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

Chairman O'Reilly: Welcome to this, the meeting of the Planning Board of the Village of
Hastings-on-Hudson, Thursday, February 17th, 2022. I have to read my piece about public
hearings and safety concerns associated with the Covid-19 pandemic.

"This board is again meeting via video conference using the Zoom platform in
accordance with chapter 417 of the laws of 2021. Consequently there is no public
participation in person tonight, but rather the public can watch the meeting through
Zoom, online or 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 any 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 wish to make a comment, and
that's located at the bottom of your screen using your cursor. Those attending via
telephone: press 'star-9' and the meeting host will see your hand is raised or that
you have pressed the star-9 button and will unmute those waiting, one at a time, so
you can speak. That will be when we turn to public comments."

Mary Ellen, can we have the roll call please?

I. ROLL CALL

Chairman O'Reilly: We have a quorum.
II. APPROVAL OF MINUTES

Meeting of January 20, 2022

Chairman O'Reilly: First item on the agenda is approval of the minutes, and we need to approve the minutes of the meeting of the board of January 20, 2022. They have been circulated. We've had the opportunity to review them, and I trust we all have. Does anyone have any comments or questions with regard to those minutes? I do not. In the absence of any voice, therefore I request a motion to approve these minutes.

On MOTION of Boardmember Speyer, SECONDED by Boardmember Bass, with a voice vote of all in favor the Minutes of the Regular Meeting and Public Hearing of January 20, 2022 were approved as presented.

III. OLD PUBLIC HEARINGS

None

IV. NEW PUBLIC HEARINGS

Subdivision and Steep Slopes Approval
Application of Richard and Joe Abirizk for creation of two conforming lots for two proposed single-family dwellings on their property, located at the corner lot of Warren Street and Pearl Street, pursuant to the provisions of Section 295-115 and 295-147 of the Village Code. Said property is in R-10 Zoning District and is also known as SBL: 4.110-121-1.1 on the Village Tax Maps.

Chairman O'Reilly: Before I ask the applicants to present their proposal I should start out by saying for the benefit of all concerned that this is an initial review of a sizeable application for which we have received comment and memoranda from our planning consultant and engineering consultant. Both of these reports indicate a significant amount of additional information that will be required for the board to really begin its review. However, we allow the applicant to make an initial presentation for this, our initial review. So can I ask who is here for the applicant? Please introduce yourself and make your proposal.
Paul Berte, project engineer: I'm a civil engineer, licensed in the State of New York, representing the applicant, along with Tom Abillama the project architect who designed the homes proposed on this lot. We are in receipt of the two comment letters from the planner and the engineer, and like you said we are here before you to bring a preliminary discussion for this two-lot subdivision on steep slopes in town; a 26,000 square foot lot to be divided into two lots, one being 16,000 square feet and the other 10,000 square feet. We're proposing the extension of a driveway, that's approximately 200 feet long from the end of the existing paved improved cross-street to the second lot, to provide access for the houses and also provide fire access for both of the lots.

We're not proposing it as a town road, therefore we propose it as a 16-foot wide shared driveway to be maintained privately. That would require extension of sewer and water mains approved by the Westchester County Health Department to which we would proceed with some guidance. We have Tom Abillama here also to take us through the architecture of the proposed houses because we're trying to be as thoughtful as possible to develop this steep slope. Tom has integrated a house that uses the slope as a building tool for this steep slope. With that, I can send it to Tom.

Tom Abillama, project architect: Good evening. This project is in regards for subdivision for two lots. We're proposing to have a small, lighter building at 100 feet by 100 feet. The other one is 100 feet by 16-hundred. We're providing to have the driveway to be the existing Pearl Street, which is right now we're providing to have two houses on each side. Then what we're trying to do is several entries that are about at a lower level to reach to the upper family room in the back, anywhere from 8 feet to 20 feet higher on each side based on the grading of the property right now.

This is here, providing for the storm line, a storm wall. Then we'll provide some steep slope by (inaudible). This is here what we're providing the sites around the buildings around it. This is the detail for the storm wall. We're providing here landscaping as proposed right now only to remove the existing trees that are proposed around the proposed building so that we can devise more landscaping all around the building and the proposed ones in the future. You can see one of the buildings. You can see how it comes in to the garage on the lower level. Then as we go up to the entry at this level – to reach to the stairs to the upper boiler area and the basement – as we reach up to the first floor to the living room, the first one, then we go up to a middle level of the bedrooms.

We're just trying to show that we can reach to the level to the family room in the back, to reach the height of the building. And this is providing the right building, the sections. And then the other unit is also coming the same way, showing at the garage coming in to the
basement level to reach to the second level for the living room, to reach to the back of the living room, with an open area in the back. This is providing those panels. So if you have any questions we can talk about it.

**Chairman O'Reilly:** Do either one of you have sort of an overall map of the location? I mean, I've walked along that area just to sort of get an idea of the lay of the land so to speak; where Warren Street is, where Pearl Street is, where Hudson Street is. But before we get on to looking at the houses I'd just like to see if you had something to explain the layout of the property the way it currently exists and the way it's going to be.

**Mr. Abillama:** Go ahead.

**Mr. Berte:** I was just going to say you have something on the photograph sheet that might be helpful, and I'll put what I have up. Can you go to the sheet with the photos of the house?

**Mr. Abillama:** Is that okay, Paul?

**Boardmember Bass:** If you could actually go back to the previous slide and blow up the site plan in the upper left-hand corner that would be helpful. Enlarge that so everyone can see the street patterns, the existing buildings, and how your site and your buildings would sit there. I think that's what Bill is asking.

**Attorney Whitehead:** Yes, the location map. Take that and blow it up.

**Mr. Berte:** I'm just going to pull up an overall map that might be easier. Just pass the screen.

**Chairperson Alligood:** I have a question as we look at it about where the property lines are in this drawing. In other words, I'd like to know who owns the property on what you're calling the driveway.

**Mr. Berte:** Can you see? I just pulled up a map. This is Pearl Street. We have Summit on the high side and Brandt on the low side, and here's Warren that would connect. These are paper streets, mapped paper streets, that don't appear on a map for Warren Street and for the extension of Pearl Street. Linda, I know we have queried the ownership of Pearl Street, the mapped street that we're proposing to extend with a site driveway, and I believe it has not been deemed town ownership. But I'm going to defer to that finding from …

**Attorney Whitehead:** Well, what we looked at was that they were in fact mapped roads. I
have to look back and see if we actually looked at the ownership issue.

**Mr. Berte:** Right. I know that was a challenging one to try and trace back.

**Attorney Whitehead:** But if they're mapped roads they have a legal right of access over them. You know what Paul? They probably show … can you pull up the GIS? That might give a better …

**Chairperson Alligood:** While you're doing that, I have a concern. Because I visited the site today, too, and saw that trees had been taken down on that section you're pointing out as a paper street you want to turn into a driveway. There's lots of construction material already stored there, like stacks of stones and all sorts of things as though it's already under construction. So that concerns me if you haven't even identified who the owner is and it's not your property. I gotta say that is very concerning.

**Attorney Whitehead:** That would be concerning.

**Chairman O'Reilly:** I had the same question, which is what I was leading to with my question.

**Chairperson Alligood:** There seems to be a presumption that there's construction already going on 'cause it's a lot of stones that are clearly construction materials already stored there.

**Mr. Berte:** Okay, this shows us the parcel.

**Chairman O'Reilly:** You're in the wrong location. There you go.

**Mr. Berte:**Oops, this one's it. Here's Fulton, this is Pearl Street, there's a cul-de-sac here on the other side, and here's Summit Street. That's showing not developed. These are the roads that are developed, if that's helpful.

**Boardmember Speyer:** So who can speak to the questions about construction materials and what's actually happening at the site now?

**Mr. Berte:** I can ask the owner. I don't have that information. I'm not aware that anything was happening, but I don't have an answer for you tonight. I can come back. Speak with the owners and see what actually is happening.

**Attorney Whitehead:** If anything's happening it needs to stop.
Mr. Berte: Understood.

Bldg. Inspector Minozzi: No, nothing's happening on the site but I have asked the owners to clean up some of the construction equipment that was left there. They have cleaned up a substantial amount of it and I will look into what's left.

Attorney Whitehead: Well, Eva said she was there today.

Chairperson Alligood: I was there today and it's not just equipment. There is a lot of construction material, like a lot.

Chairman O'Reilly: A lot of cinder block.

Bldg. Inspector Minozzi: We'll look into it.

Chairperson Alligood: And stones. I just want to say – because this is the first meeting on this project – we have had projects where presumptions are made about things that can happen. We have projects where there isn't due respect for property that isn't yours. And I'm sorry, this is very upsetting. This is not the way to start off a project, to already make presumptions. And essentially, the construction materials are damaging the land there in the sense that it's already … you know, they're of the magnitude that they are changing the topography of that space. So I'm going to express extreme concern about the presumption made about what is happening there. There is a lot of conversation that needs to happen before anything is touched, especially if it's not even the land that presumably is in your possession.

Chairman O'Reilly: I would also say that for a project like this it's unfortunate. But the owner-applicant is not here.

Mr. Berte: Yeah, that's why I said I'll get an answer for you. Of course there's (off-mic) they do own that 26-thousand square foot parcel. I'm not exactly sure where the construction materials are, but …

Attorney Whitehead: I believe the owner is on.

Chairman O'Reilly: Well, the owner is on.

Mr. Berte: I just texted him, I'm waiting for an answer.
Bldg. Inspector Minozzi: I'll also look into it too.

Chairman O'Reilly: So in the meantime …

Attorney Whitehead: Yes, this application has a lot of issues. There's a lot of steep slope disturbance, there's a lot of information as per the consultant memos. There's a lot of information that still needs to be provided, especially on the steep slopes.

Mr. Berte: Richard, is that you? Go ahead.

Joe Abirizk, applicant: Hello.

Chairman O'Reilly: You are the owner?

Mr. Abirizk: Yes, I am.

Chairman O'Reilly: Have you heard the questions that have been raised so far?

Mr. Abirizk: Yes. We had a few skids of stone which we believe can be usable in the future and are going to be used for a retainage (sic) wall. But if this is an issue, definitely they're going to clear it out as soon as tomorrow.

Attorney Whitehead: Because you don't know what you're going to have approval to do on the lot so you can't assume you're going to need these materials there, especially if they're being stored on what is the paper street. That's not your property, you can't do that. And you can't take trees down. I don't know if there were trees taken down.

Chairperson Alligood: There are a lot of tree trunks, like cut-up wood, everywhere. And I want to say too, there are neighbors down the hill from where that disturbance is already taking place and it's not fair to those neighbors. So I'm just reiterate that that is not okay.

Mr. Abirizk: Okay, we'll take care of it.

Mr. Berte: The site has steep slopes. There's a grade change of almost 30 feet from the west side to the east side as it slopes down towards Pearl. The houses are designed to meet all zoning requirements, including height and coverages. What this project would require is a waiver to disturb, temporarily, in excess of the 25 percent that's allowed by code, then restore it once all the construction is complete with vegetation and plantings that will
re-stabilize the slope and the permanent condition.

**Chairman O'Reilly:** I kind of think we'd be getting into the area of conjecture to ask many more questions about the actual lot and what's there. So if you've finished your presentation and it's okay if we move on, I'd like to ask the planning consultant, Patrick Cleary, who's presented an extensive report using about 12 headings of areas of concern. So Patrick, can I ask you to refer to that in some detail, but acknowledging the areas you've determined as the categories?

**Village Planner Cleary:** Sure, Mr. Chairman. This is actually a remarkable parcel. It appears to be an orphan, it's one of the few parcels in the Village that isn't supported by improved streets, it's at the high point of the Village, and it's right next to the water tank, if you've been up there. The water tank, I think, is the high point and it begins to slope right at this property. As Mr. Berte indicated, it's significantly sloped. So virtually all the site exceeds the 25 percent category, and that places it into a higher level of concern by virtue of our steep slopes code. And as Mr. Berte indicated, it has that 25 percent restriction. That restriction applies to disturbances, so you're hearing him saying we'll restore those areas. But the code says you're not supposed to disturb those areas in the first place.

The fact that this is an unusual parcel raises another series of concerns. Which is, what's going on on that property? We don't know. So issues of flora and fauna. It's an undeveloped parcel in a community that's fully developed. Are there remnant wildlife species that exist on the property? We would need to know that. That's an important concern. So an unusual property, very steeply sloped, probably has some environmental characteristics that are worthy of preservation. And the other issue that's relevant here is that it is surrounded by paper streets. The applicant has elected to service the site from Pearl Street. And if you've been up there today, Pearl Street is very narrow, defined by retaining walls, and it appears that one of the homes on Pearl Street even extends into the right of way. It's right on the road, the road's in disrepair.

In thinking about accessing this site, is Pearl Street the best method of accessing the site? There are other alternatives and that's sort of part of the conversation that has to occur here if the property were accessed from a different paper street. The configuration of the lots may change so it does appear as though there's an alternative configuration that might work on the property. To the point of what we were talking about earlier – making presumptions about its developability – that's an assumption that hasn't been verified at the moment yet. There's a lot of questions that need to be answered with respect to this particular application.

Mr. Berte indicated compliance. There are a number of zoning questions that still need to be
addressed. The steep slope creates concerns with respect to other provisions in our code such as the grades of driveways or the transition portion of the driveway. All of that relates to the grade on the property. Mr. Abillama's cross-sections were very illustrative. It showed you the significant slope across the property and how the buildings were being set into that slope. For example, to create a driveway into that property there would be extensive retaining walls. That's probably why the rock that Eva noticed was on the site; the applicant anticipating building some of those retaining walls. An awful lot of construction of site improvements would be necessary to develop these homes on a steeply-sloping property like this.

So a lot of questions. You saw Jim Hahn's memorandum – similarly a lot of questions that need to be answered – so I think it's premature to render decisions about the application just yet. The applicant has to do a considerable amount of additional work before we get a better handle on our understanding of the developability of this property. And again a lot of this relates to costs. So the extension of utilities in one direction as opposed to another direction has an economic impact. All that relates to – and again I'm using the phrase over and over – the "developability of the property." So, Mr. Chairman, that's sort of a summary of my comments.

Chairman O'Reilly: Thank you, Patrick.

Chairperson Alligood: Can I ask a question about your summary? Could you go over what our code says about allowable developability on steep slopes and how that compares to this site? Because I do want us to all – everybody listening and kind of considering this proposal – understand how far outside, if at all, this particular proposal falls.

Village Planner Cleary: We have a very challenging steep slope ordinance. It's rigorous, and it classifies slopes in terms of their severity. The higher classifications – slopes above 25 percent and above 35 percent, which are probably 90 percent of this property – are regulated very strictly. And the law requires that when you get into that category no more than 25 percent of the property can be impacted, not only with the footprint of a home but disturbance, clearance, and tree removal for example. And 25 percent of the property is probably exceeded by the plans we're looking at right now. And if that threshold is exceeded there must be a reason why it's exceeded. So there's a provision in the code that requires an applicant to document, explicitly, why the code can't be addressed, and it's called the "special hardship provisions."

So the applicant would have to provide an engineering report and document why this can't be done or is trying to be done the way they're proposing it. Again, the Village has a very, very strict steep slope law. Because we know Hastings, it's a slope-y place. And remarkably, the
applicant found an undeveloped property in a community that's nearly fully developed. This requires a careful look.

**Boardmember Bass:** As part of that careful look, the proposal is for two development sites. Can we require that a one-development site be analyzed to reduce the disturbance? I went through the site plan and this is the fastest presentation for a very difficult site I've seen in the many years I've been on the board. But I'm missing so much information it's hard to adequately review what's being submitted, and that disturbs me and concerns me.

**Attorney Whitehead:** If you saw the memos, Richard, both Hahn and Pat have indicated a number of areas where additional information is needed – especially on the slopes – to actually be able to do the analysis.

**Boardmember Bass:** I did see it and I've just come lately to it, but I'm agreeing with that. Also, I agree with the other discussion about the ongoing disturbance of the site that's presumptuous – what equipment should be removed and documented, what trees we're taking down, and what disturbances – because that's not part of this application. So I'm troubled.

**Mr. Berte:** If I may, we understand this is a challenging site, we understand there's more work to do. What we've done is to study whether or not two houses can be physically built on this parcel if a subdivision is even possible. Without going too far along with the details of something that needs and requires a lot of study and review and input, we're trying to get a first flush from the board and the public as to how to move forward. Yes, we've done the analysis and we've provided for a hundred-year storm and water runoff mitigation. There's some more testing to do and witnessing to do, but we've done some preliminary deep holes to make sure that yes, we do have enough overburden where we could put some sort of a system in. And we have enough room to do that on-site.

All the comments in Mr. Cleary and Mr. Hahn's memos are not at all surprising. I'm not surprised by any of them, but we're really looking to come before you to kind of get a preliminary of what this project is. It is a two-lot subdivision on a steep slope that does require a lot more information. And we're super-appreciative of the time and the opportunity to present, and we're absolutely happy to start diving in a little bit deeper, with some direction from the board, as we move this forward, hopefully.

**Attorney Whitehead:** I think what you need to look at is, in the steep slopes ordinance there is that 25 percent limitation. And if you can't make the case for that hardship – the extent of disturbance necessary for two houses – then it's possible that you won't be able to do two houses here. But again, the information is needed.
Mr. Berte: Sure, we're aware we're disturbing more than 25 percent. And the disturbance shown on the plan is significant in order to get the grading and clearing done and then put it back together. But definitely we'll have to prepare a hardship letter that would describe that variance of the portion.

Chairman O'Reilly: I've got a question, I guess maybe for Linda or Buddy. If they are in favor of having a private driveway rather than an extension of Pearl Street, if they don't own that property, can they have a private driveway? Obviously the question is, they have to own that property in order to put in a private drive, correct?

Attorney Whitehead: They have a right to improve it and a right of access over it because it is a mapped road and their property is a lot shown on the mapped road. You would ultimately have to make the determination, the board, as to whether what they're proposing, the road, will be suitably improved to provide safe access to the properties. So you're going to have to review what is going to be done, and I don't think we have a lot of detail on the plan for the road. Pearl Street already is sort of partially improved as a driveway serving houses already where it comes off of Fulton Street I believe. It's not fully improved as a road, so that's an issue, too. You've got to look at that entire length of Pearl Street, and is that adequate to provide safe access.

Village Planner Cleary: And that's your decision Bill, and the board. It's a Village road so you will make that decision. It's not the applicant's choice, it's the Village's choice. And it could, as Linda indicated, require improving Pearl Street all the way down in order to provide a suitable access.

Chairman O'Reilly: Yes, because as you've pointed out it's a narrow street, it in effect dead ends. I could imagine a fire truck getting in there and not being able to turn around.

Attorney Whitehead: Right, that's exactly the issue.

Chairman O'Reilly: I was just going to make a general comment.

Boardmember Speyer: Just one question. I think kind of the initial threshold question regarding steep slopes is what percentage of the sloped area is being disturbed by the current plan, and I don't think I heard a number. So that number kind of gives us a sense of how far off the criteria we are to start with. Could I hear … is there an estimate of the amount disturbed? And I'm not talking about … you said something about restoring it. I don't think there's anything in our law that says anything about restoring. If it's disturbed, it's disturbed.
Mr. Berte: Correct.


Attorney Whitehead: Is anything that's going to be re-graded – built on, or re-graded?

Boardmember Speyer: So what percentage of the lots in the current plan is being built on or re-graded?

Mr. Berte: For lot one – which is the larger one, the 16,000 square foot house – the proposed disturbance within that lot is 10 square feet.

Boardmember Speyer: Out of how much? What's the percentage?

Mr. Berte: Ten-thousand out of 16,000.

Attorney Whitehead: That's a lot more than 25 percent [laughter].

Boardmember Speyer: That's like 70 percent?

Mr. Berte: That's 63 percent.

Boardmember Speyer: All right, and the other one?

Mr. Berte: The other one is about 94 percent of the lot.

Chairperson Alligood: It's a non-starter for me, I'm just going to say.

Boardmember Speyer: Yes.

Chairperson Alligood: It's really a non-starter. I mean, I almost feel insulted. Like, those numbers are coming out now? No.

Boardmember Gould-Schmit: It's a heavy lift is what I would tell you. If you want some input on direction, I figure you gotta manage a lot of risk if you're going to move this forward. I'm with Eva, that's a lot of disturbance. I think, honestly, you're in this evening to sort of get our take. I'm going to say I don't think you did the best presentation or put your best foot forward. But needless to say, if you want a feel for how me, personally, feels, it's a
very heavy lift to get this application approved. So I don't know if you want to run the risk of going through all the engineering and everything, but tonight that's my take on this.

Chairperson Alligood: We rarely say that at this stage, but that's how far off this is. And two of us are saying it.

Boardmember Gould-Schmit: Maybe you look at one house, as Richard suggested, but …

Boardmember Bass: Yes.

Chairman O'Reilly: When I look at the engineering report that came from Doug Hahn, there's something like 48 areas in comments that are made, which kind of says to me that so much could've been done before we even had this presentation. Because that sort of detail is something which sort of indicates it's not ready for prime time. It's one thing to get a reflection of the community and an idea from us, but it's coming in in sort of a raw condition. I lean towards Eva or Kerry's position pretty much in saying it's a heavy lift. But nonetheless, Richard did you have any further comments? Because you had one and then we moved on to something else.

Boardmember Bass: I just think it's really insufficient even for a first flush: lack of information; the presentation, until just now, did we get the percent of disturbance; no additional analysis for an alternative of one development site instead of two; and work being done on the site already. This is not how you come into any community and say, well, what do you think? Right now the answer is we don't think very kindly towards it. So I would strongly advise both analysis for two lots and for one lot and analysis of what damage has been done to the site. Disclose it. You've messed up already. Be honest with what has been disturbed versus what was there before, and then what will be disturbed with a one-lot or two-lot proposal. Give us information. Don't make us play 40 questions with you. I'm disappointed in the application.

Chairman O'Reilly: Charles, you have any comment?

Boardmember Kim: No. I mean, I don't really have anything to add to this other than to say I'm in agreement with everything that's been said so far among my fellow boardmembers. I think there's a lot of information missing, there's a lot of questions still to be addressed. So yes, at this time I don't have anything to add, thank you.

Chairman O'Reilly: And John Mondello, how about you?
Boardmember Mondello: No, I don't have anything to add either. I think the points that have been made have been well made.

Chairman O'Reilly: Very good. Buddy, did you want to say anything in regards to the Hahn report?

Bldg. Inspector Minozzi: Hahn's report and Pat's report kind of overlap each other, but the applicant needs to respond to Hahn's questions. Hahn had a few more questions than Pat had raised. Everybody got the memo, I don't really think there's much more to share at this point. It's just a lot of procedure that wasn't followed.

Attorney Whitehead: A lot of it was looking for more detail.

Chairman O'Reilly: Okay, clear. I know we've had a couple of submissions from neighbors, in writing, which we can get to. Buddy, you could summarize those. But before we do that, do we have anyone either raising their hand or hitting "star-9," from the public?

Ann Van Buren, 67 High Street: Hello. We've lived here for 20 …

Tom Van Buren, 67 High Street: … -5 years, 6 years.

Ms. Van Buren: … 26 years. We have seen a baby deer born on the property, the said property. We have, annually, walked both paper trails and enjoyed them despite the continued disturbances by various people that make walking those paper trails rather difficult. I'm concerned about the erosion this is going to cause. I'm disturbed about the loss of old growth trees, many of which have already been cut down and many of which exist. Also the species of the trees: I believe there are ash trees there, which are quite endangered right now because of the emerald ash borer. What else? It's just changing the whole nature of our village. I believe the same person who's developing this land has developed another property. And what used to be small houses which had trees and gardens and really interesting landscaping that the many landscape gardeners who live in this neighborhood would maintain are now just covered with house.

Mr. Van Buren: The pavement. I'd like to speak, this is Tom Van Buren. We're directly down the hill from this proposal. I really appreciate the comments of the board. You've pointed out the disturbance already occurring on the property, the presumption. You know, this is the work of a developer who's developed a number of properties in the area. I mean, talk about hardship, this is a for-profit enterprise to put the maximum house size on whatever lot. Am I correct in hearing that one of the houses is 16,000 square feet?
Chairman O'Reilly: No, the lot is 16,000 square feet.

Mr. Van Buren: The lot? Okay, well that's a relief. There is a thing about scale. A lot of the newer constructions are massively larger structures that what has been the sort of norm in the neighborhood. Another thing I wanted to point out is the house directly down the hill from this lot. We witnessed that whole process, which also I think involved a steep slope variance. One of the things that occurred when that house was constructed – and we were told the architect and engineer were somehow not aware – where they planned to put a full basement turned out to be solid rock. We had to endure, I remember, almost two months of … well, it was a large-scale rock chipper – like a pile driver, five days a week. Every day, all day – bang, bang, bang, bang, bang. Every time it rained we had mudslides coming down across the street into our property. We did raise objections and were told it was too late, that the permits had gone through and that was that.

So we really appreciate the diligent work of this committee to take a hard look at these kind of proposals. They don't have to happen on every square inch of the land here. The public lands, the remaining woods and paper trails are a distinct feature of the Village of Hastings and what makes this a nice community. To just go and destroy every one of them for the sake of maximized profit is a real shame. So thank you for listening to us.

Chairman O'Reilly: Thank you. Anyone next? Buddy, any hands raised? I can't see them.

Bldg. Inspector Minozzi: Yes, it's raised.

Alan Katz, 25 Harvard Lane: Hello, am I now unmuted? Ann and Tom, well said. And the Planning Board, you put me at rest a bit because I, too, was concerned with the lack of information and am really impressed with the questions and concerns. Just two things, which I don't want to keep anybody longer because we're going to have, I presume, more meetings and more analysis. But there is a community downhill there on Harvard Lane that, although we got notice of this, was totally ignored in the presentation plan. Which is downhill, and I stress that, downhill from the proposed site. The proposed site is in view of our homes, something (off-mic) years. When you're asking for that additional information I would respectfully request that you put in a consideration for them addressing the Harvard Lane aspect of this. Show how it's going to affect Harvard Lane, show about the trees that are wooded in between our property and this property.

Most importantly, talk about the downslope and water condition. As you may know, or not know, all the houses around that cul-de-sac, in a storm, had severe damage. Everything
flows downhill. So if we can work into the questions that you're asking, some consideration of Harvard Lane. That would be appreciated. Although out of my lane, I find it confusing that an investor, maybe even a carpetbagger, could put in a hardship declaration for property that was purchased with knowledge of the issues. Just doesn't seem logical, doesn't seem like it could proceed as a matter of law. And I just want to raise that because, as Tom and Ann said, this is not somebody who lives in the town, it's not somebody who needs to expand their house because they need to make another room for a child or for some ill parent. This is all for profit. And we have seen the massive houses going up in Hastings. We need to consider that and look to stop that.

So thank you. I look forward to getting the additional information and I appreciate everyone's efforts.

Chairman O'Reilly: Okay, thank you. Who's next?

Adam Van Loon, 26 Harvard Lane: My wife and I and two children have lived here for six years, and we love it. I guess I'll just be brief. First of all, I was very impressed with the Planning Board's command of the code, which I've been spending the day reading myself as a non-lawyer and non-architect. But it seems pretty clear to me. I think I would just sort of emphasize a few things. One is, it was surprising to me that there was no discussion of the SUEZ Water tank that's at the top of the hill. It's funny, and I was chuckling as, Mr. Chairman, you were talking about the weight of water earlier in this call. Because that tank is rated for 750,000 gallons, which is equivalent to 8-million pounds of water. So I would just think that the Village would want every assurance from a structural engineering perspective, a water drainage perspective, that that structure would be in no way disturbed. We all know that landslides can happen, and with something like that obviously that could pose a major property/public health/mortality risk. That’s one comment.

I guess the second thing is, you know, it was interesting in reading the code that the subdivision code also, in particular, emphasizes first of all that there must be reasonable conformity to the land. And secondly, that woodlands and rock formations should be minimally disturbed. I thought that really speaks to the spirit of the subdivision code and what they're trying to preserve with those kinds of guidelines.

On the steep slope aspect of it, I think one thing – and I don't know if this is something that can be considered – is that for a property that is that size, 26,000 square feet, that leaves about 65-hundred square feet that can be disturbed on a 25 percent basis. But I would think it's very important to consider any kind of road-building or access – that may not necessarily be on the lot of the property but would have to ultimately disturb steep slopes itself – in
looking at that 25 percent rule and that budget. So I would just put in those various concerns and thank you for the opportunity to comment.

**Chairman O'Reilly:** Thank you. You reminded me of one of the questions I had and forgot to ask. With regards to SUEZ Water, Buddy, do they have any interest in this property? I mean, they're up at the top.

**Bldg. Inspector Minozzi:** They haven't commented. They got a mailing.

**Chairman O'Reilly:** Do they normally comment?

**Bldg. Inspector Minozzi:** They haven't yet in my 11 years.

**Chairman O'Reilly:** But it is an issue of some interest anyway. All right, anyone next?

**Village Tech. Dir. Zaratzian:** Yes, there's somebody on the phone.

**Chairman O'Reilly:** We're ready.

**Attorney Whitehead:** Is it "star-6" to unmute on the phone?

**Chairman O'Reilly:** There's another "star" in there?

**Village Tech. Dir. Zaratzian:** Let's go on to the next person then.

**Chairman O'Reilly:** If you missed out you'll have an opportunity at a later date. Who's next?

**Jessica Placido:** Thank you very much for your presentation. My parents, Kathleen and John Placido, are residents of Harvard Lane and I grew up here for most of my 39 years of life experience so far. I just wanted to express support for what Alan Katz and Adam Van Loon have mentioned. We were concerned about the same issues and problems they both brought up, and as residents of Harvard Lane I just wanted to voice that opinion in this forum.

**Chairman O'Reilly:** Well, thank you. Always appreciate someone who says they endorse someone else rather than repeating it. Anyone else?

**Susan Greenberg, 69 Amherst Drive:** I'm actually uphill from this property, and most of
the concerns I have come up with have been addressed tonight, from deforestation to erosion and removal of trees and plants that are holding water. And I cannot imagine the increased flooding downhill from this property could possibly be addressed with anything on the property to contain it. We're all painfully aware of the effects of development on the land in the neighborhoods around us and I think Hastings has an opportunity here to really hold steady on the character of our neighborhoods. And maybe even offer to buy it back and keep it as a remnant of a sloping woodland in Hastings we all value and didn't realize it was not all public land.

Chairman O'Reilly: Thank you for calling in. Is there anyone else?

David Barr, 29 Harvard Lane: You've heard from 25, 26 and 34 Harvard Lane. I'm not going to repeat everything they said in addition to what was raised. What also concerned me, looking at this, is that one of the alternatives for access was trying to build the paper street, Warren, which I think would be incredibly disruptive to the areas, again, behind Harvard Lane. But I think these are all comments that will come out later. To tell you the truth, the primary reason for my attending this meeting, and also my sister's attending as well, is to comment that this is an appropriately timed Planning Board meeting. It would have been the 91st birthday of our mother, Rhoda Barr, who was on the Planning Board for 34 years and chairman for 20 of them. So this is very fortuitous timing to have this meeting, especially for an area just behind our house. So thank you and best of luck to all.

Chairman O'Reilly: Thank you. Anyone else?

Village Tech. Dir. Zaratzian: No hands are raised.

Chairman O'Reilly: Okay, then I think we can end the discussion. Speaking to the applicant, you have your work cut out for you there.

Bldg. Inspector Minozzi: Bill, you wanted me to summarize the e-mails?

Chairman O'Reilly: Yes, I did.

Bldg. Inspector Minozzi: Gratefully there's not much to say. The Van Burens have already summarized their own e-mail so I won't have to go into that one. The other two e-mails are basically more of what general comments that have been made.

Attorney Whitehead: Buddy, you just want to say who they were from?
Bldg. Inspector Minozzi: Sure. One is from Victor Bussey from Brandt Street and one is from the Gordons who live at 51 Warren Street. Their general concerns are runoff, wildlife, detriment to the neighborhood, and density; basically all the factors that have been spoken about already tonight. And of course the Van Burens have both spoken and pretty well summarized what their e-mail had said. That's about it.

Chairman O'Reilly: Thanks, Buddy. Well, thank you all for your comments and your participation. I guess in summary I can only say I direct the applicants to provide the additional information requested and itemized considerably in the reports of the planning consultant and the engineering consultant and the other comments which you've heard raised by the board this evening. Given all you have to do and the amount of time it may take, I guess the best thing I can say is that moving ahead we won't be putting you back on the agenda until all the information is provided.

Mr. Berte: Understood.

Chairman O'Reilly: Having said that …

Bldg. Inspector Minozzi: Eva has her hand raised. Eva, did you do that on purpose?

Chairperson Alligood: Yes, I did. I will lower it and I will say, if I could, I just want to provide – for those of you who are tuning in or maybe watching this later – some context to the reaction you saw tonight to this proposal. At least on my behalf, I'm not speaking for other boardmembers. I am actually in the housing camp, I'm a firm believer in building more housing. We're in a crisis in this region and in this country not having enough housing. So I don't want the response to this proposal to be read as just anti-development or that we're not in favor of adding appropriately-scaled housing where it's appropriate. And I actually am not opposed to density in the right context.

To summarize the response you heard to this proposal, at least from me and from others who kind of expressed it, it was not provided in a way that really took into consideration anything close to what's allowable on this property in terms of existing conditions and what the code says. And it really just sort of started at a very kind of … starting at the maximum, assuming let's see where it goes. I want to reiterate, the response was really about that lack of consideration for a more respectful development to the neighbors, to the context, and the environmental issues that were raised. So I just really wanted to be able to say that it's not that there shouldn't be more housing in Hastings. It's that this proposal was far off from what's appropriate. So thank you for letting me share that.
Chairman O'Reilly: Good context, Eva. Thank you. Then we're at a close.

V. ANNOUNCEMENTS

Next Meeting Date – March 17, 2022

Chairman O'Reilly: The last item on the agenda is notice of the next meeting, which will be March 17th of 2022. Having said that, I now ask for a motion to adjourn.

VI. ADJOURNMENT

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

Chairman O'Reilly: Thank you all.