

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
ZONING BOARD OF APPEALS
REGULAR MEETING
JULY 27, 2017

A Regular Meeting was held by the Zoning Board of Appeals on Thursday, July 27, 2017 at 8:00 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Chairman Matthew Collins, Boardmember Ray Dovell, Boardmember Sean Hayes, Boardmember Adam Anuszkiewicz, Village Attorney Linda Whitehead, and Building Inspector Charles Minozzi, Jr.

Chairman Collins: Ladies and gentlemen, welcome to our July 27, 2017 meeting of the Zoning Board of Appeals. We have just a few cases on the docket tonight as well as some proposed changes to the zoning code language, which we will review. I'll propose that we move that to the end of the agenda and get to the cases first.

Just to set some ground rules, we have two microphones. Because everything in the meeting is being recorded by a remote transcriptionist we ask that if you have a comment that you always make sure you're speaking into a microphone. And that the first time you speak you just introduce yourself and tell us where you live. That way, we'll be able to capture your remarks for the record. We have that microphone here, we also have ...

Village Attorney Whitehead: The handheld.

Chairman Collins: ... a handheld microphone that's up here. So if you're presenting and would like to move around you can use the handheld that's right up here, with us.

I was about to ask Buddy about the status of our mailings. Do you happen to know?

Village Attorney Whitehead: He ran downstairs to get his pad, but if you want to announce which items are adjourned and are not being heard.

Chairman Collins: OK, we can do that.

Village Attorney Whitehead: Especially because the two Ridge Street ones were noticed.

Chairman Collins: That's a good point. We have the case of 425 Warburton, which I believe was accurately reflected in the agenda as having been deferred. But two cases that are also deferred that were not reflected in the agenda, which I believe circulated, are the cases of 7 Ridge Street and 9 Ridge Street. Those will be deferred to a future meeting.

Case No. 08-17
Tabi Realty, LLC
425 Warburton Avenue
*****Deferred to Future Meeting*****

View Preservation approval, as required under Village Code Section 295-82, and relief from the strict application of code Sections 295-72.1.E(1 a, b & c), 295-40.B(1 & 2), 295-41.A, 295-20C(2 & 4) and 295-29.A for the demolition of an existing three-family and construction of a new building containing three townhouse units on its property at 425 Warburton Avenue. Said property is located in the MR-0 Zoning District and is known as SBL: 4.70-52-10 & 11 on the Village Tax Maps.

Non-conformity details of the proposed construction are as follows:

Front Yard Setback: Existing - 0.2 feet; Proposed - zero feet; Required - 10 feet {295-72.1.E.(1a)}; Variance required - 10 feet
Rear Yard Setback (to Parking Structure): Existing - 53.4 feet; Proposed - 19.1 feet; Required - 30 feet {295-72.1.E.(1 b)}; Variance required - 10.9 feet
Side Yard Setback: Existing - +I-50 feet; Proposed - 7.0 feet; Required - 12 feet {295-72.1.E.(1c)}; Variance required - 5 feet
Driveway Slope: Existing - 16 percent; Proposed - 15 percent; Required Maximum 12 percent {295-40.B(1)}; Variance required - 3 percent
Driveway Slope 3 percent/30 feet from Property Line:
Existing - 16 percent/zero feet; Proposed - 3 percent/5.67 feet; Required Maximum – 3 percent/30 feet {295-40.B(2)}; Variance required - 3 percent/24.33 feet
Driveway Area: Existing - 500 square feet; Proposed - 1,506 square feet; Required Maximum - 960 square feet {295-41.A)}; Variance required - 546 square feet
Parking Space Size: Existing - NIA; Proposed - 8 feet-6 inches x 18 feet; Required – 9 feet x 18 feet {295-29.A)}; Variance required - 0.5 feet (width)
No Paving in a Required Yard (Parking Structure) {295-20C(2&4)}

Case No. 15-17
Andrew Zimmerman
7 Ridge Street
*****Deferred to Future Meeting*****

For View Preservation approval, as required under Village Code Section 295-82, for the erection of elevated Solar Panels on the roof of their Single-

Family Townhouse located at 7 Ridge Street. Said property is located in the 2R-3.5 Zoning District and is known as SBL: 4.70-52-47.5 on the Village Tax Maps

Case No. 16-17
Debra Cantor
9 Ridge Street

*****Deferred to Future Meeting*****

For View Preservation approval, as required under Village Code Section 295-82, for the erection of elevated Solar Panels on the roof of their Single-Family Townhouse located at 9 Ridge Street. Said property is located in the 2R-3.5 Zoning District and is known as SBL: 4.70-52-47.4 on the Village Tax Maps

Village Attorney Whitehead: Buddy's back.

Chairman Collins: How are we on the mailings?

Building Inspector Minozzi: I have been notified by my staff that the mailings are in order.

Chairman Collins: All right, very good.

Why don't we go ahead and begin with case 9-17.

Case No. 9-17
Dean & Marie Wetherell
196 Warburton Avenue

For View Preservation approval, as required under Village Code Section 295-82 and relief from the strict application of Sections 295-68E & 295-68F .2.a.2, for the creation of two nonconforming lots and a new proposed single-family dwelling on their property at 196 Warburton Avenue. Said property is located in the R-10 Zoning District and is known as SBL: 4.130-139-17&18 on the Village Tax Maps.

Nonconformity details of the subdivision and proposed construction are as follows:

Lot width: Proposed - 65.76 feet average (Lot no.1) & 79.09 feet average; (Lot no. 2)

Required; 100 feet (each) {295-68.E.}; Variance Required - 34.24 feet (Lot no. 1) & 20.91 feet (Lot no. 2)

Developmental Coverage (Lot no. 2):

Proposed - 36.35 percent; Required - Maximum 35 percent {295-68.F.2 (a.2)}; Variance Required - 1.35 percent

Chairman Collins: This is related to a nonconformity that would happen as a result of a proposed subdivision so we're going to be looking at lot width and developmental coverage.

Sir, are you speaking on behalf of the applicant? Just come forward and introduce yourself through the microphone. Again, if you feel like you need the remote we've got a wireless for you too.

Building Inspector Minozzi: OK, you just got to turn it on when you're ready.

Paul Petretti, civil engineer: Good evening. I'm a civil engineer and a land surveyor from Dobbs Ferry. I'm here representing the applicant. As the chair had said, we're coming before you because we're going to be asking for area variances for a two-lot subdivision.

There are two tax lots, now known as 196 Warburton Avenue, and we have brought this application before the Planning Board. The subdivision map is shown on the screen over there. It's two lots; lot one is on the left side of the screen, lot two is on the right side. Lot one is the new vacant-land lot, and lot number two on the right side has a house. We are requesting area variances for lot width.

This is an R-10 zone. You require a hundred feet of lot width, and the way it works out with this subdivision lot number one, the average lot width is 65.76 feet. That comes from the lesser width at the back. The average is 65.76 feet. The average of the second lot, the one for the existing house, is 81.6 feet. That's the issue here. Both lots exceed the 10,000 square foot requirement in the zone. One lot, lot number one, is 10,088 square feet and the second lot, with the house, is 11,858 square feet.

The issue before you is the area variance for lot width, and also on the existing house for development coverage. The building coverage is well-satisfied. It's way under the 25 percent allowed in the code. But because of all the amenities on the house like walks and steps, this house was built with some area on the right-hand side, with walks. So it requires a variance from the 35 percent development coverage, where it's slightly over. It requires a variance of 1.5 percent to 36.5 percent.

We have looked at the whole area to try and study it and see how these lots measure up to the lots in the area. If you go to the site plan and look at the screen, you're going to ...

Chairman Collins: Sorry, very quickly to interrupt because I don't want to lose track of this. You said the lot width for, I think, property two is in the neighborhood of an 81-foot average.

Mr. Petretti: Eighty-one, yes.

Chairman Collins: I believe our notice says 79.

Building Inspector Minozzi: When he changed the plans, he must not have changed the Zoning Board set of plans. The Planning Board said the plans were changed to make this correction. These are the right numbers.

Chairman Collins: 81.

Village Attorney Whitehead: 79.

Building Inspector Minozzi: No, these are the right numbers.

Chairman Collins: So it's 79 feet, the average.

Chairman Collins: So drawing Z-2 is incorrect?

Mr. Petretti: Z-2, I'm not so sure the drawing is incorrect.

Chairman Collins: Could you scroll down just a little bit on that drawing?

Mr. Petretti: Z-2 – if there's a zoning table on Z-2, which I can't see here ...

Chairman Collins: Yes there is, and I think it says 81.6.

Mr. Petretti: Then apparently it is 79 and change.

Village Attorney Whitehead: It was corrected, but not on these plans.

Chairman Collins: All right.

Boardmember Anuszkiewicz: Can I just ... I have one quick question to you before you get into it. You have two lots existing, and you're borrowing from one lot and putting it onto the other lot?

Mr. Petretti: That's correct.

Boardmember Anuszkiewicz: So two existing lots are being changed ...

Mr. Petretti: That's correct.

Boardmember Anuszkiewicz: ... one getting smaller and one getting bigger. And how do you determine the dividing line between the two?

Mr. Petretti: Well, we went before the Planning Board. You lay out a house that fits, that has the appropriate size you would like to build. You apply the setbacks for the zone – side, in the front, and the rear – and you come up with a plausible lot that you can build, put a driveway on, deal with drainage. That's basically how we arrived at it.

Village Attorney Whitehead: Could I clarify something for the record? They don't have two existing lots. It's two tax lots, but it's one zoning lot. The proposal is to subdivide it into two lots, each of which will need a lot width variance.

Boardmember Dovell: OK. You're calling them lot one and lot two, but then you're saying lot A and lot B. Could you clarify which is which here?

Mr. Petretti: To be quite ... I didn't make that graphic, OK? This gentleman did. Lot one I see as A, and it should be lot one. And lot B ...

Boardmember Dovell: So lot A is lot two?

Mr. Petretti: Yeah. The subdivision map reads as lots one and two, the table speaks to lots one and two, and it's a graphical error calling it lot A and lot B. Lot A is lot one, or lot A should be lot one, and lot B should be lot two. The reason I'm showing you this graphic is, I wanted to demonstrate that although the average lot width for the new lot number one is 65.76 feet. It's actually wider at the street, which is pretty much consistent with a lot of the lots in the area.

Boardmember Anuszkiewicz: I'm sorry, just one other questions, following up on what Linda said.

Mr. Petretti: Sure.

Boardmember Anuszkiewicz: Does that mean that the existing lot with the house on it needs a variance for side yard setback?

Mr. Petretti: No, it does not.

Village Attorney Whitehead: That's an existing nonconformity. That's not being changed.

Boardmember Anuszkiewicz: I'm sorry, but it is being changed on the north side.

Village Attorney Whitehead: It'll conform with the setback on the north side. The setback will conform to the new lot line on the north side.

Boardmember Anuszkiewicz: On the north. And on the south there's a preexisting nonconformity.

Village Attorney Whitehead: Correct. It's not changing.

Boardmember Dovell: So the subdivision is creating new noncompliances (sic).

Village Attorney Whitehead: With the lot width and the development coverage ...

Boardmember Anuszkiewicz: Developmental coverage on lot one.

Village Attorney Whitehead: From the existing house.

Boardmember Dovell: On your chart it talks about the minimum width of lot one, 65.76?

Mr. Petretti: Correct.

Boardmember Dovell: Where does that show on the plan itself?

Village Attorney Whitehead: It's an average so it doesn't really show.

Boardmember Dovell: It's an average.

Village Attorney Whitehead: Yes. Your code requires an average.

Boardmember Dovell: An average, OK.

Building Inspector Minozzi: That's why if you look at the notice you'll see the proposed on lot one is 65.76 average. then on lot two is 79.0 feet average. I had to take the averages ... we took the averages of the lot width because they're not just rectangular lots, they're kind of a strange configuration. We had to get an average width, according to our code.

Boardmember Anuszkiewicz: And on the north side of the south lot, which is where the existing house is – the new south lot – is that now at a required minimum for side yard setback?

Building Inspector Minozzi: It's conforming.

Boardmember Anuszkiewicz: No, is it at a required minimum?

Mr. Petretti: No, it's not. It's substantially ...

Boardmember Anuszkiewicz: And if not, why would it not be?

Mr. Petretti: No, it's greater than the minimum required.

Boardmember Anuszkiewicz: Why is that?

Mr. Petretti: Because the side line ... if I can go to the chart?

Chairman Collins: Yes, just make sure you've got the handheld microphone with you if you're going to speak.

Village Attorney Whitehead: I think they're trying to make that lot bigger to reduce the coverage variance.

Mr. Petretti: The side yard on lot number two ...

Boardmember Anuszkiewicz: That's the existing lot. Why do you need a coverage variance on it?

Mr. Petretti: One side yard is 10.6 and the other one is 23.8.

Chairman Collins: What page are you on for your plan? We can't see those very well.

Mr. Petretti: This is the site plan, my site plan. If we go to the site plan you're going to see that we took ... it's actually a lot larger because here's the division line right here. There's the house, the principal house. Now, it's an interpretation whether the garage is part of the house. The Building Inspector could advise you on that. We have 23.3 feet to this garage, and we actually have 32.28 deep which is a lot larger than the required side yard. So we don't need a variance for the side yard.

Boardmember Anuszkiewicz: For which lot?

Village Attorney Whitehead: Either.

Mr. Petretti: Neither. The only variances we need are for the lot width: lot width on lot one, lot width on lot two, and development coverage.

Boardmember Anuszkiewicz: But your lot width on the north lot would be reduced if you moved that proposed dividing line between the two lots to the south. The variance you're asking for would be reduced on that north side.

Building Inspector Minozzi: The amount of coverage would be increased.

Boardmember Anuszkiewicz: But you're talking about a lot that's not developable anyway. To sort of do that – to sort of say we're going to set that line so we minimize the coverage variance – I don't know that makes sense. It's somewhat arbitrary. You reduce the coverage variance, but you're increasing the frontage you're requiring to develop on.

Building Inspector Minozzi: Well, you'll never get the lot widths out of these two lots.

Boardmember Anuszkiewicz: But I could say the lot width is more important than the coverage variance.

Building Inspector Minozzi: But then you'd be creating a third variance by having it nonconforming if he moves the line over.

Village Attorney Whitehead: Where's the third variance?

Building Inspector Minozzi: That would be creating a third variance for a setback on the existing structure.

Village Attorney Whitehead: No, I think he's saying still meets the required setback.

Building Inspector Minozzi: Oh, I see what you're saying. OK, I gotcha.

Village Attorney Whitehead: You can move that line over and still meet the required setback.

Boardmember Anuszkiewicz: I'm saying I don't understand why it's more important to minimize the lot coverage than it is to maximize the street frontage of this lot. If there's more room for the street frontage it seems to me that that's maybe more important. I'm not sure. Whatever the hell everybody else feels, but that's one thing I'm confused about.

Village Attorney Whitehead: Paul, what are the side yards again?

Mr. Petretti: Go back to the table on the right-hand side. I believe it's 12. I can speak to the gentleman's issue in a minute.

Village Attorney Whitehead: Because you need a total of 30.

Chairman Collins: But what's the minimum for one side?

Village Attorney Whitehead: Twelve.

Chairman Collins: So for the proposed for lot two, one side yard goes down to 10.6.

Village Attorney Whitehead: Right, the existing nonconformity.

Chairman Collins: But if we're redoing the line, I guess this is the question. And I think maybe we're ...

Village Attorney Whitehead: He can go down to 20 on the other side to meet the total of 30.

Chairman Collins: But he no longer ... so if the lot line is reset, which is what's being proposed, to subdivide the applicant does not require a side yard variance.

Village Attorney Whitehead: Correct, as long as he maintains 20 feet, a side yard setback of 20 feet on the other side so he has the total of 30.

Chairman Collins: So the 12-foot minimum does not apply here.

Village Attorney Whitehead: Well, the 10-foot is an existing nonconformity that's not changing.

Chairman Collins: Well, there is no 10-foot existing.

Boardmember Dovell: Yes there is, on the south side.

Chairman Collins: I see, at least on the table I'm looking at for lot one. Then there's a 12.17. This is for the lot that would be subdivided, as I'm understanding it; the one that doesn't exist.

Mr. Petretti: That's correct.

Chairman Collins: And for lot two it's 10.6?

Village Attorney Whitehead: Yes, that's the existing nonconformity.

Chairman Collins: I guess the question, does it stay existing when you redo the lot line.

Village Attorney Whitehead: Yes, because you're not touching that lot line.

Boardmember Dovell: It's at the south end of the site.

Village Attorney Whitehead: You're not touching that lot line, you're not changing that nonconformity.

Boardmember Dovell: You're not touching the lot line.

Boardmember Anuszkiewicz: I think the issue is more the location of this line.

Chairman Collins: The line that divides between one and two.

Mr. Petretti: Right.

Boardmember Anuszkiewicz: Just like in the south, which would move this house out which would create a lot that's width is more in parity with the existing lots.

Chairman Collins: Splitting it more evenly between the two.

Boardmember Anuszkiewicz: Right.

Chairman Collins: Right, I see what you're saying.

Mr. Petretti: I'd like to comment on that.

Chairman Collins: Yes, go ahead.

Mr. Petretti: It's a very good question why we came up with this layout.

Chairman Collins: I'm sorry, I have to interrupt. My only complaint with this setup is that we cannot see – I cannot see – what you're doing.

Village Attorney Whitehead: They can't see where you're pointing.

Mr. Petretti: During the design process you're trying to figure out where you put this lot line. When you look at the grades – and you can see the contours are falling off this way, like that – you can also see this is a macadam parking area. So if I was to try and move this line over further I could probably move it 3, 4 feet this way. There's the division line, and there's a wall here. It's a low retaining wall that holds up the parking lot. In the future, obviously, if this gets approved and built, there'd be another house here. You've got to maintain this retaining wall. You need a little bit of distance.

So to speak to your issue, I could widen this lot 3 feet and lessen the other one by 3 feet. I'm guessing at, by scale, I'd still put a division line through here and still be able to maintain the wall. But that's about all you could do.

Chairman Collins: Again, if I'm looking at these drawings correctly you've got, right now, the widest part of proposed lot A – according to this, or lot one – is 76.28. And the widest part – this is right up against the street – for lot two is 82.75. So if what you're saying is right, and you moved it 3 feet, then lot one would go from 76 and change to 79 and change and lot two would go from 82 and change to 79 and change. You would have it evenly split.

Mr. Petretti: That's correct.

Chairman Collins: I mean, it would create parity – as even as I think it could go – unless you angled the lot line going back so it didn't narrow as much. I don't know whether that's something you looked at as well.

Mr. Petretti: That math doesn't really help that much.

Village Attorney Whitehead: We're just looking at this. I don't think you can you move it because there's a 5-foot setback required to the driveway.

Boardmember Anuszkiewicz: We could say I don't know that we should be setting this allowable developable lot based on an existing driveway.

Chairman Collins: Are you saying that if there were a tradeoff to be made we'd rather talk about the proximity to the driveway as opposed to the lot width?

Boardmember Anuszkiewicz: Yes. I mean, I see nothing wrong with this in principal. But it seems to me that the troubling part for me is creating a lot that is so much smaller, I guess, than the other lots just because of the driveway. I mean, if there was no setback room on the north side of the existing house that would be one thing, but there is extra room there.

Village Attorney Whitehead: Only about 3.7 feet because you've got 33.78 total side, total yards, and it has to be 30. So that increases your lot width.

Boardmember Anuszkiewicz: We could also discuss a variance for that.

Chairman Collins: Well, the bigger issue is, even if you were to do that, though ...

Boardmember Anuszkiewicz: The bigger issue is allowing whether or not this is the right lot.

Chairman Collins: Yes, but what's killing the math for lot one on the lot width is that it narrows so much. Lot two doesn't narrow as much is why the average is relatively close to its widest part, which is right on the street. I guess the question I'll ask ... I mean, you could do that, you could bump it out by 3 feet. But because it narrows so much – I mean the narrowest part of the lot is 57.7 feet in the back – when you average it out, that's going to bring down the average width for purposes of the variance by quite a bit. So moving it 3 feet is not going to have a big impact on what we would be reviewing.

So my question is, did you explore angling the lot line so you would maintain a wider lot going all the way to the back so the average lot width would not be so substantially lower than the required minimum.

Mr. Petretti: The reason why I did this layout is because I thought it was a good engineering layout to start, OK? And yes, OK, I could do something like this, throw it over. But it's a funny calculation because you have ... if you take the average of the front and the back you should come up with the 65 and change. So if I went like that, what's going to

happen there is, you know, maybe it's going to go to, for discussion purposes, 70. Then you got this thing neck down over here. And we have the driveway situation with the retaining wall.

I believe this is a well-suited driveway that has good view up and down the street, as well as this one. From an engineering standpoint, I felt this was a good layout. Could I bias it that way? Yes, I could. It's throwing some of this yard, this backyard, into this guy's yard, and sometimes that gets a little awkward.

Chairman Collins: Why?

Mr. Petretti: Somebody comes back to me later and says, "Why'd you do that?" We don't traditionally, as surveyors and engineers, try to do something like that.

Chairman Collins: Sure. I think I reacted perhaps as Adam did to the relatively extreme nature of the variance that's been requested for lot one. It's a big variance. This is a big lot width variance that you've requested. So what I'm trying to do is think of ways that would minimize that. I know your explanation as to the drawbacks of that is clear, but ...

Boardmember Anuskiewicz: To echo Matt, you know, we're obligated to work with you. Part of what we try to do is give you what you need, but with the minimum of variance that you need. And so if we can suggest a way to minimize these variances we're going to do it.

Boardmember Dovell: Well, I think the bigger issue for me is, I think the lot width is one issue, and if you average them you're looking at about 80 feet each, right?

Chairman Collins: Yes.

Boardmember Dovell: Just rough terms, you're looking at 80 feet.

Chairman Collins: Well, yes, the whole thing is 159.

Boardmember Dovell: Yes, 159. But the bigger issue for me is the lot size. The result is that both of them comply, but there is a disparity between them. That disparity is going to affect the lot, is going to affect the building coverage percentage, which helps form the size of whatever building you put on it. I think a big issue for me is the size of the ultimate structure you can put on it.

Mr. Petretti: I'd like to speak to that for a minute.

Chairman Collins: Well, I'm not finished yet. It relates back to what we've been talking about, which is creating a lot – creating two lots – that are more or less equal but do conform to the minimum lot size. To me, the lot size is the bigger issue than the street frontage, per se, because no matter how you whack it up you get two buildings on it and it's going to require side yard variances. You can't get rid of that condition. It does drive what has been discussed, which is, is there a way to make these lots more equal in size.

Boardmember Anuszkiewicz: The houses are the same size.

Boardmember Dovell: Roughly the same size.

Boardmember Anuszkiewicz: So the lot should really be similar.

Boardmember Dovell: If you did that, for example – which I think is what you were thinking of – you begin to equalize it to a greater degree. But go ahead.

Mr. Petretti: Let me just add a few more numbers to the ...

Chairman Collins: Hold the microphone up to your mouth. There you go.

Mr. Petretti: I'd like to add a few more numbers to the discussion so maybe it helps this out. Because of the porch, shed, and this walkway around, the development coverage exceeds the 35 percent. It's at, I calculate, 36.5 percent. That's what I'm showing. But the building coverage is unusually small relative to what you're allowed. You're allowed 25 percent building coverage, and you only have 14.21 percent. The development coverage is kind of like biasing it and thinking this lot is too small or too large. I wanted to balance the ...

Boardmember Dovell: But we're not talking about a building, we're talking about a lot here. So you can't really speak to the coverage. You don't have a building you're proposing here.

Chairman Collins: And just to further that point ... and you're referring to the lot area when you refer to lot size?

Boardmember Dovell: This whole variance relates to a lot, it doesn't relate to a building.

Chairman Collins: That's right, and the lot area ...

Boardmember Dovell: You have to look at this in the abstract. It's not something you can look at. What's shown here is something that's specific on your lot one, but you're not proposing. You're proposing a lot subdivision, you're not proposing a house on this.

Village Attorney Whitehead: Ray, because it needs view preservation he's actually had to show the actual proposed house. So that is an actual ...

Boardmember Dovell: This is an actual proposal.

Mr. Petretti: That's right. Can I speak to that issue for a moment?

Chairman Collins: Yes, go ahead.

Mr. Petretti: When I took this subdivision on, this gentleman, Tomasz, came to me and I said, "Look, these are lots that require an exact location of a house that you can build. You have to give me a house that you're going to build. I can't come in here, just show setback lines, and then throw it at the Planning Board and say, 'Ok, we'll come back later and get a building permit.' It just doesn't work that way." Good engineering judgment, there are 90 subdivision maps in the land of records with my name on it. I told him, I said, "You can't do that here. You have to come up with a house, you have to come with a driveway, you have to come up with a drainage system and we have to vet that with the Planning Board before we go to the Zoning Board."

We have done that. We're not disturbing, we're not going to the steep slope, we're keeping the house down here. This is a real house that's already designed, and it has a good driveway and we have the drainage to work. You really can't do a two-lot subdivision in the Rivertowns, in Westchester County, in many other places without knowing the house you're going to put there. That's my professional opinion.

Village Attorney Whitehead: Actually, that's the advice the Village has given: really, on any subdivision, you have to prove the lot works. In order to prove the lot works you have to show a house, the driveway, grading, and drainage.

Boardmember Anuszkiewicz: What does that have to do with what Ray is saying?

Village Attorney Whitehead: It's just saying that that is a real house.

Boardmember Anuszkiewicz: So it would be a real house on the site that we're proposing, too.

Village Attorney Whitehead: Yes, I was just responding to the question that it is a real house.

Chairman Collins: Ray, though, is on to the difference in the lot area being substantial. Lot two is 17- to 18 percent larger than lot one. That's not an insignificant difference. I mean, you really have cut lot one to be quite a bit smaller than lot two which, again, I think – and, Ray, I don't want to put words in your mouth – that speaks to one of your biggest concerns.

Boardmember Dovell: Yes, because it relates ultimately to the maximum structure. Fine, they're proposing a house here. But later, this house could be enlarged and I think there is a want to try to make this as minimum a variance as possible.

Chairman Collins: I guess I still don't understand. Maybe you two have a point of view on this, but I still don't understand what about this particular lot configuration would make trying to get closer to a 50-50 split is so challenging.

Village Attorney Whitehead: You're going to add a side yard setback variance probably for the existing, and increase ...

Chairman Collins: What would you estimate that to be?

Village Attorney Whitehead: It depends how far they move it over ... and increase the variance for the development coverage unless they remove some of the coverage around the existing house.

Chairman Collins: Imagine the property line between the two angling so it was parallel to the lot line to the north of lot two.

Village Attorney Whitehead: So just put an angle in it.

Chairman Collins: Right. So that essentially you'd be narrowing the difference ...

Building Inspector Minozzi: The north lot.

Chairman Collins: ... between the rear and the front of the ...

Village Attorney Whitehead: Yes, you're not going to actually increase the lot width. You know, you've got a total lot width here that you're working so you've really got a total variance almost. I mean, the real thing the Board needs to decide is, are you comfortable granting variances to allow two lots that don't meet the minimum lot width.

Chairman Collins: Well, it would still be a substantial variance. But again, what's killing lot one is the narrowing of the rear part of a yard.

Village Attorney Whitehead: It reduces the lot line.

Chairman Collins: To Ray's point, they've got 195 feet. If you could get something that would be relatively even, in theory you could move that lot width for lot one to something approximating close to 80 feet. That *would* be a substantial improvement. It would be minimizing the variance and getting ...

Boardmember Dovell: Well, it would minimize the variance on lot width.

Chairman Collins: Correct, on lot width. It might create another issue.

Boardmember Dovell: It would increase ...

Village Attorney Whitehead: Well, it'll reduce your width on lot two.

Boardmember Dovell: Right.

Village Attorney Whitehead: So the total of the two lot width variances is still going to be the same. You're just evening them out more.

Boardmember Dovell: Right, and it would slightly increase the degree of noncompliance for development coverage on lot two.

Village Attorney Whitehead: You would also increase the lot width variance for lot two because you're going to reduce the lot width.

Chairman Collins: That's right, since you're narrowing it in the back.

Boardmember Anuskiewicz: The average is going to come down.

Village Attorney Whitehead: The average on lot two is going to come down as you narrow the back of lot two.

Boardmember Anuskiewicz: Which one is two referring to, the north one?

Mr. Petretti: North is two, yes.

Village Attorney Whitehead: Two is the north, the existing house is two.

Boardmember Anuszkiewicz: All right.

Chairman Collins: I thought that was south.

Mr. Petretti: Just for a little history, south is existing.

Village Attorney Whitehead: I didn't say north. South.

Building Inspector Minozzi: The reason why we're seeing this now is because the Planning Board felt that before they went any further on this subdivision – with drainage and view preservation and anything else – the lot width was so substantial that you guys should be weighing in at a very early point in this project.

Village Attorney Whitehead: And it's a threshold issue. If you're not willing to grant the lot width variances there's nothing more for the Planning Board to do.

Boardmember Anuszkiewicz: What is the minimum lot requirement here?

Building Inspector Minozzi: One-hundred.

Boardmember Anuszkiewicz: And what is the total width?

Mr. Petretti: It's 159.

Boardmember Anuszkiewicz: And what is the existing proposed for the south lot?

Village Attorney Whitehead: It's 79.

Chairman Collins: No, it's 81.

Village Attorney Whitehead: No, 79 is the proper number.

Chairman Collins: Oh, right – 79, yes. Sorry, you're right.

Building Inspector Minozzi: Sorry about that.

Chairman Collins: Yes, it's 79 feet.

Village Attorney Whitehead: Your plans – the original, original plans – the Planning Board ...

Boardmember Anuszkiewicz: So you already have a situation where you have two lots; you've created two lots that are not wide enough.

Village Attorney Whitehead: Only if you approve the variances.

Chairman Collins: Right.

Boardmember Dovell: No matter how you slice it, it's a 20 percent variance, right?

Building Inspector Minozzi: Yes.

Village Attorney Whitehead: That's what I'm saying. The total is the total no matter how you place it.

Boardmember Dovell: It's a 20 percent variance.

Village Attorney Whitehead: And I think when you start to angle a lot line ... you know, lot lines aren't visual.

Boardmember Anuszkiewicz: I think before we decide about the angles and all that, we have to decide whether or not we want to create these two lots and how big they should be and whether or not they should be equal. That's, to me, the basic question.

Mr. Petretti: Maybe I could help that a little.

Building Inspector Minozzi: Talk into the microphone, please, Paul.

Mr. Petretti: Listening to all you speak, I figured maybe I could move this over 6 feet – looking at the numbers I give up here – and chuck it over here. That's about what I could maybe do.

Boardmember Anuszkiewicz: Well, why can't you just put it right in the middle?

Mr. Petretti: Right in the middle where?

Boardmember Anuszkiewicz: A straight line right down the middle of that lot and have two equal subdivisions.

Mr. Petretti: Then I'd have a line that would be going through the driveway.

Village Attorney Whitehead: They want to preserve the existing house.

Boardmember Anuszkiewicz: Aren't they building a new house?

Village Attorney Whitehead: On the new lot, not on their lot.

Chairman Collins: That's the existing driveway.

Boardmember Anuszkiewicz: I don't think we should be setting the lot line because there's a driveway there. I mean, the fact is that the additions and things that have been done to the south, existing, house have been allowable because the site's so big. Now that you want to make two sites you have to deal with that. It's not just that we're going to work around that and create a smaller lot.

Chairman Collins: No, but you do have to acknowledge that if we were to require that they would have to tear up the driveway and relocate it.

Boardmember Anuszkiewicz: But they're going to be tearing up the whole site to build a new house.

Chairman Collins: Not on that side.

Mr. Petretti: So help me with this, OK?

Boardmember Anuszkiewicz: I don't see that as a big deal, sorry.

Chairman Collins: No, that's all right. We can debate that, it's just something you have to acknowledge.

Village Attorney Whitehead: But that's their application. The application that's before you is to keep the house on lot two.

Boardmember Anuszkiewicz: There's no problem with that. The south lot's what I have to call out.

Village Attorney Whitehead: The south lot; the application that's before you is to keep the house on the south lot.

Boardmember Anuszkiewicz: That's fine. I also think it's fine to build a house on the north lot. I think there should be parity between the two lots, there should be parity between the houses. And both houses should have the same ability to put additions on them in the future and ask for the same variances, or similar.

Chairman Collins: So you'd be OK with the extent of the lot width variances requested.

Boardmember Anuszkiewicz: I think I would be OK with creating two lots that are less than a hundred feet, yes, at this time. But I just don't understand the argument that you're creating one lot that's so small because of an existing driveway.

Village Attorney Whitehead: Be careful how you use the word "small." I would use "narrow" in lot width because, size-wise, they both conform.

Mr. Petretti: Can I ask a question? What is the side line setback to a driveway, 5 feet?

Building Inspector Minozzi: Five feet.

Mr. Petretti: OK. This is about 23 feet, and I propose 21 feet for the curbcut over here. I can move this over a couple feet, still keep this retaining wall. There is a retaining wall holding up this driveway. So I can move this line over, possibly between there. Then I would have to ask for a variance for the driveway. I could send this line up here, and then I could bias this line to go that way, do the calculation, do a lot line calculation, and come up with something that's probably close to 10,000 square feet. And this fellow over here is going to be increased by the amount they take from there. I could do that.

Then if you took the average width of the back and the front there would be more of a parity between the two lot widths. There's no doubt I could do that without jeopardizing the engineering aspects of this subdivision.

Chairman Collins: OK, that's useful and I appreciate your flexibility in thinking about it. Again, our part of the mandate is to minimize the variance that's requested so I appreciate your working with us on that.

I guess the question, back to you Adam, would be that say you get to roughly parity – the average lot width as they calculate it, averaging the narrowest point to the widest point – is there a third data point in the average? Is there a midpoint?

Building Inspector Minozzi: These particular lots, I had to use a midpoint as well.

Chairman Collins: All right, narrowest point, midpoint, widest point – that's the average. And say it gets close to 79 feet and change, and roughly even between the two so now you have roughly a 20-, 21 percent variance request on lot width.

Boardmember Dovell: For each.

Chairman Collins: And that's unavoidable for each.

Boardmember Dovell: You get a 20 percent variance on each lot.

Chairman Collins: Right. So then the question is, I'm reading your commentary to be you'd be OK with that.

Building Inspector Minozzi: You'd be talking about approximately 72 feet average per lot instead of a hundred.

Chairman Collins: Well, it has to add up to 159 somehow.

Boardmember Dovell: It would be 79.51.

Village Attorney Whitehead: Well, is 159 the average?

Chairman Collins: No, the whole lot width today is 159 feet.

Village Attorney Whitehead: At the front.

Chairman Collins: On the front.

Village Attorney Whitehead: Not the average.

Building Inspector Minozzi: Not the average.

Chairman Collins: Oh, I see.

Building Inspector Minozzi: I'm talking about averages. I mean, you guys are looking at asking him to move the lot line over. If you wanted them equal, his averages would be approximately 72 feet.

Chairman Collins: OK, a 28 percent variance request.

Boardmember Dovell: And to end up with each lot at around 10,950 feet.

Chairman Collins: Right. It's still a big variance request.

Boardmember Dovell: It's 20 percent.

Chairman Collins: Yes, and it's more than that now.

Boardmember Anuszkiewicz: That's why I'm confused with such a big variance, the argument that an existing within a long driveway would somehow drive it. I mean, it's not equal.

Mr. Petretti: May I add something to this?

Chairman Collins: Sure.

Mr. Petretti: What's hurting this thing in the merits is this 57, 58 feet.

Chairman Collins: Yes, right, right.

Mr. Petretti: So if I moved it over, do the merits of this get more pleasing?

Chairman Collins: Yes.

Mr. Petretti: I hope that's a good word. Then I could move it over a bit, OK, and still keep the driveway. I'd like to keep the driveway because of the traffic on Warburton and because we know we've got to back out there.

Chairman Collins: Yes, I see where you're coming from. The math, though, and the dimension of the single lot as it is right now, makes it so that no matter what you do to ... say you minimize it perfectly and you could imagine a scenario where it's roughly 50-50. The variance request will still be very substantial for a lot width. There's no way around it.

Boardmember Anuskiewicz: And while you may want to keep the driveway, for us we see the degree of the variance you're asking for to be much greater than the cost of redoing one driveway. I mean, if we don't grant the variance you can't develop that site. Are you telling me that if that were the question to you that you wouldn't change the driveway? It's an order magnitude. I understand your point, but ...

Mr. Petretti: No, I would return to the Planning Board and do some calculations, show it to them, and then come back to the Zoning Board. OK.

Village Attorney Whitehead: No, you can just come back here.

Building Inspector Minozzi: You can just come back here with the new lot lines. We don't have to go back to the Planning Board yet.

Village Attorney Whitehead: You don't have to go back to Planning until you know you have the variance.

Mr. Petretti: All right.

Building Inspector Minozzi: Not until the ZBA is willing to approve the variances.

Mr. Petretti: I got it, OK? I'm not used to that procedure, but ...

Village Attorney Whitehead: There's not a lot of conditions that can be done on these houses because the whole back of the lot is steep slopes, right? Ray, there's not a lot of additions that can be done anymore on these houses because they are significant steep slopes; the whole back of the property is steep slope. This house has been sited to work within the steep slope.

Building Inspector Minozzi: Within the slopes that are there.

Village Attorney Whitehead: Because it will need a steep slopes permit from the Planning Board.

Chairman Collins: Can we talk a little bit about the analysis you did to explore lot widths of the other properties in this zone?

Village Attorney Whitehead: That one.

Mr. Petretti: We looked at 63 lots in this area. This is your R-10 zone, we did a pretty substantial analysis. And to get right to the point, it's a 10,000 square foot zone, nonconforming by area. As we look at the tax map and the dimensions we're taking, we find that 43 percent of the lots in the area are nonconforming by size. That's because there are a lot of 55-foot wide lots. That's where that number comes from. If you look at it by width it's even more extreme. Forty out of the sixty-three we looked at – which represents 63 percent – are nonconforming by width.

I've lived in the Rivertowns for a long time, and the development through the '30s, '40s and '50s changed – the attitudes towards the Village changed – and that's probably why this happened. The zoning may have changed; I didn't look at changes in the zoning code. Lots with a width below 75 feet are 28 out of 63, which is 44 percent. The lots below 75 feet, there's 50.

If you look at all this, we took the four largest lots and the average lots of the area are 11,211. The width of the largest lots – there were a couple of very large lots, one was 102,000, one was 64,000, and another two were 43,000 and 32,000 – we took those. That's the average of the lots in this area, with all the large lots included in the data set. This is 11,211 when you take it out. That's the upshot of that.

We did some other, more sophisticated analyses looking at lot width to show you which lots were actually less than the minimum variance we were asking for. Lot number one – it's a lot of statistics – basically this it; this is the situation. This is how this area has been developed.

Chairman Collins: You're saying 41 percent of the lots you studied are less than the smallest lot width you're requesting, the one for the north lot.

Mr. Petretti: Yes, that's because there's an abundance of 50-foot wide lots in the area. That's where that numeric comes from.

Chairman Collins: You conducted this analysis yourself? I just want to know the source. Buddy, does the Building Department concur?

Building Inspector Minozzi: I have not actually gone out and checked his numbers, no.

Village Attorney Whitehead: Are they off the tax records?

Mr. Petretti: I took the tax map, and both Tomasz and I did it jointly. We believe it's accurate.

Building Inspector Minozzi: But we can definitely do a spot check, no problem.

Chairman Collins: We should just have – given what's at stake here – a Village point of view on this. I don't doubt your work, sir, I just want to make sure that we've got it right.

Building Inspector Minozzi: No problem, we can do that.

Boardmember Anuszkiewicz: Did you count all the lots that are on that plan, or just a few?

Chairman Collins: There are 63.

Mr. Petretti: We used the 63 lots, this footprint, in the R-10 zone. That's an R-7.5 zone, we didn't use that.

Boardmember Anuszkiewicz: So you covered everything from the top of the screen down to the bottom.

Mr. Petretti: If we kept going I don't think it would change.

Boardmember Anuszkiewicz: No. Where did you draw the line?

Mr. Petretti: Up here – see where that blue dot is? – down to here, and you can see these the two monster lots in that data set.

Boardmember Anuszkiewicz: Right, those would throw everything off obviously.

Chairman Collins: Yes, they're not useful for the calculation of an average because they're single outliers.

So your conclusion from this is that the proposed lot widths you've suggested here would be consistent – not out of line – relative to the array of lot widths that are already there.

Mr. Petretti: That's right, Mr. Chair. And more importantly, right in this little vicinity here it's very consistent, with the exception of these two wide ones here. I mean, if you take these and add them all up you've got 50s and then you've got 100s. This is slightly larger than 75 feet at the street line. Same here. This one has the same little problem; it goes to the back. If you use this and that to calculate ...

Boardmember Anuszkiewicz: What are the street plans on those first two?

Mr. Petretti: These two?

Boardmember Anuszkiewicz: Yes, and how does that compare?

Mr. Petretti: This is us, there's our 159 feet right there – 59 and 100. This one is 71.79 and that's 76.22.

Boardmember Anuszkiewicz: And what is your proposed for lot 17?

Mr. Petretti: For lot 17 these are tax lots, so our lot one is in here. It's 75.

Boardmember Anuszkiewicz: OK, go back to the other one.

Mr. Petretti: Street frontage is 76.28; 82.75 – again, 76.28, 82.75, then go back to the zoning.

Boardmember Anuszkiewicz: So basically the one you're proposing on A is pretty much the same as the two neighbors to the north?

Mr. Petretti: Yes. And here's where those smaller lots show up in the data set.

Boardmember Anuszkiewicz: And what are those? Can you read off those numbers?

Mr. Petretti: This one is very narrow, at 37. This one's 75. That's 100, that's 50, and that's 49. Over here you've got 98, 50, 100, then this is us at 100. That's the local setting right there. That's where we are. We are right here.

Boardmember Dovell: In terms of lot size, did you run the analysis on lot size as well, in the R-10 – this zone, this target area?

Mr. Petretti: Yes, we did. If you go back to the table, again out of the 63 lots in the data set – including the larger lots in the data set – 13,659. Take these four out of the data set, then it's 11,211.

Boardmember Anuszkiewicz: I'm not as bothered by seeing the two lots in the north are the same width as what you're proposing. I think you should present it that way when you present it. You should show it's contextual to what's happening.

Boardmember Dovell: So 11,000 is about the average.

Mr. Petretti: 11,221.

Boardmember Dovell: If these lots were divided equally they would be 10,973.

Chairman Collins: It's pretty close.

Boardmember Dovell: Pretty close.

Chairman Collins: That's very close.

Boardmember Anuszkiewicz: To the average?

Chairman Collins: Yes. Very, very close to the average.

Boardmember Anuszkiewicz: But that average includes those giant properties?

Boardmember Dovell: No, those are the outliers.

Boardmember Anuszkiewicz: You took those out of the data set?

Mr. Petretti: The 11,211 is with the big guys in.

Chairman Collins: Which I think is an inappropriate way of handling it statistically.

My feeling on this is that I would like to see at least two things. One, I would like to see ... just to make sure that the Village verifies the numbers ...

Building Inspector Minozzi: No problem.

Chairman Collins: And I would like to see an attempt to equalize the lot area and try to get it as much as to equalizing the width because they are substantial variances. Even if you were to get from 65 up to 72, that would be a more than 10 percent improvement off its current base, which is a substantial improvement. And it would make me feel a little bit better about ... not so much for this case because I think you've done a very good job of establishing that this is within the norm, or what you might expect; certainly not to be an outlier.

We want to make sure we're minimizing your requirement as much as possible. It makes it easier and more consistent for all applicants that come here. And I don't think it would be a big imposition. It feels like you already can see a way to do it.

Do you guys have anything else to add?

Boardmember Anuszkiewicz: No, I think you're close.

Chairman Collins: Yes, I think you are too.

Boardmember Anuszkiewicz: I think in principle it looks OK.

Chairman Collins: Very good. Thank you very much.

Mr. Petretti: Thank you for your time.

Chairman Collins: Bear with me while I find my agenda here.

Chairman Collins: The public?

Village Attorney Whitehead: Oh, yes. You didn't ask if there's public ...

Chairman Collins: Oh, yes, thank you. Before I move to the next case, is there anyone who wishes to be heard on the matter? If you could just introduce yourself, sir, into the microphone.

Daniel Cleary, 200 Warburton Avenue: I'm actually the neighbor to the north. We actually reside in this residence here. We relatively recently moved into that property in September of last year. We're actually new to the Village and we're quite excited to move here. Part of that is actually the open space the Village has compared to other areas in the tri-state area.

Quite obviously there's no buildings along here, and we have the Aqueduct Trail to our back. One of the reasons we bought the property is that it has a certain level of privacy and a certain level of greenery with it. Now, when we bought this property we also did our homework in terms of the area and lot sizes and what's happening around us. When we actually looked at this vacant lot we actually looked at the tax map – which I understand is a bit different to the actual lot map – and then we looked at the Village code. We can see that it's nonconforming and there's very little chance something would be built there from just looking at those numbers. We also looked at the topography. We can see there's very steep slopes from almost here all the way back, which will almost certainly never be built on.

We just feel that moving this line here and building a house there doesn't feel morally right to us because we've actually invested in this house here. We know this lot shouldn't really be built on, and now we're getting all the plans moving the lot line, which doesn't really seem correct to us. This one is fairly conforming in terms of lot width and this one isn't at all. So we feel very against this, just based on that principle.

Chairman Collins: I'm missing the principle of your argument. What's the principle part?

Mr. Cleary: The principle of the Village code, if you're moving here and you can read it and see actually what's required. If you move in next door and all of a sudden you can get a variance of up to 20 percent, 25 percent, 35 percent it makes the code almost useless to us. Like when we're buying a place it would make that analysis useless, like the Village code doesn't really stand up for anything then.

Chairman Collins: It's a fair observation. I would say that if you take a step back and look at all the lots in Hastings you find that it's littered with lots that, today, would be nonconforming if they were to come forward.

Mr. Cleary: Exactly. And I, of course, agree with you on that. But we're talking about new development here, not an existing change, and these are substantial variances. We're not changing 1 foot to build an extra deck. This is really large variances which have a big impact on our life. We obviously not discussing view preservation today, but we have big objections in terms of that as well.

Some of the other arguments we have against it, I mean, it does set a precedent in subdivision of bigger lots – especially in the area, especially some of the larger lots here. You would say, well, maybe you could get a variance in here, and maybe some here and here. So that definitely creates questions there. You know, there's no hardship reason why this has to be built. This doesn't create affordable housing. For us, it really just seems like

garden graphing in terms of this tiny little lot there and building a house to maximum return for the current owners.

We do have arguments against the view preservation, so our views will be obstructed from the proposed building as well. We have presented that twice before to the Planning Board as well, and if it comes back here then we will do as well.

Chairman Collins: Yes, I would recommend that we hear that if you'd like to present it whenever they come back. That would make sense. Did you have anything else?

Mr. Cleary: I think that's it in terms of the actual width.

Chairman Collins: OK, I appreciate your comment. Thank you.

Mr. Cleary: Thanks.

Chairman Collins: Yes, feel free. Just step forward and speak into the mic.

Nia Wetherell: Hi, and thank you so much to the Board for your consideration.

Chairman Collins: You can adjust the mic.

Ms. Wetherell: Oh, yes. Much better.

Chairman Collins: There you go. Are you comfortable?

Village Attorney Whitehead: You didn't look comfortable.

Ms. Wetherell: No, I'm OK. I'm good.

Chairman Collins: Good.

Ms. Wetherell: And I'm really happy to be here, and thank you for your consideration. I'm just going to read my piece.

Chairman Collins: Go ahead.

"As homeowners for 20 years in Hastings, we've been very, very happy in our home and consider ourselves" – which would be lot one, A, that's our home – "very lucky

to have lived in such a beautiful spot and been able to raise our children here in this village. Unfortunately, in recent years we've seen our tax burden on three lots" – because we actually own the one across the street as well, which I believe is 12, is that correct? – yep – "rise to the point where we can no longer afford to live in the village where we raised our kids."

"As we think about selling our house and property, we realized it made sense to subdivide and share the tax burden, making the lots more attractive and affordable to future homeowners. We've spent years caring for that side yard; my own labor, weeding and planting, just taking care of it, and at the expense of hired landscapers. It is prime river real estate, and we know that some day it would eventually be developed. Just, we knew it would happen. So we felt strongly that we preferred to do the development ourselves.

"In keeping with the architecture and the existing house, we have designed a house... that mirrors the existing arts and crafts structure, but in a modern way. So it's taking a modern take on the building. "We really preferred to do that rather than having an outside developer come in and put up something we felt might be inappropriate to the neighborhood."

So economic circumstances have really forced out decision in this. And I thank you again.

Chairman Collins: Thank you very much. Any other comments?

We did receive an e-mail today on this. Linda, do I need to read this into the record?

Village Attorney Whitehead: You can just comment that you received it, and it was in possession and the address.

Chairman Collins: OK, then I'll do that.

Male Voice: (Off-mic) author of the ...

Chairman Collins: You need to speak into a microphone.

Seth Rosmarin, 204 Warburton Avenue: Oh.

Chairman Collins: You don't have to. I can cover it for you, if you like.

Mr. Rosmarin: That's fine. (Off-mic) rely on the writing.

Chairman Collins: OK. Your response is entered into the record. This is from Seth Rosmarin at 204 Warburton Avenue, who has registered by e-mail his objection to the proposal. So we've captured that. Thank you very much for including it.

Mr. Rosmarin: Thank you.

Chairman Collins: All right, then if there's nothing else we'll defer that and will proceed to our next case, which I will reference here on the agenda.

[Case No.17-17](#)
[Michael Ross](#)
[24 Maple Avenue](#)

For View Preservation approval, as required under Village Code Section 295-82, for the erection of elevated Solar Panels on the roof of their Single-Family Dwelling located at 24 Maple Avenue. Said property is located in the 2-R Zoning District and is known as SBL: 4.30-22-25 on the Village Tax Maps.

Building Inspector Minozzi: Now, this case did go before the Planning Board last week and it has received ... Linda, how would you ...

Village Attorney Whitehead: Their recommendation on view preservation.

Chairman Collins: They recommended for approval?

Village Attorney Whitehead: Yes.

Chairman Collins: The only thing – I'll mention this and I should have mentioned this in my opening remarks – we are a five-person board, we only have four. So it's possible that a vote could be split 2-2. An applicant may choose, depending on how the case is going, to withdraw the case and defer to a future meeting if they wish. I just want to point this out. We have a quorum here and we are certainly ready and capable of making a vote, but without everybody here it's possible that we could draw.

Doug Hertz, president – Sunrise Solar Solutions: Understood. Thank you very much, Mr. Chairman. I appreciate that notice.

We're here tonight representing Ross, 24 Maple. But as you noted earlier, there are two deferred cases – 7 and 9 Ridge Street – that were all together before the Planning Board. They've opted to take an additional look so we'll be, hopefully, back before you. These represent very, very similar issues.

Sunrise Solar is the Village's Solarize installer for this. This project, and the other projects that are deferred, come out of the Village's very successful Solarize campaign, which we were lucky enough to work on. This application represents one of the final, hopefully, solar installations in front of the Village from that campaign. As you know, the Village has made a commitment to clean energy, as evidenced by its commitment to that campaign. And we're very pleased to have been part of that and continue to be part of that.

The reason we're here before you is that we have a flat-roof building, and therefore the solar panels are, by their very nature, slightly raised on that to be able to look at the sun. What we've provided – what you can see now – is basically just a site plan, an overview site plan. We've provided detailed plans on that; there's a rendering. Because there is no visibility – I'll show that in a moment – no place to get a photograph from the east side looking west that would show this rooftop – shy of the air, or showing it to you from a slightly different vantage point so we can demonstrate what this looks like – basically it's a series of low solar panels tilted up very, very slightly to the south on a small racking system. These are raised to the minimum size.

Chairman Collins: Can I ask a question?

Mr. Hertz: Sure.

Chairman Collins: I looked over the drawings and actually had an e-mail discussion with the Building Inspector. I can't figure out what the impact on the view is, which augers in your favor.

Mr. Hertz: What the impact on the view is?

Chairman Collins: Yes, I can't. So I guess what I was hoping for – and I think it's worth the Board having a conversation about – is a rendering that would offer at least an attempt at some of the sight lines rather than purely a top-down.

Mr. Hertz: I'll jump past all that, and give you this. One of the great advantages we have today which we didn't have even a few months ago is the ability to show you perfect aerials of the site. Here we are at this very moment. Right down the street is the area we're looking at. Again, we can look around in real view. This is the site, looking from the west looking

east, as you can see. We can move around this, and what you can see is that right behind it is a very large section of trees that basically break up almost all the structures on Maple from the road behind it, from all the structures behind it.

We pull out farther and drop down, what you get is a fairly good sense of the topography looking down the hill out to the river. Taking that further, I can move around and show you again that Maple has got a little red dot on it, the site that we're looking at. As we begin to come down ...

Village Attorney Whitehead: John, could you guys keep it down?

Chairman Collins: Pardon me?

Village Attorney Whitehead: Yes, Tomasz, could you guys keep it down? Sorry.

Chairman Collins: Thanks, I'm glad you mentioned it.

Mr. Hertz: What you'll see is that the site completely disappears from view. The red dot represents kind of where it is. But remember, it's on the other side of this tree line. We can come down to sort of the lowest dimension we can get to and still can't see this. I'll move in above and show you how to get to it.

Chairman Collins: I see. What about the winter and the leaves are off the trees?

Mr. Hertz: That's a great question. These are primarily deciduous trees so there will be views. As you know, we're only allowed by law to go on public property. We can't get onto a private property, and we certainly can't be obliged to pay people to get us onto private property to take a view. There is no view from any public place that can see the roof of that, not one.

Chairman Collins: But you could ask a private owner to ...

Mr. Hertz: We could do lots of things, but we certainly can't be obliged to do that. I mean, if someone chooses to allow us, that's fantastic.

Chairman Collins: Well, I think you might be obliged to do it.

Mr. Hertz: I can't see how we could be obliged to ...

Chairman Collins: But you're asking us to approve ...

Mr. Hertz: You can ask ...

Chairman Collins: Sir, sir, you're asking us to approve an impact on view and you can't show us what the impact on the view is.

Mr. Hertz: Because we can't find a view that's impacted.

Village Attorney Whitehead: And would it be blocked by the apartments?

Mr. Hertz: Oh, absolutely.

Chairman Collins: How do we know that?

Mr. Hertz: Which apartments? Are we talking about Riveredge, in front?

Village Attorney Whitehead: Yes.

Mr. Hertz: Obviously if you look at the view line, what you're blocking is a view of Riveredge apartments.

Chairman Collins: Where is this? Is this taken from ... that's not even from Warburton.

Mr. Hertz: Where would you like to be? Again, if we're up on the highest point, which is up here, all we're looking at is ... again, we're down here so ...

Chairman Collins: The thing is – and this is not a reflection on your application – we have a view preservation waiver, and if there's no impact on view it's a candidate for the waiver. If it's here, it means by definition the Building Inspector has determined there is an impact on the view. So I'm trying to figure out which one is it. Is there an impact on the view, Buddy?

Building Inspector Minozzi: There's one view that's impacted.

Chairman Collins: Which one.

Building Inspector Minozzi: That's potentially impacted, excuse me.

Chairman Collins: Thank you.

Building Inspector Minozzi: Between Movie House Mews and the firehouse there's an apartment building where the red dot is right now. The second floor of that apartment is directly behind 24 Maple. They would be the only ones that could possibly have, in the wintertime, a possible view obstruction.

Mr. Hertz: And I wouldn't argue that but, again, how can we imagine ...

Building Inspector Minozzi: That's that yellow house there.

Mr. Hertz: ... everyone's ... I mean, you're asking us to literally climb into everyone's window, which is not something that ...

Building Inspector Minozzi: It's actually only one apartment.

Village Attorney Whitehead: Usually when you get in it's because the people have come and objected, and then agreed to let you in. No one's appeared objecting ...

Chairman Collins: But you're otherwise asking us to approve a view preservation where an applicant has not established what the impact on the view is. We're not seeing a mockup of this, and there are many instances where that's presented. And we're seeing it in full spring or summer when the leaves are all on the trees.

My feeling is that this is a very minimal impact, but I'm not happy with the quality of the materials that we're reviewing it with because I feel as if I'm being deprived of anything useful that would tell me how extreme of an impact this is. I just don't know.

Village Attorney Whitehead: So what's the angle, how high are the masses on the roof?

Mr. Hertz: Those have been provided. They're 21 inches at their highest point. You have that in your material.

Boardmember Anuszkiewicz: That's 21 inches above the roof, the highest point?

Mr. Hertz: Correct.

Boardmember Anuszkiewicz: And is there a parapet around the roof?

Mr. Hertz: No, there is no parapet on the roof.

Boardmember Anuszkiewicz: None at all?

Mr. Hertz: No.

Boardmember Anuszkiewicz: But this is a two-story building.

Mr. Hertz: Yes.

Boardmember Anuszkiewicz: And the apartments across the street are a three-story building, right?

Village Attorney Whitehead: Mm-hmm.

Boardmember Anuszkiewicz: So the potential view Buddy mentions would be blocked only of the third story of the apartments across the street.

Mr. Hertz: Correct, so they would have their view of the ground floor of Riveredge apartments blocked by ...

Boardmember Anuszkiewicz: I mean, I agree totally with Matt that you should demonstrate it.

Mr. Hertz: (Cross-talk).

Chairman Collins: Let him finish. When he's making a comment, would you let him finish?

Mr. Hertz: Sorry, I apologize. I thought you had finished.

Chairman Collins: No.

Boardmember Anuszkiewicz: I was just trying to say that I agree that it's not well demonstrated. But I understand that given that this is a two-story building with a 21-inch obstruction that you're talking about, and for the building behind that Buddy mentioned, I can't possibly see how you could block the view because the building across the street is three stories.

Chairman Collins: I'm in the same position.

Boardmember Anuszkiewicz: It's just that you could make it easier for us by just showing a ...

Boardmember Dovell: A sight line.

Boardmember Anuszkiewicz: Yes, a sight line or an elevation.

Mr. Hertz: So here's the site plan elevation. If you draw a straight line from this – which I believe is the building it's referring to – to this, which is the lowest building, again the lowest building on the block.

Boardmember Anuszkiewicz: I get you. We just don't usually approve these things based on a Google map that's spinning around like that. I'm just telling you.

Mr. Hertz: Again, I'm just looking for some input from you. How is that in something like this, that does not exist ...

Boardmember Anuszkiewicz: You could have a section showing your building, the building across the street, and the building behind you. And you could draw a straight line from the building behind you over your roof and demonstrate that your obstruction is only 21 inches and you're not blocking anything. That's one way you could do it.

Mr. Hertz: And that section would be derived by ...

Boardmember Anuszkiewicz: The existing conditions.

Mr. Hertz: So we're to hire a surveyor to go out and ...

Boardmember Anuszkiewicz: People do.

Mr. Hertz: I understand.

Boardmember Anuszkiewicz: That's how you get a building permit.

Mr. Hertz: I understand.

Boardmember Anuszkiewicz: I understand that you're just doing solar panels, but ...

Mr. Hertz: One of the things I'd like to bring up in a larger view is, these are extraordinarily inexpensive projects. The cost of the permits and the cost of preparing for this is going to start to be in excess of the value of the projects. One of the reasons people do solar projects

is to save money, to make things affordable. That's why the Village has committed its resources, all its volunteer work, towards that end.

Boardmember Anuszkiewicz: But that doesn't mean we can drop the requirement for view preservation because solar panels are a low-margin business. I mean, it doesn't work that way. We can't just then say, "Oh, anybody who wants to do solar panels you're exempt from view preservation."

Mr. Hertz: Again, I'm just trying to come up with a methodology that you're suggesting that we could prove this to you. I think this viewpoint is the clearest and most concise viewpoint that exists.

Boardmember Anuszkiewicz: Well, I will tell you it's not that difficult, on a site plan, to draw up a section. You do not need an engineer for that.

Mr. Hertz: You're asking ...

Boardmember Anuszkiewicz: You know how tall your building is, you know how tall the apartment building is, and you know how tall the building behind you is. It's a diagram, it's very easy to draw. The floor heights are 10 feet, roughly. Count them – one, two, three – that's 30 feet, and you bring a 2-dimensional drawing with the sight line on it. Then you've proved it. It's not that complicated.

Mr. Hertz: So if it doesn't impact ... I mean, again, there's no definition. If it doesn't impact the view of the river ... so if you can prove that the line in front of it is below, that's the goal.

Chairman Collins: Well, then you don't need to be here. If you can provide that there is zero impact on the river or the Palisades you are a candidate for a waiver, which means you don't have to come before this board.

Boardmember Anuszkiewicz: That's correct.

Mr. Hertz: I think that's almost beyond proven. I don't know why we're before this board either, quite frankly. We've been struggling with how to prove to you something that's so intuitively obvious, but we have no viewpoint. There is no viewpoint that we're allowed to take a photograph from to show you.

Chairman Collins: I think Adam gave you a really good idea. You imagine the 2-dimensional view – so imagine you're looking down from Maple and you have the

apartments on the right and you've got a height, just draw it to scale, a height – then you have your property, 24 Maple, and then you have the property immediately to the east, or the properties to the east. If you establish that even with a 21-inch increase on the height of 24 Maple the buildings to the west are still taller than that. Then this becomes a moot point and you're almost certainly dealing with a waiver. To Adam's point, you don't need an engineer to do that; that's pretty simple.

Mr. Hertz: So we can draw a line: this roof is higher than this roof, and this roof is higher.

Village Attorney Whitehead: Draw the sight line showing that it goes right into the apartments.

Mr. Hertz: So we're going to come back in a month-and-a-half for a line?

Village Attorney Whitehead: If you show it to Buddy he could change his position.

Building Inspector Minozzi: It doesn't have to come before the meeting.

Chairman Collins: You don't wait 'til the meeting. The waiver happens, he sends me an e-mail, he sends the Planning Board an e-mail, and it's done.

Mr. Hertz: OK.

Chairman Collins: You can't expect this board to approve something just because you say it's so. I'm looking at this and I think you're probably right, but you've given me no numbers or dimensions to indicate that there is no impact on the view as you say it is. And because of the fact that you're here suggests that it could be. Otherwise, you would have been already a candidate for the waiver. So I would suggest that you do the calculations. Maybe you come up with a better way, but I would do it as Adam suggested. Let Buddy know when you're done, he'll e-mail me and then the head of the Planning Board right away.

Building Inspector Minozzi: Well, the Planning Board already approved.

Chairman Collins: So it's just me then.

Village Attorney Whitehead: But they still need, technical, Kathy to sign off on a waiver.

Building Inspector Minozzi: I'll have Kathy do one, yes.

Chairman Collins: The faster you get it to him, he'll get it to us the same day. If it's as you

say, then ...

Mr. Hertz: I mean, with all due respect, to get the height of that building across the street ... I can do my own building, but each street is at a different altitude, each building is different. So you're going to take my word on section that I would need a surveyor.

Boardmember Anuszkiewicz: Unless we look at it, or Buddy looks at it, and says it looks grossly inaccurate. But I think it's pretty obvious.

Building Inspector Minozzi: This view you're showing right now speaks volumes of the building heights.

Village Attorney Whitehead: Buddy didn't have this when he was making the determination about whether to send it or not. He did not have the benefit of this.

Boardmember Anuszkiewicz: These buildings aren't even close enough in height to make the kind of distinction you're talking about necessary.

Building Inspector Minozzi: If I had this view I probably would have sent it for a waiver.

Mr. Hertz: Pardon?

Village Attorney Whitehead: He said if he had this, if he saw this, he probably would have sent it for a waiver.

Chairman Collins: So is it true? I mean, do we know what the heights of the building are?

Village Attorney Whitehead: Well, you can see comparatively.

Chairman Collins: I don't know.

Building Inspector Minozzi: Comparatively, exactly.

Village Attorney Whitehead: You lose 24 Maple.

Chairman Collins: Dealing with Google Maps, Google's mission is to sell search advertising. It's not to be to scale.

Mr. Hertz: I understand.

Village Attorney Whitehead: But it's a photo.

Building Inspector Minozzi: It is two stories compared to three stories though.

Village Attorney Whitehead: But this is three stories and it is a low two-story.

Chairman Collins: But it's also higher up on an elevation because the elevation rises from the river. So 24 is going to be set at a higher elevation.

Village Attorney Whitehead: I think it's not higher than the apartments because Maple is flat.

Building Inspector Minozzi: On both sides of Maple is pretty flat.

Village Attorney Whitehead: Maple's flat.

Chairman Collins: Guys, we're all dealing with, I think, I believe ...

Village Attorney Whitehead: We have a low two-story flat roof building.

Chairman Collins: We have never ever seen a view preservation request that's come before us where we have been able to approve it, much less have a comment on it, without some kind of either mockup that shows it at its elevation, or a view of the elevations of the buildings around it. We just haven't.

Building Inspector Minozzi: Whatever you want to do, no problem. If he's going to give us a section line drawing and I'll send it out to you I'd be happy to do it. I'll be happy to distribute it. No problem at all.

Boardmember Anuszkiewicz: But do we have to look at that?

Boardmember Hayes: I know I haven't spoken much because I'm very jetlagged. I'm six hours ahead so I'm dying, but I knew we needed a fourth.

It would surprise me that it needs to come back here. I mean, I could be totally wrong.

Chairman Collins: But if it does, then it's coming back for the right reason.

Boardmember Hayes: Yes, that's right. Then it's coming back for the right reasons, but since I do park there so I'm on that street a lot it absolutely blow my mind that I could sit on

the roof of that house and have any view of the Palisades and the river over that complex. It would shock me.

Village Attorney Whitehead: Or any view that would be blocked by the height of these panels.

Boardmember Hayes: By the solar panels, yes, the 21 inches. So it seems to me this should be sort of an administrative matter that should just be "sorted," to use an English term. Let's just get it sorted and not come back here. Unless we're really off, it should be sorted.

Village Attorney Whitehead: So talk to Buddy.

Mr. Hertz: OK.

Village Attorney Whitehead: He'll work with you on what he needs to figure out if he can get a waiver.

Mr. Hertz: So for the other applications that you're going to be addressing, if we can show that the height of those has no ... the background of that is ...

Village Attorney Whitehead: The Planning Board has requested a mockup, and there were two neighbors who invited everybody in to take pictures or see the mockup on those. And this board can't act without the Planning Board's recommendation.

Mr. Hertz: Right, but this board will then act. So will this board go and look at the mockup?

Village Attorney Whitehead: Yes.

Chairman Collins: Yes.

Village Attorney Whitehead: When the mockup is on both boards' agenda.

Building Inspector Minozzi: We're going to invite all boards to see the mockups because I spoke to them on the phone today.

Chairman Collins: Are we invited to that location?

Mr. Hertz: I don't know. I mean, it's private property. I don't know. We were not ...

Village Attorney Whitehead: They have to let you in so you can take the photos and see it, and that can be coordinated through Buddy.

Building Inspector Minozzi: Absolutely.

Mr. Hertz: Very good. Thank you very much.

Chairman Collins: Thank you. I'm taking no one would like to speak on this case? OK.

Case No.18-17

John Doherty

248 Mount Hope Boulevard

Relief from the strict application of the Village Code Sections 295-68F.1.b, 295-20.B.6 & 295-68F.2.a.2, for construction of a new rear wood deck at their home at 248 Mount Hope Boulevard. Said property is in the R-10 Zoning District and is also known as SBL: 4.90-89-12 on the Village tax Maps

Nonconformity details of he proposed Rear Wood Deck are as follows:

Developmental Coverage: Existing - 35.2 percent; Proposed - 35.5 percent;

Required Maximum – 35 percent {295-68F.2.a[2]}; Variance required – 0.5 percent

Rear Yard to Deck: Existing - 12.7 feet; Proposed - 5.33 feet; Required Minimum – 6.35 feet {295-68F.1.b & 295-20.B.6}; Variance required – 1.02 feet

Chairman Collins: The developmental coverage variance request is one-half of 1 percent, and the rear yard to deck is a variance request of 1 foot. If you could just introduce yourself.

Tomasz Lopinski, design consultant/general contractor: Good evening. I was hired by John Doherty to design this deck. I would like to invite John and maybe speak why we're doing this.

There is a sitting area, a patio on ground. But we found that there will be a better way to use the outdoor space for eating and cooking if we have a one-level floor connected to the dining room and kitchen, since the existing steps are kind of awkward and, I would say, unsafe. John, do you want to (unintelligible).

John Doherty, applicant: Good evening, everyone.

Chairman Collins: Good evening.

Mr. Doherty: Thank you very much for hearing my case on a late evening.

Chairman Collins: Thank you for your patience with us.

Mr. Doherty: I'll keep it brief, I hope. I'd like to give you a little history if I could. I lived at 21 Overlook, around the corner, for 40 years and moved here three years ago because I was trying to get stairs out of my life and this is one of the places that I didn't quite succeed. And my wife is finding it tough to do stairs at the moment.

This house is kind of a queer bird because it was kind of carved by my old-time neighbors. I don't know if any of you knew the Rau family at all, but they were kind of up there – yes, you did, Linda – on Overlook for years and years. This house was built for Mrs. Rau's sister. You have, I think, the plans. You'll notice that the property lines are really odd. It was just carved out so they could kind of plant this house on the corner of their property. They owned the whole property from Mount Hope down to where their house stood at 18 Overlook.

Anyway, that's kind of how it came that way. This patio, I think, that you saw in the first photograph actually predated the house. So that's kind of the background for the thing. It was kind of their stone terrace. Anyway, my wife is just having a tough time with stairs now so that's the whole point of the deck. I don't think it would be very obtrusive. It mostly is going to sit on top of the existing deck already. There's only one neighbor that actually would even see it, and she wrote an e-mail which I sent to Buddy Minozzi and is in the record, I guess.

Chairman Collins: It is.

Mr. Doherty: That's the whole point of it. Tomasz will give you the technical aspects, but that's why we're doing it, or would like to do it.

Chairman Collins: That's helpful. I appreciate it, thank you, Mr. Doherty.

Mr. Lopinski: We came up with this layout for a deck, with a little bay for a barbecue. It's exactly 15 by 20. Unfortunately, the rear part of the property is what it is. It has a very awkward property line so we have to deal with these setback lines on the rear and on the side. We found ourselves in a position that we need to request minor variances for coverage and distance from the rear property line. So we're seeking those.

Chairman Collins: The goal is to kind of even some things out. Are you keeping the stone that's there and this just sits on top of it?

Mr. Lopinski: Well, some of them, if it's going to be in the way, it's going to be appropriate, we're going to remove. But we'd like to build over this on a real foundation. Partially there's a rock. With the deck, it's going to have steps to the left and the right to reach the lower level of the outer space. Basically, the idea is to have the nice smooth transition between the dining room and kitchen, and just simply a deck.

Chairman Collins: You just walk right out onto the deck and you're there.

Mr. Lopinski: Yes, and enjoy the space.

Chairman Collins: I think it's a lovely deck and the need is very compellingly presented. And the variances here are very, very minor. I mean, you're dealing with – and it's so funny, we were talking about odd lots ...

Boardmember Dovell: This wins the odd lot award.

Building Inspector Minozzi: Exhibit A.

Village Attorney Whitehead: This is the oddest one I've seen.

Chairman Collins: No comment. Anyway, I'm in favor. I think the applicant has presented a very compelling need and the intrusion here is very minor. OK.

Does anyone in the public wish to be heard?

All right, then. Can I get a motion?

Village Attorney Whitehead: David's not here.

Chairman Collins: Do it, Ray.

On MOTION of Boardmember Dovell, SECONDED by Boardmember Hayes with a voice vote of all in favor, the Board resolved to approve Case 18-17 for rear yard setback variances of existing at 12.7 ft., proposed at 5.33 ft., against a required minimum of 6.35 ft. The variance required is 1.02 ft., and development coverage of 0.5 percent, half of 1 percent.

Chairman Collins: It's unanimous. Congratulations. Good luck on the project.

Mr. Lopinski: Thank you so much.

[**Proposed Local Law B of 2017**](#)
[**Amendment to the Zoning Code with Respect to the Requirements for**](#)
[**Mailing of Notice of Hearing**](#)

Chairman Collins: Guys, we have just one more item of business before adjourn, and that's discussion of the proposed local law, an amendment to the code regarding the requirements of mailing and notice.

I'd sent out an e-mail on this just summarizing what I saw as the key changes, and I believe our Village Attorney and Buddy both validated that, in fact, I had summarized it correctly. The biggest changes are that we are switching from ... the basis of the analysis goes from the Village of Hastings to the Town of Greenburgh because that's where the tax rolls are now. I'm just going back to my notes. Old language read, "The public hearing shall not be held unless the applicant has filed with the Board either the return receipts from, or other proof of, mailing are noticed." The new language just simply removes the return receipts. They still have to prove the mailing of notice, but return receipts are not required.

Village Attorney Whitehead: They still have to do certified, which means they have the certified slips as proof it was mailed. The return receipts – to send something certified return receipt now – is almost \$7 per notice.

Chairman Collins: That's sizeable.

Boardmember Anuszkiewicz: So that's why we're doing this? To save \$7?

Village Attorney Whitehead: Well, the other thing is you very often don't get the return receipts.

Boardmember Hayes: I have to say I agree with the return receipts.

Village Attorney Whitehead: They don't benefit you.

Boardmember Dovell: It's a joke.

Boardmember Hayes: Particularly with the state of the U.S. Postal Service right now.

Village Attorney Whitehead: Yes.

Chairman Collins: Well, how many times? It happens all the time.

Boardmember Hayes: We shouldn't have return receipts.

Village Attorney Whitehead: There's no benefit to you.

Boardmember Anuszkiewicz: With the receipts they often have people who come and say I never go the letter. Then the post office say, Well, yeah, you delivered it and then that's that.

Village Attorney Whitehead: But you have the certified.

Building Inspector Minozzi: We have the certified mailing.

Village Attorney Whitehead: Which has to be stamped that it was mailed.

Building Inspector Minozzi: By the post office.

Boardmember Hayes: There's an extra step with the return receipt that I don't think is necessary.

Village Attorney Whitehead: And then most people don't even get their stuff and sign their return receipts. If they're not home they're not there to sign the return. We don't use the return receipts as proof. We use the certified, the list of addresses. The certified slips get stamped by the post office when they're mailed so that is a proof of mailing.

Boardmember Anuszkiewicz: Right, but we do have people that come and stand here and say that they never got the letter.

Boardmember Hayes: Right. And what I would say to that, Adam – and I'll take it to the extreme – is if so-and-so on so-and-so boulevard decides to go hang out in Costa Rica for three months and therefore doesn't get the mailing, tough.

Village Attorney Whitehead: Or if they're at work and the slip is left at their house, and they don't go to the post office to pick it up.

Building Inspector Minozzi: Which a lot of people don't.

Village Attorney Whitehead: Which is what happens often.

Chairman Collins: It happens at least once a year with us, it feels like.

Boardmember Hayes: You have to take a little personal responsibility is my view.

Village Attorney Whitehead: What we care about is that it was mailed, and the certified slips provide the proof of mailing.

Building Inspector Minozzi: We had this issue at 4 West Main Street, and I have proof that it was mailed.

Chairman Collins: I remember that. It got hot.

Building Inspector Minozzi: I have proof.

Boardmember Hayes: Yes, I just don't think it has to go to the level of being served.

Chairman Collins: And typically, just for our ...

Building Inspector Minozzi: Seventy-five percent come back.

Chairman Collins: In a typical notice area how many does the applicant have to send, times \$7?

Building Inspector Minozzi: About 30.

Boardmember Anuszkiewicz: It's not a insignificant amount.

Chairman Collins: And for something that's not terribly reliable.

Village Attorney Whitehead: Or useful.

Building Inspector Minozzi: Your average mailing's about \$300 so this would almost cut it in half.

Village Attorney Whitehead: There's still an extra fee for certified, but it's more for the return receipt.

Chairman Collins: And they still have to file proof of the mailing.

Village Attorney Whitehead: Yes.

Boardmember Hayes: I just view it as a little bit archaic. I'm willing to be proven wrong, but I view it as archaic. In fact, we should probably be able to shift it all to e-mail but that's a step for another day.

Chairman Collins: Some day.

Village Attorney Whitehead: Not yet.

Chairman Collins: When we all have chips in our heads.

Do we need to vote on this, or this is just our commentary?

Village Attorney Whitehead: If you agree to make a recommendation, again, send a memo to the Trustees that they reviewed and the Board agrees.

Chairman Collins: Does anyone have an objection? All right, I'll follow this.

Boardmember Hayes: What about our other memo? Is that on the public record now?

Chairman Collins: Not yet. I sent it to Peter a week ago Friday, I have not gotten a reply from him, but it needs to be a part of the public record. So before part of the meeting opened I told Linda that I'll ... tomorrow I'll send a note to Raf because he controls what gets on our Web site. I'll copy Peter and say this needs to get on as an accurate reflection of where this board stands. So I'll do that tomorrow.

Boardmember Anuszkiewicz: That'd be great.

Chairman Collins: And I'll keep you posted.

Building Inspector Minozzi: Peter was away, wasn't he?

Chairman Collins: He was away, but I do not ...

Boardmember Hayes: I saw him back on the train.

Village Attorney Whitehead: He's back. He came back over the weekend. But it needs to go to Raf.

Chairman Collins: Yes, I'll send it to Raf. That's fine.

Boardmember Anuszkiewicz: When are they voting on that?

Chairman Collins: It's the next meeting. August?

Village Attorney Whitehead: No, they're not voting yet. They're having a discussion next week because they have the whole Board. They want to do it when they have everybody there. What they're doing at this point is discussing all the comments they've gotten, including yours and the Planning Board's and the public, and deciding where they want to go from here. There's no vote in the offing anytime soon.

Boardmember Anuszkiewicz: All right.

Building Inspector Minozzi: You've got to do your minutes.

APPROVAL OF MINUTES

Regular Meeting of June 22, 2017

Chairman Collins: Anyone have any comments on the minutes?

Boardmember Hayes: I wasn't here.

Chairman Collins: I got to be honest, it's a 92-page document and I did not get very far on this.

[laughter]

Village Attorney Whitehead: You can hold it.

Chairman Collins: I would prefer that we do. I'd like to think a look at it. I mean, this is a fairly consequently meeting.

Building Inspector Minozzi: Hold open 'til September?

Chairman Collins: Yes, and I'll get through it. It'll be my beach reading.

ANNOUNCEMENT

Next Meeting Date – September 7, 2017

ADJOURNMENT

Chairman Collins adjourned the Regular Meeting.