

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
ZONING BOARD OF APPEALS
REGULAR MEETING & PUBLIC HEARING
DECEMBER 14, 2023**

*Meetings held by the Zoning Board of Appeals are
live-streamed via WWhoH-TV (Channel 75 or FIOS 43)
and online at WWhoH-TV.org
ZoningBoard@hastingsgov.org*

PRESENT: Chairman Jeremiah Quinlan, Boardmember Josh Heitler, Boardmember Brett Gaillard, Boardmember Richard Griffin, Boardmember Beth Haddock, Village Attorney Linda Whitehead, and Building Inspector Charles Minozzi, Jr.

I. INTRODUCTION

Chairman Quinlan: Okay, we're going to call to order the Zoning Board of Appeals meeting, Thursday December 14th, 2023. Just for some people that haven't been here before, at least for the first two cases we are going to first of all, I'll ask are the mailings in order?

Bldg. Inspector Minozzi: I've been informed by my staff that all the mailings are in order.

Chairman Quinlan: First, we're going to have the presentation by the proponents, then we're going to hear from anybody in the audience who would like to be heard. Then we're going to have questions by the zoning board of the proponent, if there are any. Then we're going to have the members discuss why they're voting the way they are. Then we're going to have motions and we're going to vote on the various variances.

The last case is a review of the proposed law, and that will be a completely different case than the other two. Stay if you like, you can leave after that or any time your case is over. We're going to have a discussion about the new law by the proponents, then we're going to have questions by the members if they have any. We're going to questions, and Linda's going to help us out on that and tell us a little bit about the background with the planning board and the board of trustees. Then we're going to have motions to whether we're going to refer it to the board of trustees, either positively or negatively.

II. AGENDA

Chairman Quinlan: The first case today is case number 21-23.

Rebecca Brandt & Sean Mooney
90 Hamilton Avenue

Relief from strict application of the Village Code Sections 295-68F1(a) w/295-55A for the construction of a new second-story addition at the single-family dwelling located at 90 Hamilton Avenue. Said property is located in the R-10 Zoning District and is known as SBL: 4.80-75-15 on the Village Tax Maps.

Chairman Quinlan: Who's here as proponent for this, the architect?

Zachary Trippodo, Douglas Cutler Architects: I'm representing them, I am not an architect.

Chairman Quinlan: That's fine, come on up. Everybody's going to say their name and address before they set their presentation or opinions or whatever else they'd like to say to the board.

Mr. Trippodo: I've been working at our architecture firm for about four years now, studying to be an architect. First time in front of the board.

Chairman Quinlan: Okay, well don't be nervous.

Attorney Whitehead: You're just telling us the story.

Chairman Quinlan: There's no reason to be nervous. We all did our first case or our first client, so we know exactly how you feel.

Mr. Trippodo: Our architecture firm is at 24 Danbury Road, Wilton, Connecticut. Though I'm not the architect I do know this project very well. If this will connect ...

Bldg. Inspector Minozzi: Just have to make sure you speak into the microphone.

Mr. Trippodo: So here's a proposed rendering of our renovation just to give you an idea of what is proposed, then here's 90 Hamilton as it is now. It's just a one-story. Before I get into all the existing photos where we're making our case, I wanted to bring to your attention the site plan and how the house is situated with the setbacks. So right now this is the proposed plan. And actually, if you see the existing house we're not adding to the footprint at all. However, with the new zoning law the setback is cutting into – can you see the mouse here? it's a little hard to see ... the front of the house is being cut by the zoning line. And as Charles brought to my attention today, we actually have another conflict where this is a

corner lot. So I've been told that *this* is also cutting into the house now, which is making it really hard for the family here to expand more bedrooms and stuff for their growing family. Again as you can see, side-by-side, we're not adding to the footprint at all but we are aggravating this setback by extending the height, as you saw on the first rendering.

Now the case is, the adjacent house is – if I can find the right photo – further in front of my clients' residence, and it's taller. So, you know, even though we're in the setback I guess ours is well-dated first, or they are, as well. Then as for height, as you can see here the residents behind them are significantly higher up on the hill as the grading of the site slopes towards the street. Currently as it stands, this is our proposed front elevation you saw earlier, with color. We were given a temporary permit to start building. My clients have been trying to get this done for a long time, so you guys were nice enough to give us a temporary building permit. This was the proposed temporary permit which, as you can see, is not as nice as what we're hoping for this family to have. So we're hoping today that you would allow us to, you know, make their home a positive on the community. Because if you ask me, I don't really like this design. Then I don't know how the other issue with the other setback would affect it now, as well.

Are there any questions from the board?

Chairman Quinlan: No. But Charles, why don't you explain a little bit about this.

Bldg. Inspector Minozzi: So being this is a corner lot there's two front yards essentially. There's the front of the house and there's the left-hand side, or the Mount Hope side, of the house. They're both front yards so the front yard on Hamilton, both existing and proposed, is requiring a 9.45-foot setback.

Attorney Whitehead: Variance.

Bldg. Inspector Minozzi: Variance, excuse me. And due to the corner lot, the Mount Hope side – or the north side of the property – is going to be requiring a 6.17-foot variance.

Attorney Whitehead: Also "existing" and "proposed."

Bldg. Inspector Minozzi: They're both going on top of the same footprint.

Chairman Quinlan: So the Mount Hope side, what is it?

Bldg. Inspector Minozzi: The variance is 6.17 feet.

Attorney Whitehead: So it's smaller.

Chairman Quinlan: Yes, smaller so we're just going to add that. Any problem with that?

Bldg. Inspector Minozzi: No, there's no problem. Especially because the Village right of way on Mount Hope is nearly 20 feet on this property; much greater than the average dwelling in Hastings, the average home in Hastings. It's a very, very large parcel of land with the sidewalk and guardrail on the north side of this house. It's very deceiving. So when you're looking at the house it looks like it's 45 feet from the curb, but meanwhile it still requires a variance.

Chairman Quinlan: Then we'll go ahead with both variances tonight and then we'll be done one way or the other. Is that okay with you?

Mr. Trippodo: That's okay with me.

Chairman Quinlan: All right let's go, continue. Did anybody else have any questions? Beth?

Boardmember Haddock: Just for the record, to understand whether any of the neighbors have objected?

Bldg. Inspector Minozzi: No, we have no objections.

Attorney Whitehead: To the variances.

Chairman Quinlan: As a matter of fact, I misspoke. Is there anybody in the audience who would like to speak either in favor or against both variances? Please.

Katherine Wolf, 95 Hamilton Avenue: My husband and I have lived across the street at 95 Hamilton since 1992. I just want to express my support for the proposed variance.

Chairman Quinlan: Okay, thanks a lot. Anybody else like to be heard? Beth, any questions?

Boardmember Haddock: That's it, thank you.

Boardmember Griffin: I think the only question I have – and I've looked at this property, I know it fairly well – obviously the height is going up, the footprint's going to remain the same. I think the only question I really have, again, is I know you guys live across the street. The neighbors that are behind tend to have like more ... and even then there's not a river

view there. You have to go quite a bit further up in elevation. But I assume you've been in contact with the neighbors that are behind, or up the hill.

Mr. Trippodo: I'm assuming they were verified since they are within the radius.

Bldg. Inspector Minozzi: They were noticed, yes.

Attorney Whitehead: And also there is no variance required on the rear.

Bldg. Inspector Minozzi: There's no height variance.

Mr. Trippodo: More a sense of line of sight, but if it's not an issue with the river or the Palisades or anything ...

Attorney Whitehead: It's not in a view preservation zone.

Bldg. Inspector Minozzi: It's not in the corridor, no.

Attorney Whitehead: It's not in the view preservation zone, and the height complies.

Boardmember Griffin: Okay, great. That's it, thank you.

Boardmember Gaillard: I don't have any questions.

Chairman Quinlan: I have no questions.

Boardmember Heitler: No questions.

Attorney Whitehead: I think, just for the record to point out, the actual square footage that requires a variance is pretty minimal. In the front it's just the portion that juts out. Most of the house is actually conforming, and then it's just the narrow side. I just think it's important for the record that that be mentioned.

Chairman Quinlan: Thank you, Linda. I've biked past that house over a hundred times – it's in my neighborhood, a couple blocks away from me – and up Hamilton and then up the rest of Mount Hope. So I was always wondering why it was only one floor. The new people: you bought it, right? About how long ago?

Rebecca Brandt, applicant – 90 Hamilton: I'm one of the owners, as we bought the property end of June of this year.

Chairman Quinlan: Okay, and those are your daughters there?

Ms. Brandt: I just found them on the street.

[Laughter]

Chairman Quinlan: So that's for the bedrooms, right? All right, do we have a motion?

Boardmember Heitler: I can make a motion. "Motion, in case 21-23, 90 Hamilton, to approve relief from strict application strict application of the Village Code. It would be for front yard setback, on one side existing and proposed 20.55 feet. Required is 30 feet, so the variance would be 9.45. On the second side it's ...

Bldg. Inspector Minozzi: "It's 23.83 feet, requested 30. Variance of 6.17 feet."

Boardmember Heitler: I was going to say that but I'm glad you checked my math. "And this is an extension of an existing nonconforming."

Chairman Quinlan: Okay, let's vote. Beth?

Boardmember Haddock: "Favor."

Boardmember Griffin: "Favor."

Boardmember Gaillard: "Favor."

Chairman Quinlan: I "approve."

Boardmember Heitler: "Approve."

On **MOTION** of Boardmember Heitler, **SECONDED** by Boardmember Gaillard, with a roll call vote of all in favor, the Board resolved to approve the two variances required for the construction of a new second-story addition at the single-family dwelling located at 90 Hamilton Avenue. Specifically, 1) front yard setback: existing & proposed – 20.55 ft.; required – 30 ft.; variance required – 9.45 ft. and 2) extension of an existing non-conformity.

Chairman Quinlan: Thank you very much, and good luck.

Sean Mooney, applicant: Thank you very much.

Mr. Trippodo: Thank you.

Ms. Brandt: Thank you.

Bldg. Inspector Minozzi: See, your first case didn't go too bad.

Mr. Trippodo: First win.

[Laughter]

Chairman Quinlan: May you have many more, but just remember when you lose. Just remember the winners.

The second case is number 22-23.

Case No. 22-23
Ari & Sharon Wallach
25 S. Calumet Avenue

Relief from strict application of Village Code Sections 295-68F.1(c) w/296-55A, 295-68F.2(a)(2), 295-20C(2) and 295-53.1 for construction of a rear addition and patio at this single-family dwelling located at 25 South Calumet Avenue.

Said property is located in the R-10 Zoning District and is known as SBL: 4.40-39-4 on the Village Tax Maps.

Nonconformity details are as follows:

- 1. Side Yard Setbacks: Side 1/Side 2/Total of Both:**
Existing and Proposed – Side 1, 5 feet/Side 2, 15.08 feet/Both, 20.08 feet;
Required – Side 1, 12 feet/Side 2, 18 feet/Both, 30 feet {295-68F.1(c)}; Variance Required – Side 1, 7 feet/Side 2, 2.92 feet/Both, 9.92 feet
- 2. w/295-55A – Extension of an Existing Nonconformity**
- 3. Development Coverage:**
Existing – 34 percent; Proposed – 41 percent; Required – 35 percent maximum {295-68F.2(a)(2)}; Variance Required – 6 percent
- 4. Paving in a Required Yard:**
Existing – NA; Proposed – 173 square feet; Allowed – None {295-20C.2}; Variance Required – 173 square feet
- 5. FAR: Existing - 0.387; Proposed – 0.420; Allowed Maximum– 0.400, {295-53.1}; Variance Required – 0.020**

Padraic Steinschneider, Gotham Design: I wish I was here for the first time.

[Laughter]

And I'll admit, at 45 years I'm still nervous whenever I come before a zoning board. This project, I think, is a straightforward one. I'm hoping you guys agree with the approach we've taken and the reasons why. We need a couple of different variances, this from the agenda we got. We need side yard setbacks; neither side yard at this point is compliant. We are not increasing how close we are to the property, we're maintaining the line of the house. But because we're going out further – even though the depth of it is not an issue of a setback variance – we need to have a variance for the additional length we're adding to the first floor addition we're proposing.

This is an extension of an existing nonconformity. The existing house is closer to the street than zoning currently permits, both side yards are closer than they're permitted. And the total you're required is also ... you know, we have less than what is required. None of those are being changed by what we're doing, but one that is being changed is the development coverage. We are adding 111 square feet to the site, so we will have a greater increase in coverage. It's all in the back, and I'll show you some images in a minute. We're also proposing having a terrace out the back which will be in the required yard area of the rear yard. It's level-grade, it's not something that, you know, can be seen really by anybody unless you're sitting there. And we are increasing the FAR, although the increase we're asking for I believe is relatively de minimis. It's the 111 square feet, and I think we have good reasons we want to do it.

Just to acclimate you, we're on South Calumet kind of in the middle of the block. Most of the houses in here have a kind of Hastings charm, from the era when they were building nice houses. One thing I was noticing as I was looking at that drawing is that many of the other houses actually have a garage in their backyard. This house has its garage under the house. None of those garages are something I was aware of until I looked at this map. Which means – and I've been in the Wallachs' backyard many, many times – I think the foliage and landscaping on the properties are so thick and dense that you can be very private in your backyard without worrying about somebody next door having something *in* their backyard. And the addition we're proposing is just about the same size as those structures.

These are just photographs as we go up this street on one side. This is the subject house. You can kind of see how it fits in nicely with the character and scale of the other houses on the street. Here we are going up the other side, I guess it would be the east side, of the street. Again, the same feeling of nice stuccoed houses that have nice trim. Here's some photographs just to kind of give you a good sense of what it is we're actually doing. This is

on the front. The two photos on the top don't really ... you know, you're not gonna see any of what we're doing from the front of the house. In fact even as I've taken these two lower photographs, when you go down the street or up the street a little bit and look back you won't be able to see what we're proposing building.

Here are some shots in the backyard where you *would* see this. The two lower photos are the existing one-story structure that was added at one point to provide, ostensibly, a dining area. But it's very, very small. Four people can kind of fit in there, maybe, but it really doesn't give them the dining room they were originally trying to get – which is the agenda we've got – to satisfy their needs. Here's some more shots in the backyard. I did just surprise them when I came over to take these photos. I'm sure if I had told them I was coming to take photos they might have put some of the stuff like around. It's a very lived-in home and very lived-in yard, and they've got a very friendly dog.

These photos kind of show you how well landscaped the property lines are, in the lower left there. Actually you've got about 15 feet of foliage before you get to the property line. You can't really see even the neighbors' homes. Here, just some more shots. The top right is perhaps of interest because that's the line we'll be extending out into the backyard. Then we get to our drawings. I'm gonna try and skip to things that actually matter.

This is the site plan. The darker gray is what we're proposing, and it's superimposed over the lighter gray which is the one-story addition that's already existing there. What you also see in this is the terrace we're proposing. There is a dash-line there that you see, which is the existing terrace. We're pushing it about 2 feet further to the south, about 4 feet further to the west towards the back property line. That's the section where we're actually going into the rear yard but just with a terrace, not a structure. We are moving the hot tub which currently is closer to the house than it's supposed to be. So we're actually removing a nonconformity and putting the hot tub out to a position which I think will be much more enjoyable for people using it and a nice feature in their yard.

Here are the existing elevations of the house. In the middle row you can see the drawing of the one story on the back. On the one to the right you see it projecting out. I'll come back with the originals, or the proposed, and show you how those compare. Here's the floor plan of the first floor. Nothing's changing on the second floor. Here's a little bit larger version of that. The idea here is to renovate the kitchen, make it a more functional kitchen. They love to entertain, and they're successful at it. They have amazing events at their home. It's a community destination for many people. They've got kids who have great friends who all come over to their house. So one of the things that happens, particularly on Friday evenings, is, you know, a group of people getting together, enjoying a meal and good conversation. I don't know if you know Ari, but you should buy his book. The "longpath," a little plug.

Excellent thinking.

This is where he does a lot of his thinking and talking, while his wife is standing in the kitchen cooking. One of the reasons we're doing this is that she really hates standing in the kitchen where she can't entertain people and be with them. So the idea here is to open that all up so the dining room and kitchen work as one open space. They'll have a small sitting area in the front, but that's where we're popping out in the back on this. Then here are the elevations showing how we're tucking in on the back, under the windows; a one-story structure. I think it melds well with the existing house. It kind of picks up the same look of the first-floor garden room that's on the end; you know, carrying that low-pitch roof around. I think that works out well. This is showing how it compares. The fact that we're extending further into the rear yard, past that red dotted line, is not a variance for going into the backyard. It's the fact that we're extending the existing nonconformity of where we're extending into the side yard but we're not going closer with the side yard.

Just 'cause numbers are always interesting things, here are those same ten houses on the street and kind of where we fit in. The lots are all kind of in a range of about the same size. Living areas range, varies. They actually have ... they're at the top end of living area essentially because what they've done is they've finished off really the attic of their house. It's really an attic but it's finished nicely, so that gets included. So they're up at the top of that. But again, all we're adding is 111 square feet on the first floor. And the footprint is actually kind of in the middle, almost to the low side. You've got some others that are bigger, but the houses all fit nicely in this neighborhood.

That's what I have for a presentation. Any questions that you got?

Chairman Quinlan: First let's hear from members of the audience either for or against, or anybody we'd like to hear. No? Okay, do we have any letters or ...

Bldg. Inspector Minozzi: We've received no communications on this application.

Chairman Quinlan: All right, anybody have any questions? Josh, I'll start with you.

Boardmember Heitler: Can we just go back to ... I think you had an overall site plan of the neighborhood. Just want to see along the side that you're extending, the nonconformity where the adjacent house is.

Mr. Steinschneider: Yeah, it's ... we're the yellow, and they're actually ... they've got – in this neighborhood – a pretty good side yard. So we're not encroaching on them. We're also down low enough that we're not gonna be any taller than the existing. So in terms of any

view that would be affected it's really not gonna be something that affects them. And the tremendous disturbance this family does in their neighborhood when they have these amazing events where they set up tents and have people singing in their backyard, that's gonna continue no matter what they do. So it's kind of ... I think this will actually just make things much nicer. I don't think it's gonna have any adverse effect. I think it'll be a real positive for not only the applicant, the property owner, but their friends in the extended neighborhood.

Boardmember Heitler: What are the blue squares?

Mr. Steinschneider: The four of them that are not on the yellow property are existing garages and backyards, and it just happens that the addition we're proposing is about the same size as that. The way I looked at it, the point I tried to make earlier, is that if I've been in their backyard many times and I'm looking into ... you know, trying to see what the neighbors ... you know, what they've got in their backyards, I did not know that all the houses had backyard garages until I put this drawing together. I realized that probably no one's gonna know that we've done this, either. All the properties are well-landscaped from the back and I think it all fits in very well.

Chairman Quinlan: Anybody else have any questions?

Boardmember Haddock: I just have a clarification. What I have in front of me I think says the variance is 173 on the fourth nonconformity details. But I'm hearing you say the variance is 111 feet. So I'm just trying to understand where it is and how much it is. Or am I (cross-talk) ...

Attorney Whitehead: That's not the house addition, that's the paving in the required yard.

Boardmember Haddock: And that's not before us.

Attorney Whitehead: No, it is.

Mr. Steinschneider: Right, but it doesn't affect the footprint of the house itself. It's paving beyond the house, but it is in the backyard.

Boardmember Haddock: So the 111 is one way to couch the variance. And the other way is to say the 111, plus the paving, at the 173?

Boardmember Gaillard: The 111 has to do with the FAR, right? That's the increase in square footage.

Mr. Steinschneider: The 111 has to do with the FAR, yeah.

Boardmember Gaillard: So the addition itself is 200-something?

Mr. Steinschneider: 213 square feet.

Boardmember Gaillard: So these are two separate issues. The 111 is just the increase in square footage, then the other number is the paving, the coverage.

Boardmember Haddock: Okay, thanks.

Boardmember Griffin: On the final page, before the end of the presentation when you had the comparative numbers, are these essentially consistent with FAR at this point?

Mr. Steinschneider: No. For us to do an FAR calculation of the neighboring homes, very often to me that feels like a little bit of a magic trick. Because what you're doing is hypothesizing that if I take that lot area and I take what they're showing in Greenburgh as living area, those can calculate the number. That's actually not how your FAR works. So I could come up with something that sounds close to being right, and it's not. I could come up with something else that sounds like it's, you know, very different than it should be and actually *is* compliant. So to really do that we'd need to know a lot more about the spaces in the house.

Boardmember Griffin: The reason I'm asking that is that while, you know, you can look at these numbers and see this certainly falls within the line and, in some cases like smaller, yet it does ... you know, you're asking for a variance on the FAR. I guess my question is, is that common on Calumet for houses to exceed the FAR? And I only ask that because it's kind of like the guideline. And I understand that in some neighborhoods older houses (cross-talk) a half of a lot.

Mr. Steinschneider: If you extrapolate from it ... and I do want to point out again that it's kind of ... I'm using a lot of fruits to try to figure out a vegetable dish. You know, they're a little bit different. So if I'm looking at the lot areas and all the lot areas are kind of within the same realm then the living areas kind of fit – they're all kind of relatively similar – and the footprints are also we're kind of in the middle of that with the addition. The logic is that we would be consistent with the neighborhood with our FAR.

Boardmember Griffin: Okay.

Attorney Whitehead: Richard, FAR is fairly new in your code. It was only adopted a couple of years ago.

Mr. Steinschneider: And if you'd like a recommendation ...

Chairman Quinlan: I'd just like to talk about the rear yard paving in the required yard. The variance is 173 square feet, which is the proposed. To me that's a significant increase, right? – 173 square feet over zero. So let me ask you now, the house that's there now. Do they have any patios in the back?

Mr. Steinschneider: Yes, they do. This drawing, if you see that arc that's a lighter gray and then the dash line coming across, that's their existing terrace.

Chairman Quinlan: Could you go up and just show me?

Bldg. Inspector Minozzi: Paddy, just take the handheld.

Mr. Steinschneider: So this is existing, and this comes across here. This is actually the line of the backyard. And I think ... I mean, what we're really talking about is this strip and this piece of the hot tub. If we didn't do that you'd have a tough time making use of what this is for, although we do have a nice view over here which has no ... you know, that's not encroaching in any way. It's completely accommodated. So I just think this is a nicer design and this is great. And we're doing a lot of things that will make ... I mean, we've already completely changed the water on the street with what we did in the front. We had a situation where it was kind of "Lake Wallach." When we get storms the water would come down the street from, I think of it as Clinton.

Bldg. Inspector Minozzi: That's Villard .

Mr. Steinschneider: It was coming down South Calumet and there was kind of a weird condition with a tree root, a curb, and a sidewalk. So the water would jump that, come onto the sidewalk, and go down their driveway. It would be like feet of water. And we, with a very slight touch, just got the driveway to work. So you don't even notice we've done anything different but the water doesn't do that anymore. So we have actually improved that. And one of the little things we did is we put in a lot of storage. So we're capturing a lot more water and getting it back into the ground than what used to happen from that property.

Boardmember Gaillard: Maybe one data point, Jerry, that would be helpful is from the property line extending ...what direction is that, north?

Boardmember Haddock: What is the dimension?

Chairman Quinlan: West, right?

Mr. Steinschneider: You mean how far is that going?

Boardmember Gaillard: I think that would be helpful, from the property line.

Mr. Steinschneider: Right. From here to here is 85, and from there to there I think is 35. So we're going approximately ...

Boardmember Haddock: Is that showing on the site plan?

Mr. Steinschneider: Right, I think we did. So we're going about 4 feet ...

Attorney Whitehead: In the rear.

Boardmember Gaillard: That's the add.

Mr. Steinschneider: You know, we're going about 4 feet into the rear yard.

Boardmember Gaillard: So the patio's already there.

Mr. Steinschneider: We're not up ... in fact, we've got 10 feet from the edge of this before we hit the trees – that are giving you a jungle – before you get to the neighbor's yard, which is also landscaped.

Chairman Quinlan: Okay, thank you. So Paddy, did you give your name and your address?

Mr. Steinschneider: I didn't. I figured, you know, everybody knows Santa. Gotham Design, long history here in the Rivertowns.

Chairman Quinlan: All right, thank you. So there's no questions. And it seems pretty clear it's not a big deal, but if someone would like to say anything other than that let me know.

Boardmember Heitler: I think it's generally straightforward, the continuation of the existing nonconformance. I think the FAR is, the variance is, "de minimis." That's a word that is a buzz word for this board, but in this case (cross-talk) ...

Mr. Steinschneider: Buzz word for me, too.

Boardmember Heitler: ... it seems true. And I think the only one that's stopping me a little bit is the combination of the paving and development coverage, only because the intent of those things is for permeability and water management and all those other things. So it does seem like a relatively small add and we should resist the temptation to redesign. But is there any way to consider some permeability of that patio?

Mr. Steinschneider: Absolutely. And in fact if I were on a board like this and I was making a recommendation of what somebody like myself would have to do I would say we're concerned about those issues here in the community – because it is tight-knit and you never know if you've got water that's running off your property 'cause you've increased the impervious surface – and who it's gonna affect. So what would make us feel more comfortable is if instead of just picking up the delta of additional paving you pick up everything that's coming on that area so you're actually improving it over existing conditions. You're reducing the chance of anybody being adversely affected.

Attorney Whitehead: Well said [laughter].

Chairman Quinlan: Well, Patrick, now you know why I'm surrounded on both sides by architects. That really helps me out (chuckle), it really does. Anything else? All right. Can I have a motion? Can we do them all one at a time? What do you want to do?

Attorney Whitehead: You can do them all in one, but do we want to put any conditions related to the issue of what you just heard, Josh, and what you raised?

Boardmember Heitler: Yes, but I might need some help phrasing it. Is the idea to improve the water runoff so as to counteract the additional captures?

Bldg. Inspector Minozzi: Are you going to capture the water or are you going to use a more pervious paving?

Mr. Steinschneider: We're going to do a combination. And what I've done with a lot of this successfully, 'cause I prefer a terrace that feels more natural, where water can go in. But I have also found that doing a rock base – you know a crushed stone base – the water still doesn't necessarily get down deep enough before it's flowing out. What I find better is to calculate the area and put in a capacity of square feet of CULTEC units that are buried down deep enough that when the water goes into the ground it's not only not coming out and affecting anyone else but it's also not affecting our client. You know, we don't want the

water to be in the place where it's coming in and making their basement damp or something like that.

Attorney Whitehead: So I can make a suggestion.

Boardmember Heitler: You want to phrase that for us?

Chairman Quinlan: Please.

Attorney Whitehead: [Laughter] I can reinterpret that to say I'll repeat it again at the appropriate time. So the condition would be: "The use of pervious pavers on the additional terrace area that are within the setback, within the required yard. And also the provision of sufficient storage for the stormwater runoff to the satisfaction of the Village's consulting engineer."

Mr. Steinschneider: Sounds great. Sounds much less than what I was saying.

Boardmember Gaillard: Are you going to add that? I missed that.

Chairman Quinlan: No, no, she's going to add it when the time comes.

Attorney Whitehead: Does that cover you, Josh?

Chairman Quinlan: Just one other thing I want to mention before we vote is that the FAR is small. But I was here when we discussed and passed that law. The idea was to stop big houses and big projects on small lots, okay? So for members the board, that's an important thing that we're trying to stop in the Village. It may be diminishing or small and everything like that, but I just wanted to (cross-talk) ...

Mr. Steinschneider: It still matters.

Chairman Quinlan: It still matters, but in this case I think we can live with it. But let's just keep that idea. That's why we passed it, for anybody that's listening. Let's not get any ideas about putting big houses on small lots, okay?

Attorney Whitehead: And again, this was 111 feet of additional floor area. Again, for the record that helps.

Chairman Quinlan: Yes, thank you. All right Brett, go for it.

Boardmember Gaillard: I'll make a motion "to approve case number 22-23, Ari and Sharon Wallach, 25 South Calumet Avenue. Relief from strict application of Village Code Sections 295-68F.1(c) w/296-55A, 295-68F.2(a)(2), 295-20C(2) and 295-53.1 for construction of a rear yard addition and patio at this single-family dwelling located at that address." I don't have to read through all the ...

Attorney Whitehead: You can say "with the variances as listed."

Boardmember Gaillard: "With the variances as listed and the condition that Linda ..." (cross-talk)

Attorney Whitehead: And: "the condition will be that the additional terrace area in the required yard utilize pervious pavers and that sufficient stormwater storage be provided to the satisfaction of the Village's consulting engineer."

Boardmember Heitler: I'll "approve."

Boardmember Haddock: "Approved."

Boardmember Griffin: "Approve."

Chairman Quinlan: And I'll "approve" it also.

On **MOTION** of Boardmember Gaillard, **SECONDED** by Boardmember Heitler, with a voice vote of all in favor the Board resolved to approve the variances required for construction of a rear addition and patio at the single-family dwelling located at 25 South Calumet Avenue. Specifically, the variances approved are as follows:

1. Side Yard Setbacks: Side 1/Side 2/Total of Both: Existing and Proposed – Side 1, 5 feet/Side 2, 15.08 feet/Both, 20.08 feet; Required – Side 1, 12 feet/Side 2, 18 feet/Both, 30 feet {295-68F.1(c)}; Variance Required – Side 1, 7 feet/Side 2, 2.92 feet/Both, 9.92 feet
2. w/295-55A – Extension of an Existing Nonconformity
3. Development Coverage: Existing – 34 percent; Proposed – 41 percent; Required – 35 percent maximum {295-68F.2(a)(2)}; Variance Required – 6 percent
4. Paving in a Required Yard: Existing – NA; Proposed – 173 square feet; Allowed – None {295-20C.2}; Variance Required – 173 square feet
5. FAR: Existing - 0.387; Proposed – 0.420; Allowed Maximum– 0.400, {295-53.1}; Variance Required – 0.020

Chairman Quinlan: Good luck.

Mr. Steinschneider: Happy holidays, guys.

Boardmember Heitler: Thanks, Santa.

III. DISCUSSION

Proposed Local law C of 2023 – a local law to amend Chapter 295 Zoning of the Village of Hastings-on-Hudson to add provisions for a multimedia production

Chairman Quinlan: Okay, anybody want to go home if they want to? This is a good time.

Attorney Whitehead: Do you want me to give an introduction and then let the applicant present?

Chairman Quinlan: I'm going to let you do that, but let me just get this guy's name. Welcome to Hastings.

William Null, Cuddy & Feder LLC: Good evening, Chairman and members of the board. I'm a partner of this firm in White Plains, 445 Hamilton Avenue. I'm here tonight on behalf of Electric Owl Studios. Dan Rosenfelt is here as a principal, and I've got other consultants with me in the event questions come up that need their input. I can introduce them if needed.

Chairman Quinlan: That's fine. If they have to say anything they can tell us. Well, welcome to Hastings. This is your first time before this board, although we are quite familiar with your firm and you're always welcome here.

Mr. Null: Thank you very much, I'm happy to be here. It is my first time before this board. I've done this a few times otherwise.

Chairman Quinlan: Linda, please.

Attorney Whitehead: Let me give a little background, then I'll it over to you. We've done this a few times, but the applicant has submitted a petition to the board of trustees for a zoning amendment which will allow for a new use called the Multimedia Production Studio. As part of the process the board of trustees is required to refer to you any zoning text amendment or zoning amendment. And per the code, you are to review it and make a report stating your views as to the desirability and practicability of the proposal. That's sort of what

you're supposed to be doing.

Boardmember Haddock: As to their proposal, or the proposal to change the zoning?

Attorney Whitehead: The proposal to change the zoning. They're kind of tied together in this case ...

Chairman Quinlan: Kind of mixes together.

Attorney Whitehead: ... because the zoning is designed to permit their proposal. That's why we wanted the applicant to present the proposal to you so you would have sort of, Okay, so this is what the zoning will allow. Do we have any comments on it? We're going to let the applicant do that, then I'm happy to walk you through the actual zoning text or answer any questions.

Mr. Null: What I'd first like to do is just give you a general overview of the site, then introduce Dan Rosenfelt to describe the use itself. I'll come back, then, to more particulars about the site, if I can. This site is the site of the Graham Windham School, which is a school district in and of itself. It's a 25-acre site, fairly steeply sloped. You can see perhaps the topo lines on the plans here. You may be familiar with it if you've gone inside the site. There's kind of a plateau towards the western side of it on which there's an administrative building that's fairly iconic, with a large rotunda. You see that from the driveway when you come in. The school itself has sort of teal-covered roofs on the northern side. The school is gonna remain, and what the school's interested in doing is essentially monetizing the value of the land it has.

The concept is that we would divide into two separate parcels, individually owned. The school would continue to own about 7 acres, and Electric Owl would own about 17-plus acres. I'll get into the particulars of the site plan, but I'd like to introduce Dan Rosenfelt to be able to describe to you what is a multimedia production studio, and why here.

Dan Rosenfelt, principal – Electric Owl: Hi, everyone. Thank you for your time tonight. I'm a cofounder of Electric Owl Studios. Even though I'm 31 years old I'm celebrating my 25th anniversary in the film and TV industry, and it's been a really wonderful career so far. Electric Owl is my third studio project. I grew up in Philadelphia and worked in film there, then Los Angeles for 15 years, and I live in Atlanta now. We just opened our first Electric Owl Studios in Atlanta, Georgia. This would be the second one.

For those who maybe don't know what a film production studio does, we essentially build large sound stages, production offices, and ancillary space for third-party films and TV

shows to come in and lease our space and film their TV series or feature films with us; maybe commercials sometimes, but usually on this scale we get films and TV shows. It's essentially a short-term stay for films and TV shows. A TV show for a full season will be about 6 or 7 months and they will lease between 40,000 and 80,000 square feet of stages for a TV show. A large-scale movie would lease all the stages, at 120,000 square feet, plus the production offices. We take care of them while they're there, we make sure the facility is operating correctly and they're following the rules, that the buildings aren't leaking and all that fun stuff. We just make sure the production enjoys their time at the studio, then help them move out and bring the next show in.

There is a ramping up and down of productions as they move into a film studio, so in the beginning of a TV show there may be four people that start the production offices. They'll move in and kind of get their phones set up, get their Wi-Fi going. The people in the production offices are the kind of planning staff: the producers, the accounting departments, and their assistants, who are planning out this whole production. Then as the weeks move on the production office will fill up and they'll bring in their construction team next. They move into the mill space, which is just warehouse space on the lot where they start to build sets and props using lumber and putting them together in the mill. Then they move those sets into the stages, during which time more crew will start to come in who are ... you may have seen the word "gaffer" or "grip" in credits of a movie or TV show. The gaffers are electricians and grips who move things around. They come in and start bringing in the lights and cables.

The production ramps up, depending on how big the show is, to between 80 to 200 people. While they're filming is when it's the busiest on the lot. They're in all the buildings, they're filming in the stages sometimes. One day they may be filming at the studio lot, the next day they may go on location somewhere in the area to go film somewhere else. Then the lot is kind of quiet again. So it kind of ramps up and then ramps back down at the end when they take all their sets out of the stages and recycle those. They bring everything out, then the circus leaves town and the next group comes in.

That's the general concept of what a film studio like ours does. Everything takes place inside the buildings. It's very rare – especially in our confirmation – we don't have a back lot where they can build outdoor sets. We don't have that in Atlanta and we didn't have it with our previous studio either. So everything's contained inside the buildings, and essentially our staff just takes care of the production to make sure they have a safe, easy time filming their show. Thank you very much, appreciate it.

Chairman Quinlan: Thank you.

Mr. Null: So we evaluated the site for design and layout. And as Linda correctly noted, the

zoning we submitted in December of last year was crafted to enable us to have six sound stages and three mill buildings, all of which are highly insulated so it's quiet inside when filming is taking place. We added additional insulation to the mill building so it's quiet outside and not impacting anyone.

On the site right now there are several buildings that are in various states of repair or disrepair. They've been modified significantly, as it was a residential school and was kind of patched together and cut up for different uses. We're gonna be able to maintain the administrative building, which is the iconic building I described before, and two of the buildings on the top, upper campus area, as well as the building that's at the gate to begin with. The rest of the buildings – and I think there are three others – are proposed to be removed. I want to see if I can go to the plan.

This is the existing site, just showing you the steep-sloped area. As I was mentioning, it's fairly challenged as far as sloping areas. On the upper left-hand corner and to the far left it drops down to the Old Croton Aqueduct. There's nothing that's gonna be built back there. You can see there are hills that limit where you've got flat area for studios to be laid out. This is the design for the proposed development. What we needed to do is to have a driveway that would enable us to bring vehicles and trucks up for loading and unloading and circulate with the appropriate radii, the buildings on the south and the sound stages. There are no windows on the southerly side or on the westerly side, they're all closed and insulated. There's no desire to have light inside and no proposal to have any openings on the south side except what may be needed for emergency egress purposes and conforming to building and fire code.

The buildings on the west side, the two that are connected just to the west of the administrative buildings, are mill buildings. And the building on the far right side, on the east side, is also a mill building. Those are the buildings that Dan spoke about where sets are constructed and work is being done. The building on the north, the big rectangle on the north, is a parking structure; three levels of parking structure sunk, essentially, into the ground so it stands no higher than about 18 feet – 15 to 18 feet. The lowest level will provide parking for the school, 100-some-odd parking spaces. The other two levels that are gonna be accessed via the driveway itself rather than internal ramps will provide parking for the studio use we're proposing.

We're looking to create a destination place where the people who are gonna be there, as Dan was describing, for five months or so can feel a sense of location that's different than the industrial studio type of operation otherwise in the area; Lionsgate and that sort of thing. Also Lionsgate – which is a studio, as you probably have heard, in Yonkers – does its own film production for its own purposes and its own marketing. This is really for independents

who are looking to find a place that's state of the art and sustainably oriented. We're gonna have solar panels on the roof, we're gonna have green roofs on the mill buildings, and we're looking to have outdoor areas where people can sit and enjoy the river views from the western portions of the property, as well. I don't know to what extent you want to see details of the buildings themselves. I don't want to take too much of your time

Attorney Whitehead: Let's see a few of the renderings to see what the building's going to look like. Jerry said no.

Chairman Quinlan: No, I didn't say that. I was thinking about something else. Inside the buildings, he said.

Mr. Null: No, not inside the buildings.

Chairman Quinlan: Oh, the renderings. I don't need to know the inside of the buildings. These are the renderings?

Mr. Null: This is what the entrance to the site would look like. As I said, the building at the entry is being preserved. Sorry, this is an aerial view. You can see the studio buildings, and the school buildings are the teal-roof buildings here. The administrative building at the back here is gonna remain, and the garage itself is ... no building is taller than the administrative building itself. That stands above. I think that's what I have. There's the administrative building also. We tried to make it so there's a pedestrian area and a walking campus for people to actually be outside. But not for any filming to occur outside, just for a sense of place and appreciation of the location as we have it. I've got much more. I don't know what's relevant.

Chairman Quinlan: Renderings? Something like this, more like this?

Mr. Null: No, this is what I have for renderings themselves. I mean, I've got sections and things like that, but that's really potentially more site plan oriented than what you may want. But I'm happy to show you whatever you want to see.

Chairman Quinlan: Anybody else want to see any more?

Boardmember Heitler: Could you go back to the overhead kind of full campus render?

Mr. Null: Yeah, let me see if I can ...

Boardmember Heitler: Actually that's one that we haven't seen.

Mr. Null: Right, and you can see the green roof on the lower left.

Mr. Rosenfelt: And this is from the river side.

Mr. Null: Sort of a drone kind of flight looking down, but essentially from the southwest river direction. And you can see in the lower middle here a sitting area. And you can see how the garage sits low on the site well below the administration building, and the pedestrian area that I'm mentioning with the two buildings. You can see these two buildings sort of almost center on the image that are existing buildings that are gonna be improved but kept in style and character.

Bldg. Inspector Minozzi: What's their purpose going to be, you don't mind me asking?

Mr. Rosenfelt: Production offices, kind of like (off-mic).

Boardmember Gaillard: Can we go back to that plan, unless you want to look at this more?

Boardmember Heitler: I do have one more question just about the green roof that is on the ... kind of in the foreground here.

Mr. Null: Yes, here?

Boardmember Heitler: That is not accessible by the public, right?

Mr. Null: Correct.

Boardmember Heitler: That's simply a green roof.

Mr. Null: The whole site is really gonna be secured and not accessible to the public. But the green roof will not be accessible to people on the site using it either. It's really for stormwater management. And what you don't see on the studio buildings are the solar panels that are gonna be there. They weren't rendered into it, but the idea is to produce as much solar energy as we can to help in what electricity the site's gonna use. And you asked about the site plan. There we go.

Boardmember Gaillard: How many loading docks are ...

Mr. Null: So the loading for the building will primarily be internal. The trucks will actually

be able to pull inside the building, unload, and then depart. So we don't actually have loading docks. And the trucks generally are not gonna remain on-site after doing that.

Boardmember Gaillard: And what's the assumption for the size of truck the buildings will accommodate?

Mr. Rosenfelt: (Off-mic).

Bldg. Inspector Minozzi: You have to come up to the microphone, please.

Mr. Rosenfelt: Yes, of course. The majority of trucks are box trucks, typically like 12-foot, 10-foot box ...

Boardmember Gaillard: What's the maximum size trucks? I'm sure you guys figured that out, what the maximum size truck that can fit into one of these buildings.

Mr. Rosenfelt: The elephant doors are 20 ...

Mr. Null: You're talking about fit into the buildings?

Mr. Rosenfelt: Let me ask John Canning, who's our traffic engineer, to be able to answer that with specifics.

John Canning, Kimley-Horn: Good evening. Kimley-Horn is at 1 North Lexington Avenue, White Plains. The site has been designed to accommodate what's known as a WB-50 truck. It's a 55-foot long tractor trailer so it's not as big as the biggest ones.

Boardmember Gaillard: That's from nose to tail, that's not the cab ... I mean, not the body.

Mr. Canning: From nose to tail it's 55 feet, and it's the largest vehicle that's permitted on the streets of New York City without a special permit.

Mr. Null: And it's also been designed to accommodate fire trucks, which are sort of similar in size. So the radii on the site has been made so we can ensure that if we need to bring a truck like that in we can. And what Dan was saying is, most of the trucks that are used are much smaller than that.

Boardmember Gaillard: But does each of the six studios assume that that size truck could fit into it if needed?

Mr. Canning: Yes.

Boardmember Gaillard: Okay, thanks.

Mr. Null: That was a "yes," in case the microphone didn't pick it up.

Chairman Quinlan: No, that's fine.

Boardmember Gaillard: That was just my question.

Chairman Quinlan: All right, anybody else has a question just chime in.

Mr. Null: So all the setbacks, all the coverage, all the FAR is designed to accommodate what we're proposing here. These sound studios require 40-foot clear, floor-to-ceiling without support columns for being able to set up scaffolding and lighting up above and to have a stage and flexibility internally. So when we calculated the FAR – and we just submitted a letter to the board of trustees earlier this week – we counted it in the manner in which you calculate FAR for residential. So we double-counted the 40-foot height. We also counted the parking structure, and we've designed this so we're consistent with what the regimen is in your zoning ordinance.

Chairman Quinlan: I just have a few questions, just to get into the zoning. Do you have anything else you'd like to present?

Mr. Null: No, thank you.

Chairman Quinlan: It's been very good. Thank you so much. Let's just talk a little bit about the zoning itself; it's what we're here for. I don't know what this means, and maybe Linda can explain it to me, or Charles, or even you. The minimum lot shall be 150 feet. How does that play into this zone, and why?

Attorney Whitehead: Most zoning has a minimum lot width, so your minimum lot width would be like the width of the property on the Broadway frontage. It's to avoid having something squeezed into a very narrow lot. Minimum lot width is a pretty standard zoning criteria.

Chairman Quinlan: Yes, it's 150 feet. But do we even have lots anywhere in that? It's one lot.

Attorney Whitehead: No, that's a criteria for a lot. In order for a studio to be approved on

a lot the lot has to meet that.

Chairman Quinlan: It has a width of 100 feet ?

Attorney Whitehead: Correct.

Chairman Quinlan: No length, no nothing?

Attorney Whitehead: It has a size, a minimum lot size: 10 acres.

Mr. Null: Ten-acre minimum lot size.

Chairman Quinlan: Ten acres, okay.

Mr. Null: And the design of this zoning was as an overlay district. So it's not a special permit applicable to every R-20 property, but it's a legislative discretionary decision by a board of trustees as to whether the site itself is appropriate for this sort of use.

Chairman Quinlan: Which is a good idea.

Attorney Whitehead: It's a good protection.

Chairman Quinlan: Definitely.

Attorney Whitehead: I think you've all see the memo that Pat Cleary, the Village's planner, did, talking about the options and why we believe this was the best option from the Village's standpoint to do it as an overlay.

Chairman Quinlan: So how tall is the administration building?

Mr. Null: I think it's about 60 feet. As you know, that's the top of the hill.

Attorney Whitehead: It sits at the highest point on the site, right?

Mr. Null: Yeah, and I'm not sure. Is it 60 feet to the crown of the rotunda or 60 feet ...

Chairman Quinlan: That's fine. And yet the studios you say are no taller than 40 feet?

Mr. Null: Internal height. They're actually about 53 feet or so on the outside – 55 feet – because you need the structure outside that 40-foot clear to support that span. Then there'll

be PV panels – you know, photovoltaic solar panels – on the roof. So I think we put in that the height is 55 feet. What we've done is to try and set those studios low and follow the contours so they're less visible that high from outside the site. But that is the height when you measure it under the zoning ordinance.

Chairman Quinlan: All right. So you need 53 feet.

Mr. Null: Fifty-five feet.

Chairman Quinlan: So the building coverage looks fine in my opinion. Maybe we can talk, Josh, about the impervious coverage of some of the buildings. I don't know if that's important. Like what are we going to do with the rain, and things like that.

Mr. Null: Right now the site has virtually no stormwater management. And we're gonna have not only green roofs but we're gonna have stormwater management on the site itself, of significance.

Attorney Whitehead: It's under review. There's already been one round of review, but the Village's engineer is looking very carefully at that (chuckle).

Chairman Quinlan: I was having some discussion with the attorney before the case was called. I certainly understood the front yard is the 150 feet deep from Broadway, then the side yards are 50 feet. But then from some of the renderings I saw the day before yesterday – so Tuesday – it looks to me that studio 5 and 6 need less than 50 feet, right? They're 38, I was told.

Mr. Null: Correct. At that point there is a buffer area – not owned by us, but a buffer area – between our southern boundary and Dudley Street.

Chairman Quinlan: Yes, I wanted to ask about that just for my own education. Riverpointe owns some property along Dudley Street. Is that (cross-talk) ...

Attorney Whitehead: So Riverpointe Condominiums are just the townhouses. They own out to Dudley and sort of that piece. It's part of their open space area, part of their common areas. So it's owned by them. They were a cluster townhouse development.

Chairman Quinlan: Right. So you're talking about this here, between the street?

Mr. Null: Mr. Chairman, I put on the screen the area we're talking about.

Chairman Quinlan: So what do they own?

Attorney Whitehead: Jerry, you want to hand me that and I'll kind of mark it on there for you.

Chairman Quinlan: I mean, I think I know.

Mr. Null: If I may, this is Dudley Street here – called out over here. This is the distance Riverpointe owns, and this is ... it's 32 feet actually at this point from the sound stage to the southern boundary. From that point – Riverpointe had asked this at the last board of trustees meeting ...

Attorney Whitehead: River Edge.

Mr. Null: River Edge? I'm sorry.

Attorney Whitehead: River Edge is the apartments. Riverpointe is the condos, the townhouses.

Mr. Null: Okay, this says Riverpointe homeowners on this survey.

Attorney Whitehead: Riverpointe owns that, the townhouses owns that.

Chairman Quinlan: Riverpointe is in Hastings and River Edge is in Yonkers, right? 'Cause I go biking by them; they're right on the Aqueduct.

Mr. Null: So we measured the distance from the pool that's here.

Chairman Quinlan: I never even realized they had a pool. It's behind the townhouses.

Mr. Null: We were asked about ...

Attorney Whitehead: The townhouses are over here.

Mr. Null: This is the co-op.

Bldg. Inspector Minozzi: That's the apartment building.

Chairman Quinlan: So that's Yonkers.

Bldg. Inspector Minozzi: We own the pool. The pool's in Hastings, but the apartment building is in Yonkers.

Attorney Whitehead: So some of their property is in Hastings.

Chairman Quinlan: The taller ones, and Riverpointe of course is condos.

Mr. Null: One of the concerns that was asked was what the distance from the sound stage to what we did: the southerly edge of Dudley Street. It's 150 feet from our southern boundary line to the southern edge of Dudley Street ...

Chairman Quinlan: That's plenty.

Mr. Null: ... with another 32 feet between us and the studio itself. And there's landscaping we're proposing along this edge. And as I said, no windows, no openings, you won't see any lights from that area. It's 165 feet from this corner to the southern edge of Dudley Street, just to give you a sense of distance.

Chairman Quinlan: So the FAR, the floor area ratio, is 0.75, which is also big. And the lot area, is that the 10?

Attorney Whitehead: The lot area is actually about 17.

Mr. Null: Correct. It's a minimum of 10 under the zoning ordinance, but 17 is what we actually have.

Chairman Quinlan: You say you have 17 acres, right?

Mr. Null: We'd have 17, then there'd be 7-plus for the school out of the 25 that I'd mentioned the site is.

Chairman Quinlan: So what's the lot area? I mean, we are FAR set up to ...

Attorney Whitehead: It's 17-point-something, the lot area.

Mr. Null: So the lot area is 17.3 acres.

Mr. Rosenfelt: Do you want it in feet? Is that what you're asking?

Chairman Quinlan: Well, it's usually in feet.

Attorney Whitehead: Not when you get to those big numbers [laughter].

Chairman Quinlan: No that's fine: acres.

Mr. Null: 753,000 square feet.

Chairman Quinlan: I was just wondering what it is. If it's 17 acres it's 17 acres.

Attorney Whitehead: What's interesting is when you added the FAR a few years ago it was done very much looking at a residential type of FAR ...

Chairman Quinlan: Exactly.

Attorney Whitehead: ... not really for commercial use like this. But they were asked to include in the zoning and FAR so that's where it came from.

Chairman Quinlan: I just wanted to know what the lot area was. It's 17 acres, so that's fine.

Attorney Whitehead: Plus.

Chairman Quinlan: And: "All new driveway entrances, structures such as gates shall be set back at least a hundred feet from the frontage along Broadway."

Mr. Null: So let me go back to that.

Chairman Quinlan: Is that where the building is there?

Attorney Whitehead: That's an existing building.

Chairman Quinlan: Yes that's existing. That's what I thought.

Mr. Null: The mill building is set back 150 feet. That corner, a portion of that corner, is in Yonkers. It kind of cuts across. And right now what's there is a tennis court – some tennis courts – and then to the west of that is a gymnasium building.

Chairman Quinlan: Where is that?

Mr. Null: I'm saying what's existing.

Attorney Whitehead: You want to show where it is?

Chairman Quinlan: There's a piece that's in Yonkers? Oh, there up in front.

Mr. Null: Is the line with Yonkers.

Attorney Whitehead: And as you drive by you see there's the tennis courts, there's that big gym building that will be removed.

Mr. Null: And we're removing the tennis courts. We're just gonna have it as landscaping. And we've kept the mill building 150 feet from Broadway.

Chairman Quinlan: And more than 50 feet from the property line.

Mr. Null: Correct.

Chairman Quinlan: Okay, let me just see if there's anything else that has to do with zoning. This has nothing to do with you, but just in terms of our comments I don't know if everybody agrees with it but it seems like the reduction in the yard setback has been given to the planning board. And I know they've been very ... you know, doing a heck of a of work on this project. But I would like for the planning board ... since we do yard setbacks all the time maybe the zoning board should take a look at that. That won't affect you at all, trust me.

Attorney Whitehead: It would require an additional board.

Mr. Null: It would not be a variance requirement, though. It's sort of a flexible opportunity rather than requiring to meet the standards of an area variance for that.

Attorney Whitehead: It's a different standard that a planning board would apply as set forth here. There's actually criteria for the planning board to apply it. They can only do it if it's for a preexisting building or structure.

Chairman Quinlan: Or any new building.

Attorney Whitehead: Or a new building that's situated adjacent to a property that's not a developed residential lot. So in this case it's that vacant lot. The planning board doesn't have full discretion. Matter of fact, they don't even have as much discretion as *you* have on a variance.

Chairman Quinlan: That's fine. I just think it's a little bit ... probably will never happen, but I just want to put that in my comments. The other thing I think is important to talk a little bit about is not just the zoning but what is this going to do for Hastings because they all really run together. So in my opinion only, I don't think it's going to affect the schools, which is really important. The parking's going to be on-site, which is really important. It's going to, I hope, engender commercial transit in the Village to help our shops and downtown. And finally but not the least, we're hoping it'll help us with our taxes, as we need commercial. We have very little commercial in Hastings and this is, to my opinion only, the perfect way to remedy somewhat that problem finally.

In 1890 Graham Windham was ... an idea was started. It was one of the first child care agencies in the State of New York, and maybe in the country. We've received no taxes from them and they're a not-for-profit. I have to say this only because I'm also on the police commission. It's been a nightmare for the police department because there were a lot of problems there, and we don't have to go into what types. They were called down there a lot, with the fire department, ambulance, things like that.

Bldg. Inspector Minozzi: Fire department, ambulance.

Chairman Quinlan: You name it. So those are the positive things, at least as far as I'm concerned, and that's why I'm in favor of this overlay. I'm just hoping – and I'm sure the board of trustees has figured this out, too – that you have a very successful business while you're here. Okay?

Mr. Rosenfelt: Thank you very much.

Chairman Quinlan: That's it. Anybody else have any comments they'd like to make or any more questions about the zoning?

Boardmember Gaillard: I think my question is just about ... you know, I agree with everything you just said. I think zoning is about use which is about activity, and that's why I was asking you about the trucks.

Audience member: I'm sorry, could you speak just a little louder?

Boardmember Gaillard: Sorry. I'm just saying zoning, you know, is about use which is therefore about activity. That's why I was asking about the trucks. So I see on the table – and this might be a question for you, Linda, than actually for the team – I think the presentation was very clear. On the table they talk about car parking. Is there anything that

goes into this about truck traffic? I know there's been a lot of studies, and I'm not questioning those studies. And also, of course, to run this business you have to be able to load things in and out. So I'm not questioning that either. But I am acknowledging that that will be a ... those are very large trucks. It's not a UPS truck that's pulling in and out to six different studios at, you know, at a lot of different times in a residential (cross-talk) ...

Attorney Whitehead: So there was a full traffic study done. The Village retained its own traffic engineer to review the traffic study. There's been some comments back and forth, and I think at this point our traffic consultant was satisfied that all their comments had been addressed. So the board of trustees has all that information. They went through details on the number of trucks they anticipate, the truck route.

Boardmember Gaillard: But how is this codified in the ... is it codified in the zoning? And can it be?

Attorney Whitehead: It doesn't really codify into zoning. You did agree to a post traffic study.

Mr. Null: Post construction traffic study, yeah. And just so the board has more information, the various phases of the production that Dan Rosenfelt described are also ... there are times when trucks would be delivering things and there are times when trucks are really not active at all. So it's not a daily continuous flow either of passenger vehicles or truck traffic. And part of what was studied was, you know, when do they come on, what time, where do they come from. That was part of what we agreed to as a post construction analysis.

Boardmember Gaillard: I'm smiling because he did describe it as a circus, which is a big flurry of activity. I live on Broadway and just dealt with the Broadway roadwork, which ...

Attorney Whitehead: I'm sorry [laughter].

Boardmember Gaillard: Thank you.

Attorney Whitehead: Blame the state.

Boardmember Gaillard: I have.

[Laughter]

And yes, while it was temporary it was incredibly destructive. So I'm just asking the question, I'm not actually questioning ...

Mr. Null: I think the term "circus" was more a matter of packing up the tents than the actual continuous activity.

Boardmember Gaillard: But that means a lot of trucks.

Mr. Null: Only at the tail end when you're breaking it down and removing it at the tail end of a five- or six-month process and at the beginning, somewhere around the third month, when you're bringing things on-site. Other than that it's not gonna be ... we're not gonna have like multiple trucks coming throughout the days. That's not what was described, and that is what was reviewed and will be vetted once its constructed.

Attorney Whitehead: And the zoning does limit to only two productions at a time on-site.

Boardmember Gaillard: Oh, that's helpful to know. Okay, so it's not all six ...

Attorney Whitehead: There are some performance standards in here. They may be in all six ...

Boardmember Gaillard: But it wouldn't be six different entities occupying ...

Mr. Null: At most there would be two ...

Boardmember Gaillard: That's helpful.

Attorney Whitehead: At most it's two entities. They may be using all six stages.

Boardmember Gaillard: Okay, that's helpful to understand. Thanks for that.

Attorney Whitehead: That was incorporated. So there were some performance standards put in. That was one. We have no outdoor filming on the site unless they get a Village film permit.

Mr. Null: No food trucks.

Attorney Whitehead: Yes, they're going to do all their food prep. They're going to have food prep within the administration building.

Mr. Null: That lower level has a cafeteria in it that we're gonna use as the place for providing food service.

Attorney Whitehead: So there were some performance standards for (cross-talk) included.

Boardmember Gaillard: So that's the mechanism through zoning: it's the performance standards. Got it. I think that was my only question. See if anybody else has questions.

Chairman Quinlan: So let's hear from the people that are here that want to be heard. Thank you for coming.

Attorney Whitehead: I know they've been here and you want to hear from them. It's not a public hearing so you don't have to, but you certainly can.

Chairman Quinlan: Well, good. I'd like to. If you don't mind, anybody? I think they're here and I think just for transparency and everything else I'd like to hear what they have to say. So give your name and address, and try to be ... you know, hit the points, okay? And if something's already been said you don't have to say it again. You can just come up and say, "I agree" with this or that or something else. Just to keep it going. Go ahead.

David Skolnik, 47 Hillside: Good evening, thanks for inviting us to speak. I'll try to be succinct, I wrote some things down. I wanted to first say that I wanted you to appreciate that this was a very difficult decision to be here, given that in addition to this meeting there is the affordable housing committee meeting this evening; there's the parks commission; there's also a Democratic committee meeting. All of which, at some level, interest all of us. So it's a hard choice, but I've been following this a little bit so that's why I'm here.

One of the things is that I have spoken at different boards in the past expressing my genuine confusion about how zoning is done in general, how it is done here. The title of this committee is the zoning board of appeals so there is ... I sense something a little different about the work you did at the beginning of the meeting where you're actually creating zoning, which I take the overlay to be. That's one level of my confusion. Secondly, at the beginning of the meeting I believe the attorney, in passing, mentioned something in response to a question that in a situation like this the zoning was tied closely to the proposal itself. So the zoning is not an abstraction that you're coming up with. There's a relationship – maybe more so than in other cases – to the actual proposal. Which is why the gentlemen were doing a shortened version of the presentation they've done at other committees.

One of the things that's a little bit ... I'm going to a moment ... to the actual documents that were posted in the agenda. The first, under "multimedia production studio overlay district – purpose," it says, under the purpose, "the comprehensive plan." It refers to the comprehensive plan of 2011 a number of times. This, just conceptually I find a little bit

troubling because the comprehensive plan there was always a certain amount of visioning going on with that document. The other thing that bothers me is that we're in the throes, the midst, of updating the comprehensive plan. When someone comes to you and references comprehensive plan – and it's not only this project, it was mentioned a number of times with 1 Warburton – it sets up a little bit of a flag for me as to what exactly is being traded on this conception of our comprehensive plan. And what is it implied that our comprehensive plan is looking upon favorably. So that's a note.

One question is, I'm trying still to understand what it is that the current zoning would permit in terms of building out, in terms of the way it would affect the community, and what this project ... how it differs from what this project will do to the area. I'm not speaking ... I think you can project what the economic or various benefits economically could be after they've presented and as to some degree you've thought through. But that's also a little bit of, you know ... it's not clear. And as far as I've seen there's nothing that's actually worked through in detail what the ramifications and how economics can vary.

Again, the idea of if we did not approve – if you did not approve or move forward this idea of the overlay – what is it that the Village can do with the current zoning with this space. The answer might be nothing, but that's part of what I'm trying to get a better grasp of zoning in general. The vision, revised vision – I'm almost done so I appreciate it – there was just, towards the end, a mention of a commitment to do a post construction traffic study. I listened. That came up in an earlier meeting. While I appreciate it, I'm not – based on what I've seen I'm not – convinced, comfortable that the traffic issues themselves have yet been really studied and understood in depth.

I think those are the ... I'm feeling like the zoning issues, the larger zoning issues, are going to affect ... the other people that come here have been sort of I don't know if it's subsumed. They've been ... the presentation and the details of the lines, the boundaries, the focus I feel has in some ways disappointed as to what I was hoping to get from a more general idea of the concept of the overlay district. So thank you.

Chairman Quinlan: Thank you, David. I'll just briefly reply to some of that. And we're not going to have a debate here. Only the board of trustees can create zoning, we can't. This is an advisory opinion only. So that's that. Comprehensive plan, it's still the one we have in existence and I'm not sure the second one is going to change things. Luckily I was a trustee during the time of the comprehensive plan when we picked the members, and we worked on that for years. I think it's still a good document and always will be. The zoning right now for this part of Hastings is of R-20, so you can look that up for yourself

And that's about it. So, next?

Ida Susser, Pinecrest Drive: I'd like to raise some issues. I'm on Pinecrest Drive, so it's right near where this is happening. And I have been watching some of the Zooms, came to some of the preliminary meetings. But I'm not really sure how it got so far because I wasn't aware it was at the point of just about to be happening. But we're all just ... you know, not everybody's watching all the time. So I was very concerned from the beginning. I have a few ... I have looked at some of the plans, and to me it is ... I heard you discussing what the impact would be for Hastings, certainly about commercial. But I didn't hear any discussion tonight about the fact that the trees, the Aqueduct, the stream, the general area that's so important to me to how Hastings is special.

Looking at the picture there, it's not clear to me ... like that whole ... the one with the green roof. Will that be right as you walk down the Aqueduct, kind of coming down? I need to understand where that is. Then the parking lot also. How are these ... I haven't heard any discussion here about those considerations. Maybe that you've already discussed them and decided on it. But I did see that there's 271 trees being chopped down, and I have a question. Even all the pictures had trees in them. Apparently 271 trees of the old original trees will be chopped down. And as far as I know about ecology it says all original trees are counted. So those are questions.

The other thing, I'm wondering about these tractor trailers. Are they gonna go down to Warburton? Are they gonna go from Broadway down ...

Attorney Whitehead: No.

Ms. Susser: How does that road work?

Attorney Whitehead: The road ... I'm just going to answer this one.

Chairman Quinlan: Go ahead, please.

Attorney Whitehead: The road that goes down to Warburton is for emergency only.

Ms. Susser: Okay, well that's one of my questions I wasn't sure about.

Attorney Whitehead: Could I just ... I just want to interrupt for one second. A lot of these things you're mentioning, this board ... all this board's role is in this process is to review the proposed zoning and make comments back to the board of trustees. And the things you've been talking about are being reviewed by the board of trustees. If you look at some of the recent meetings before the board of trustees there was a lot of discussion about almost every

one of the topics you just mentioned. So they are the lead agency for review under the State Environmental Quality Review Act. They are reviewing all those issues. There's been a lot of material submitted relating to those issues and a fair amount of discussion on those issues. And those discussions are ongoing. They haven't made any determination yet.

Ms. Susser: But I understand that *you* make a recommendation.

Attorney Whitehead: But this board only makes a recommendation about the proposed zoning, not the project.

Ms. Susser: Okay, so then what about this one question is: has been – and maybe there is ... I know the original zoning is single-family, like you said. About the different taxes that would come to the Village for our ... if it stayed that way and you took maybe some other project, that analysis comparison?

Attorney Whitehead: They've submitted information on what the tax benefits, what the taxes would be, to the Village, the town and the school district for this use; for a single-family development without knowing how many houses it would be. And obviously a single-family development would have a burden on the schools that this doesn't have, different kinds of burdens on the municipality. So it's not just the taxes paid but it's also the expenses that are incurred by the Village and the school district. So there is a financial analysis that's included in the documents (cross-talk) ...

Ms. Susser: That compares?

Attorney Whitehead: ... that were submitted pretty early on.

Ms. Susser: Compares with single-family?

Attorney Whitehead: I don't think there was a full comparison done because they haven't laid out a single-family subdivision on the site. But it's 20,000 square feet zoning on 17 acres, so ...

Ms. Susser: Because there's a whole need, as somebody mentioned – affordable housing, things like that – that single-family would have a lot more to offer. So anyway, these are questions. I'm glad it hasn't got to the point of if you say yes it happens, but I did want to bring them up here.

Attorney Whitehead: We're not at that point yet. This board doesn't have the ability to have that power.

Boardmember Heitler: With great power comes great responsibility.

Eva Levine, River Edge: (Off-mic).

Chairman Quinlan: Please come on up.

Ms. Levine: Hi. You've seen me quite a few times. I live at River Edge, not Riverpointe. It's a co-op apartment building. We are 250 or so people, most of us own our apartment. We've been ignored in this whole thing. I realize we only pay taxes on the pool and barbecue area, which is our only outside area, although they tell me the terrace is in Hastings. I don't know. But even on their original drawing and the one they had the other night, if you look for us we're eight stories high. There's a smudge at the bottom, that's us. The townhouses are about this high, they're single-family. I'm very inept at tech. I try to send you guys and the board, trustee board, a video of what they're talking about down Dudley.

Attorney Whitehead: It came through. It came through to the board of trustees.

Ms. Levine: I probably sent it five times. I'm sorry if you got it five times.

Attorney Whitehead: I only got it once [laughter].

Ms. Levine: Okay, thank you (chuckle). But I tried to show with the buildings the way they exist now that they're gonna take down there's lots of light that comes through. I face that way. The trees, at sundown it's gorgeous. They're putting up this 30 feet from the street. That's a solid wall of buildings that's facing us. You'll see on the video we are down in the hollow. I could hear the kids from my window yelling. I can't imagine what we're gonna hear, what the air is gonna be like. They put that viewing thing right ... that's going right over our pool. And that's, I think, the highest building over there. Or maybe not, but they're all high. The administration building that they have is not historical. If you heard their presentation, it's gonna be beautiful for everybody inside. But the rest of us, too bad.

I understand we're Yonkers, we vote in Yonkers, we only pay there. But we're 250 people, about, that they are ruining the whole thing. The hill itself, if you just drive down Dudley you'll see where they're gonna be. They are towering over us. And I heard with the private houses there was concern about that. There's also concern ... Hurricane Ida, we were flooded. I can see the water that goes down that street. They're pulling out all the trees with established roots. The ones they're putting in are not gonna hold that. But it came down off of Lenoir Preserve into us and right down our driveway from the street. The other thing is, Lenoir Preserve is the only preserve in southern Westchester. They're blocking the wildlife

that goes through, they're blocking the light. They said they're putting a butterfly garden on the top of that roof. Of course nobody can go there. You go by that parking lot at Lenoir, I went by today at about 4:35. There were still like 15 cars in there. People are there every day. There are three schools connected with Hastings that use that property. This whole area, they're wrecking all of Dudley. Anyway, I'm just hoping you guys consider the fact that we do live there.

At this point there is nothing to do with us. Not one word about us, not one word about Lenoir. Also not one word about artificial intelligence and the projection for movies within five years. You had artists and writers and actors all on strike because of it. You had Tom Hanks on all sorts of things. He was used for some commercial and he had to get a gun. Everybody thought it was him. They did that in a room somewhere. So you could have a huge building – well, (unintelligible) move – but you're gonna have this wall. If that's true who's gonna be in it? So I am really hoping you'll consider ... oh, and they were asked to make another site drawing. This is the original site. All they did was make the buildings taller and connected them more. And they said they soundproofed the mill studios. It's pretty much the exact site. If they take that other building down they can do a whole 'nother site and move it in 150 feet and it'll be away from everything. If it's an industrial site it doesn't have to be beautiful for the people. But there are residents, we live lives around this. People work, people sleep, people get up in the morning. They said the tractor trailers would start at 5 a.m. They have a 100 or 150 feet coming from Broadway, but not us.

So anyway, that's what I have to say. Thank you for listening.

Attorney Whitehead: I just want to point out to the board, if you look at all the materials that have been submitted there's actually been a lot of visual analysis and different views taken from Lenoir Preserve and along Dudley from, actually, the pool, from different areas. There's been actually ... it's been looked at a lot. They have not been ignored.

Chairman Quinlan: Anybody else?

Bill Kernisky, Pinecrest Drive: Thanks, everyone. I'll be brief. My family has lived in this town for 40 years. So thinking long-term – I think the prior people have brought this up but – specifically, when we change these zones, what's to say ... and I think actually this group, while they may do good works they also have a record of changing zones and then changing what kind of property is. So what's to say that this is a movie studio today and it's like, you know, once they rezone it some other kind of commercial in a year or two or ten years, right? When I think (cross-talk) ...

Attorney Whitehead: The zoning only allows for the movie studio. It doesn't allow for a

different commercial use.

Mr. Kernisky: So if they wanted to change it in the future they would not be able to. It'd have to say with this same (cross-talk) ...

Attorney Whitehead: Or they'd have to come back to the Village board and get a new zoning amendment approved and go through this whole process for whatever that use was going to be. They wouldn't have a right to just do another commercial use.

Mr. Kernisky: Okay, I appreciate that.

Attorney Whitehead: The underlying R-20 zoning stays in place.

Mr. Kernisky: Okay, thanks.

Chairman Quinlan: All right, thank you. Anyone else?

Mr. Null: Can I just make one point of clarification? Trucks are not gonna begin at 5 a.m. I just want to make that very clear. There were traffic studies that were presented, and we're not starting at those hours. I don't want it to, kind of by repetition, become believed to be fact. And I'm not gonna take more of your time than that. Thank you.

Ms. Levine: Could I just say one more thing?

Bldg. Inspector Minozzi: You have to come up to the microphone, please.

Ms. Levine: I looked at the plans for what I could see on the traffic study. One, I think you did it in the summertime when the schools aren't there. We've already had a school bus accident right across from the entrance to the Graham school. Number two, I don't know if you know but there are two more studios going into Executive Boulevard that they've already broken ground for. One of them has parking for 250 cars, I don't know what the other one has. But none of that was taken into consideration: the school buses, the schools, and all of that other traffic. But there's (off-mic) the night lighting and bleachers going in. So you're gonna have that traffic, too.

Mr. Canning: We did conduct the traffic counts for the parking study when schools were in session. The report may have been finished in June – which would say maybe there was a date of June on it – but the counts were done when school was in session and school buses were on the road. And we did include ... I actually did the traffic study for Yonkers. They weren't very happy I was doing this study, but after the Yonkers study we included those.

And the traffic study was reviewed by the towns independent traffic consultant who basically, typically, reviews all of these materials to make sure that we follow the typical engineering standards. Thank you.

Chairman Quinlan: Thank you. So anybody else have anything new or would like to add something?

Boardmember Haddock: I just have a question. Linda, this might be for you. Because in the zoning law it does talk about a requirement for an environmental assessment and it lists the type of environmental assessment. Some of the comments we heard were about that impact. Is that one of the highest levels of environmental assessment that needs to be done? It's within the zoning code. That's why I'm asking, just so I understand.

Attorney Whitehead: They've provided not just environmental assessments. They're provided all the studies listed here and they've all been reviewed by the Village's consultants. They've received comments, they've responded to the comments. The board of trustees, which is the lead agency for the environmental review, has not completed their review yet. But that is all being done.

Boardmember Haddock: I was just referring to the type of assessment that's required. But maybe that is just the standard (cross-talk) ...

Attorney Whitehead: It's SEQRA, it's the State Environmental Quality Review Act. They're following the Village board as lead agency, following the regulations and the law under SEQRA.

Boardmember Haddock: Thank you.

Chairman Quinlan: Well, we don't even need me to make a motion. I just want to know. I think the comments speak for themselves, for me, on the record. Maybe we should just go down and start with Josh, just briefly where you stand on this in terms of advice.

Attorney Whitehead: And we do have Jerry's one comment, which will be passed along on the actual zoning text.

Boardmember Heitler: I think there's a natural tendency with anything new to have questions, and I think that's legitimate. I think there is a process in place and that process is being done. My opinion – no more valuable than anyone else's – as a Hastings resident is that these are the kinds of things we need. We need commercial property, we need the tax revenue without hurting the schools, we need traffic in our downtown. And, you know, I'm

trusting the board of trustees to hold Hastings' overall concerns at the forefront in finding a way to craft a path that allows that site to be something more than it currently is at a benefit to this town, this village.

Boardmember Gaillard: You know, I live nearby this site. And the hardest thing with these types of sites is use, right? So giving it a use is, in my opinion, better than leaving it empty. I like the idea, for the board, of using the performance requirements. Is that what they're called?

Attorney Whitehead: Performance standards.

Boardmember Gaillard: Performance standards in the zoning overlay to address some of the issues that were discussed, which it sounds like they're already doing. But maybe they could do a thorough review of those with the comments from the public because that seems to be the mechanism we have to address some of these issues. Granted we can't control exactly how many trucks, but the idea, for example, that there wouldn't be more than two studios at a time is a way to control activity through a zoning overlay. That, to me, makes a lot of sense and I think that's something that should be really carefully reviewed by the board of trustees as a way to address the comments.

I think the site does need a use, and I think that actually there's a lot of responsible aspects to the project. I hear the comments that are being made, but I've looked at the views as well. My kids go to Lenoir Preserve on a weekly basis. They go to camp there the entire summer so I'm equally concerned about that. But I find the information that's been provided to be accurate, from what I can see, from my perspective. I think if those concerns can be addressed that way then, you know, I'm comfortable with the overlay. The other thing I like about the overlay. I heard the gentleman from Pinecrest mention this. That it is a way for us, as I understand it, to have control over this site not becoming something else. So there were three or four different ways the zoning was looked at, and this does seem to be the one that gives the Village the most control. So if they were to leave it wouldn't necessarily become an Amazon shipping center.

Attorney Whitehead: It could not.

Boardmember Gaillard: It *could not* become that, which would be a huge concern if it could. That's my take.

Boardmember Griffin: Actually the last point was something I was going to touch on because there were different options for how to zone this. But the overlay does give the Village control in that situation. And honestly, I really do appreciate the comments because

these are all things people care about. I actually have sat in on a number of different meetings with the staff from Electric Owl about traffic. And we met well before this, probably six months or a year ago, about the way traffic would be affected in the southern corridor, how trucks would get there from the city.

But I think that while all these things are important, the reason we're all here is to talk about the zoning. And certainly I appreciate Dudley Street and the issues there. From what I've seen I think they're going to be doing work to make sure there is separation between the properties, lines of sight, and things like that. And the overlay zoning, to me, makes the most sense of all the options. At the end of the day, from what I've seen I understand that construction is gonna be painful for everybody. But I would like to think the impact on quality of life would be minimal.

Boardmember Haddock: Thank you, for all the comments. And I agree with others who'd said ... the only thing I would highlight would be in the proposed zoning law, section 3. When you get down to the environmental assessment for the board of trustees – or whatever group is taking a look at this proposed change to the zoning – that it really is a high standard as to what type of environmental assessment is done in light of the fact that the Aqueduct and a lot of the different comments we heard about the parcel we're talking about are very unique. I just would want to make sure that the zoning and environmental assessment are a high enough standard to take those conditions into account.

Attorney Whitehead: So SEQRA is something under state law.

Village Engineer Hahn: I understand, but we also ... you know, I don't want to rewrite the zoning right now. But there are federal standards, there are state standards, there are other state standards. There's a lot of different climate-smart community standards. So that would be the one comment. To make sure what is selected is considering the uniqueness of the parcel.

Chairman Quinlan: Okay. Everyone's had their say so would it be fair to say we're all in favor of passing this on to the board of trustees with the comments made? I think they speak for themselves. That's all we have to do. Right, Linda?

Attorney Whitehead: Yes.

Chairman Quinlan: We don't have any votes or anything like that. They can just listen to us and you'll give them (cross-talk) ...

Attorney Whitehead: Yes, I'll give them a little summary. And they can always watch the

video, as well. So I'll give them the summary.

Chairman Quinlan: And anything for the environmental study that has to be done, I can only tell you that boards that are lead agencies that end up having to do an environmental study that satisfies New York State tremble in their boots because they have to work very hard and go through quite a difficult report to send up to the state that's reviewed by them. So it's not something that just passes.

Attorney Whitehead: And the board of trustees has sort of enlisted the help of the planning board. The planning board deals with those issues a lot more, and they've worked together on the environmental review issues here.

Chairman Quinlan: So I think, you know, anything that can be done will have to be done. And it'll have to be approved by the state, I believe. Right, Linda?

Attorney Whitehead: No, it doesn't get approved by ... although they do have state permits they'll need. So certain things do get reviewed by the state, and certainly the stormwater will be. And they've already had to go through a review with the state historic preservation office and the OPRHP, Office of Parks, Recreation and Historic Preservation, which looks at the Aqueduct impacts. As a matter of fact, on the original plan the garage was in a different location, on the slope, where it was visible from the Aqueduct. That was a comment we got back from the state and was one of the reasons the garage was moved. And they've done the visual impacts from the Aqueduct, looking up from the Aqueduct. That is something the state looks at very carefully. OPRHP looks at it, SHPO looks at the historic preservation elements.

There's gonna be an agreement between the applicant, the Village and the state on historic preservation of the site. They're gonna have to do some work and create some information that will be publicly available on the site, the history of the site, and the history of the Graham Windham home and things like that. So there are things the state is definitely involved in and is definitely looking at. I mean, there's a lot of information that's been provided already.

Chairman Quinlan: Okay, I think that's it. Thank you for coming in, thank you for all your comments, and have a good evening.

Mr. Null: Thank you very much. Wish you all a happy holiday and a happy new year.

Chairman Quinlan: You have a little more work to do here to figure out the schedule for the next couple months.

Bldg. Inspector Minozzi: We have to do our minutes.

Attorney Whitehead: We'll see you next week (chuckle). You get to do this with the planning board next week.

The board's not done. They still have a meeting so if you want to talk please take it out in the hall.

Chairman Quinlan: Please just use the hall or downstairs.

Chairman Quinlan: I didn't see you sneak in. So this is Brian Baldor, and he's our new alternate.

Attorney Whitehead: Nice to meet you. You got my package?

Chairman Quinlan: He got sworn in, and congratulations. I'm glad you came, you got a chance to come down here and see how we work.

Attorney Whitehead: You have to do minutes, but then did you want to talk schedule? So you may as well stay [laughter].

Chairman Quinlan: Stay for the schedule, right. We need the alternate, just put it that way.

IV. APPROVAL OF MINUTES

Regular Meeting of October 26, 2023

Chairman Quinlan: What do we have to do, two of them?

Bldg. Inspector Minozzi: No, just one.

Chairman Quinlan: I wasn't here in October so you guys can make your comments and let us know if it works.

Boardmember Heitler: Who was here?

Attorney Whitehead: Brett was here, Josh was here. Richard, you were here weren't you?

Boardmember Griffin: There's one that I missed. I was here for October actually, I think.

Attorney Whitehead: We just had one case on. We just had the one view preservation.

Chairman Quinlan: And Beth, you were here.

Boardmember Heitler: So does anyone have any comments? 'Cause otherwise I was going to make a motion.

On **MOTION** of Boardmember Heitler, **SECONDED** by Boardmember Gaillard, with a voice vote of all in favor, the Minutes of the Regular Meeting of October 26, 2023, were approved as presented.

VI. ANNOUNCEMENTS

Next Meeting Date – January 25, 2024

Chairman Quinlan: Let's start with January and make it easy. The 25th, is that any vacations from schools or anything?

Boardmember Gaillard: My family is visiting then, so if possible could our new alternate attend? That's okay, if you need me here to have a quorum I can.

Boardmember Haddock: I won't be here.

Boardmember Gaillard: I may want to get away from my family at this point.

[Laughter]

Attorney Whitehead: Brett may come just because she can say, "I have to go."

Boardmember Gaillard: I'll text to Jerry and let you know kind of how things are going with my parents.

Chairman Quinlan: Okay, thank you for that.

[Laughter]

Alt. Boardmember Baldor: It's Regents Week, if that matters for anybody, for the school.

Chairman Quinlan: So you can't make it, Beth? You're gone?

Boardmember Haddock: Maybe. I have to check. I'm traveling but I might be coming back Wednesday night.

Attorney Whitehead: Okay, sounds like we have enough.

Chairman Quinlan: So what about February?

Attorney Whitehead: February 22nd is the fourth Thursday.

Boardmember Gaillard: That's not February break, right?

Alt. Boardmember Baldor: That is.

Boardmember Gaillard: I thought we were going to move that one.

Attorney Whitehead: That's why we're talking about it.

Boardmember Heitler: I thought we did this last time.

Bldg. Inspector Minozzi: There's two meetings in March now.

Attorney Whitehead: Well, you don't have to. You have a 29th.

Boardmember Griffin: I have it in as the 29th.

Boardmember Heitler: Last time we were here we all had a calendar. Based on that, I have it as the 29th.

Chairman Quinlan: 'Cause it's Leap Year, right? Anybody have a problem, that we know, for the 29th. That's why we need alternates, right?

Boardmember Heitler: Fun fact. That was my due date, but I was not born then.

Boardmember Gaillard: Were you early or late?

Boardmember Heitler: Four days early, 25th.

Chairman Quinlan: No March?

Attorney Whitehead: March 28th?

Alt. Boardmember Baldor: Spring recess.

Boardmember Gaillard: You just had winter recess.

Chairman Quinlan: It doesn't make any sense, but I saw that you were talking about it. That they were so close together. So you have problems, you're probably going to go away.

Boardmember Haddock: Everybody want to do the week before?

Attorney Whitehead: Can't do it the week before because that's the planning board.

Boardmember Heitler: Again, when we did this last time we went to the 4th of April.

Bldg. Inspector Minozzi: Oh, *that's* what we did.

Boardmember Heitler: That's what's in my calendar.

Attorney Whitehead: We did this last month, Jerry, in October. When your weren't here.

Chairman Quinlan: That's good. So February 4th? Is that fine?

Boardmember Griffin: April 4th.

Chairman Quinlan: April 4th; 24 is the March date. So what does that make the April then?

Attorney Whitehead: The 25th.

Bldg. Inspector Minozzi: We're having two meetings in April. April 4th.

Attorney Whitehead: And April 25th.

Chairman Quinlan: Did we go any further than that?

Boardmember Heitler: Yes, I think we did the whole year.

Chairman Quinlan: Okay, let's do May.

Attorney Whitehead: The 23rd.

Chairman Quinlan: Okay. June?

Attorney Whitehead: 27th.

Chairman Quinlan: July?

Boardmember Heitler: The 25th.

Chairman Quinlan: And August, no. September? You went through the whole year.

Bldg. Inspector Minozzi: The first Thursday?

Attorney Whitehead: We might've moved it to the 2nd like we did this year.

Chairman Quinlan: I think you did move it.

Attorney Whitehead: Yes, the 12th.

Chairman Quinlan: October?

Attorney Whitehead: 24th.

Chairman Quinlan: November.

Bldg. Inspector Minozzi: No meeting in November.

Attorney Whitehead: December 5th, right?

Chairman Quinlan: And that's it. No, that's November.

Boardmember Heitler: Sort of like this year, I guess.

Boardmember Haddock: December 5th?

Chairman Quinlan: December 5th takes care of November and December.

Boardmember Heitler: For some reason we didn't do the 12th. There was something wrong with it.

Attorney Whitehead: I can't, so somebody do it [laughter].

VI. ADJOURNMENT

Chairman Quinlan: So that's good, we got the dates. Anyone want to make a motion to adjourn? I know you all like it here, so just keep quiet.

On **MOTION** of Boardmember Haddock, **SECONDED** by Boardmember Griffin, with a voice vote of all in favor Chairman Quinlan adjourned the Regular Meeting.