

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
ZONING BOARD OF APPEALS
REGULAR MEETING & PUBLIC HEARING
APRIL 26, 2018

A Regular Meeting and Public Hearing was held by the Zoning Board of Appeals on Thursday, April 26, 2018 at 8:00 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Chairman Matthew Collins, Boardmember Ray Dovell, Boardmember Joanna Berritt, Boardmember Carolyn Renzin, Boardmember Jeremiah Quinlan, Village Attorney Linda Whitehead and Building Inspector Charles Minozzi, Jr.,

Chairman Collins: All right, ladies and gentlemen. Thank you for joining us for the April 26 Zoning Board meeting. We have two cases on our docket this evening, and we have two discussion items that will follow the hearing of the cases.

Before we get underway, I just want to acknowledge some changeover on the Board. We have some new members: Joanna Berritt, Carolyn Renzin and Jerry Quinlan have joined us. Those who have been on the Board for any length of time know that this a pretty significant undertaking. This is an all-volunteer board and requires quite a bit of time and a certain amount of caring about the Village and about the people who come before our board, of all kinds.

So I just want to acknowledge and thank everyone who's decided to join the Board anew; those who've kept their commitments and keep coming back month after month, gluttons for punishment that you are. I really, really appreciate it and I know that Hastings does, too.

So why don't we go ahead and get underway. Buddy, how are we on the mailings?

Building Inspector Minozzi: The mailings are all in order, according to my staff.

Chairman Collins: Okay. So a couple of logistical requests. There are two microphones that we have available: the standing mic, and we have a handheld. Everything that is being said here tonight will go on the record via remote transcriptionist. So it's really important that you, at all times, if you're talking grab a mic. And if you feel like you need to interject or jump in on something that maybe someone else is talking about at the time, make sure you grab a mic so that way we get your name, or get your comments, on the record. I would just ask that the first time you speak that you introduce yourself so we have your name for the record, too. All right?

Case No. 23-17
Riverton Lofts West, LLC

10 W. Main Street

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

View Preservation approval, as required under Section 295-82, and relief from the strict application of Section 295-76.A.16(b) & 295-36.A of the Village Code for the construction of a new seven-unit multi-dwelling on its property at 10 W. Main Street. Said property is located in the CC Zoning District and is known as SBL: 4.70-48-13 on the Village Tax Maps.

Nonconformity details of the proposed construction are as follows:

**Use Variance: No residential use on the ground floor {295-76.A.16(b)};
Proposed - Residential Use on the ground floor.**

**Required Parking Spaces: Existing Use - Provided; Proposed - 11 Spaces;
Required - 18 Spaces {295-36.A)}; Variance required - seven Spaces.**

Chairman Collins: So we will begin with Case 05-18, Irene Steiner and Michael Meyers.

**Case No. 05-18
Irene Steiner & Michael Meyers
6 Summit Street**

Relief from the strict application of Village Code Sections 295-68F.1(a) and 295-55.A for the second-story expansion of an existing single front-story bump-out at her home at 6 Summit Street. Said property is in the R-10 Zoning District and is also known as SBL: 4.140-144-6 on the Village Tax Maps.

Variances are sought for Front Yard, and the extension of an Existing Nonconformity bump-out for a second story addition:

**Extension of the Nonconformity Front Yard: Existing – 16.6 feet; Proposed – 18.5 feet; Required Minimum – 30 feet {295-68. F.1(a) & 295-55. A};
Variance Required: 11.5 feet**

Chairman Collins: If you could, whenever you're ready, sir, just introduce yourself and take us through your proposal here.

Michael Meyers, project architect: Good evening. Mr. Michael Meyers, the owner, is also present here this evening.

Basically, the largest part of this proposed renovation are two additions to the rear of the

home. One is a two-story addition above an existing one-story structure that measures approximately 25 feet across, 6-1/2 feet back; that's matching the footprint of what's below. And then we are squaring off the remaining corner with a basement – plus first-floor and second-floor addition – also in the rear. Those two particular additions do not trigger or require any variances.

The main reason why we are here before the Board is that presently the front entrance has masonry steps that lead up to a substantial landing and there is no coverage there. So we are looking to put a roof above that landing and also to do a small, 2 foot by 7-1/2 foot bump-out to enlarge a small hall bathroom up on the second floor. So it's those bump-outs that trigger the requirement to be before this board.

The house presently sits in a nonconforming location. I've passed out some colored drawings to show you graphically how the house sits. The blue represents the footprint of the home and the sort of pink-purplish color reflects what is called the building envelope, where you could build as-of-right. As you can see, when the house was originally built, because it's on a corner lot and requires two front yard setbacks, the house is situated in what we call an existing nonconforming manner. Again, any minor alterations to the front of the house on Summit would require a variance simply because the house is existing presently nonconforming.

Another variance we are requesting is that you have a section in your code that stipulates that if there is any enlarging of an existing nonconforming structure, expansion of that, you need permission. In this case, because we are making the house deeper, we need to put on a roof that continues towards the rear. Therefore it raises the roof slightly, and therefore by raising the volume of the roof it was determined that we are expanding the volume of the house. That is the other variance that we're before you for; simply because the roof pitch is increasing slightly so we can bring it to the rear.

Chairman Collins: Buddy, are there two variances that are needed here then?

Building Inspector Minozzi: That variance that Michael just mentioned is not ... the 295-55 is for the front bump-out. It's the second-story addition over a preexisting, slightly covered roof and porch area that's existing there. That's being bumped out to a full second-story addition, which is the 295-55.A. The second part of that variance is the front yard setback, which is now the covered porch which is reaching to a point of 16.6 feet. It's kind of two variances that are wrapped into one.

Chairman Collins: I'm going to try to unpack that. I think what the applicant is requiring here is, really, because there are two stories, each of them impacted by this project, each of

them in the front yard.

Building Inspector Minozzi: Right.

Chairman Collins: The front yard is the zone of interest, and we have two that we need to be mindful of. There's the front yard property line to the first floor ...

Building Inspector Minozzi: Correct.

Chairman Collins: ... and then to the second floor.

Building Inspector Minozzi: Correct.

Chairman Collins: And it's 16.6 to the first floor today?

Building Inspector Minozzi: Correct.

Chairman Collins: And it will remain that ...

Building Inspector Minozzi: That's correct.

Chairman Collins: ... after this. It's the 18.5 that is ...

Building Inspector Minozzi: Is going to the second story, which is already there. We're just going up higher with it.

Chairman Collins: Right, Okay.

Mr. Meyers: Correct.

Building Inspector Minozzi: There's more in the setback. And what Mr. Meyers was talking about with the roof is, the roof on that front bump-out is included in the bump-out, as well. So it's the structure and the roof which kicks it with the 295-55.A.

Chairman Collins: And that roof is covering over, as you pointed out, a bump-out that exists, or will exist, or would exist because of a bathroom on the second floor.

Mr. Meyers: Exactly. By increasing the volume of the roof, it triggers that other variance requirement of expanding ...

Building Inspector Minozzi: It's actually the volume of the addition *and* the volume on the roof. It's both.

Mr. Meyers: It's both, right.

Chairman Collins: Okay.

Building Inspector Minozzi: But we count it as one because it's all the same structure.

Chairman Collins: Yes, and all in the same yard.

Building Inspector Minozzi: Yes.

Chairman Collins: Okay. Anything else we should know?

Mr. Meyers: No, that's pretty much it. I mean, again, the heavy lifting for the project's in the rear, but those two particular parts of the project don't trigger any requests on the requirements for variances.

Chairman Collins: Okay. Well, I'll kick off with my remarks, and then I'll invite each member of the Board to ask any questions that may be on their mind.

First of all, I always appreciate receiving drawings like the kind that you submitted right before the meeting which indicate the permissible footprint. It's really helpful to be able to understand, or even preempt, a question of what could you do here to build in an as-of-right way. Very clearly, you see here that that would create a much more substantial project. If you decided you wanted to stay purely within this envelope you'd be faced with a project no homeowner would sign up for. So you're dealing with a footprint that already is sort of what it is and creates a grandfathered situation regarding this variance.

In my eye, the request the applicant is seeking here is modest. There is no change for the first floor, as I understand it; that the distance between the front yard property line to the first floor remains the same. It's a little bit closer, I think, on the second floor.

Building Inspector Minozzi: Yes, the existing is 16.6 to the stoop, and he's putting a roof above the stoop. So it's not changing.

Chairman Collins: Right.

Village Attorney Whitehead: There's just a roof there, where it's only the stoop now.

Chairman Collins: Right. So there is a ...

Mr. Meyers: Exactly. There's a slight overhang because in that particular house the second floor overhangs.

Village Attorney Whitehead: You're adding.

Mr. Meyers: But, correct, the main structure is preexisting. We're just putting a roof on it.

Chairman Collins: So what we have is more mass in a nonconforming yard.

Mr. Meyers: Correct.

Chairman Collins: And this is, first of all, a very common scenario in Hastings that we see on this board all the time. And the applicant's need here for having that coverage over the front door to accommodate what seems to me a very modest bump-out on the second floor is, in my mind, unobjectionable.

Building Inspector Minozzi: Believe it or not, I was reviewing the history of the last two years of the Zoning Board applications and the majority of our cases are 295-55.A: the extension of an existing nonconformity.

Chairman Collins: There's a lot of nonconforming going, existing nonconforming.

Village Attorney Whitehead: You actually see, not just here but everywhere, a lot of variances – front yard variances – for covering a front entry.

Chairman Collins: Sure. We'll they're built into these tiny front yards.

So I have no concerns about this project, but why don't we go down the line. Joanna?

Boardmember Berritt: No, I have the same feelings. I think, looking at the property, it'll actually be quite nice because you're at the end of the street to sort of have more of a focal point to the end of the street. So in my view it's fine, too.

Chairman Collins: Carolyn?

Boardmember Renzin: I have no concerns.

Chairman Collins: Ray?

Boardmember Dovell: How big is the bump-out at the second floor?

Mr. Meyers: The second floor bump-out comes out 2 feet beyond the existing, and it's 7-1/2 feet wide.

Boardmember Dovell: So it's 14 square feet of variance?

Mr. Meyers: Roughly, right.

Boardmember Dovell: That might be a new record for ...

Village Attorney Whitehead: Didn't we have one that was like (cross-talk) ...

Chairman Collins: Yes, we've had some that'll beat this.

Chairman Collins: Definitely hall of fame material. No, I think it's quite minimal and in character, so I have no objection.

Chairman Collins: Jerry?

Boardmember Quinlan: Yes, I'm fine with it. In fact, your front yard is a lot bigger than mine.

Boardmember Dovell: Okay. Does anyone in the public wish to be heard on the matter?

Then hearing no further comment, can I have a motion, please?

On MOTION of Boardmember Dovell, SECONDED by Boardmember Quinlan with a voice vote of all in favor, the Board resolved to approve Case No. 05-18 for the extension of a nonconforming front yard at 6 Summit Street, existing 16.6 feet, proposed 18.5, required 30 feet; variance required 11.5 feet."

Chairman Collins: The vote's unanimous. Congratulations, Mr. Viera. Thank you very much.

Mr. Meyers: Thank you, all.

Mr. Viera: Thank you, sir.

Chairman Collins: All right, we'll allow for a little bit of moment of transition here. I will key up our next case, 06-18, for Julie Tyson.

Case No. 06-18
Julie Tyson
67 Pinecrest Drive

View Preservation approval as required under Section 295-82 of the Village Code, and relief from the strict application of Village Code Sections 295-52A & 295-20C for the creation of a swimming pool at her single-family dwelling at 67 Pinecrest Parkway. Said property is located in the R-10 Zoning District and is known as SBL: 4.100-95-32 on the Village Tax Maps.

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

Side yard setback pool:

Existing – none; Proposed to pool – 10 feet; Required Minimum – 20 feet {295-52A}; Variance Required – 10 feet

Paving in a required yard:

Existing – none; Proposed – 382 square feet; Required Maximum – none {295-20-C}; Variance Required – 383 square feet

Chairman Collins: I think, for this case – because it involves a teardown, too – I just want to point that there really is, for the purposes of comparison, no existing. The existing structure would be demolished to make room for this project. So when we think about existing versus not-existing, for all intents and purposes we will approach this as a new development with a reference point to what's there. But really, it's not terribly useful.

Building Inspector Minozzi: Now, I handed out updated drawings that the applicant gave me this week. When we had a discussion after the Planning Board, they decided to move the pool to a conforming location. I passed out those drawings that were submitted.

Village Attorney Whitehead: And that's why there's no longer a side yard setback.

Chairman Collins: Right, Okay.

Village Attorney Whitehead: And then just to report, from the Planning Board meeting the

Planning Board did review the view preservation and made a recommendation.

Chairman Collins: To approve it?

Building Inspector Minozzi: To approve, yes.

Chairman Collins: All right, sir. Whenever you're ready, if you could just introduce yourself.

Mike Jacobs, JacobsChang Architecture: Yes, but I'd love to get the slides first.

Village Attorney Whitehead: You have to turn the TV on.

Building Inspector Minozzi: I know, I got caught up.

Boardmember Dovell: Can we move the presentation as well?

Mr. Jacobs: Good evening. We're here on behalf of the property owner at 67 Pinecrest – Julie Tyson. I should add that I am also a resident of Hastings, which has no significance except for the fact that I, too, appreciate the Zoning Board and all the work that does go into this. I sit on the Parks and Rec Commission and I understand that time commitment. I know this was a lot more, so thank you.

I'll just preamble a little bit. The property is located at 67 Pinecrest Parkway. We're here for two reasons. One is that the property falls within the view preservation district so therefore we're here for consideration of approval on the View Shed Preservation Ordinance. The property also, because of the topography, falls within the Steep Slope Ordinance requirements. So we're here to also request approval for steep slopes.

Chairman Collins: Actually, not for steep slopes.

Village Attorney Whitehead: This board doesn't approve steep slopes.

Chairman Collins: That's not us. We'll take your view preservation and your paving.

Mr. Jacobs: Okay, so I'll consider that a clearance.

[laughter]

So 67 Pinecrest, located in the dark black, is the property. This property and house, like

many in the Village and probably all the neighbors in the Village, exists in a neighborhood of a wide range of homes – "homes" stylistically, scale-wise, in size – and also properties that are very varied in size. So how did we get here? A quick look at the kind of vicinity of the property. The first house we see emerging that still exists in the area is from 1905. From 1905 to 1925, what we see is roughly a number of homes that were built on somewhat larger properties in general. Some of the homes are fairly large manor homes. They also tend to be a little bit larger in size and also somewhat more spread out, typically.

Between the years of 1925 and 1955 there really is an activity of development in the neighborhood. What we see here is a little bit of a different land use pattern, in general; smaller-scale properties, so narrower in street width, longer in length. And this results in somewhat closer proximity between the structures. I think of note, particularly with the steep slopes question, what we've seen here now, really for 100 years, is development of a neighborhood topography. On the right-hand side of the slide is the east, and that's going up the hill. On the left side of Pinecrest Parkway, it's sloping down the hill. We see this has been a fairly consistently developed neighborhood for almost a hundred years.

I should also note that within 67 Pinecrest Parkway there are two structures. There's a house on the property on the north end, and there's a garage structure to the south end. What's somewhat indicative of this time frame is that the house more or less brackets the front of this time frame and the garage brackets the back of the time frame; so 1926 and 1955.

Then really, in the neighborhood, there's nothing of significance developed until about 1990. In 1990 and 1991 we see the development of three properties: 80 Pinecrest Parkway, which is up across the street from the property, at 67:: and the two properties that are accessed from North Broadway. What we see here is just simply what I see as a reflection, somewhat, of today's zoning code, which is a pushing for larger-scale properties that result in somewhat larger homes, typically, with minimum lot sizes that are larger – really encouraging less density, be that what it may.

This is, again, the neighborhood today as it exists and what the proposal would impact on the property. So from the street, as we zoom in – this is a Google Street View, this is not my photograph, and I believe this was taken probably at least a year ago in the summer months – right there, in the middle of the property, is the house somewhat to the north of the property, north half. Through the trees to the very right side of the image we begin to see the proximity of the property. Eighty-three Pinecrest Parkway is very close to the house at 67. You could also see in this image how the property begins to slope down from the sidewalk, so the house is entered as you walk down into the property somewhat.

Then I think of significance here is that we see the presence of the blue tarp that is currently

not existing but is part of the original garage structure on the property. The stone walls of that building still exist, and I'll get into that in a second. But I think we do see sort of the presence of that roof that is now since gone. As we move deeper into the property, we see both the house to the right and the stone garage structure to the left, now without the roof and framing. We begin to see some of the neglect that's sort of taken over on the property over the last few decades.

As we move closer to the house, these are just examples of the current state of affairs of the wood-frame house, with the exterior neglect: porches that are collapsing, the stairs that have been replaced. And I think also of significance, a large grouping of trees down to the bottom half of the property, on the north edge, neighboring 83 Pinecrest. This is a grouping of fairly mature trees that have been sort of lopped off at about 40 feet, so I think really in need of coming down and probably sooner rather than later.

Finally, the proximity to the neighboring house to the north. Again, just in terms of density and proximity, we're seeing here that the fence line between the houses is roughly the property line. The house to the right – this is on the left-hand slide now – is 83 Pinecrest. That house to the left is Pinecrest. Then the image on the right is just taken facing that property from the back porch, as we begin to see the fence and the house beyond.

Boardmember Dovell: So you're about 3 feet away from the lot line.

Mr. Jacobs: I think it's 3 feet 6 inches, correct. So this is that property, now zoomed in, as it currently exists. We see the house on the top side, or north side of the property, and the stone garage building down to the south side. Under today's current zoning codes, both side yard setbacks are nonconforming, or in noncompliance. We would see here that the 30-foot front yard setback and the 30-foot rear yard setback would be in compliance with today's sort of current structures.

Then the changes we propose: obviously, movement of the house from the north end to the middle, sort of southern half, of the property. This idea was done, really, with two primary ideas in mind. The first was to think about we would plug the new house into the stone structure that's been there and that is existing. This structural assessment was done on that structure in April of 2017 as a result of some of the violations that were sort of laid on the property from the Building Department. That summary report outlined a set of masonry walls that were in fairly stable shape. An assessment felt that the walls could handle repurposing, and I think we felt like – after reading this report – that with some further study, further engineering study, we could probably repurpose these and breathe new life into them in a sort of adaptive reuse format.

One idea sort of led us to kind of relocate the house further south. We feel like this is a stone structure that's really been on that property, and a presence in the neighborhood, for roughly 65 years. If it's able to be salvaged, we felt like it was worth the effort. The other sort of primary objective in moving the house was pretty straightforward. As we've seen the proximity to the north neighbor, we felt like the property of this scale – and perhaps maybe the benefit of both properties – giving the houses a little bit of breathing room between structures was probably needed. So additional privacy and, hopefully, additional daylight for both properties.

This is the original site plan we presented to you guys a few weeks ago. After listening to some of the public comments last week, there were concerns – and I'm going to summarize quickly – somewhat about construction noise. I think that's a fair question that's being raised, and what that does to a neighborhood during construction. We don't see a lot of ground-up houses in Hastings. I think the other question that came up twice was the question of the noise from pool equipment. That there were a couple pools in the neighborhood that do generate some noise.

Going back to the drawing table, we made a few adjustments to the site plan. Our original submittal asked for a 10-yard consideration on the zoning setback. We're not asking for that anymore. The pool is now located 20 feet from the north property line. What we are, I believe – Charles, perhaps you can shed light on this – or will be, asking for is consideration on the stairs that encroach on the side yard setback.

Building Inspector Minozzi: That's correct, sir. And you have to give us the updated square footage ...

Mr. Jacobs: I will. I have it.

Building Inspector Minozzi: ... because the calculations I have are for the original plan.

Mr. Jacobs: I have it, thank you. I will get to that.

Building Inspector Minozzi: It's been reduced.

Mr. Jacobs: It has, yeah.

The pool is obviously now in compliance. And the question of the noise I think is a good one, from pool generators. What we're proposing is to locate that on the right-hand side of the diagram. We're showing the pool and its relationship to an outdoor space that's underneath the garage, and that outdoor space is adjacent to a non-conditioned indoor space

which is basically a winterized storage shed for pool equipment and chairs. We're proposing that the pool equipment be stored in that enclosure, effectively reducing or eliminating the noise concerns.

Building Inspector Minozzi: Mr. Chairman, just a note to let you know. At the Planning Board meeting, the pool equipment was made – can you say ...

Village Attorney Whitehead: It was after that.

Building Inspector Minozzi: It was a large concern where it was going to be. I think the applicant has done a fairly good job, now moving it away to the other side of the house with all the existing structures around this new dwelling.

Boardmember Dovell: Can you point to where that is now?

Mr. Jacobs: Of course. This is the street, this is the driveway, and there's a garage off the driveway. As we descend into the house, the pool patio moves this way – the pool's here – and underneath this space of the garage is a space that's covered and is outdoor, exterior. Behind that exterior space is a space for storage and pool equipment.

Chairman Collins: Is the storage space itself enclosed?

Mr. Jacobs: Yes.

Chairman Collins: It's behind the door.

Mr. Jacobs: It'll be like behind a door and winterized, but not insulated.

Chairman Collins: Okay.

Mr. Jacobs: So elevationally (sic), this is an elevation facing the street, so towards the view. On the right we see the house, on the left we see the stone walls and sort of the profile of what used to be a roof. As we look at what is proposed and the changes that are being proposed, two things of note. One is designers effectively trying to be sensitive to the view shed in two ways. One is by thinning down the second floor profile of the house. So the second floor of the existing – or the roofline of the second floor of the existing house – is roughly 36 feet wide. The proposed house is about 24 feet wide so we're effectively reducing it by about 12 feet of the view shed, or increasing the view shed by 12 feet.

In addition to that – and really as a result of wanting the house to engage the landscape a

little bit more directly – we effectively were able to lower the roof ridgeline, with the proposed roof lower than the existing house that's been there for quite a while. So I do acknowledge that we can effectively call this a new build, but I do feel like there has been the presence of a house there for almost a hundred years. That house has an effect on properties. And what we're proposing, I think, is something different, of course, but is still in keeping with that existing sort of development.

I'd like to just bring you quickly around the property so we can understand what the existing and proposed views ... how they would be affected. The first photograph is taken just to the north of the property, in the front yard. On the left-hand slide you see a sort of plus sign. That's where the photograph was taken. And on the right-hand side is a kind of key map in the direction of the camera. This is that photograph. On the left we see existing, on the right we see proposed.

The next property is 80 Pinecrest Parkway. This is across the street and somewhat to the north. The photograph was taken from the front window, the front porch, in front of a main floor living space towards the property. On the left is existing, on the right is proposed.

Chairman Collins: Can you – sorry – go back to ...

Boardmember Quinlan: Could you go back on that?

Chairman Collins: On the left I'm seeing through the roof of ... that's the garage structure that you pointed out?

Mr. Jacobs: Correct, yeah. So we've added that in, effectively to understand how the history of the neighbor has been perceived up until about a year ago, perhaps less than a year ago. I don't know when that roof came down.

Building Inspector Minozzi: That roof was removed just about a year ago now.

Chairman Collins: So from this perspective – I mean, from the previous photo – you clearly are opening up that view from that neighbor's perspective. Here, to my eye, it looks like it would be a negative impact from this vantage point, from 80. That's just my ...

Mr. Jacobs: "Negative impact" meaning ...?

Chairman Collins: Meaning – I'm sorry – that there's now more of the river view that's blocked as a result of that building than the new structure.

Boardmember Renzin: Where are the trees that you're suggesting would be coming down?

Building Inspector Minozzi: Here, take the mic.

Boardmember Renzin: Because I wonder if that impacts the view, as well.

Chairman Collins: It might be because there's the green coniferous tree that is right behind the existing structure. So in a way, you take the house away and that view is still blocked – even during the winter months, as we can see, because it's still green – but the house is now moving into a space where there is some view currently.

Mr. Jacobs: Yeah, and I'm going to sort of suggest that in the effort to digitize these images and put a proposal together what we should recognize is that this is probably not going to exist where it's being shown in this image. This is effectively a simulation of trying to mask the house that's already there. So if we think about this image and this being superimposed, we have limited skills in the office so this is about as good as we could make it. But effectively, this down below here would be the pool area. To the question ...

Village Attorney Whitehead: That's not a real tree.

Mr. Jacobs: It's not necessarily a real tree, no.

Boardmember Renzin: So it's a view?

Mr. Jacobs: This would actually be a bigger view. Now, that being said I think we don't know yet how the landscaping planning will be done. But I would imagine there's going to be some woodland that's going to be continued through the property. It currently exists kind of as a woodland. I believe this tree will remain. It's not being shown here, certainly, just to sort of show the view in its best light. But this is an existing pine, and I think we'll keep that one. That's this one here. This one here and this smaller one here will go because of the driveway. Then these two trees here will effectively stay as long as they are healthy.

Boardmember Quinlan: Why would you put a tree in that didn't exist?

Mr. Jacobs: Because there's a photograph of a house there ...

Village Attorney Whitehead: They were guessing it was bigger than the house.

Mr. Jacobs: ... and it would effectively mask it.

Boardmember Quinlan: Well, why would you guess what's behind the house? You could walk back and see what's behind the house.

Mr. Jacobs: Behind the house is not visible from this vantage point.

Boardmember Quinlan: Yes, I know, but you could go see if there was a tree there or not. I mean, that's just a question, it's not affecting my ... I'm just wondering why would you put a tree that's actually blocking some of the view in a picture that may or may not exist. I don't know.

Chairman Collins: Well, let me ask this question of Mr. Jacobs. On the left – which is the existing – there clearly is a conifer behind the existing structure.

Boardmember Dovell: And that's shown.

Chairman Collins: And that's shown on the right, as well. I guess the question is, are we seeing one tree rendered on both sides. Is there more than one tree currently on the property that would be visible if we removed the building, as you have attempted to show us on the right?

Mr. Jacobs: To go back to the origins of this conversation, these are sort of tops of the cluster of trees that need to come down. They kind of piggyback the property. Some of them – kind of you can see them a little bit through these trees here – there's about five or six trees that are lopped off at around 30 or 40 feet. Down below, at the back edge of the property, there's two mature hollies. Those will be thinned down and most likely kept.

To directly answer your question about this tree, this tree is effectively the same as this tree. There was probably a little photoshop work when this house was removed and, effectively, the stem here was erased. But this here was really an effort to satisfy the concerns of the view shed.

Boardmember Renzin: So I think the question, really, putting aside what the trees are, is the view.

Mr. Jacobs: Mm-hmm.

Boardmember Renzin: So I think what we want to know is, in the right-hand picture is there going to be more view to the right side of the new structure, or is it going to be blocked like it shows in this picture?

Village Attorney Whitehead: Does that tree come out for the pool, essentially.

Boardmember Renzin: Right, because I can imagine they'd want privacy for the pool. That that would then mean there's a lot more view blockage for the neighbors.

Mr. Jacobs: Yeah. The best I can say is, there are some small rhododendron bushes that exist in the middle of this property. None of them go above 12 feet.

Boardmember Renzin: What about on the other side?

Mr. Jacobs: Well, the view right now is ... the view that we are talking about is coming through this way. There will not be trees planted in this area. Trees don't exist there right now. There's holly back here, and I think there's one that's parallel to it, and this is the cluster of trees. There's a couple that will remain, which we're reflecting here in this drawing.

Boardmember Renzin: What about ... see where the stone wall is?

Mr. Jacobs: This here?

Boardmember Renzin: Some are between the street and the pool. What's the ...

Mr. Jacobs: Right now, it's basically like a woodland landscape. So there's rocks, moss, and some of the trees that you saw from the street image.

Chairman Collins: The illustration – or the photoshopping that you did – did your office, though, create the presence of a tree that's not there now, or are they ...

Mr. Jacobs: It looks that way, yeah. I'm happy to sort of walk you through the next image because I'm not sure they're all the same. I think you're raising a question that we certainly overlooked on the ...

Village Attorney Whitehead: I think what happened is, when you photoshopped the house out ...

Mr. Jacobs: There's a big space there.

Village Attorney Whitehead: ... you put something there.

Mr. Jacobs: Yeah, it's effectively filling the space for the house.

Boardmember Quinlan: But here's the question I have. On the south side of the property there is a public walkway that's in disrepair, right?

Mr. Jacobs: Yes.

Boardmember Quinlan: So I walked up that path, and you could see what's there in the backyard.

Mr. Jacobs: Yeah.

Boardmember Quinlan: So is there a tree there, or not?

Village Attorney Whitehead: There's the tree. The question is, on the photoshopped drawing – sort of at the base of that tree – you seem to have added, where the house was, some more green.

Mr. Jacobs: Yeah.

Village Attorney Whitehead: And I guess the question is, is that really there? Is that part of the tree, or is that something that was (cross-talk) ...

Mr. Jacobs: No, there's no tree in the backyard behind the house currently. Yes, that's the straight answer, and I think we have a survey of the property that ...

Chairman Collins: You know, the challenge, I think, that I'm facing in dealing with the view preservation – aside from some inaccuracies perhaps in the representation – I don't believe there's any intent behind it. But just the way that it's been presented, and the incomplete nature of the plan for greening the space later, I'm finding it difficult to be able to imagine what the impact on the view will be. We can, I guess, look at it – and here maybe, I look to you, Linda, for a bit of interpretation – and talk about the impact of the structure. And I think the applicant has done a good job of showing the relationship ...

Village Attorney Whitehead: And he's got more.

Chairman Collins: Right, but I'm already feeling like I need maybe just some straightforward verification. Or maybe not. Do we know which trees are coming down, or are we still figuring that out?

Mr. Jacobs: We're going to leave as many trees as we possibly can. There's two in the front

that need to come out for the driveway.

Chairman Collins: Okay.

Mr. Jacobs: Outside of that, there's nothing in the front yard that needs to come out and there's no plans to take them out. In the backyard, there's the cluster of trees that are dead that will come out. They will not affect the view from 80 Pinecrest. They'll probably augment the view from 83 Pinecrest, which is the neighbor just to the north. In this view, which is from the Google Street View, you can't even see the tops of those trees that need to come down. And this is very representative of the summer months of what the view is through the property.

Boardmember Dovell: Should we even be talking about trees in connection with view preservation.

Mr. Jacobs: That was my next question.

Village Attorney Whitehead: No, your code does not speak to trees.

Boardmember Dovell: It's just we should be talking about structures and not trees, and I don't understand why we're talking about trees. Because you can plant trees, trees die. We should be looking at the obstruction of *this* house versus the obstruction of the river from the other house. I think that's what we should focus on. I think the trees are really not the issue. Trees are not ... you don't need a permit to plant a tree, right?

Village Attorney Whitehead: Right. The code is specific to buildings and structures.

Boardmember Dovell: It's buildings and structures. So we should drop that subject.

Chairman Collins: Well, the only thing I'll say to that is that we are asked – I think, if I'm reading it correctly – to appreciate the overall impact on the view as a result of the changes the applicant would like to make. And what I'm saying is, I'm a little bit uneasy that we're looking at an illustration where some liberties have been taken.

Boardmember Dovell: Okay.

Chairman Collins: And it erodes my faith that what I'm seeing is, in fact, an accurate representation. And so I think if you're ready to say to us that the structure has been rendered accurately, and if our Building Inspector is willing to say yes, that that is correct, I'm fine with that. For me, it creates a little bit of doubt that what we're seeing is, in fact ...

Building Inspector Minozzi: I believe the structure's rendered accurately. I just believe that that one pine tree – and I know we're not talking about trees – unfortunately, by photoshopping that big pine tree where the house was, where our eye wants to see a space where the house was, he couldn't effectively photoshop that space in.

Mr. Jacobs: I think we're effectively photoshopping one way or the other.

Building Inspector Minozzi: If that's what we're looking at right now ...

Mr. Jacobs: We're simulating something there.

Building Inspector Minozzi: Yes, right.

Mr. Jacobs: I mean, that's effectively what we're being asked to do.

Boardmember Quinlan: And you know what I think. Even with the tree there – and it's not there, but it's there – we can even say is the view, you know, good enough, is it okay. Because he's actually presented us with something that's *blocking* our view that he says doesn't exist. Do you know what I'm saying?

Boardmember Renzin: Right. Can you go back to that? If we imagine there's nothing there, it's a better view.

Boardmember Quinlan: Yes, exactly.

Building Inspector Minozzi: That's what I was trying to say.

Boardmember Renzin: We want to give him the benefit of the doubt for the whole.

Boardmember Quinlan: He's given us a rendering that is actually worse than what (cross-talk) ...

Chairman Collins: I think if you have any other illustrations that are coming, where there might be some things where your office has decided to add some artistic license, just let us know.

Mr. Jacobs: I will point out anything that I see that's seems inaccurate, but I can assure you that what we're putting forward here is as true a representation of what we're proposing. So the computer-generated model of the house in that landscape is as accurate as we can

possibly make it.

In addition to that, we brought this. Checking is a helpful visual, I think, from the perspective of where you guys are right now. This is very indicative of how the view is across the street. And this is the model of the house that currently exists. When this comes out, these are the changes to the property.

Village Attorney Whitehead: Right.

Boardmember Dovell: But the little structure's also taken out. I mean, it's gone now, but ...

Mr. Jacobs: This is the little structure right here.

Boardmember Dovell: No, the barn that was ... right.

Chairman Collins: That was to the left, to the south, of the property.

Mr. Jacobs: The roofline, which is now currently missing ...

Boardmember Dovell: That further diminishes obstruction to the river.

Mr. Jacobs: I believe so.

Chairman Collins: Although again, to my eye, from 80 it looked like there was some view that, for them, will be impaired. There. I think from their perspective they're not – again, leaving the trees aside ... I do think that they're ... see, they get less of the river because of the position of the structure, not because of its massing or of its height.

Boardmember Renzin: Unless there's a hole on the right, in which case it's about the same.

Mr. Jacobs: I mean, we are affected, but that house is roughly here. And there's a house here, and we're moving that house.

Boardmember Quinlan: Also, you know, the other thing is, that house – we've shown this from the porch – is a three-story house. It's a huge house and I'm familiar with it, I've been there inside the house when the previous owners were here. I mean, I don't know if that has an effect on it, but my guess is if you took a photo from the second and third floor it would probably be over the trees, if the tree exists.

My question is – just to move it a little bit – the old house is how tall? How is that 35 feet? And the new house is ... what's the height?

Mr. Jacobs: The new house is roughly, proposed, 2 feet lower than the ridge line of the existing house.

Boardmember Quinlan: It looks a little lower.

Boardmember Dovell: But it's also not as wide. And it looks like it's about, what, 30 percent less?

Mr. Jacobs: It's 12 feet less; 36 existing, 30 percent less. I should just add, at the Planning Board meeting last week each of the neighbors from across the street were in attendance. The gentleman who owns this property did write a letter and did present himself to the public hearing and did not have any concerns.

Boardmember Dovell: Okay.

Village Attorney Whitehead: He actually wrote the letter before he had seen the presentation and seen the plans, so the letter raised concerns.

Boardmember Quinlan: That's important.

Village Attorney Whitehead: But at the meeting he actually said, you know, Now that I see this it's not ...

Building Inspector Minozzi: And we spoke, consequently, after the Planning Board meeting, and he's satisfied. Obviously, they're not here tonight.

Boardmember Dovell: Overzealous rendering in your office.

Mr. Jacobs: Have a walk to the woodshed.

Let me just keep moving around then. So the next property adjacent to 83 is 76 Pinecrest. This is the street view, and the X, of course, is where we took the picture. Now, normally we like to take the picture from the main living area, at least the level of the main living space. It's very difficult to do that even in the winter, so the picture was taken somewhat lower than the main living space. This is the difference on the level, existing on the right proposed.

Chairman Collins: Again, from that perspective you're seeing more blockage of the river.

But I also want to just couch my remarks in recognition that our stance here is not to say you're not allowed to block the river.

Mr. Jacobs: Of course.

Chairman Collins: Our position is to minimize the impact on the view of the river and the Palisades. The effort you're making here to reduce the width and height of this mass is in keeping with that ambition. But I do think that you're seeing, as a result of some of this shift, that some people are going to have – from certain perspectives – more or less view than there was before.

Mr. Jacobs: Yes.

Chairman Collins: And this is one where I think they'll have a little bit less.

Boardmember Dovell: I think they'll have a little bit more, Matt, frankly.

Chairman Collins: From this perspective?

Boardmember Dovell: Not from this perspective, but from ...

Chairman Collins: I'm just only talking about this.

Boardmember Dovell: But in aggregate, it's less wide and it's not as tall. So by definition there has to be less of an obstruction.

Chairman Collins: Well, I think that's what I was trying to say. But from this point of view ...

Boardmember Dovell: Right. Slide to the right and you're going to have more. And continue to the left, where that old structure was taken down.

Mr. Jacobs: You have more. Yes, thank you.

The next one is 72 Pinecrest, adjacent just to the south. Again, we had a similar problem taking a photo from the front porch so we stepped down a few feet. The photo was taken from the top of the front entry steps, and this is the perspective.

Chairman Collins: On the left are we seeing peaks of houses, or are we seeing water? I'm sorry; to be more specific, over the top of the roof that you've rendered on the garage. Are

those ... I'm just trying to see. Is that river, or am I seeing ...

Mr. Jacobs: There are two houses down on Pinecrest Drive. They're significantly lower, but it's hard to tell, to be honest with you.

Chairman Collins: Okay.

Village Attorney Whitehead: If you're having trouble seeing it ...

Boardmember Dovell: It's really steep there.

Chairman Collins: Yes.

Mr. Jacobs: I think we're seeing water, but I'm not sure.

Building Inspector Minozzi: Yes, I don't think the roof on those houses down there are going to be visible from up here at all.

Village Attorney Whitehead: At their level.

Building Inspector Minozzi: They're considerably lower. I think that's water.

Chairman Collins: Yes, so we're seeing just top of water there.

Building Inspector Minozzi: Even though I hear what you're saying. Above the garage roof it could be perceived as part of a structure, but I don't believe it is. Not up that high.

Chairman Collins: Okay.

Mr. Jacobs: And finally, this is a view from the neighboring property to the south. This is kind of at the property of 43 Pinecrest Drive, which flags up to Pinecrest Parkway and 49 Pinecrest Parkway. This is taken from the sidewalk, effectively looking north.

Chairman Collins: Yes, no change there that I can see.

Mr. Jacobs: This is also in winter, I should add.

Chairman Collins: Yes, that's very helpful. I appreciate you doing that. Because in the summer this is all a moot point anyway.

Mr. Jacobs: I think this is what we're seeing in the summer.

So on to the steep slopes question. Is this something we need to talk about?

Chairman Collins: No.

Mr. Jacobs: Okay, then that ...

Village Attorney Whitehead: That's Planning Board only.

Building Inspector Minozzi: You covered everything we need to talk about.

Chairman Collins: No, we haven't talked about the paving.

Building Inspector Minozzi: Oh, we haven't? Oh, yes. Sorry, take that back.

Village Attorney Whitehead: You need to go back to the site plan that shows the paving and the side yard.

Mr. Jacobs: Sure. And I can certainly add to the question of disturbance of the lot in the area. So I guess in the context of the paving (cross-talk) ...

Building Inspector Minozzi: Yes, we do need that new number.

Mr. Jacobs: Yes. It's going to be 294 square feet rather than – I think it was – originally 382.

Chairman Collins: It's 290 what?

Village Attorney Whitehead: 294.

Mr. Jacobs: 294 square feet, which is 7.6 percent over this allowable number of 25 percent and over for slopes.

Building Inspector Minozzi: No, that's not it.

Village Attorney Whitehead: It's the amount of paving in the side yard.

Mr. Jacobs: Okay, so 294 square feet. I'll double-check that for you, Charles, but it's in that ball park. It's roughly 3 feet wide, and I have to get the length from you so it might even be,

effectively, less than that.

Boardmember Quinlan: So could you just show us on the picture where all the paving's going to be?

Mr. Jacobs: Yes. So this is the property setback. The pool now is at 20, and then next to the pool we'd like to add steps that are at grade coming down and descending into the yard. Steps are not allowed to encroach on side yard setbacks, according to the zoning.

Village Attorney Whitehead: Any paving. It's not just the steps, it's the whole patio portion that's in the side yard.

Mr. Jacobs: Okay, so basically it would be this area of steps right here.

Building Inspector Minozzi: That is correct, sir.

Boardmember Renzin: Can I ask a question? Why did you put the steps over there instead of on the other side of the pool?

Mr. Jacobs: You mean rather than over here?

Boardmember Renzin: Yes.

Mr. Jacobs: We like to keep more of a natural barrier between the pool and the house. We are in a sort of seasonal environment, and I think pools are great in the summer but in the winter they have a cover over them. So we'd like to landscape this a little bit more and effectively have a little bit more of a gentle rise to the pool patio. So the longer answer to your question is, underneath this volume – which is the living space – there's a basement, and the basement walks out into the landscape here. Rather than stepping up, we'd like to wind up.

Boardmember Quinlan: But the paving is also that gray area that comes all the way up to the house, right?

Mr. Jacobs: You're correct.

Boardmember Quinlan: It was my understanding that no paving is allowed. So every foot is a variance.

Village Attorney Whitehead: No, only the portion that's in the side yard. So only that

strip.

Mr. Jacobs: There are limits to paved areas, basically hardscaped areas, on steep slope properties.

Boardmember Quinlan: All right, so we're not dealing with that.

Building Inspector Minozzi: And, of course, overall coverage, which is not an issue here.

Village Attorney Whitehead: Right. So it's only that strip of it ...

Boardmember Quinlan: On the backside of the pool. Okay, thanks.

Chairman Collins: Anything else for us to know?

Mr. Jacobs: I'm finished.

Chairman Collins: Okay. You know, usually when we get paving-related questions it requires the question that most people find themselves asking, the impact on water. And now that you've got this impermeable surface that's going in at roughly 294 square feet, that's 294 square feet less space for the water to go away. I'm not a water engineer and we don't have any neighbors here – or maybe we do, actually, we might have a neighbor here to ask a question about that – but I don't have a sense of how big of an impact that is on the water plan.

Building Inspector Minozzi: Well, our engineer is involved in this case because of the steep slopes. And all the impervious runoff is being handled through our engineer.

Village Attorney Whitehead: And they've got to provide a stormwater plan, and that's got to satisfy the Village's engineer.

Chairman Collins: Linda, what's the rationale behind not permitting paving in a side yard? Is there one?

Building Inspector Minozzi: In a required yard.

Village Attorney Whitehead: In a required yard, probably just to benefit the neighbors. That's all I can think of. I mean, I didn't write the code, I wasn't here when that was written into the code.

Chairman Collins: I'm just wondering.

Village Attorney Whitehead: Here, you've got a house (cross-talk) ...

Mr. Jacobs: I had a similar question. It's an unusual limit to side yard setbacks.

Boardmember Dovell: But driveways can be in the side yard, correct?

Village Attorney Whitehead: Yes, there are some exceptions for driveways.

Building Inspector Minozzi: Yes, correct.

Mr. Jacobs: And entryways to porches.

Boardmember Renzin: This seems much less significant than having the house right there.

Village Attorney Whitehead: Right there, there's a house ... that's why I think those people aren't (cross-talk).

Village Attorney Whitehead: Is he here? He can speak for himself.

Chairman Collins: And we'll give him an opportunity for that. Absent a water concern or some other reason why it would be a bad idea to have paving in a side yard – and our code says you can't have any, and it's not a lot – that doesn't strike me as a concern. I'm more concerned – which is not to say I'm very concerned, but more concerned – about the impact on the view. From what I could see – and I know everyone here will have their own opinion – most of the views you showed us from those set vantage points, to me it looked like most of those people from that vantage point would have more of their view taken than there is today.

That's my perspective. It's a matter of opinion. I agree, though, that you and the applicant have gone out of your way, without question, to reduce the massing that's there. So while I think overall the impact, net-net, will be less impact on the view, I think from the vantage points you showed us there's going to be more of that view taken away. Having said that, it looks like anyone who has had a chance so far to weigh in on their impact of the view is not any concern. So if the neighbors aren't concerned, I'm not.

Mr. Jacobs: Oh, I should add that 76 Pinecrest, the neighbors were here last week. Their concern was more about pool equipment noise. They didn't have a problem with the view. The neighbors at 72 did not show up.

Building Inspector Minozzi: I concur.

Chairman Collins: Yes, thank you for doing that. I think those answer my questions, then. I'm good.

Joanna, do you have anything?

Boardmember Renzin: No, no I don't.

Chairman Collins: Carolyn?

Boardmember Berritt: I am really impressed with the work that you and the owner put into having this preserve the original structure of the garage, and to come so far down. To me, it seems like a net positive on the neighborhood ...

Mr. Jacobs: Thank you.

Boardmember Berritt: ... because the existing structure is awful, and so close to the next door neighbor. It seems like a very thoughtful design, so I appreciate that.

Chairman Collins: Ray?

Boardmember Dovell: I think it's actually a very modest house. What's the square footage overall?

Mr. Jacobs: Without the basement, it's under 3,000 square feet; about 27-hundred square feet.

Boardmember Dovell: It's a three-bedroom house.

Mr. Jacobs: Yes.

Boardmember Dovell: And the second floor is actually de minimis compared to the rest of it in the width that's going to affect view preservation. And I agree with Carolyn, I think it's really nice to see the old bits of the building integrated. It's quite a nice touch and quite a sophisticated little house. I'm in favor of it. I think the view preservation is not an issue and the paving is really a minimal issue.

Chairman Collins: Jerry?

Boardmember Quinlan: I agree that at the very most the view, in my opinion, is net-equal and could be even more favorable. I think it looks like a very nice house and it fits better on the property, and the paving is fine with me. I don't think that was ever a big concern with anybody, any neighbors. They were more worried about the noise than the steps going down behind the pool. So I'm in favor of creating both variances.

Building Inspector Minozzi: And I would like to say just one more thing. This has been an active topic in my office for some time now, and before we got the proposed plan I had a lot of the neighbors come in and speak with me. Most of them were in favor – before you even presented us with your drawings – of a wider, spread-out house than a taller house. And I think that's effectively what the proposed did.

Chairman Collins: Yes, I think you're right. I have one question before we invite anyone in the public who wishes to be heard on this to weigh in. I just noticed that our agenda refers to this as both 67 Pinecrest Drive and 67 Pinecrest Parkway. I believe ...

Building Inspector Minozzi: It's supposed to be "Parkway."

Chairman Collins: Okay. I don't think that's a difference that makes a difference. Right, Linda?

Village Attorney Whitehead: They're both ... and what did the notice ...

Building Inspector Minozzi: I'm just looking at it now. "Pinecrest Parkway," and "Pinecrest Parkway" on the notice.

Chairman Collins: All right, the notice is correct. That's the important thing, okay?

Does anyone in the public wish to be heard? Sir, if you could just introduce yourself.

Herbert Browne, 83 Pinecrest Parkway: Yes. I suspect a number of my neighbors are not here because the notice which we received for a previous meeting and this one said this meeting was scheduled for July 28. Until I spoke with the architect this week I had not even noticed that it said July 28, 2016. If everyone else like me just read it, then they'd turn up in July.

Building Inspector Minozzi: Yes, that's been corrected.

Mr. Browne: I know there were a number of people who were here for the previous

meeting had some concerns, and I was surprised to see they're not here. It's probably because that notice had the incorrect date for this meeting. I know, in fact, there are deliberations.

I originally was here because of the variance that was being sought for the pool. I spoke to the architect this week. He said he had removed that request and would pull the pool back. Our other concern is the noise. We were hoping that the equipment noise wouldn't be closer to our property than to the new building. What he's suggested seemed to be as though he is trying his best to mitigate that equipment noise and we appreciate that effort.

The third thing was the pavement. Yes, we have concern about runoff on our property even though it's sloping away from us. I am not sure what your engineer is going to come up with, but our basement is rubble wall foundation and we have had flooding in our basement. We certainly wouldn't want to take on water from the adjacent property. So I would suggest that you carefully consider the impact on our property from the paved areas, the impervious areas, on 67. Intuitively, it looks as though the water should run down the slope, but I'm not sure if that's going to happen. And we don't know what the landscaping is going to look like in that area, in any case. So that's something I would like the Building Department to consider when they're issuing their permit.

Apart from that, I don't think we have any complaints. We were happy that the main structure's being moved away from the property line. As you can see, there was a 10-foot separation, and noise can be an issue. The previous owner and my wife grew up together so there was never any conflict. But it was very close. I'm not an architect, but I have no objections to ... I think the architect did a credible job with the design. Some folks at the last meeting weren't that impressed, but I certainly think it will be attractive house and a welcome addition to the street.

Thank you.

Chairman Collins: Thank you very much for your comment. I do want to address, though, the ...

Building Inspector Minozzi: I'll speak to the error. The paper was noticed and the notice went out to the neighbors with the wrong date on them. Not quite a week later, we posted in the paper the revised date once we were made aware of the problem. So that made the paper. It was also updated on the Village Web site.

I've had some e-mails to my office which I've corrected. The people that were concerned have e-mailed me because it wasn't just the wrong month, it was the wrong year; it was 2016.

I corrected all of those for people who were concerned about the date and I spoke to many of the neighbors during the course of this, and many of the neighbors did come out last week.

Chairman Collins: Did they know that we're meeting here today?

Building Inspector Minozzi: Yes, because the neighbors that were here last week knew this was coming to the Zoning Board this week.

Village Attorney Whitehead: Buddy, do you think that between the people who reached out to you asking about the wrong date – people you've spoken to – basically everybody who was on the notice list, was advised of the correct date?

Building Inspector Minozzi: Well, because the revision was put in the paper and the revision was done online ...

Village Attorney Whitehead: Forget the paper. I'm talking about the neighbors.

Chairman Collins: Yes, that's my concern as well.

Building Inspector Minozzi: All of the affected neighbors were there.

Chairman Collins: No, but were all the affected ... the question is, were all the affected neighbors notified directly of the corrected date?

Village Attorney Whitehead: "Affected neighbors" meaning all those who were entitled to receive the notice?

Building Inspector Minozzi: In the notice area, no. I can't say that I talked to everyone in the notice area. No, certainly not.

Village Attorney Whitehead: My recommendation is that you hold it over and renotice it.

Chairman Collins: That would be my recommendation, as well.

Building Inspector Minozzi: Okay.

Village Attorney Whitehead: They've got to go back to the Planning Board anyway so it should be renoticed for next month's meeting.

Building Inspector Minozzi: Okay.

Village Attorney Whitehead: So noticed for the May meeting, and that can also give you an opportunity to take out the pool, take out the side yard setback, and correct the amount.

Building Inspector Minozzi: Sure.

Village Attorney Whitehead: Neither of those would've been a problem because they were lesser variances than what was noticed, but the notice is a concern.

Building Inspector Minozzi: Okay, we'll take care of it.

Chairman Collins: Okay, so we'll see you next month for what should be a purely procedural matter.

Mr. Jacobs: Is there any way we would consider an application in concept, pending comments from neighbors? Because I think there is quite a bit of effort, of course, that goes into these meetings. I know you guys have better things to do than re-hear things. I am very sensitive to the neighborhood and the neighbors' concerns. I know if this was going up in my neighborhood I'd want to know about it. So I don't want to undermine the process, but my suggestion is simply is there a way we can reach out to the neighbors on the notices and ask directly if they have any further concerns?

Village Attorney Whitehead: It's going to be renoticed. And whether they come or not next month, this board is ready to act. And I think you've heard from this board where they all stand.

Chairman Collins: You're not going to have to present anything again.

Village Attorney Whitehead: You don't have to present again.

Chairman Collins: Unless you change the project between now and then. As I said, this will be purely procedural to ensure that anyone that should have the right to be here, to weigh in with an objection or a comment in favor, has that opportunity to do so. What will happen when this comes back is that we will invite anyone who wishes ... we'll go straight to inviting anyone who wishes to be heard on this case to speak one way or the other, and we will almost certainly go right to a vote.

Building Inspector Minozzi: Yes, and you do have to go to the Planning Board next month, as well.

Village Attorney Whitehead: Right. You're not done at the Planning Board.

Mr. Jacobs: Understood.

Boardmember Renzin: Matt, do we have a concern that the people who theoretically could come next time wouldn't have the opportunity to listen and see the pictures?

Mr. Jacobs: I'll be prepared.

Village Attorney Whitehead: Let's see if anybody's here. You'll be here, and if something comes up he can ...

Chairman Collins: Yes. If someone wants to know what's going on, then we have to give them that.

Village Attorney Whitehead: No, he should be here and ready in case somebody comes and needs that.

Building Inspector Minozzi: And we can also show them ... if anybody has a concern within the next four weeks, we have the application in the office and they can come in and look at the hard copy of all the pictures.

Chairman Collins: And I would encourage you to make that effort. I think the more we can reach out to them and show a good faith effort to bring them up to speed as if they were here, the better.

Village Attorney Whitehead: And we're not going to ask for ... because it was a Village error in the notice, it won't be at your client's cost to renotice it.

Mr. Jacobs: Thank you. You know, I should add – just to add to this question of neighborhood – when the fliers went out, we did invite residents of the neighboring properties that both touched the property and that were directly across the street. We invited them to reach out to us and voice any concerns they may have. There was a neighbor, a Mr. Browne, who did reach out to us. We had some discussions over the phone and I met in person with the neighbor at 49 Pinecrest Drive who has the flag rot. We walked the property together and discussed it. Other than that, we hadn't heard from the neighbors until last week.

Village Attorney Whitehead: It's really a legal technicality that we have to do this.

Mr. Jacobs: I understand.

Building Inspector Minozzi: So, Matt, to put your mind at rest, the last sentence on all legal notices does say, "Plans are available for review at the office of the Building Department or on the Village Web site," and it gives the address.

Boardmember Quinlan: Can I just add, it's for your protection, too, you know. It's for everybody's protection: yours, the applicants, and ...

Mr. Jacobs: I'm not challenging it.

Village Attorney Whitehead: And I think you heard pretty clearly where the Board stands.

Mr. Jacobs: Thank you.

Chairman Collins: All right. Good luck, Mr. Jacobs. Thank you very much for coming out.

Mr. Browne: Sorry, one more. Well, I did want to comment. This notice says his engineer is looking at this. Will that information be available for the next meeting; the impact of the paving?

Village Attorney Whitehead: It's not something for this board, it's something for the Planning Board.

Building Inspector Minozzi: At the Planning Board meeting it will be.

Mr. Browne: Okay, thank you.

Chairman Collins: Okay, thank you very much.

Building Inspector Minozzi: If you wanted to come to the Planning Board meeting next month you will hear the review of the engineer and the revisions the design team has made to address those reviews, okay?

Mr. Browne: Thank you.

BOARD DISCUSSION

Chairman Collins: Okay, so we have two discussion items to add to our meeting this evening. The first is a long-overdue review of the MR-1.5 zone, in particular developmental coverage limits that have come into play very recently as several cases have come before this board in that zone. Ray took a stab at an analysis to illustrate the nature of the problem and help frame up some conversation around a possible solution. So the goal for this particular discussion point will be to have a review of the condition in the zone and to see if we can't come up with a recommendation to give to the Board of Trustees to amend any part of the zone that we feel needs to be corrected. So that'll be topic number one.

Topic number two will be a review of the fines that are currently in place related specifically to legalization, meaning a property is typically coming up for sale and the current property owner has realized that some work has been done on the property in the past that did not get a building permit and often times also required a variance – would have required a variance – to get that building permit. When that happens, there's a fine structure that's in place.

Very rarely – I think in my time on this board we've had maybe two or three legalization cases – the issue that always comes up, and we'll get to this, is a matter of taxes that are lost. Over a 10- to 20-year period, a substantial project that wasn't ever permitted, that essentially remains invisible to the Village, can result in a substantial amount of lost revenue. So the question is, how do we come up with a fine structure that makes the penalty severe enough; to try to come up with a way of making up the net lost revenue. When we get to that topic Buddy will tee that up.

Building Inspector Minozzi: Sure.

BOARD DISCUSSION

1. Recommendation for Amendments to Village MR-1.5 District

Chairman Collins: Ray, you want to take us through your analysis?

Boardmember Dovell: I'm going to hand out some other diagrams and additional diagrams that relate to what happens *if* we change it in accordance with what we've talked about.

Village Attorney Whitehead: While Ray's doing that, for the benefit of the new members this board, over the last several years, has several times been put in the position of being asked to grant a variance for coverage in the MR-1.5, and somewhat significant variances.

Chairman Collins: There were significant variances on paper where the current

development coverage limit is 15 percent, and as he's going to show it's almost impossible to nail that.

Boardmember Dovell: Okay. MR-1.5 zoning is supposed to encourage single- to multi-family residential developments at greater densities than exist in single-family residential districts. Washington Avenue is a pretty good example of an MR-1.5 zone where you see houses on varying-size lots of 25 to 35 feet, up to 100 feet, in width. It's something that we think – at least I personally think – should be encouraged.

Per the Hastings zoning code, MR-1.5 buildings – and this is pretty much for all buildings in Hastings – we don't have a floor area ratio type analysis.

We don't use a floor area ratio. Building sizes are determined by minimum lot width; front-, side- and rear yard setbacks; building coverage; building height; and density, which is the number of residential units permitted in a particular lot. In the case of MR-1.5, this is 15-hundred square feet of zoning lot per dwelling unit. So that kind of is the guide for how much you should be able to put on a lot. Those provisions, in MR-1.5, is a 25-foot minimum lot width; 15-hundred square feet of lot area per dwelling; front yard setback, 12; rear yard setback, 30; minimum side yard, each side, 12 feet or one-half the height of the side wall, whichever's greater. This, you'll see, is a real problem for small lots.

Now, coverage is an interesting concept because in this case it includes buildings and structures. So the 15 percent is not just a building footprint, it's walkways. It's not driveways, but it's walkways.

Village Attorney Whitehead: It's everything but driveways.

Chairman Collins: And parking spots and everything.

Village Attorney Whitehead: Yes, everything but driveways.

Boardmember Dovell: Everything but the driveway is considered coverage, which is just crippling. Minimum building length, 160. And open space – which is something else that's really poorly defined – 100- to 200 square feet of open area per studio, or bedroom unit. Open space is not defined. I don't know how it's ever been applied, Buddy. I don't know if you can opine on that, but I don't think it's ...

Building Inspector Minozzi: I'm going to defer to Linda on that. It's a tough one.

Village Attorney Whitehead: It's something that is on the list of things to be fixed, in that it

needs to be defined. There's been some discussions over balconies and rooftop terrace areas that count. You know, what's the purpose of the open space? Is it outdoor space that people can use or is it undeveloped area? You know, it needs to be defined.

Boardmember Dovell: It needs definition.

So if you start with exhibit one, which is the most absurd, this is a minimum zoning lot: 25 feet by 100. A hundred is kind of a standard depth of a lot, but Hastings has lots of all different-sized depths so it's simply a concept. But if you apply the coverage, you get 375 feet, which is simply not enough to do anything with, as a footprint. But more ridiculous, you get 12 feet for a side yard. So you get a 1-foot thick building, which is good for a CHT run, but that's about it. So that has to be addressed.

Exhibit number two illustrates a maximum development on a 50-foot wide lot. In this case, the lot coverage limits the structures to 15 percent, or 750 square feet, which is also a very small footprint. If you subtract a walkway, a tiny little walkway, at 50 feet you're left with building coverage of 700 feet. In this case, what's changed from the original diagrams is, I wanted to make these as ... I put my developer's hat on and said we could park below grade. So you could ramp down and park in a basement.

You would get three floors in this case, or 200 feet. So you'd get two little units at a thousand square feet each, or one unit of 2,100. The density permitted would be three dwelling units, 5,000 divided by 15-hundred, with a permitted density of 700 square feet per unit. That's applied against the 21-hundred feet. So you can see that 700 feet gross is really not enough to do anything with.

The next one, you need to look at exhibits three and four together because this is where it gets kind of interesting. It's comparing the MR-5 to an R-7.5. So we take 75-foot-wide lots in each case. And looking at the MR-1.5 first, you get a building coverage of 1,025 feet. So you get a usable area of 3,075 feet. That's the most you can get out of a site, and that's putting parking below grade and putting a tiny little walkway in – a 100-foot walkway – at the front of the building along here. So there you get three units a thousand square feet each.

But more onerous is parking. You really can't park six cars in this footprint. It's just impossible to do. Parking is a real issue in these zones – especially if you get smaller units – in a situation where you're going to have to either put parking underground or continue to grant variances for parking. Then if you compare that to the R-7.5 you can build ... the footprint is 2,150 times 2.5. You can build 5,375.

Building Inspector Minozzi: Which is our smallest residential.

Boardmember Dovell: Which is your smallest residential lot.

Village Attorney Whitehead: And you could build a biiiig house.

Boardmember Dovell: This is substantially bigger than most houses in Hastings, which are probably around 25-hundred square feet. This is begging another issue, in my mind, but we can address that another day.

Chairman Collins: Just to give some folks some orientation, 7.5 is in the southeast corner of Hastings. So it's right along the Yonkers line and right up against the Saw Mill River Road.

Building Inspector Minozzi: And it's around the high school, as well.

Chairman Collins: Thank you, yes. And near the high school, yes, that's right. So, you know, areas that are clearly meant for less-dense residential construction.

Boardmember Dovell: And this is a little bit what you're confronting on High Street, isn't it, with that monster house that's been put up?

Building Inspector Minozzi: Yes, in 2-R.

Boardmember Dovell: It's an as-of-right house, but it's enormous. Another time, I guess.

Building Inspector Minozzi: That's exactly what you're bringing up in exhibit number four. That if you maxed out these smaller lots, you're getting these tremendous structures in tight residential neighborhoods.

Village Attorney Whitehead: A much bigger structure than would be permitted in the MR-1.5 ...

(Cross-talk)

Boardmember Dovell: Which has hardly been catalogued, right?

Village Attorney Whitehead: ... where you want it.

Boardmember Dovell: Then it's really the same exercise in comparing an MR-1.5 on a 100

by 100 lot to an R-10 on a similar size lot. In the MR-5 case you're getting a building of 42-hundred square feet – which, say, is three units at 14-hundred feet – but again, you can't park six cars. You just simply can't do it.

Village Attorney Whitehead: Your building gets smaller because you have coverage taken up in parking.

Boardmember Dovell: Right, exactly. So it's a real problem. Where the density says you should be able to get six – the density regulations say you should be able to get six units – you're never going to accomplish that.

Building Inspector Minozzi: And when you compare it to the R-10, which is most of our village – which is the predominant zone in our village – besides the downtown ...

Boardmember Dovell: You're looking at almost 6,000 square feet, which is twice the size of most houses in town. So it's a big issue. That's the comparison, and that's what's at stake here. What has to change ... well, we'll get to that in a second. What has to change, the definition of building coverage has to change to eliminate the words "and structures." I think that we clearly need to define it, clearly need to get rid of that.

Building coverage/development coverage to establish maximum building size in hard-surface coverage, I thought look at 25- to 30 percent for building coverage, with the change definition, and 40- to 50 percent development coverage. That's everything else; all hard surfaces.

Village Attorney Whitehead: So you're looking to make building coverage just building.

Boardmember Dovell: Just building, right.

Village Attorney Whitehead: And then development coverage in all impervious.

Boardmember Dovell: Exactly. Because that's going to grant flexibility with parking, which is where we're really running into trouble where I think you want to limit the footprint. But maybe you're allowing more hard surface for maneuvering cars and maybe parking outside in some cases. I did some tests on that, which you'll see in just a second.

I thought let's try 25 to 30 percent building coverage, with 40- to 50 percent development coverage. Then the side yard is an issue because for a 25-foot lot to work you've got to at least get a bedroom in it or a living room, and maybe a little bedroom, or two bedrooms, across the front of the building.

Village Attorney Whitehead: Maybe one thing we should look at is how many 25-foot wide lots there are in the MR-1.5. because maybe that's the problem.

Boardmember Dovell: It could be, but you could also subdivide. You could take a 50-foot lot and subdivide.

Village Attorney Whitehead: What I'm saying is, should there be 25-foot wide lots?

Boardmember Dovell: But aren't there a lot on Washington? There's some really ...

Village Attorney Whitehead: Some of the older houses.

Building Inspector Minozzi: We have quite a lot of 25-foot lots on Washington Avenue.

Boardmember Dovell: But if you look at those, they have tiny side yards. It looks like they have 2 feet on one side.

Building Inspector Minozzi: Many of them don't have side yards. They have a small front yard and they have a little backyard, especially the ones that have driveways.

Village Attorney Whitehead: So that's to your point that the side yard ...

Boardmember Dovell: The side yard is a big deal. And I think, obviously, I would scrap this provision to make it half the height of the wall. It's just punitive, it's crazy.

Village Attorney Whitehead: In a high-density district, it should be.

Boardmember Dovell: So I thought maybe a sliding scale would work, and I took a shot at it. I said 25' to 50' wide, 5-foot total, 2-minimum; and then 50' to 74' wide, 10-foot total, 2 minimum. Because you've got a situation where you need to get a driveway by so that's going to drive a 10-foot slot on one side and then the other side is minimal. Lots 75' to 99' wide, 15 feet, 5-foot minimum, and you'll see why that makes sense in some of the examples. Then lots 100 and up wide, 20' total, 10' minimum. I just started with that, then I tested it against some diagrams.

Then understand that the open space, recreation space requirements, apply. Insert them where they belong in the MR-1.5 portion. Even Buddy couldn't find it.

Building Inspector Minozzi: No. I had a tough time of it.

Boardmember Dovell: Linda found it. I couldn't find it.

Village Attorney Whitehead: It wasn't easy.

Building Inspector Minozzi: I searched for hours, I couldn't find it.

Village Attorney Whitehead: Did you, really?

Building Inspector Minozzi: Could not find it.

Boardmember Dovell: Then that needs to be defined. There needs to be real definition for what that means.

The required parking eats up so much space. You know, if you look at it on a footprint basis, the cars' parking takes up more space than the building does. If you think of cars, a parking space is 180 feet. Multiply that by 6, plus maneuvering room, and you've eaten up the whole lot basically. It's quite onerous. In a larger development you can go underground, and I think economically it would be viable to go underground.

Village Attorney Whitehead: That's what we've seen (cross-talk) ...

Boardmember Dovell: That's what we've seen in Christina's projects.

Then I thought one way to alleviate that would be to think about a different rate – maybe it's 1.5 cars per unit – for units over three ... maybe there's a formula that we could come up for a one-bedroom apartment. Maybe you don't need two cars. Maybe there's 1.5 cars aggregated over the whole ...

Village Attorney Whitehead: Yes, I agree with you but it's going to be a tough sell because especially in that part of the Village parking is a shortage. So many of the older buildings don't have any parking.

Boardmember Dovell: Right.

Village Attorney Whitehead: So the street parking is ...

Boardmember Dovell: Is a real problem.

Then I took the recommendations, the 25 percent building coverage and 50 percent

developmental coverage, and applied it to those four conditions again. That's exhibit seven through ten. Here's the little one. Exhibit seven is the 25-foot wide lot. I thought, well, you're never going to get a parking lot, or parking in the back, so you're going to park in the front one way or another. If on the first floor you park in front, at least it gives you 25 percent coverage and would give you 675 feet of footprint and give you a reasonable house at 1,875 on three levels.

What's not going to work – and I checked the development coverage – the development coverage in this place, with a minimal driveway, is going to be 47 percent. So if you get a footprint for a building and a little parking area you're at 47 percent, in this case.

Village Attorney Whitehead: You're over.

Boardmember Dovell: Yes, you're over already. Then the next example is the 50-foot wide, and this is why that 10-foot ... you know, you're getting 8 feet to get something by for parking in the rear. In this case, you'd ramp down and park low, then park below in a basement level. This one gives you 3,750 on three levels and would provide two townhomes of 1,875. This a reasonable ...

Village Attorney Whitehead: This is a similar design to 425 Warburton, which is not in the MR-1.5.

Boardmember Dovell: Right.

Village Attorney Whitehead: So it didn't have the coverage issue, but it's an example.

Boardmember Dovell: Right, where we were up against the same types of things.

Village Attorney Whitehead: But it worked because you didn't have that 15 percent coverage.

Boardmember Dovell: You know, the driver here ... the building, I think, works. This would create ... with this coverage, it would create two decent townhomes. But if you want to make three flats, it's not going to work because of parking.

Village Attorney Whitehead: Right, because of parking.

Boardmember Dovell: In this, I left 25 feet for parking, Buddy, so you have maneuvering space and then go out. This says you're at 57 percent coverage, in this case.

Then the next one is MR-1.5 on a 75-foot lot, and it's a similar thing. You get a decent building, at 5,625 for three townhome units. But if you want to make flats, again you're in trouble. This could easily become ... you could easily get a couple of smaller units in here, but there's no way to park, right? So the townhome model we've seen, with Christina's projects on Warburton, the reason this has come up is because we had two cases; one on the corner of Warburton and Washington, where it was lot coverage and parking was a big issue. She ended up parking below grade.

Village Attorney Whitehead: And if you remember, on both that and to some extent Nodine, the size of the building was dictated to a large extent by the footprint for the parking underground.

Boardmember Dovell: Right, exactly.

Village Attorney Whitehead: If I have to get 10 spaces – this is my garage layout for 10 spaces – I put my building on top of that.

Boardmember Dovell: Right.

Village Attorney Whitehead: And that was 32-34.

Boardmember Dovell: So the parking is the real driver here. In this case, you get three townhomes at 18-hundred feet. That's a nice unit. So the coverage, at 25 percent, is suggesting something that might work. Development coverage, in this case, is 54 percent. Those are numbers I just backed into.

Then the final one is the 100-foot lot. This is a 75-hundred square foot building with townhomes, again, at 1,875. But again, the lot coverage is 51 percent. That's as far as I got.

Village Attorney Whitehead: The development coverage.

Boardmember Dovell: Excuse me, the development coverage.

Village Attorney Whitehead: Can I ask a question? Did you look at Nodine, and 32-34, and see if you took just the building what the coverage was on those? Were they close to this 30?

Boardmember Dovell: I didn't, but that would be a good thing to do. To try to check it.

Village Attorney Whitehead: I mean, certainly they wouldn't have needed as big a variance

because the numbers we have on those are building and structure.

Boardmember Dovell: Right. Nodine – and this is the one we just approved – was 125 feet long.

Chairman Collins: I had 120 in my head; somewhere in that neighborhood.

Village Attorney Whitehead: And the coverage was like 36 percent.

Chairman Collins: Thirty-seven.

Boardmember Dovell: Was it 37?

Chairman Collins: Thirty-seven percent.

Village Attorney Whitehead: So you had a driveway, you had walls, you had walkways.

Boardmember Dovell: Right, but she was saying (cross-talk) ...

Village Attorney Whitehead: So if you take all that out, just come down close to 30.

Boardmember Dovell: Maybe you come down closer. It would be interesting to check that number.

Village Attorney Whitehead: Yes, we can take a look at that.

Chairman Collins: You mean closer to 25 if you take out those other things?

Boardmember Dovell: Twenty-five or 30, yes.

Chairman Collins: I bet you would.

Boardmember Dovell: But again, it's the parking which was really the surprise; how much the parking takes in these conditions. And it forces you to go underground and forces some very ... which, with Nodine, they should be providing parking below grade. That's a big enough project where it's economically viable to do that. But for these smaller lots – and there's some 50-foot lots and 75-foot lots ...

Village Attorney Whitehead: You can't do parking on that.

Boardmember Dovell: ... it doesn't work. So I really think you have to separate building coverage from development coverage.

Chairman Collins: I agree.

Boardmember Dovell: Go that route, and try to dial down on a reasonable number.

Village Attorney Whitehead: And change the side yard setback.

Boardmember Dovell: Yes, the side yard. And these definitions really need to be straightened out. That's as far as I took it.

Chairman Collins: Buddy, and Linda, if we decoupled the development coverage from the building coverage does that then domino through the rest of the code?

Village Attorney Whitehead: Yes. It's something the Board of Trustees had to be already working on fixing some definitions in the code, which would include that. That's something we've been talking about for a long time: this issue of you've got sort of three different versions of coverage in the code.

Chairman Collins: That's correct.

Village Attorney Whitehead: And they don't work together, and some are used only in one zone. But it is something where there is a domino effect. If we fix the definition of building coverage to be really just the buildings ...

Boardmember Dovell: Right, the building footprints.

Village Attorney Whitehead: ... that term is used in a number of zones.

Building Inspector Minozzi: MR-C, MR-0 are all going to be ...

Village Attorney Whitehead: Right. So we're going to have to look at all of those. But I think it's something that everybody agrees needs to be done. It's an odd definition.

Chairman Collins: And it keys everything. Because if we manage to decouple it, then a recommendation like this becomes very clear and easy for us to have the conversation. If, for whatever reason, we can't get past that and we have to have this all tied up in a knot, then it means we've got to come up with sort of a number to rule them all. We'd probably get rid of the building coverage requirement you have here and go right to a development coverage

max.

Village Attorney Whitehead: Which you almost are now because the only thing that's not included is your driveway. And I don't know what the genesis was of including structures into building coverage. I can tell you, in other municipalities building coverage means building coverage, and lot coverage or development coverage means everything. You know, those are the two distinctions. You sort of have something in between, which is unique. I don't know, Jerry, if you were around or have any sense of why that was done.

Boardmember Quinlan: No. I'd like to know when that actually passed.

Building Inspector Minozzi: We could look that up.

Boardmember Quinlan: I mean, it probably was in the '60s or '70s I'm guessing.

Boardmember Dovell: Then there's something else called "maximum development coverage."

Village Attorney Whitehead: Yes. That's why I said there's at least three different versions.

Boardmember Dovell: Then there was something where structures is defined.

Boardmember Quinlan: The only thing I want to add is that parking has been an issue not only in this place – not in the neighborhood so much, the bigger neighborhoods – but downtown. I mean, it's always been a big, big problem and something that has been acknowledged for years and years and years. As far as I know, nothing's been done about it. Maybe we change the parking requirements in any section of town, and in the downtown it's a mess too.

The biggest problem, as we've said, is what will neighbors do. My question is, okay, let's just take this – and I think those are all great ideas – but in this area most of the buildings were there before the zoning; you know, 90 percent or 80 percent, or whatever has been approved in the last 30 years. What was the legislative intent when these zoning restrictions were passed, and what were they thinking? I don't really know what the answer is. It's all speculative, but I definitely think the parking has to be changed and the things you said have to be changed. But I don't know how popular it'll be.

Boardmember Dovell: Well, unless you really bump the development coverage up to 70 percent. Then you can begin to park lots of cars.

Boardmember Quinlan: Yes, I know. But you have to take everything if it can be changed because the people that live there now – my guess is, and this is just speculation – don't want to see big stuff. They don't want to see it.

Village Attorney Whitehead: The coverage provisions and the definitions – definitions of structure and coverages – were all modified in 2008, which I think was done at the same time as the MUPDD.

Boardmember Quinlan: Well, that was interesting; I was a Trustee in 2008.

Building Inspector Minozzi: Oh, okay.

Village Attorney Whitehead: Hence why I asked him.

Boardmember Quinlan: I don't remember. But what did you say was changed in 2008?

Building Inspector Minozzi: The MUPDD district.

Boardmember Quinlan: Well, the MUPDD was a whole 'nother ...

Building Inspector Minozzi: 2007 or 2008?

Village Attorney Whitehead: I think that was around the same time. I think it was all part of the same ...

Boardmember Quinlan: The MUPDD was before my time.

Village Attorney Whitehead: And there were a bunch of terms that were used in that zone that aren't consistent with the rest of the code.

Boardmember Quinlan: No, completely new zones. In fact, when I ran the first time I ran against the MUPDD. So, you know, that was not a popular plan.

Village Attorney Whitehead: On the parking?

Boardmember Quinlan: But the parking's always been a mess.

Village Attorney Whitehead: And, interestingly, you're dealing with that. Remember 10 West Main. So he came to you, said this is really like a TOD project; we're in the

downtown, we're near the train station. And he will be back probably next month.

Building Inspector Minozzi: He's coming next month, yes. We just spoke today.

Village Attorney Whitehead: And he did add some more parking because he was asked to by this board, but you've really got to figure out what you're willing to approve for him as a parking variance.

Boardmember Quinlan: See, the problem is there's street parking. My guess is that's why they made parking a prerequisite. Because the street parking is just a mess downtown. And I think to put the parking underneath the buildings, I mean, who knows what that's going to cover? What unintended consequences are going to happen to the environment and to water runoff and the things we were talking about today? That's just amazing.

Boardmember Dovell: Both Nodine and Warburton put the parking below grade.

Boardmember Quinlan: Right, but Nodine was a little bit different.

Village Attorney Whitehead: You've got two projects.

Boardmember Quinlan: It was a big piece of land. We're talking small, and I'm just saying that's going to open up a Pandora's box, I think. But something's got to be done. You don't have to go any further than your first diagram, okay? You can't build anything.

Boardmember Dovell: It could be very interesting. I don't know what we're going to use it for. A chicken coop.

Chairman Collins: Like a funhouse.

Boardmember Quinlan: The parking for a chicken coop.

Village Attorney Whitehead: It doesn't work on the small ones because it's too expensive, and there isn't enough room to maneuver.

Boardmember Dovell: Right. When you get to 100 feet and you get to six units, the economics are there to build a concrete slab and put parking below grade.

Village Attorney Whitehead: And environmentally it's probably better because you're not building the surface parking. You have less pavement, less runoff.

Building Inspector Minozzi: But the only thing it's doing is driving the buildings higher in the view preservation district by trying to wedge these parking lots underneath the buildings.

Boardmember Quinlan: Exactly.

Building Inspector Minozzi: It has good and it has bad.

Boardmember Dovell: With Christina's project on Nodine Street, that first level was a cellar actually.

Building Inspector Minozzi: Right, it didn't raise it much at all.

Boardmember Dovell: Right. But if you look at it from the front, it's four stories high and she went through and parked it. It was underground so it was more than 50 percent below grade and didn't count as a story.

Chairman Collins: Correct.

Boardmember Dovell: Hastings is not flat. These diagrams all just show flat situations. So there's always different ways we go about it, but not for the smaller lots I don't think.

Chairman Collins: So I think that argues for the need for some kind of a sliding scale. Even within this district I don't think it'll be feasible. One rule doesn't work to have one fit at all, and that'd be especially true for parking.

Village Attorney Whitehead: Well, do studios with parking space.

Boardmember Dovell: Or one bedroom, one space.

Chairman Collins: Well, just for the sake of trying to move this forward I do think it would be helpful to take this and see how it would match up on 32-34 and Nodine. What would the variance request have been like.

Village Attorney Whitehead: Christina broke her coverage out by category, right? So she has, in her zoning chart, just the building.

Boardmember Dovell: Walkways and drawings, yes.

Village Attorney Whitehead: She has building, walkways, walls. She does, on her drawing, have it broken out so that's an easy ...

Boardmember Dovell: Easy to compare.

Village Attorney Whitehead: Easy check.

Chairman Collins: Is this analysis, Linda, helpful for you as the Board of Trustees has tasked you with this definitional work around development coverage and building coverage?

Village Attorney Whitehead: It does help with that. The bigger picture of actually making substantive changes other than just definitional I think is better coming in a memo of recommendation from you.

Chairman Collins: I think that's where this is headed.

Village Attorney Whitehead: I mean, what Ray's done is great.

Boardmember Dovell: Just maybe take it one more step and do the comparison with those two projects just to see where we come out.

Chairman Collins: I think that's right. Then I would also just put a finer point around the notion of the sliding scale both for parking and, I think, you also applied it to side yards.

Boardmember Dovell: I did, yes.

Chairman Collins: So I would just define that, come up with something that's ... maybe you nail it here. I'm going back.

Boardmember Dovell: For my own purposes I did, but I'll add it to that. I'll review Christina's work, and then I'll add that.

Village Attorney Whitehead: You can get this all finalized, and then at your next meeting you could just put together sort of a cover memo to the Board of Trustees saying based on, you know, a number of applications we've gotten, Ray did this analysis for us, the Zoning Board has discussed it, and we'd like to request the Board of Trustees consider making some changes to the MR-1.5 zone, based on the attached.

Chairman Collins: And we can also structure that memo to sort of lead to where the puck is going, so to speak. What I mean by that is, as you're working out the building and development coverage distinction we can anticipate that in the way we draft this and sort of meet up with where we think that's headed. The same with open space.

Village Attorney Whitehead: Yes.

Chairman Collins: We don't have to say open space must be this, that, or the other thing.

Village Attorney Whitehead: It needs to be defined.

Chairman Collins: You say that it must be defined.

Boardmember Dovell: Here's another thought. Why don't you just get rid of this open space requirement altogether? It's not doing anything.

Village Attorney Whitehead: So I'm going to put it to the Board of Trustees as this is something that's undefined in the code, doesn't need to be here.

Boardmember Dovell: But lot coverage and building coverage, you already have open space, right? Why do you need another requirement?

Chairman Collins: My point is that we can just say that the open space is pending whatever the Board says, and we don't have to ...

Village Attorney Whitehead: But obviously anything that comes from you guys like that is helpful to me in those conversations with the Board of Trustees.

Boardmember Quinlan: Maybe to prioritize it, too. I mean, I think number one is the building and the developmental.

Village Attorney Whitehead: The coverage.

Boardmember Quinlan: Even if they would just do *that* it would be a big help. I don't think there'd be too much opposition to that because it's so common sense.

Village Attorney Whitehead: Right, building coverage should be building coverage.

[laughter]

Boardmember Quinlan: We already say to somebody, You come, and we say No, we should have these two things combined.

Boardmember Dovell: What about maximum developmental coverage?

Village Attorney Whitehead: That's what I'm saying and that's what we're trying to clean up now, and what the Board's asked me to kind of find those things where there are inconsistencies within the code.

Boardmember Quinlan: Anyway, great work.

Boardmember Berritt: But then with the concerns about runoff, how do they get ... just coming from the land of terraced houses where everybody's paved over their front yard.

Village Attorney Whitehead: Right. So in order to get a building permit in today's world you have to have a stormwater management plan that gets reviewed by Buddy. Then on the bigger projects or where there's a steep slopes permit, also by the Village's consulting engineer. It has to show you were accommodating all your stormwater runoff on-site and it will not impact any adjacent properties.

Boardmember Quinlan: Including the Village properties.

Village Attorney Whitehead: Nothing gets a building permit without that, without showing that. Stormwater drives so much of development everywhere in this county today.

Building Inspector Minozzi: Even the smallest additions like the one we saw tonight – not the house, the lower addition – he has to show his stormwater: What are you doing with your ... even though you're only adding a few hundred feet of additional impervious surface, where is it going? Well, my existing pipes are out on the ground now. Well, I have news for you. When we go there to do our inspection and I see one of your discharges facing your neighbor's property, guess what? You're going to fix it. So do it now. Every single project now, every single exterior project, should I say.

Village Attorney Whitehead: Any new impervious.

Building Inspector Minozzi: Yes, we make them look at everything.

Boardmember Quinlan: So, Ray, would you be willing to do the draft of the memo?

Boardmember Dovell: Yes, definitely. I need to get those ...

Building Inspector Minozzi: Yeah, those drawings. We're going to work on that.

Boardmember Dovell: If you could just send me those drawings, Buddy.

Building Inspector Minozzi: Absolutely, no problem.

Village Attorney Whitehead: Yes, Ray, this was great. I know we've been through a few permutations of it.

Chairman Collins: But no, we really haven't though. I mean, we've talked about it, and we've never had this level of (cross-talk) ...

Village Attorney Whitehead: No, we never had discussion of the Board. I'm saying like between Ray and me.

Chairman Collins: Oh, yes, we did review. Yes, there's a lot of work, as you can see, that went into this from Ray.

Village Attorney Whitehead: Ray, thank you. This is great.

Building Inspector Minozzi: You did a great job.

2. Fee Penalty Structure – Zoning Board

Chairman Collins: Then the last item I wanted to review was the Zoning Board fee penalty structure.

Building Inspector Minozzi: Sure. What I've gone ahead and done is, I showed everybody what our schedule was about a year or so ago. Then I showed what our fee schedule is currently. The third part was an example – under our current fee schedule, with a documented project compared to an undocumented project – that required what a variance would cost. It's about double, as you can see.

Village Attorney Whitehead: So the fees are doubled.

Building Inspector Minozzi: Right, pretty much. In talking with Matt and trying to talk about taxes and lost revenue for the Village, I came up with a few different ideas. As you can see, the amounts go from not much different to very different. These are just ideas, and we can build upon these ideas. I'll just go through them.

Village Attorney Whitehead: Let me just jump in with one thing first, real quick. This really affects not anything that's undocumented construction, any construction that's done

without a permit, whether it has to go to the Zoning Board or not.

Chairman Collins: Right.

Village Attorney Whitehead: The building permit fees are doubled. Because they don't all come to you; people build without permits. Sometimes when they go to legalize them, they need a variance, but sometimes they don't. So currently the fees are double, building permit fees are doubled. So even if it doesn't come to this board there's still a penalty.

Building Inspector Minozzi: Just over a year ago a year ago, with the penalties, it was \$175. Now they're a minimum of \$500.

Village Attorney Whitehead: Right. So the Board of Trustees has already increased them and approved it. So the old fee schedule to the current has already been approved by the Board of Trustees – those changes.

Building Inspector Minozzi: We've made some leaps and bounds, especially with the smaller stuff. I don't think we can really go any harder than this because as Matt and I were discussing, a lot of times this comes up with new owners that kind of were blessed with owning these situations they didn't create.

Chairman Collins: Or cursed.

Building Inspector Minozzi: Cursed, yes.

Village Attorney Whitehead: And that they didn't discover in the course of buying the property, which is when it should be caught.

Chairman Collins: Well, that's why, presumably, you carry title insurance.

Village Attorney Whitehead: Title insurance does not cover building permit-type issues. If you have a good attorney who does proper due diligence you find out if there's been additions done without permits.

Building Inspector Minozzi: The smaller stuff really got picked up well, but it's the larger stuff that any of these proposed changes could make a minor to a major difference in how much it's going to cost them to fix their issues. I tried to use the same example across the board so everyone could see what these proposals that I came up with, what it would be in comparison to the undocumented fees of today.

The first proposal I came up with was to increase the zoning cost from 500 up to a thousand or 15-hundred dollars. Basically, that would just add about 500 to a thousand dollars to the cost of the job, I mean the cost of the legalization. That's probably your most simplest one.

Then as we go on, as Matt and I were discussing, we did a square foot example. I was thinking about it and I came up with 10 dollars per square foot because I thought that number would work relatively well. As you can see, on this project – say the shed dormer project – undocumented would cost 15 hundred. If we did it by square foot it would actually bump it up to like 55-, 56-hundred dollars. I mean, that's night and day, that's a huge difference. But we don't have to do ... if we like the square foot option we don't have to do \$10 per square foot if you think that's too much. We can cut that in half, and you know how it would work. It would almost put us in the same game as the first one.

Then I came up with adding 1.6 percent to our current 3.4 percent, which would give us a total of 5 percent, including the building permit fee. That bumped it up about another \$400. Again, that's a minor bump-up, but it was just an idea of how it would work if we did a percentage.

Boardmember Dovell: How do you determine the cost of construction if it's already done?

Building Inspector Minozzi: *That's* the tricky part. They have to give me a number, what they say it cost, at the time of construction. And then I have to sit – in my 33 years of experience in the construction industry – and say, Okay, that sounds reasonable, or, Let's look at that number again.

Village Attorney Whitehead: Sometimes you're guessing on the time frame when it was constructed.

Building Inspector Minozzi: Yes.

Village Attorney Whitehead: And they may try to say it's older, it was done longer ago than it really was, because it would be cheaper.

Building Inspector Minozzi: It's hard because it's ambiguous. It's not black and white.

Then we spoke about a charge for back payment of taxes, and I put it down just to show you what our reasonings were for maybe getting away from that because it's very difficult to estimate the lost revenue, and it could be very unfair to (cross-talk) ...

Boardmember Quinlan: The new owners.

Chairman Collins: Well, all of these are unfair to the new owners.

Building Inspector Minozzi: Yes, pretty much.

Chairman Collins: And they go into this not knowing. They're assuming they're free and clear, and then suddenly they find that they've inherited someone else's shenanigans.

Village Attorney Whitehead: The hope is it's a seller's problem and not any longer a problem.

Boardmember Dovell: Right.

Chairman Collins: But you can't guarantee that.

Building Inspector Minozzi: Cannot guarantee it, no.

Chairman Collins: And that, to me, is just ...

Boardmember Dovell: The ones that we've seen have always been sellers.

Chairman Collins: Correct.

Building Inspector Minozzi: We've been lucky, yes.

Boardmember Dovell: Okay. You've seen others.

Building Inspector Minozzi: I see a lot of the other way. I'm dealing with one right now, just this week, and they're ready to kill me. They're talking about legalizing an attic, legalizing a basement for a bathroom, and putting in a sprinkler system. I mean, they're talking a hundred thousand dollars worth of work. You know, this is mind-blowing to them.

Village Attorney Whitehead: But to me, that's somebody didn't do proper due diligence when they bought the house.

Building Inspector Minozzi: One hundred percent, and it was 15 years ago.

Chairman Collins: But the owner is inheriting some legal malfeasance or malpractice.

Building Inspector Minozzi: No, they did some of it. So they are reasonable for some of it

on this particular project, but not all of it. But they're stuck with it.

Boardmember Quinlan: I just have a question because I don't quite understand this.

Building Inspector Minozzi: Yes, sir.

Boardmember Quinlan: The documented and the undocumented.

Village Attorney Whitehead: Were done without a permit.

Building Inspector Minozzi: Yes.

Boardmember Quinlan: So that's the undocumented.

Building Inspector Minozzi: Mm-hmm. Same project if it was documented or it was done without a permit.

Boardmember Quinlan: All right. And then it that different than the proposals?

Building Inspector Minozzi: It's the same job. And what I did is I plugged in the different proposals or different examples, using the same ...

Boardmember Quinlan: Is the undocumented a proposal?

Village Attorney Whitehead: No, that's under the current fee schedule.

Building Inspector Minozzi: Yes, that's my example.

Village Attorney Whitehead: Which basically doubles the fees.

Building Inspector Minozzi: That's what we're using right now on that example.

Boardmember Quinlan: And you want to raise it.

Building Inspector Minozzi: What we're proposing is looking at different examples of ways we could raise it to reimburse the Village for some of the tax loss that we've had for the project.

Chairman Collins: Anecdotally, I spoke to, I guess, the chief assessor for the Town of Greenburgh and she gave me a top-line – and this going about a year ago – of what happened

following the reassessment and how much additional property value was found in Greenburgh when all of us had the reassessment happen. She said that Hastings had one of the biggest spikes, and attributed it to undocumented work that had just slipped through and had not been detected.

Building Inspector Minozzi: We do it every week. *Every single week* we have this.

Chairman Collins: It was stunning, the number. I forget what the number was, but it was stunning.

Building Inspector Minozzi: Every week we have a legalization.

Boardmember Quinlan: What is that?

Building Inspector Minozzi: We go through this process of documented-undocumented work.

Village Attorney Whitehead: They find work that was done without permits.

Building Inspector Minozzi: At least one a week comes in.

Village Attorney Whitehead: How are you finding them that much?

Building Inspector Minozzi: When they sell the houses. Real estate's finding them.

Village Attorney Whitehead: Or the buyer's attorney, depending on ...

Boardmember Quinlan: The banks usually pick them up.

Village Attorney Whitehead: The banks pick it up if it's exterior, they don't pick it up like if it's an finished basement.

Building Inspector Minozzi: And we picked up a bunch in the reassessment because of the phasing. Because in order to get your phasing you had to make sure ... there could be no undocumented work in your house. So if your house doesn't meet the property card, then you had a problem. With that reassessment, those three weeks we ran like crazy going from house to house to house. And I can't tell you how many we got that they had to fix. There was a tremendous amount of work, and it was a tremendous amount of revenue.

Boardmember Quinlan: But they have to review them, right.

Building Inspector Minozzi: Yes.

Boardmember Quinlan: And it's going to cost them 15 hundred dollars.

Village Attorney Whitehead: Plus double the fees if they (cross-talk) ...

Building Inspector Minozzi: That's what it costs today on this example.

Boardmember Quinlan: Well, my personal opinion. In Hastings, we're paying a lot of taxes. I understand the penalties, but to make them ... and you want to increase them a little bit more that's fine. But, you know, the taxes we pay in this town and in Westchester are just incredible.

Chairman Collins: They are egregious.

Boardmember Quinlan: I don't feel sorry for the Village because we're not getting enough taxes with this.

Chairman Collins: No, but the flip side of it is – and it becomes very acute when we have a legalization that requires a variance and you have an applicant who has essentially been offloading his or her tax liability to the rest of the Village to pay for the infrastructure – they've been getting away with paying an artificially lower level.

So the question? I'm torn between two things. I am not comfortable with this smacking someone up side of the head who really had no idea. Like they went in, they got bad representation from their attorney and it slipped through, and suddenly they're paying for projects that may have been done two or three owners ago. I'm uncomfortable with penalizing them. On the one hand, it's the worst feeling in the world when you have an applicant who did do the work, is coming to sell it, begging for forgiveness, and has spent 20 years in a property that's been undervalued.

Boardmember Quinlan: I know. I mean, as most people know, I was on the Zoning Board for the 10 years in the '90s and the early 20th century. It's tough. I mean, you know, they come and they feel terrible and they have all these excuses and everything. Basically, we granted almost every one.

Chairman Collins: Because the alternative ...

Boardmember Quinlan: We didn't have everybody rip it down. They could rip it down,

you know. If it was a deck or something, just rip it down. But a lot of them just aren't decks.

Building Inspector Minozzi: I mean, I've had applicants that never made it here that removed their issues.

Boardmember Quinlan: They removed the issues.

Building Inspector Minozzi: We've gotten that, too. You guys never saw it because they removed it.

Boardmember Quinlan: Yes.

Building Inspector Minozzi: And that's always an option on all these projects. Well, if you don't want to get penalized, remove it. That's why I came up with all these different examples. It really is what do you want to do? Do we want to increase it a little bit, we can use one of these other lower ideas if you want to increase it. A lot of it, we can use one of these other ideas.

Boardmember Quinlan: Well, what does the Board of Trustees think about all this?

Building Inspector Minozzi: Nothing yet. This is with us right now.

Village Attorney Whitehead: All they did last year was, they ...

Building Inspector Minozzi: They increased our fees, which I have the ...

Boardmember Quinlan: That was just increased last year, so that was what they intended to do one year ago.

Building Inspector Minozzi: Mm-hmm.

Boardmember Quinlan: Now you're looking to raise it again.

Chairman Collins: Well, we brought this up – I brought this up – to the Board when it was originally before them and Buddy and had been on the hook to come back to them with a point of view on this. Time has been tough to find to devote to this.

Building Inspector Minozzi: For just variances. This is just as it's related to jobs that are just requiring a variance, which are not many. Not many. Matter of fact, in my time here – in my 8 years – I could probably count on one hand.

Chairman Collins: I can remember two. There was Tony's and there was the property down, I want to say ...

Building Inspector Minozzi: We've had a garage, we had Tony's, we had a deck; three or four or five.

Chairman Collins: It's not a lot.

Building Inspector Minozzi: Not a lot.

Chairman Collins: But to me, my notion of bringing this before the Board was to think about creating a deterrent. That if people knew, and the word got out, that there was such a steep price to pay for skirting the Building Department that they would not skirt the Building Department.

Building Inspector Minozzi: Well, I tell you, I did one this week that was a shed and needs a variance. It's coming in. I helped him prepare his paperwork this week. When he found out the cost, the current cost, of what the variance is going to cost him, plus what the building permit's going to cost him, it's almost as much as he would've paid to have the shed moved. Not quite, it's still about \$500 less.

But when I told him what he needed to do, he immediately got a price on moving the shed. He's like, That's a lot of money. His situation's a little bit unique because this particular shed has been there in that same location since 1956, and his father was the Building Inspector here in Hastings.

Chairman Collins: Oh, great. That's fantastic.

Building Inspector Minozzi: Oh, yes, it's a real special case. He got a price to move it to a documented, and he's like, Why am I going to spend 17 hundred dollars to move this when it's been here since 1956 in that same location? Then when he got the price for the building permit and the variance charge he was like, Wow. He was like, I can't believe it's that much money, but I gotta do what I gotta do. And that's exactly right: it's a brand-new shed, it's a couple of years old.

Boardmember Quinlan: So, Matt, what are the next steps? I mean, we have the proposals, we can think about them, then you want to go around and see what everybody thinks?

Chairman Collins: Well, yes, I do want to hear what people have to say about it. If folks

would like to save that commentary for the next meeting and think about what we've talked about here we can table it 'til the next time.

Boardmember Quinlan: I'm willing to say tonight, but it's brand-new. I don't mind talking about it next time.

Boardmember Renzin: Is there anything the Village can do to get in the middle of people buying houses and give notice to new homeowners to say, Hey, before you buy a house check on this? Can we get in the middle of that?

Building Inspector Minozzi: It's not nearly as bad today where the new people are getting caught with it, because so many people are doing their due diligence today. Real estate is up here now, where when I started here just eight years ago it was a big fight to get real estate to look at the property card and say, There's a problem here, let's call the Building Department. It was, Don't call the Building Department because you're going to pay more money. You know, there's a whole new mindset today and it's pulled a complete 180 since I've started here.

Boardmember Quinlan: Well, if you're going to take out a \$400,000 mortgage you think the bank's going to do more due diligence.

Village Attorney Whitehead: I'm telling you right now it's not coming from the banks.

Boardmember Quinlan: Well, it's coming from the lawyers or somebody.

Village Attorney Whitehead: I do a lot of transactional real estate. It's not coming from ...

Building Inspector Minozzi: This is coming a lot from the real estate.

Village Attorney Whitehead: No, it's coming from the attorneys who have pushed it to the brokers. It's not coming from the bank.

Boardmember Quinlan: Okay, well, somebody. It's coming from somebody because of the prices.

Chairman Collins: Okay. Well, noodle on this, think it over, and then what I would say is come back to the next meeting with either questions or a recommendation. And the recommendation could be stand pat – no change, or one of the other options that are here, or an option we haven't considered.

Boardmember Quinlan: *Okay.*

Boardmember Quinlan: I think that's fair.

Building Inspector Minozzi: Sounds good.

APPROVAL OF MINUTES

Regular Meeting of March 15, 2018

Chairman Collins: We just have the minutes, so I'll just quickly comment that I saw in my correction of the minutes there was presence of a boardmember who's not on the Board that made it into our minutes – "Boardmember So-and-So," and I don't remember if So-and-So's the last name of someone who's not on the Board. I send my markup to Buddy separately, but I indicated that.

Also, Ray gets credit for a comment he did not make because I made it. Ray is credited as saying – as yelling out – "*Go Blue*" That was me. That was definitely me – to Mr. Steinmetz. So I corrected that. Then there a couple misspellings or words that were picked up incorrectly by the transcriptionist. Otherwise I'm fine.

But I only was able to review the first quarter of the minutes because I was not able to sit on the last three pieces. That means the only one on this board who had view to the entirety of the meeting and can comment on the minutes is Ray.

Village Attorney Whitehead: We did this last month. If you remember, we had minutes where there were only two members. There is not actually a legal requirement to formally vote on minutes.

Chairman Collins: Oh, then I'm fine with not voting on minutes.

Village Attorney Whitehead: That's why I said last time they could go with just the two people who had been there, and were here saying they were okay. I would say if you do the portion you did, say they're okay, and Ray says they look okay for the rest of the meeting ... if you want me to, I can take a look. I was here.

Chairman Collins: If we don't have to vote on them, then pointing out any inaccuracies in the minutes is about the only thing I think this board can do.

Village Attorney Whitehead: And, you know, it's not practice to have everybody kind of look at them and vote on them. But in this case, you can't.

Boardmember Quinlan: It's impossible.

Village Attorney Whitehead: Ray can vote.

Chairman Collins: I would say if we don't have to vote I'd rather ... I don't know that we should.

Boardmember Dovell: Let's forego it this time.

Chairman Collins: Yes, I would just say let's make a point, going forward, of pointing out errors in the minutes and fixing them. But if we don't need to vote and go through the seconding and all that, then let's just not do it.

Village Attorney Whitehead: It's good practice to do it. You're not going to do it with this set of minutes because you don't have people to do it. I think going forward you should continue it.

Boardmember Dovell: We should still vote on it? Okay.

You don't have any comments on the minutes?

Boardmember Dovell: No.

ANNOUNCEMENT

Next Meeting Date – May 24, 2018

ADJOURNMENT

Boardmember Dovell: All right, we are adjourned.

Boardmember Quinlan: Thank you, Mr. Chairman.

Chairman Collins: Good to have you.

ZONING BOARD OF APPEALS
REGULAR MEETING & PUBLIC HEARING
APRIL 26, 2018
Page - 66 -