the lots seem to be smaller. This house seems to probably be the largest one considered for Clunie Avenue. I can't say that definitively, but that's something we obviously have to consider for the neighborhood. Have I covered everybody who was wishing to speak, from the public?
Attorney Whitehead: There's one more hand still raised.

Carol Distelhurst, 32 Nepera Place: I've been a resident here for over 20 years. My concern, which is what Linda stated and [Lisa] stated, is pretty much is the same. But my other concern is that we've been hit constantly with construction in our area. The first construction that destroyed Nepera Park there that's owned by the Village was done when they were building the houses on Saw Mill River Road. They came in, they tore up the street, they tore up the park, and they basically put some kind of clay right in front of the parkway. So now the drainage of the waterway that was usually going to the ground is actually raising up. It's actually raising up, so now our area's getting more flooded with all this work being done in our area. That's just starting.

Then when this person bought this house, this house has been under construction for a year-and-a-half. We live on the street also, and he's constantly driving vehicles on top of the Village property. There's holes all over the place. The trees are destroyed now. Now this Village property. The Nepera Park Association was the ones that came in and actually fixed that park up. They planted trees, the neighborhood took care of that property. Since this person purchased this home all he has done is destroy that property. We have gone over and asked to please take care of the property, please do not destroy, please do not throw trash on the property. We have called the police several times already concerning this.

My concern now is that you're gonna open another lot and you're gonna build the house there now. What consideration are you gonna take to the neighbors when you haven't taken actually consideration to the neighbors and you're basically doing interior construction in your house? We are upset here because he has not taken any consideration, he has not been a good neighbor to us here. Now he's gonna turn around and he's gonna destroy Clunie and Farragut Avenue with building a new lot? We, as neighbors, are concerned about this. Look, I'm for building a lot and having everything look nice, right? Because the trees there are very dangerous as it is because he's not containing the lot as it is right now. If a storm comes, one of those trees comes down, they're going onto Farragut Avenue. Any bypasser (sic) can drive up and down that street and get killed because they're not maintaining the trees right there in that lot right now.

There's been a tree that fell down about two years ago, or a year ago, when he just first purchased the property and that's been sitting there that whole time. So if he wants us, as neighbors, to support him as a neighbor then he should do his part and clean up his area, and basically work with us as a neighborhood. So my concern is, yes, the construction of the property. What is it gonna do to us as neighbors and how much of it's gonna cause us, in our
daily lives, to be able to function? Because like I said before, he drove a lot of big trucks into the Village park and you can't even walk in there now because there's so many holes there that you can fall right into these crevices. I agree with Linda, everything she's saying. I agree with Mike. But my concern is, again, how much more are we gonna go through construction in this area?

**Bldg. Inspector Minozzi:** I just want to put Carol's mind at rest. The damage that had been done to that park is being restored. It's in court, and they are working with the Village to restore any and all damage that was caused in the past. So Carol, I just want to let you know that we're on top of that very closely.

**Ms. Distelhurst:** Okay, but that's not the concern here. Like I said, we would like to be good neighbors also. But he has to also be considerate of us. And like Linda said, we can't get up and down our street sometimes because he has his massive trucks up there. He had the bin there for months. Again, we live here so we want basically our street to be back. And they're destroying basically the street.

**Male Voice:** The asphalt.

**Ms. Distelhurst:** The asphalt is destroyed up and down Nepera. It's up and down Clunie the same way. Not that he has anything to do with this, but I think we should focus on those areas for us. Especially with all the flooding that we did have. This is messing up our streets. Thank you, Buddy, by the way.

**Chairman O'Reilly:** Farragut Avenue, I know, has its issues. Especially in the mornings when it becomes a way for people to avoid the traffic lights at Farragut Parkway and take a shortcut around. I think the traffic on Farragut Avenue increases during those hours, so I understand your concerns around the traffic matters are as well. So all these comments, please know that they have been recorded. They become part of the record as to what the concerns are.

Obviously I don't think we're in a position to decide anything tonight. This is an initial hearing of a rather complex application. As far as the board is concerned I don't see us moving forward on anything at this point. We've set out the issues and the matters considered and raised in extensive memoranda from Patrick Cleary. That will be taken under advisement. The other concerns, I ask the applicant to hear what's being said from the neighbors. Are we okay on that?

**Boardmember Alligood:** I just had my hand raised because, I'm sorry, I have another
question. And it got spurred by the new information about the parking that is now being moved from underground of the existing building to the back. I want to refer us to the chart that Patrick gave us that showed that … in this chart it says that "the development coverage of the lot fronting Nepera Place would be 50 percent – development coverage would be 50 percent – which is nonconforming. Forty percent is allowable with this subdivision as proposed. My question is, is it going to be even higher with that new parking? Because that parking is going to need impervious surface. I’m assuming that's how it's getting built. So that would be a major concern. Because the purpose of a cap on development coverage obviously is to prevent the lot of becoming just one big concrete impervious surface, thereby increasing potential for flooding. That is a major question I have, and I don't know if it can be answered here.

**Bldg. Inspector Minozzi:** It's a good point, Eva. The new calculations will have to be done with the new set of plans that just came in.

**Boardmember Alligood:** So I'll just say right now, as a comment – because I think for the applicant, you know, in fairness to the applicant – the more feedback you get now the more we can come to some resolution about what we would find acceptable with what's been raised tonight. And I will say that it didn't really occur to me early on when I looked at increasing the nonconformity of the existing lot as being a major issue because we're used to that in Hastings. There are a lot of lots that are nonconforming, and we live with that. But in this case it does affect my analysis of what I find reasonable to put on the new lot. Because you're putting a lot on that small lot, especially when it comes to development coverage, in light of all the concerns we have about flooding and drainage. Somebody else made the point earlier that the two things are connected.

So we're not looking at these two things separately. That is definitely factoring into what I'm comfortable with being developed on the second lot. I would encourage the applicant to scale their building down. Even though right now they're showing a conforming building, if they want that much nonconformance on the other lot I think they need to scale that house down. That's just my immediate feedback there.

**Chairman O'Reilly:** Good point. I think I share your concern, Eva. All right, any response to things? Because what we're saying is that you've got a lot of work to do.

**Mr. Hernandez:** We have listened to all the comments and all the concerns, especially about lot coverage and the work that is being done. So I will sit down with our client and go over all these comments and we will try to address the best we can and provide a new set of drawings to the board affecting those.
Chairman O'Reilly: And do be prepared to answer some of the concerns that've been raised.

Mr. Hernandez: Yes. I did make notes on the neighbors' concerns.

Chairman O'Reilly: Very good.

Attorney Whitehead: I think the written comment you received was from Elaine Nicol, so I don't know if you want to …

Chairman O'Reilly: I do have a copy. I could read it into the record, or simply say that … oh, it's actually quite short so let me just read it into the record. It's from Elaine Nicol, who is at 45 Clunie Avenue.

"Hello, Mr. Minozzi
"I'm writing you in advance of the Zoom meeting tomorrow just in case I have an issue getting on, which I have in the past. I would like it noted that I disapprove of the proposed building site in the rear yard of 7 Nepera Place for numerous reasons. Just to state a few: parking; people on Farragut Avenue park their cars on Clunie, which is overcrowded now:: noise; people in the neighborhood and surrounding areas have heard noise from the Ravensdale Bridge for years, and we're thankful this is over:: and, of course, privacy. I could name a few other reasons on Zoom, but thank you in advance."

Ms. Nicol, stay tuned. You have a copy of this, Buddy, obviously. So there we are.

Bldg. Inspector Minozzi: Yes, Bill, our office has a copy for the record.

Chairman O'Reilly: Very good. There being no further comments I think we can draw this, so far, to a close. We can't vote on anything this evening one way or the other. All the points are there. So we thank you for your submission, Mr. Hernandez. We'll see you at future meetings.

Mr. Hernandez: Thank you, thank you for your time.

VI. DISCUSSION
Chairman O'Reilly: There being no further business ...

Bldg. Inspector Minozzi: Hold on, Bill. We've got one other issue. I have been asked to bring to the board, from the ARB, that they would very much like a boardmember from the Planning Board to start attending the ARB meetings again.

Chairman O'Reilly: Oh, okay. Good.

Bldg. Inspector Minozzi: They were pretty serious about that.

Chairman O'Reilly: Well, when Emily Goldman was on the board she attended. And I think it's a good thing to maintain. Let me take that, and I'll approach one of the boardmembers either to appoint or get a volunteer.

Bldg. Inspector Minozzi: Okay, I'll let the chair know we spoke about it at the meeting. Thank you, Bill.

Attorney Whitehead: I think since there's two members who aren't here tonight you might see if maybe one of them will do it.

Chairman O'Reilly: That's right. I don't want to ask the new one coming on. That wouldn't be fair. I'll be in touch with members to see if we can get a volunteer.

Bldg. Inspector Minozzi: Very good, thank you Bill.

VII. ANNOUNCEMENTS

Next Meeting Date – November 18, 2021

Chairman O'Reilly: We have no other items. Our next meeting, to announce the date, will be Thursday, November 18th, 2021.

I therefore ask now for a motion to adjourn.

VIII. ADJOURNMENT

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

Chairman O'Reilly: Thank you so much. See you in November, if not before.