

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
ZONING BOARD OF APPEALS
REGULAR MEETING & PUBLIC HEARING
MAY 24, 2018

A Regular Meeting and Public Hearing was held by the Zoning Board of Appeals on Thursday, May 24, 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: We're going to come to order. Today's agenda for the Zoning Board of Appeals for Thursday, May 24, we have six cases before us, which we will take in order on the agenda.

Before we get underway, a couple of ground rules. We have two microphones available. We have the standing mic here on the floor and we have a handheld mic. If you're going to be speaking tonight I just ask that you make sure you speak with a microphone in front of you because we have a remote transcriptionist who's recording everything for the record. When you speak for the first time, just make sure you introduce yourself and let us know your name, and where you live.

SELECTION OF ALTERNATE BOARD CHAIR

Chairman Collins: The second thing I want to cover is, we are going to need, this evening, an alternate chair. We haven't, as a board, decided that officially. I'm going to have to recuse myself from one of these cases and so I wanted to make sure we had the alternate chair named. Linda, is there any special procedure, or is it just up to this board to decide?

Village Attorney Whitehead: It's really up to you, but you can have the Board agree with you.

Chairman Collins: Well, I'd like to nominate Ray to be the alternate, and unless there are any objections we'll make it so.

Boardmember Quinlan: That's fine with me.

Chairman Collins: All right, good.

Boardmember Dovell: Yes.

Chairman Collins: So we'll get to that when the time comes.

Buddy, how are we on the mailings?

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

Chairman Collins: I'll repeat that for the record. The Building Inspector's indicated that his staff has assured him the mailings are in order.

Okay, very good. Then we will begin with Case 06-18, Julie Tyson for 67 Pinecrest Drive.

AGENDA

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 Section 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:

Paving in a required yard: Existing – none; Proposed – 294 square feet; Required Maximum – none {295-20-C}; Variance Required – 294 square feet

Chairman Collins: This is a return from our last meeting, which we have you back, sir, because of a problem in the noticing that was the Village's fault. So appreciate you coming back.

Michael Jacobs, JacobsChang Architecture: Yeah, of course. Shall I introduce myself first?

Chairman Collins: I'll ask you a simple question, and then I think we can move this pretty quickly. Is there anything that's changed about your project since you presented it the last time?

Mr. Jacobs: We're representing the owners at 67 Pinecrest. The answer to your question is no, nothing's changed.

Chairman Collins: Okay.

Mr. Jacobs: The recollection from the last meeting is, we're here on a clerical error. I think we had – maybe I'm getting ahead of myself – unanimous approval last month, pending public opinion today. And if it means anything, we presented again at Planning last week and got our steep slopes approval. And we're cleared on view shed as well for that one.

Chairman Collins: Okay. So to be clear, you're requesting paving in a side yard, paving in a required yard variance. And I believe it's in the side yard ...

Mr. Jacobs: Correct.

Chairman Collins: ... and that's all that you're here for.

Building Inspector Minozzi: And view preservation.

Chairman Collins: And view preservation, thank you very much.

Does anyone on the Board have any follow-up questions? Okay. So, really, the purpose for having you back was to insure that anyone in the public who wishes to be heard on this case have a chance to do so.

Mr. Jacobs: I'm prepared with slides again, if needed, so just let me know.

Chairman Collins: Thank you. Is there anyone who wishes to be heard on the matter?

Okay, well, as there are no questions from the audience or from the residents, and no questions from the Board, 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 06-18 for Julie Tyson, at 67 Pinecrest Parkway, for approval of view preservation and for paving in a required yard: existing, none; proposed 294 square feet; required maximum, none; variance, 294 square feet.

Chairman Collins: The vote's unanimous. Congratulations. Thank you very much for understanding.

Mr. Jacobs: Thanks. Thank you, Charles, for putting me first.

Chairman Collins: All right, we'll proceed then to Case 07-18 for William Washienko for 25 Fenwick Road.

**Case No. 07-18
William Bruce Washienko
25 Fenwick Road**

For relief from the strict application of the Village Code Sections, 295-68,F,1 b & c, for the documentation of the replacement of a pre-existing lawn shed, at his single family dwelling located at 25 Fenwick Road. Said property is in R-10 Zoning District and is also known as SBL: 4.120-131-10 on the Village Tax Maps.

Nonconformity details of the documentation of the replacement of a preexisting lawn shed are as follows:

**Side Yard: Existing – 6 feet; Proposed – 6 feet Required Minimum – 8 feet
{295-68 F,1(c)}; Variance required – 2 feet**

**Rear Yard: Existing – 2.3 feet Proposed – 2.3 feet Required Minimum – 8
feet {295-68 F,1(b)}; Variance required – 5.7 feet**

Chairman Collins: Here, we are seeking a variance for an existing side yard: 6 feet, proposed 6 feet. This is for a shed that I think we are essentially legalizing here, or being asked to legalize. Is that correct, Buddy?

Building Inspector Minozzi: That's correct, sir.

Chairman Collins: So they are requesting a side yard variance. Six feet is what they have, 8 feet is the required minimum; and rear yard, where they have an existing 2.3 feet and required 8 feet. Sir, if you could please just introduce yourself, and begin.

William Bruce Washienko, applicant: I live at 25 Fenwick Road here in Hastings. And I want to thank the Board and the public here at this time to explain my case on ...

Chairman Collins: Make sure you keep the mic right in front of you the whole time.

Mr. Washienko: Okay, I'm sorry.

Chairman Collins: That's okay.

Mr. Washienko: ... on the lawn care that ... the original one was erected over 50 years ago and we just replaced it at the same location. Apparently we never got a permit for it, and that's why I'm here today. And I want to thank you for hearing my case.

Chairman Collins: Sure.

Mr. Washienko: Here's my house ...

Chairman Collins: Make sure you get the mic right there. That's all right.

Building Inspector Minozzi: Point with the other hand.

Chairman Collins: That's all right. Don't worry about it.

Mr. Washienko: Here's my house, in Hastings, on Fenwick Road. It's right off of Farragut Avenue and parallel to Ravensdale. The shed is located in the rear of the house on the east side of the property line. The 6 feet here is from the neighbor's house at 29 Fenwick, to the shed. And from the rear, it's only about 2.3 feet or 2.7 feet, I believe.

Building Inspector Minozzi: 2.3 feet.

Mr. Washienko: 2.3 feet. From the top of the end of our property on the west side, in the backyard, this picture is taken of the shed located down below. It's slopey-type (ph) land. Here's a closer picture of it. You can see that the shrubs are behind the lawn shed.

Here's one from standing on 29 Fenwick Road's property – there's a little retaining wall there – and here's the side of the shed. This is taken from the property on Ravensdale – I believe it's 30 Ravensdale – and it's the back of the shed.

Here's the original shed that was put up sometime in the late '50s, early '60s. Apparently we never got a permit for it. I don't know if a permit was needed, or what have you.

Building Inspector Minozzi: And as followed with the Building Inspector.

Village Attorney Whitehead: At the time you put the shed up.

[laughter]

Mr. Washienko: Here's my brother when he was in high school. He graduated in the late '60s, and that's the only picture I had from far back when. Let's see. Oh, this is the survey of the house and the plans that I drew up. Here's a survey from the adjoining property owner; the plans for the lawn shed; a survey of 21 Fenwick, to the west of me; and this is from the rear of the property.

That's about all I have to say with regard to the shed. The original shed got ruined, I believe, in 2005 by a hurricane. An adjoining tree came down from the next door neighbor's property and broke the top of the shed, and then we just replaced it in the same location.

Chairman Collins: All right, so original circa 1950-'60, somewhere in that time frame. The new one went up in 2006 after the old one was destroyed.

Mr. Washienko: Yeah. Yes, sir.

Chairman Collins: And it's in the same exact footprint as the old one.

Mr. Washienko: Same exact location.

Chairman Collins: Is it roughly the same dimensions?

Mr. Washienko: Yeah, 8 by 10.

Chairman Collins: An 8 by 10 shed.

Mr. Washienko: Yeah.

Chairman Collins: Okay. Well, this is not the order we like to go in. We like to see it, of course, beforehand. But we understand this was long before you had really ... you know, you had, obviously, no knowledge of this, permit or no permit. And we're here to try to make it right.

You know, I think if you were coming to us in the proper order, and you hadn't built it and you wanted to get a variance to do so, we would look at this and say, Okay, you need, for the side yard, a minimum of 8 feet; you're asking for 6 feet. That's not ... we've seen worse, I'll say that. And the rear yard is a little bit tighter. You're asking for 2.3 against 8 feet but, again, we've seen worse before.

So in the grand scheme of things this would be considered a minor – in my book – variance request. And it's for an accessory structure, not for the primary. Which I think matters, in my reckoning of it. So I have no issues other than a regret that this hadn't been sorted properly so you wouldn't have to deal with it.

Any other comments?

Female Voice: No.

Chairman Collins: Okay. Anyone in the public who wishes to be heard? I will enter the letter into the record. We do have a letter of support, which I'll read very quickly. This is from Jessica Murphy and Rex Gibson:

"My backyard neighbor, Bruce Washienko, at 25 Fenwick Road, has an appointment with the Board to get a variance for his shed, which is a little close to my property line at 30 Ravensdale.

"I'm writing to let you know that I'm ABSOLUTELY FINE ..." in all caps – "... with the location of the shed. It causes no issue for me or for my property.

"Thank you, and best,

Jessica Murphy & Rex Gibson of 30 Ravensdale"

This was received on Wednesday, yesterday.

Okay, well, if there are no questions or comments from the public, and no more questions or comments from the Board, may I have a motion, please?

On MOTION of Boardmember Dovell, SECONDED by Boardmember Berritt, with a show of hands of all in favor, the Board resolved to approve Case 07-18, for the documentation of the replacement of a pre-existing lawn shed at 25 Fenwick Road: side yard, existing 6 feet, proposed 6 feet, required minimum 8 feet; variance required 2 feet. Rear yard: existing 2.3 feet, proposed 2.3 feet, required minimum 8 feet; variance required 5.7.

Chairman Collins: The vote's unanimous. Thank you very much.

Mr. Washienko: Thank *you*. Thank you for your time.

Chairman Collins: You bet. Have a good weekend.

Mr. Washienko: Yep.

Chairman Collins: All right, our next case is 09-18, for Eric and Marilou Bagtas.

**Case No. 09-18
Eric & Marilou Bagtas
32 Ronny Circle**

For relief from the strict application of the Village Code Section 295-69F.1.b, for construction of a new rear open wood deck at their home at 32 Ronny Circle. Said property is in R-7.5 Zoning District and is also known as SBL: 4.150-162-11 on the Village Tax Maps.

Non-conformity details of the proposed Rear Open Wood Deck are as follows:

Rear Yard: Existing – 24.25 feet; Proposed – 9.5 feet; Required Minimum – 25 feet {295-69F.1.b}; Variance Required – 15.5 feet

Chairman Collins: The variance requested is 15.5 feet. This is all in relationship to a proposed open wood deck in the rear. So whenever you're ready, please introduce yourself and walk us through your proposal please.

Building Inspector Minozzi: Are you going to go electronic, Kathy, or ...

Kathleen Sullivan, project architect: I have an iPad which I don't know if I can hook up so I'll try to do it with the paper (off-mic).

Building Inspector Minozzi: Okay.

Ms. Sullivan: They have a home on Ronny Circle, which is the southern part of Hastings. The home is a one-story home, about 11-hundred. The deck that they're proposing would provide some seasonal outdoor space for them.

Chairman Collins: I'm sorry, I'm having a tough time hearing. If we could keep the conversation silent, please, and the fan is also ...

Building Inspector Minozzi: Yes, we can ...

Chairman Collins: I know it's comfortable.

Ms. Sullivan: I'll speak closer to the mic.

Building Inspector Minozzi: Can you just raise the temperature up 1 or 2 degrees? Thank you.

Ms. Sullivan: I'll start again.

Chairman Collins: Okay.

Ms. Sullivan: So the home is a one-story home – it's about 11-hundred square feet – and the deck will provide some seasonal living space for them. They would like to have the option to have a dining room and chairs on the deck, and the deck we're proposing has a standard 15-foot depth. The width is related to the existing opening on the house, which goes 5-1/2 feet from one direction and then goes over and meets a compliant part of the deck, which is 6 feet off the side of the house. That proposed side piece connects the deck itself to the existing side kitchen door.

I've provided some information. I'll just walk through some of it, pictures that show views from different parts of the site. Then I can explain what's compliant and what's not compliant in the proposal. These are things that you got in your package.

I went screwing around looking for words. I'll just hold these. So this is sort of the key plan that I proposed. It isn't a view preservation presentation, but it shows places where I took pictures just to get a sense of what's around the site. So the first pictures are taken from the street – this is in your package – and so they just show how little of the backyard is actually visible from the front of the house.

Chairman Collins: Mm-hmm.

Ms. Sullivan: One of the things that's very interesting about this area is that the homes are very far set back from the front property line. In fact, one of the other items I'd like to discuss later is that that actually pushes the existing house on the rear setback in the 100-foot-long lot. So the pictures below show views from the northeast corner of the site looking back towards the side yard and then to the other part of the house. So that gives you a sense of, you know, the view from there. Then the other, bottom, of that is a view from the other rear corner looking at the house at the side yard and also at the house itself.

So this is standing at the northeast corner of the house, looking kind of as you might see it from the deck. I wasn't as high as the deck would be, but just trying to give you a sense. So the first view shows how close the garage is of the neighbor to the north to their own property. The other view shows you what they see out the back, which is actually a view towards the Saw Mill Parkway. There's an abandoned, I guess, rest stop that's on the Saw Mill as you're heading south, and that's actually right behind the property. And the other view shows standing in the same spot looking towards the neighbor to the south so you can see what that view's like. There's some parking that's in that area. So just a sense of kind of what the environment is around that.

Probably the most crucial plan is this one, which just shows you where the setbacks are and what is compliant and not compliant. As I mentioned, the house that's south sits right on the rear yard setback. So any deck would be a variance of sorts. That's just a point of fact for this particular property. The other drawing, just to take away, is a blowup – and Buddy had me do this – which shows, you know, the deck ...

Chairman Collins: Keep the mic right there, Kathy.

Ms. Sullivan: Sorry.

Chairman Collins: Thanks.

Ms. Sullivan: The deck, which shows what part is compliant and noncompliant. So I guess, in answer to the question of how to make this a less substantial variance, it would be to decrease the deck size.

Chairman Collins: Right.

Ms. Sullivan: Not having a deck would be the most critical – I mean, the most minimal – of the approach. I think we proposed a reasonable-size deck. I tried to show a layout with some tables and chairs just so you get a sense of knowing what they're requesting.

So any questions at all on this?

Chairman Collins: Well, I'll start, Buddy, with a question for you. One of the things that makes this property very unique, of course, is, the backyard ends and then it goes into what I'll call greenspace that then takes you to the Saw Mill River and then to the Saw Mill Parkway.

Building Inspector Minozzi: Correct.

Chairman Collins: Who owns that property back there, between the end of the rear yard property lines and the Saw Mill River?

Building Inspector Minozzi: I don't believe ...

Village Attorney Whitehead: It's probably part of the right of way.

Building Inspector Minozzi: ... Hastings owns any of that. I think that's state and county.

Village Attorney Whitehead: It's part of the right of way of the parkway because there did used to be a gas station. I remember there being a gas station there.

Building Inspector Minozzi: Oh, sure, yes. Absolutely.

Chairman Collins: So I'll start with the procedural question, and that is, is there a state or county body that needs to be noticed?

Building Inspector Minozzi: Everyone that's associated in the 300-foot perimeter of this property was noticed, as per our newest and latest Web site – I mean, software.

Chairman Collins: Okay, all right.

Building Inspector Minozzi: I don't have that list in front of me, but we're very confident with our new software.

Chairman Collins: Okay.

Ms. Sullivan: And the applicant turned those things in on time, I think.

Building Inspector Minozzi: Yes, yes they did.

Chairman Collins: Okay.

Ms. Sullivan: They took responsibility for that.

Chairman Collins: Go ahead.

Building Inspector Minozzi: The software routinely picks up on state property when we're

around the Aqueduct and stuff like that, so I'm very confident that it was done properly.

Chairman Collins: All right. This is an unusual property for reasons you mentioned, Kathy. You have an enormous front yard relative to most homes in the Village. Their rear yard leaves you no room to maneuver. There's no other place you could put this deck in the back and not have it require a variance here.

Ms. Sullivan: Correct.

Chairman Collins: Then you have this very unusual dynamic of their rear yard abutting state property that will almost certainly never be developed.

Building Inspector Minozzi: It can't be.

Chairman Collins: So that, then – I would imagine, just based on a view of Google Maps – would be another ... it looks like, I would guess, probably about 100 feet to the Saw Mill River, or in that neighborhood?

Building Inspector Minozzi: It's quite a distance. It has that entire wetlands distance that it has to go through.

Ms. Sullivan: And they're quite a bit higher also.

Building Inspector Minozzi: Yes.

Chairman Collins: Yes, good point. Right, so it's sloping down.

Ms. Sullivan: (Off-mic).

Chairman Collins: So often times the concerns this board would have, or I would have, about a deck in the backyard that takes up so much of the rear yard would be its proximity to neighbors in the rear. There are no neighbors other than deer and fish and cars, and a long distance off. So I'm not concerned about that. I think, given the applicant's goal of creating a simple outdoor recreational space to accommodate very straightforward needs of a small, modest table and a grill, you've built very reasonably to accommodate it.

I can't imagine altering its location or its dimension. And I think the uniqueness of its position relative to the state property makes this a very different proposal than ones that we often see in more densely-populated neighborhoods. It's what has me feeling not at all concerned about the fact that the variance request that you are asking for the rear yard is

quite substantial, based just purely on the numbers. I think the uniqueness I mentioned mitigates the severity of the variance you're requesting. So for those reasons, I'm comfortable with it.

Joanna?

Boardmember Berritt: Yes, I'm comfortable with it, too. I think the only impact would be the sort of side area which is up against the garage of the next door neighbors, correct?

Ms. Sullivan: Right.

Boardmember Berritt: So that's fine.

Chairman Collins: Carolyn?

Boardmember Renzin: Yes, I also note that the lot area building coverage is actually less than permitted if you include the size, that square feet, of the deck, which I think is nice. You put it wrong, probably, made your same argument and gone a little bit bigger. And I respect the fact that you kept it reasonable. So I'm okay with it.

Chairman Collins: Mm-hmm, okay. Ray?

Boardmember Dovell: No comment.

Chairman Collins: Jerry?

Boardmember Quinlan: I'm fine.

Chairman Collins: Okay.

Ms. Sullivan: I think the only impact on the neighbors is that they're forward to the deck so they can have their barbecues.

[laughter]

Boardmember Renzin: Excellent.

Ms. Sullivan: (Off-mic) around.

Chairman Collins: That's true.

Okay, does anyone in the audience wish to be heard on the case? Okay, then may I have a motion, please?

On MOTION of Boardmember Dovell, SECONDED by Boardmember Berritt, with a voice vote of all in favor the Board resolved to approve Case 09-18 for the construction of a new rear open wood deck at 32 Ronny Circle. Rear yard, existing 24.25; proposed 9.5; required minimum, 25; variance required 15.5.

Chairman Collins: The vote is unanimous. Congratulations, good luck to you.

Ms. Sullivan: Thank you very much.

Chairman Collins: All right, we'll move right along to Case 08-18, Susan Richman and Mark Friedman.

Case No. 08-18
Susan Richman & Mark Friedman
21 Pinecrest Parkway

For an approval as required under Sections 295-60.D. and 295-60.C.(2) of the Village Code to replace an existing 108-year-old garage destroyed by a fallen tree with a new one at the same location and of same size, et cetera, as the existing garage, at their home at 21 Pinecrest Drive. Said property is in R-10 Zoning District and is also known as SBL: 4.100-96-16 on the Village Tax Maps.

Nonconformity details of the existing and proposed garage are as follows:

Side Yard: Existing and Proposed – 6 feet; Required Minimum – 8 feet {295-68F.1.b.}; Variance Required – 2 feet

Rear Yard: Existing and Proposed – 2.0feet; Required Minimum – 8 feet {295-68F.1.c.}; Variance Required – 4 feet

Chairman Collins: This is relating to the rebuilding of a garage that was, unfortunately, destroyed in a recent storm. The applicant is requesting a side yard and rear yard variance. In the side yard case, the existing and proposed is 6 feet, with the asterisk being that unfortunately there is no existing anymore; and a required 8-foot side yard, so the variance

requested is 2 feet. The rear yard, existing and proposed, is 2 feet; the required is 8; the variance request is 6.

The floor is yours, sir.

Alejandro Stojanovic: I'm the applicant for Susan Richman and Mark Friedman, at 21 Pinecrest. Maybe I'll step straight ...

Chairman Collins: Yes, grab the mic then.

Mr. Stojanovic: So in the plan of the overall, you can see, in the red, what the distances are that really are over and what we are asking the variant (sic) for. To the side yards, the neighboring property, it's 6 feet, and we should have 8. And towards the road, it's 2 feet instead of 8. Again, this is the existing situation from before, as you can tell from the photographs that we have from when the accident happened during the storm. It's to be set back on the exact same foundation that's there. Part of the foundation was demolished, as well, from the tree. It was a pretty large tree that flattened not just the garage, but four adjacent cars that were parked at the Aqueduct for the moment.

The demolition was quite fast and thorough. We're asking just to rebuild the garage in the same exact spot because it's the only spot where we can put it since the terrain falls towards the house and there's everything right after the garage into the patio of the house. So there's really no other position to put it, if you want.

Building Inspector Minozzi: So the way our code's written is that with natural destruction up to 50 percent can be rebuilt as-of-right. And anything over 50 percent, as determined by the Building Inspector, has to come before this board.

Village Attorney Whitehead: Or come into conformance.

Building Inspector Minozzi: Or ... thank you. And as you can see, it's quite more than 50 percent.

Chairman Collins: Yes.

Mr. Stojanovic: I mean, it was really 100 percent destruction. There was nothing that could be salvaged at all.

Chairman Collins: Right.

Mr. Stojanovic: Luckily, the tree fell on the garage and not the house. That would've been a different story.

Chairman Collins: Yes, I guess there's the silver lining, right?

Mr. Stojanovic: Yeah.

Chairman Collins: Okay. I spent a lot of time on this one for view preservation, which we'll come to separately, Mr. Stojanovic. But as it relates to the variance, you're building a new garage at exactly the same dimension as the old, correct?

Mr. Stojanovic: Yes.

Chairman Collins: Same length, width, depth and height.

Mr. Stojanovic: Yes.

Chairman Collins: Okay.

Mr. Stojanovic: Whatever was there from the previous footings have remained.

Chairman Collins: Okay.

Mr. Stojanovic: Some are repaired now, actually – just the base – because they were falling ...

Chairman Collins: Right.

Mr. Stojanovic: ... but yes.

Chairman Collins: And I do think it's worth reiterating that while it looks, on the top-down map that you're showing with the orange and highlight, that there is room, in theory, to move it to the west, you would have to do some substantial "ground-leveling" – and that's my word for it, it's probably not right – because it steps down, correct?

Mr. Stojanovic: It's pretty steep. It actually steps down ... the fact that this is set back, this 2 feet, is because it steps down like almost 3 feet only from the road down to the wall of the garage.

Chairman Collins: Right.

Mr. Stojanovic: So that's the first drop. It's not the retaining wall, it's just a drop. But then a foot from the garage wall, there's a retaining wall of, let's say, maybe 5 feet towards the back. So we would have to build up something, a structure newly, to raise it above if you wanted to push it back. So it really wouldn't be 8 feet. Or just build a one-car garage instead.

Chairman Collins: Well, I find it hard to imagine that this board wouldn't want to do everything in its power to help the applicant be made whole after the accident that's happened. My biggest concern was more as it relates to view preservation, but the discovery work that went into that, for me, satisfied any concern I had about this project. The fact of the matter is, it is being built *exactly* to the dimensions, which you had been able to verify, of the old. It's replacing the old, and barring any arguments from neighbors who wouldn't want it done that way, or any argument from the Board, which I can't imagine, I'm in complete favor of it.

We'll take a vote eventually, I hope, on the variance. But I will come back to the view preservation because I think we can actually clean that up here, too.

Mr. Stojanovic: Okay.

Chairman Collins: Joanna?

Boardmember Berritt: I mean, it's just replacing the existing structure so that's fine by me.

Boardmember Renzin: Me, as well.

Boardmember Dovell: It's an interesting area. There are a lot of small structures right along the street so ...

Mr. Stojanovic: Going down.

Boardmember Dovell: ... you know, it's one of these things that's in character whether it requires a variance. You know, it's something we might support anyway because it's in character with that collection of very handsome houses along the road. So I have no objection to it.

Chairman Collins: Okay.

Boardmember Quinlan: I'm fine with it.

Chairman Collins: All right, so I'd like to get a motion on the variance request if I could, please?

On MOTION of Boardmember Dovell, SECONDED by Boardmember Berritt, with a voice vote of all in favor the Board resolved to approve Case 08-18 to replace an existing 108-year-old garage at 21 Pinecrest Parkway: side yard existing and proposed 6 feet, required minimum 8, variance required, 2, rear yard, existing and proposed, 2 feet, required minimum 8, variance required, 6 feet.

Chairman Collins: The vote is unanimous.

As it relates to the view preservation issue, our code has recently allowed for the granting of a waiver. And the waiver *must* be granted by both the heads of the Planning Board and the Zoning Board, and it must be done unanimously. The condition for granting it is that in the determination of the Building Inspector, the heads of the Planning Board and the Zoning Board, there is no impact on the view as a result of the project.

Because you've been able to verify, to my satisfaction, in your most recent submission that this structure is *exactly* the same dimension as the one it replaced – which I assume you can verify that it is ...

Mr. Stojanovic: Because of the foundation footing dimension that we have, you can't really do anything else. A little bit smaller, if anything, but not wider.

Chairman Collins: It was the height more that I was concerned about. And what I've been able to determine from your most recent drawings is that you have ascertained the height of the old and are matching it to the new. Is that correct?

Mr. Stojanovic: Exactly. That's matching it through the very little information we had from the pictures, determining the angles by knowing that certain elements are given – like the door of the garage, it's a standard 7 feet – and pretty close to what we have there, if anything, I think it's going to be maybe 2 inches lower than originally thought, after I made the calculations today.

Chairman Collins: Okay. So on that basis – with thanks to the head of the Planning Board, Kathy, for illuminating the geometry at work here – I will grant you the waiver. So no need to come back for view preservation.

Mr. Stojanovic: All right, thank you very much.

Chairman Collins: And if you need that in writing, Buddy, I'm happy to provide it.

Building Inspector Minozzi: Yes. I think your last e-mail was sufficient, that we had, provisionally.

Chairman Collins: Yes, it was a conditional approval.

Building Inspector Minozzi: Yes.

Chairman Collins: Which the condition has been met.

Mr. Stojanovic: Thank you very much for your time.

Chairman Collins: Thank you, Mr. Stojanovic.

Okay, we'll go to Case 23-17 for the return of Riverton Lofts West, 10 West Main Street.

Case No. 23-17
Riverton Lofts West, LLC
10 W. Main Street

View Preservation approval as required under Section 295-82, and relief from the strict application of Section 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.

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

Required Parking Spaces: Existing Use – Provided; Proposed – 14 Spaces;

Required – 18 Spaces {295-36.A}};

Variance required – Four Spaces.

Chairman Collins: View preservation approval is required for this, as well as requiring parking spaces: proposed 14, required 18. Remind me, Linda, what the Planning Board has recommended on view preservation.

Village Attorney Whitehead: This is not yet before you for view preservation. The

Planning Board has not done view preservation yet.

Building Inspector Minozzi: That's correct.

Chairman Collins: I see.

Village Attorney Whitehead: They were focused on SEQRA, and they have made their negative declaration under SEQRA so that you can now act on the variance. They were really waiting to see because the parking layout affects a lot of things on the plan.

Chairman Collins: I see.

Village Attorney Whitehead: And they had recommended it only needed 11 spaces. The last time the applicant was here this board had asked him to look at providing more.

Chairman Collins: Okay.

Village Attorney Whitehead: So I think that's what he's now come back with. So you'll do the parking variance. It'll come back to you at some later date, hopefully relatively soon, on view preservation.

Chairman Collins: All right, very good to know.

Matthew Cordone, project architect: Good evening, everyone. I just need to have some time to set up my computer so I can get to the projector.

Building Inspector Minozzi: Do you have an adapter?

Mr. Cordone: I don't.

Building Inspector Minozzi: Let me grab one.

Mr. Cordone: So I guess I can get started before I present. You guys have the material in front of you. Earlier, when I presented ...

Chairman Collins: Can you introduce yourself?

Mr. Cordone: I'm the architect of the project, here to represent Riverton Lofts on this new building over on 10 Main Street. This is an additional structure on the property that currently exists, an existing structure which is a four-unit apartment building. We're proposing to put

an additional apartment building next to it which would add another six units to this property, with a mixed-use of one-bedrooms, two-bedrooms, and studios. I'm here to request a variance to reduce the required parking of 18 parking spots to 14.

I was here about three months ago and requested to reduce the parking from 18 to 11. We had a pretty healthy discussion, and we figured out a way of increasing our initial request to bump up to 14 spots. The reason why we're asking for this variance is because of the situation of where this lot is located. We have a few things happening here that requires us – or we think requires us – to request this variance; the first being the extreme condition of the site. We have very steep grades. This is, as you all may know, on the farther edge of West Main Street, which is the parking lot. We have steep slopes coming down on the west side and also on the south side of the lot.

Our reduction of parking will allow us to maintain a significant setback from those drop-offs, which will allow us to have smaller retaining walls and smaller impact on the site, and also its visual aesthetic from the train station and train station parking lot. These were issues where we spoke earlier with the Planning Board and they were very interested in us providing them these images that would allow them to reduce the look of the space from the parking lot.

In addition to that, we are also concerned about adding more traffic into this area. We feel that because of the location of this building that this is a structure and residence that will allow for people who do not need the use of cars. We are very close to the commuter train station and also two bus stops. We feel this is a location that would be desirable for people who choose not to have cars and choose to use the Village in a pedestrian way. We are also offering additional parking for bicycle storage on the lot, too. That'll also help alleviate additional modes of transportation.

We show this slot here. This actually shows the 14 cars that we are proposing, and as you can see we set it deep against the rear yard. We are hard up against the "cliff," for lack of a better word. This positioning will allow us to have a staggering series of retaining walls that will not exceed the 6 feet requirement of the downtown Village. We feel that this is an appropriate move. This would eliminate another variance that we'd have to go in front of the Zoning Board for. It also allows to have more vegetation on the cliffs on the west and the south side, which reduces the impact of the aesthetic of the cliff itself.

Currently right now, as you guys may know, this is a very highly vegetated area. We're trying to reduce the impact on our property on this project to add aesthetic. We feel that we do want to maintain the idea of growth on these cliffs, but at the same time offer the appropriate amount of parking for the project.

As I said before, this is an example of what we're looking at if we were to do the 14 cars. I do have an example of the change if we were to make it 18 cars, which is required. And as you can see, we significantly moved the retaining wall. You know, parking is considered an unobstructed permissible use on the parking lot so we are closer to the property line, but more importantly we're creating more of a ledge. This would require a larger retaining wall. This would require more of a wall aesthetic from the train station parking lot and from the view of the town coming from the train station, which we're tiring to alleviate.

We have a few images of what this would look like in the winter and fall. This would be the summer, with the foliage. Again, with the staggered retaining walls and the foliage we have a good opportunity of keeping the same aesthetic and feel of that hill. Then in the wintertime, when the leaves are down, we still maintain the sense of hill with a staggered aesthetic of retaining wall.

Boardmember Dovell: In the initial scheme, what percentage of the lot was paved?

Mr. Cordone: Actually, in the original layout we have a parking lot that's where the location of the new property is, which is approximately 65 percent of the property being paved. We are currently around 63 to 65, depending on how the retaining walls are now with the proposed lot. So just to clarify that, the existing parking lot and the rear of the existing structure is all paved. So more or less from the backs of these cars to here is paved. We're proposing to maintain that, but adding a touch more so we can create more parking.

This area here on the side will be grass and vegetation. So the paved surface would really start, basically, from this corner over and then extend from here. So it's not much of an additional lift from the original plan.

Boardmember Dovell: What's the width between the two buildings?

Mr. Cordone: The width between the two buildings is 18 feet.

Boardmember Dovell: Eighteen feet.

Mr. Cordone: Eighteen feet, yes.

Boardmember Dovell: So cars can drive in, park; they can then turn around and drive out.

Mr. Cordone: That's correct, yeah. This is not ... this is for people who own their own cars to move in and out. This is not going to be something where we have a person coming and

parking the cars for them.

Boardmember Dovell: I mean, don't you have an opportunity to parallel park along one side or another of these buildings without doing anything?

Mr. Cordone: We do, however with the 18-foot distance that creates quite a narrow passageway to have cars come in and out.

Building Inspector Minozzi: Fire department access, as well.

Boardmember Dovell: I see.

Mr. Cordone: This is true, too. Yes.

Boardmember Dovell: The fire department has to get between the two buildings. I see.

Village Attorney Whitehead: To get to the back.

Boardmember Dovell: Yes, got it.

Boardmember Dovell: Would it be wide enough for cars to come and go at the same time?

Mr. Cordone: It's more or less for one-use traffic. It'll be designated for both ways, but it's now wide enough for both cars to come in and out at the same time. So there'll be some staggering and coordination. We do propose – and this was an earlier presentation to the Planning Board – having a gate to alleviate any distress between pedestrians and multiple cars coming in and out of the space. The gate would be located right here at the entry point. This is a highly pedestrian traffic area so we want to make sure that any vehicular traffic does not conflict with any of the commuters that use this sidewalk.

Chairman Collins: Well, I think you probably ... I was going to say you would need that to just also keep people from poaching those spaces when parking down in the Zinsser lot gets full.

Mr. Cordone: This is true now. You know, currently it is a parking lot and those spaces do stay somewhat sacrosanct. I don't see a lot of people going in and poaching those spots, as they are now, especially because we just finished doing the restoration of the existing structure and that parking lot is pretty much empty because we had to move those cars. Outside of me, I haven't seen anyone going in there and parking.

Chairman Collins: No, that's good. That's reassuring.

How much ... comparing this to the as-of-right drawing you showed on drawing 101, how much higher would the retaining wall in the as-of-right be compared to the one that requires the four-car variance?

Mr. Cordone: If we were to move ... hang on, I'll just pull that drawing up. If we were to move that wall to allow for the 18 cars we're going to be pushing this wall approximately 8 feet from where it was located on the other one. That's going to create a significant drop, changing the wall height – the staggering wall height – from a series of three walls at 6 feet, to the first drop being 12 feet, and then the lower walls maintaining a 6-foot to 4-foot height.

Chairman Collins: And where on your drawing would be that first wall that would go from 6 to 12 be?

Mr. Cordone: So right here at the curve, where the cars are nosed in, that would be the first retaining wall. Then you can see the significant drop at this location. If we push this wall back, which we're proposing to do, we're allowing to work with the existing contours and flatten out a touch. So we do have the opportunity of creating the staggered effect that we're desiring. As you can see here, we step back and, at the steepest cliff, we can even pull back some more to come back. And then have more of a gradual lift up to the retaining wall. And I do have some sections that I can show of our proposed.

Okay, so these are our sections that we have showing how our retaining wall works. This is looking up from the commuter parking lot from the rear of the building, and these are our 6-foot walls that stagger up. They'll be clad in stone to match the aesthetic of the Village but, as you can see, the grade change is quite significant as we push forward. There's going to be quite a bit of landfill for us to make this work. However, if we were to push this wall we're creating more of a distinct wall, which we're trying not to do ...

Chairman Collins: Yes, going from 6 to 12 feet is ...

Mr. Cordone: ... it's a huge lift. And you can see, this is a good diagram because this actually shows you if we were to move this wall to this location, Hey, man, there's no way we're going to get that to get anything less than 12 feet.

Chairman Collins: Yes, that's a big wall.

Mr. Cordone: Yeah.

Chairman Collins: That is a big wall, and I can see why, aesthetically, you were preferring to go with the more stepped approach and the more symmetrical approach.

Mr. Cordone: Yep.

Chairman Collins: You know, I think the wrestling match we always have is, are these sacrifices in design worth it in order to get more cars parked and out of the way. And we have to operate on a set of assumptions that perhaps there'd be something about this particular property – because of its location and proximity to public transit – that would somehow reduce the demand on parking. And that might be the case, but it's always ...

Mr. Cordone: That is our argument. I mean, we are so close to the train station. These are apartments. We are with the Village and, you know, we are working off of the MO that reducing cars, working with a pedestrian-type attitude so the folks that were hoping to move into this place do embrace that. And at the same time, there's a lot of congestion going on in that parking lot. So for us to put a full amount of 18 cars in here may not be the best solution for the parking lot and for that circulation. Fourteen does give us a little more than one unit per apartment, which I think breaks down to about 75 percent of what we're asking, which I feel is appropriate. And that's why I'm here to ask you guys if you think it's the same.

Boardmember Quinlan: Can I just ask a few questions?

Chairman Collins: Yes. Go ahead, Jerry.

Boardmember Quinlan: So the first picture there, all the way in the left, what is that?

Mr. Cordone: This wall here ...

Boardmember Quinlan: Yes. What's that?

Mr. Cordone: ... that is the ... this is the wall that occurs right here on this edge. This is where you turn the corner. We have more of a gradual drop on the western side.

Boardmember Quinlan: So that's from a different view?

Mr. Cordone: Yeah.

Boardmember Quinlan: Okay. First of all, I just wanted to say one thing to you. The pipe dream you have that this is going to prevent people from buying cars and parking there is completely ... it's not going to happen, okay? Not in Hastings. Everyone drives everywhere.

We try to walk, we've promoted walking, and people drive their kids to school that live like five blocks away, okay? It's ridiculous, that's not going to happen, so I don't find that argument at all.

Mr. Cordone: I live two blocks from school, three blocks from the high school, and I still walk my kids to school. I do understand that, which is the reason why the realities that we are proposing 14 spots.

Boardmember Quinlan: Good. I'm glad you live there. So you know how many cars go past your house every day.

Mr. Cordone: Oh, sure. Yes.

Boardmember Quinlan: Do you ever see the line that goes up to Hillside School, coming out?

Mr. Cordone: I do, and I have to cross Mount Hope.

Boardmember Quinlan: All the way out to Lefurgy, almost to Mount Hope, right?

Mr. Cordone: And I cross Mount Hope with my kids so I do understand the amount of traffic. But I do think that that there is a reality of living in the Village and embracing the importance of potentially giving an opportunity to change that culture.

Boardmember Quinlan: It's not going to happen. Anyway, I'm not going to waste any more time telling you why.

Mr. Cordone: Mm-hmm, sure.

Boardmember Quinlan: But from my experience, I worked in the Village for – had my office in the Village for – over 20 years, and it's not going to happen.

But I'm a little bit concerned about ... I mean, you're changing the whole complex of that hill coming off the train, okay? Instead of seeing the natural hill going up that's been there forever, now we're going to see all these retaining walls coming down.

Mr. Cordone: Well, currently there are retaining walls on that hill. They're kind of buried between the trees and mattresses that are in that lot. So this is an opportunity to clean up the lot and also to put safer retaining walls in there.

Boardmember Quinlan: It's going to change the whole view coming off the train.

Mr. Cordone: Absolutely. Which is the reason why we want to make sure that we do it right, with smaller retaining walls.

Boardmember Quinlan: No, it's going to change the whole feel of it. Now, that's probably not under our purview.

Village Attorney Whitehead: It's something the Planning Board has looked at in great detail ...

Boardmember Quinlan: I'm sure.

Village Attorney Whitehead: ... before they would give their negative declaration.

Boardmember Quinlan: Yes. I'm just pointing that out to you so there's no surprises after you build this building that it's going to change the whole view.

Mr. Cordone: Absolutely. Hence the reason why we're trying to do this in the most sensitive way possible.

Boardmember Quinlan: Well, I don't know. You know, Buddy, what about ... or tell me about how you're going to ... tell me how you're going to like mask that. I know the Planning Board did this, but I've had some experience in this where other walls have been built and people have promised that they're going to make them softer and they don't.

Building Inspector Minozzi: We haven't done a planting plan yet.

Village Attorney Whitehead: It's all going to be part of the site plan approval.

Boardmember Quinlan: Well, the question I have is, who's going to enforce it?

Village Attorney Whitehead: The Building Department. If they don't comply with the site plan approval they won't get COs.

Boardmember Quinlan: Okay. Well, I've had some experience – or people have told me some experience – about the wall that goes down from the railroad tracks by River Edge. You know, the ones behind the Municipal Building. That was supposed to be softer, and from what I understand it was released.

Building Inspector Minozzi: In other cases, if it was brought to my attention I would've done something about it.

Boardmember Dovell: In other cases we've conditioned approval on required landscaping. I don't know that that pertains in this case, but we ...

Village Attorney Whitehead: I think it's really the Planning Board's purview because you're just looking at a parking variance.

Boardmember Quinlan: Fine, okay.

Mr. Cordone: And just to reinforce that, I mean ...

Village Attorney Whitehead: And trust me, the Planning Board is very focused on this.

Mr. Cordone: Part of the reason why we're asking for the reduction in the parking is to alleviate the extent of the retaining wall. So that is part of this meeting that we're having tonight.

Boardmember Quinlan: My last question is how much ... you said there's going to be a lot of excavation and a lot of dirt is going to be removed to even get this plan.

Mr. Cordone: Mm-hmm.

Boardmember Quinlan: So are you going to like be lowering the hill?

Mr. Cordone: We will be changing the grade a little bit, where we are now, to top off and flatten and slowly slope down. So we're trying to move as much soil as possible so we're not bringing new soil into the lot. But the idea is that we keep this as relatively flat as possible. You can see there are some grade changes, and we're going to push all of the soil that we have here into the retaining wall area to help flatten everything and lower it enough so we can achieve our heights.

Boardmember Quinlan: Okay.

Boardmember Dovell: So the cut and fill is about equalized in this?

Mr. Cordone: It's about equal, yeah.

Boardmember Quinlan: So let me just go to the gate.

Mr. Cordone: Sure.

Boardmember Quinlan: So what kind of gate are you going to put up there?

Mr. Cordone: We proposed to the Planning Board to have a gate with an automatic actuator on it that would have a strobe that will alert people as they walk through or drive through, similar to a parking garage.

Boardmember Quinlan: Is it going to make any noise?

Mr. Cordone: We haven't gotten that far yet, we haven't spoken about noise. If it's required, we'd be more than happy to put an audible on it, absolutely.

Boardmember Quinlan: Okay. And where's the front door of the building?

Mr. Cordone: The front door of the building is here. The site plan doesn't really show it, but we have a portico, a little patio, and then the front door is right about here. And then there's also a rear door.

Boardmember Quinlan: And how high is the gate going to be?

Mr. Cordone: The gate will be approximately 4 feet tall.

Boardmember Quinlan: Is it going to be solid?

Mr. Cordone: No, it'll be a fenestration. So it'll be see-through.

Boardmember Quinlan: You know, there's no other gates to any of the driveways that go down there.

Mr. Cordone: No, but we do have picket fences. So we're hoping to pick up on that aesthetic.

Boardmember Quinlan: Is it going to give the impression that it's like a gated community?

Mr. Cordone: I don't think so.

Boardmember Quinlan: We don't have any of those in Hastings.

Mr. Cordone: I don't think so because we have a porch and we have residential apartments that actually walk out onto that porch. So the concept of the apartment building is that we have residential on the bottom, and it's engaging the street because of the front doors to the studio apartment which does open onto the sidewalk.

Boardmember Dovell: Does that have any relationship to pedestrians going by? You know, just coming out of the sight line of cars coming out? There's a lot of traffic in there in the morning so that's all somehow with mirrors and ...

Mr. Cordone: Yes, that's correct. Yeah, we are ... we do want to propose a safety method that would allow people to walk to and fro without having to worry about the cars. I think part of that has to do with how the gate works and whether it's an audible system or it's a visual system.

Boardmember Quinlan: (Unintelligible).

Village Attorney Whitehead: If you remember, this is similar. You looked at this on 425, with the strobe.

Boardmember Quinlan: Warburton.

Village Attorney Whitehead: And some of the neighbors objected to an audible so you did it just with a strobe there. I know there's a lot of newer members on the Board who weren't here for that, but that one had a different issue because coming up the hill was a grade change. This one is flatter so the visibility is better for the cars, but there's more pedestrian traffic here. So I think that was ... and it's certainly something the Planning Board is going to focus on in the site plan.

They're very focused on this project. They actually, if you remember, supported reducing the parking down to 11. They felt that the location really warranted that. This board asked for more. And I think they did that based on there is one studio and 3 one-bedroom apartments. I think with the 14 now you would probably allocate two spaces to the bigger apartments ...

Mr. Cordone: That's correct, yes.

Village Attorney Whitehead: ... and one space to the studio and the 3 one-bedrooms.

Mr. Cordone: Yes.

Village Attorney Whitehead: I mean, frankly, at night the parking lot is generally not full.

So if there were ever really a problem there is plenty of other parking in the general area at night. And I think the Planning Board felt that was a factor also, as well as the proximity to the train.

Building Inspector Minozzi: And the bus.

Village Attorney Whitehead: And the bus.

Building Inspector Minozzi: And also we will have the gate and the entire pedestrian warning system looked at by our engineer, as well, as it was on 425.

Boardmember Quinlan: Okay, but the important thing is that in that parking lot, you know, the rest of Warburton is commercial and those people need parking. I mean, you know, that sells those spaces; there's enough empty spaces now. So it's very important that that parking lot serve the commercial. The back part of the parking lot nearest the train station is now for commuters, okay, until 10:30 in the morning. Those spaces are, you know, assigned to commuters to park there. So the whole back until 10:30, and then you can park there if you're not. So that's ...

Village Attorney Whitehead: That's why I was saying at night it was more active. During the day it's busy.

Boardmember Quinlan: But they'd have to get up and move their cars, I guess, or get tickets.

Chairman Collins: Sorry, did you have anything else? I don't want to accelerate your comment if you're not done.

Boardmember Quinlan: Thanks, I think I'm done for now.

Mr. Cordone: Thank you.

Chairman Collins: Ray, did you have anything else?

Boardmember Dovell: Could you just review the affordability component of the whole project?

Mr. Cordone: Sure. We have four units in the existing structure, which will be coming online soon. Those are affordable housing units that represent 60 percent of the Westchester mean income. We have one unit in the new structure which will be representative of 90

percent of the Westchester income – the annual income – of a home. So that's basically the package. This was something that was developed through the HUD lawsuit a few years back.

Boardmember Dovell: So there are three affordable units in the whole ...

Mr. Cordone: No, there are actually five. We have four in the existing structure. Every unit in this building is affordable, which is 2 two-bedrooms and 2 three-bedrooms, and then we have one studio in here that's affordable.

Boardmember Dovell: Got it.

Boardmember Quinlan: So the affordable unit's a studio?

Mr. Cordone: Yes.

Boardmember Quinlan: Did you ever consider like mixing them all more together instead of putting the affordables in one building and then the high-luxury ones in another building?

Mr. Cordone: The reason why we've put the majority of the affordables in here was because this was tied into a Westchester tax loan that we're working on and we need to get this online for April of this year.

Village Attorney Whitehead: A timing issue.

Mr. Cordone: It was the timing, and it was more of an easier lift for us to get the affordable housing package into Hastings.

Boardmember Quinlan: The timing for your loan?

Mr. Cordone: For our loan and for expiration of the Westchester County ...

Village Attorney Whitehead: For Westchester County. Westchester County needed the units sooner than later.

Boardmember Quinlan: They want it, or need it?

Village Attorney Whitehead: They need it for the settlement. In order to be able to count them towards the 750 they were required to provide within a certain time they needed them sooner. The others couldn't even count yet because they're not approved yet.

Boardmember Quinlan: Okay, anything else?

Chairman Collins: Carolyn?

Boardmember Renzin: I'm struggling with where the other cars go. And I know there are a lot of parking lots around there, but there's a lot of cars for those parking lots already. I do worry about that because I think, then, there's jockeying for spaces, and running out there, and people walking. But I'm also cognizant of the fact that having all of those spaces is going to really impact that wall. So that's what I'm thinking about.

Chairman Collins: Okay.

Boardmember Berritt: I think it's the same. I mean, parking in Hastings is an issue for everybody, and moving them from one lot to another is problematic. You know, I like the fact that it has the affordable units because that's certainly something that's definitely in its favor.

You know, having a large wall and all the problems that come from that, it's not desirable. I mean, it's a juggle, really, of all the different pieces.

Chairman Collins: I think the way I'm trying to frame it here is to understand – if we were to require the 18 to get it as-of-right, and then therefore impose, in places, the 12-foot wall – what ends up creating the most utility for the Village. And one way to approach it would be to go with – and I'm going to present both – the required to be an as-of-right plan. Recognizing – to Jerry's point, that they're reflecting the concerns of the rest of the Board that this project is not going to change the fundamental dynamic we have in the Village of having too many cars and not enough places. And you're trying your best to accommodate the problem. This is not just your problem.

If we were to have a 12-foot wall there you'd have a big wall, but I also could imagine some clever landscaping that would help to mask that, at least for some part of the year. There are certainly things that can be done to make that more appealing and make it look a little bit less like a fortress.

Boardmember Dovell: Right, but with the as-of-right scheme that wall becomes much more present.

Chairman Collins: It does become, no question.

Boardmember Dovell: So you're balancing that view of that wall. Matt, could you flip back to the as-of-right?

Mr. Cordone: Absolutely.

Boardmember Quinlan: Matt, let me just say something. I mean, those were questions. Right now I'm undecided, okay?

Mr. Cordone: Mm-hmm.

Boardmember Quinlan: So I'm just asking the questions and I'm talking to the developer about some of the things I know are happening in Hastings about traffic and parking on Maple Avenue and parking in the train station. Where, I mean, even people that apply for permits don't get them because there's too many people, okay?

So we got a problem, we got a parking problem. And our zoning doesn't really help that much, as we know, the requirements. But it's a problem that I don't really know how to solve so I haven't really decided on this issue. I'm just asking questions.

Chairman Collins: Well, I'm weighing the comments on the Board, though. I'm going to propose how I feel about it and how I'm arriving at this. That I think the utility of an as-of-right plan outweighs what sounds like a purely aesthetic concern about the wall. And by the way, in a place where those impacted by the view – which is primarily, in this case, to the south – are commuters who are coming and going. And we're not there to see that except when they come in and when they go on the train.

Boardmember Quinlan: The apartments on Warburton are going to be impacted when this building goes up with a parking lot. The parking lot now has nothing, and when this building goes up ...

Chairman Collins: True.

Boardmember Quinlan: ... it's going to impact the views, especially in the winter months.

Chairman Collins: You're right about that, and we'll deal with the view preservation issue. I'm referring to the size of the wall. The height of the wall is, I think, the source of the concern as a tradeoff to the 14 versus the 18 parking spaces. What I would propose is, the height of the wall is going to have a relatively lightweight impact on people who would notice it because, quite frankly, there are not many people around to notice it where it will be most visible ...

Building Inspector Minozzi: The Planning Board has a much different view on that situation.

Village Attorney Whitehead: Yes, the Planning Board is very concerned about that view.

Boardmember Quinlan: ... from the train station, and what the wall looks like. And I'm concerned about it, too, so that's why I'm struggling with this.

Village Attorney Whitehead: And as I said, they were happy with 11 spaces here. You would ask for more, they've come back ...

Chairman Collins: All right. What I'm saying is that from my perspective, and being on this board for as long as I have and hearing as many concerns as I have about cars and parking, we are faced with a tradeoff. So we have to decide, in this case, do we prefer the utility of being able to not exacerbate the problem – at least as defined by our code on parking – or do we choose to go for an aesthetic aim that then requires us to exacerbate a parking problem. And I'm telling you, from where I stand – my opinion on this – if those are the tradeoffs I have to make I'm going to go with accommodating more parking. Because I think we can solve the aesthetic issue and I think its impact from the train station and the lot around is relatively light. That's my opinion.

Village Attorney Whitehead: The only thing I can add, just to throw something else out there, from a planning perspective and planning for the future – sort of today's world of planning for the future, especially with TOD things – to look at less parking, it's looking at the fact that Uber and Lyft are changing especially the way younger people ... they're not all having two cars, they're using ride sharing. And that's why the trend. You build this today, 10 years from now these spaces are going to be probably half empty. I've gone to a lot of planning conferences lately that have talked about this. The world is changing.

Boardmember Renzin: I have another question on this one. The parking spots that have the fewer cars – if we go with the fewer spots – the apartments that coincide with those, are they affordable?

Mr. Cordone: All apartments will have parking spots allotted to them.

Boardmember Renzin: Right.

Mr. Cordone: We are requesting less than four. So what we would end up proposing would be one-bedrooms and studios having one parking spot, and then two-bedrooms and the

three-bedrooms would have two parking spots.

Boardmember Renzin: And are the one-bedrooms and the studios the affordable?

Mr. Cordone: The two-bedrooms and the three-bedrooms are afforded, so they'll have two spots.

Boardmember Renzin: Okay, that's good.

Building Inspector Minozzi: You know, we have to also look at this. In the downtown, in the CC district, for a building to offer 80 percent off-street parking is phenomenal. So it's just another little thing out there to think about where we are.

Boardmember Renzin: I just wanted to make sure that the affordable ones weren't the ones getting sort of slighted.

Village Attorney Whitehead: That's why I asked him before if the bigger ones would have those.

Mr. Cordone: The studio affordable, of course, will have one car. But that's per zoning text.

Boardmember Dovell: One-and-a-quarter.

Mr. Cordone: That's correct, but we do have bicycles. And you guys have to realize, I'm from Bridgeport, Connecticut, which was a city that was once called "the park city," and was changed to "the parking lot city." It wasn't a good comment for it to turn into the parking lot city.

Boardmember Dovell: I'm not troubled by the reduction in parking. I agree that things are changing, and families that I know in Hastings are dropping to one car, who have families, and they're trading off and sharing. The kids are using Zipcars or they're using Uber, and I think we are looking at a change. And I think this reduction is really a minimal reduction. So I am not troubled by it.

Chairman Collins: Does anyone else want to comment on this before we open it up to the public? We can come back to it.

All right, anyone in the public wish to be heard on the matter? Yes, please come forward and just introduce yourself.

Richard Lazzari, 132 High Street: I'm not familiar with the project, but from what I'm ... this is the first I've heard of it. And I think what you're faced with is, you need the parking or would like to have the parking. Losing four spaces isn't a big thing in itself, I don't think; you know, to have four less than required. But you're talking about a retaining wall. I think, from what I'm understanding, you don't want to have a 12-foot wall because it's visually unpleasing.

There's ways to mitigate that. You know, you could use a block wall that looks like stone. You can have planting terraces at the upper levels, a couple of designs, to soften it. So you could have your 18 cars, you could have your parking. I think it should be looked at closer, different alternatives, and that would be my suggestion to the Board.

Chairman Collins: Okay, thank you, Mr. Lazzari.

Village Attorney Whitehead: Excuse me for one second, Matt. Just because you have a roomful of people, we've just been informed that 45 High Street has asked to adjourn. We've just been told that. That's why I interrupted as soon as I heard.

Male Voice: Could we get a reason why?

Building Inspector Minozzi: It's a personal. There's a family problem.

Village Attorney Whitehead: You can't blame us.

Building Inspector Minozzi: It's an emergency.

Boardmember Quinlan: Do we grant the adjournment, or what?

Chairman Collins: I don't think we have a choice.

Village Attorney Whitehead: They're not here. That was the architect, the owner isn't here. I mean, if you want to let some people speak so you've heard what they have to say, let's finish this one.

Chairman Collins: Well, we've got one that we got to do first so we'll come back to it.

Does anyone else wish to be heard on 10 West Main? Yes?

Kristen Prevallet, 11 Rose Street: Since I can't speak to 45 High, I'll speak to this. I just

wanted to say that I do know five people from the city who have moved to Hastings that are not interested in having cars. That's the first thing. And they all, you know, tried ... two people who have successfully found apartments downtown, three are desperately looking. And I also just was curious why a building like that couldn't charge something for a parking space.

Chairman Collins: Okay, thank you.

Yes, sir.

John Gonder, 153 James Street: I agree with Mr. Jeremiah Quinlan. I think with one-family apartments there can be two cars, definitely. One may live and work – two people working – and two cars. Myself, I know on James Street most of the people have two, three and four cars per family. Thank you.

Chairman Collins: Thank *you*. Anyone else wish to be heard? Okay.

Anyone else want to comment here? All right.

Mr. Lazzari: Could I readdress the Board?

Chairman Collins: Yes, please.

Mr. Lazzari: I agree with this gentleman. Those parking spaces will be utilized whether they have a car or not. There's visitors, people come, you're increasing the density of the population. That alone – you have friends – those spaces are going to be used. It's a fallacy to think that somebody is going to use Uber, all right? Eventually they're going to have a car. They may not be able to do it because they just got out of college. Those spaces will be utilized.

And again, I don't think four cars less is that much of a big deal, but there's ways to, like I said, look at it. I think you can get the 18 spaces in, make it visually pleasing, and everybody wins.

Chairman Collins: Okay.

Mr. Lazzari: The spaces will be used.

Chairman Collins: Thank you.

Mr. Cordone, do you want to proceed to a vote?

Mr. Cordone: Oh, yes. Yeah, sure, proceed. Can I have a rebuttal, or is this out of my ...

Chairman Collins: No, go ahead.

Mr. Cordone: I just do want to say that this is a very extreme ...

Chairman Collins: Ladies and gentlemen ...

Mr. Cordone: This is a very extreme lot. There are a lot of contours, we are surrounded by a cliff, and this is a significant view from the train station. And I do agree with the Planning Board that, yes, seeing this every day leaving the train station is a powerful view of the town and understanding how the town is. In fact, I believe the Planning Board once recommended, or mentioned, that this is almost a gateway into this town, this retaining wall, this cliff. So I am very sensitive to that.

I also do want to reiterate the fact that I totally agree that families should have more than two cars if they need it. I question the legitimacy of having two cars for a studio so I do understand that and, in my position, that we reduce it down from the one-bedrooms and the studios to come down to one car. And then the two-families and three- – the two-bedrooms and three apartments – do have two cars. I think that's a reasonable request because the families will be living in the two-bedrooms and the three-bedrooms.

I leave the floor to you guys.

Boardmember Berritt: I have one more. There's no opportunity to do somewhere in between. I mean, you've presented 14 and you've presented 18.

Mr. Cordone: Well, we originally did 11 and now we came up to 14. We're pretty much at our limit with that contour. Anything more is going to push our walls beyond the 6-foot limit.

Boardmember Berritt: Right.

Mr. Cordone: We spent a good three, three-and-a-half, months trying to work these contours ...

Boardmember Berritt: Right.

Mr. Cordone: ... and this is pretty much the best we got.

Boardmember Dovell: Could you go back to the proposed scheme?

Mr. Cordone: Sure.

Chairman Collins: Joanna, were you referring to the possibility of 16, for example?

Boardmember Berritt: Yes. Just figuring is there a way to sort of squeeze another two out without having to go 12 feet.

Mr. Cordone: Not without the Planning Board wringing my neck.

Boardmember Quinlan: You can blame us.

Mr. Cordone: Yeah, that's what *they* said.

Village Attorney Whitehead: We've had that problem before.

Building Inspector Minozzi: When we went from 11.

Boardmember Quinlan: I was on the Board for 10 years, the Zoning Board.

Mr. Cordone: So, I mean, as you can see we're really pushing tight. Here's our property line, here's Cropsey Lane, If you can see, we're hitting almost a 15-foot drop – from 96 down to almost 70 – over here on our contours. As these contours drop farther and farther down they're going to propose (sic) an issue. We are proposing a planted wall, with the three retaining walls staggered. We are cladding it in stone, which is the spirit of this town. You do see a lot of stone walls in this town so we are trying to work with the aesthetic of Hastings. I fear that a 12-foot wall would be very imposing. I really don't want to build Alcatraz here.

Boardmember Quinlan: Okay. Matt, is it okay if maybe before we vote we could all like have one minute to say what we think before we vote, or do you just want to vote?

Chairman Collins: Sure, but only if people have something to say. But of course, yes. If you've got something to say, go for it.

Boardmember Quinlan: Yes, it's a really tough problem, but I agree with Ray. I mean, unfortunately four spaces is not going to solve this problem. It's going to make it worse, but

not significantly worse. Because people are buying cars every day. I don't believe, Ray, that Lyft and Uber are going to make any difference in Hastings, you know, for the next 10 years. They may make some difference, but it's not going to solve our problem, our parking problem.

But in the end, I'm prepared to vote in favor of the parking places that are proposed now and lessen the wall. I'm not happy with it, but four extra cars, four extra parking spaces, is not going to make a big difference. It's going to make some difference, but not a big difference.

Chairman Collins: I made my position clear, I think, because the applicant has presented a plan that can be built as-of-right. And the concerns around the wall and its aesthetic can be mitigated. I'm not in favor of this proposal, and would ask that they build as-of-right.

Ray, do you have anything to add?

Boardmember Dovell: No, I'm still in favor of the reduction.

Chairman Collins: Okay. Carolyn, do you want to add anything?

Boardmember Renzin: I think I'm in favor of keeping it as-of-right. And I wish that we had some alternative views of the 12-foot wall with different foliage or something different so we could look at some different options. I take the train every day and I frankly don't really notice much when I'm going home from the train. But I do think the trains go by, also, and you get a sense of the town.

But I just think the parking situation is really, really tough. So I think if they don't park here they're going to park in the parking lots, which means four more people are not going to have a place to park in the parking lots who are looking for parking. That's how I'm viewing it.

Chairman Collins: Okay.

Joanna, do you have anything?

Boardmember Berritt: No. I mean, I do take Linda's point, actually, about the changing patterns of transportation, though, because I do think, you know, that that does start to change the nature of it. But not soon. I mean, I'm not thrilled about it, but I could live with it.

Chairman Collins: Okay, do you want to proceed to a vote?

Mr. Cordone: Sure.

Chairman Collins: Okay. Someone wish to make a motion?

Boardmember Berritt: Could we address this letter about the impact?

Boardmember Quinlan: It's right here.

Boardmember Berritt: Am I looking at the right one?

Building Inspector Minozzi: There's one e-mail that came March 20.

Boardmember Berritt: And that's just about the construction?

Building Inspector Minozzi: It wasn't put on your desk, it's in your packets.

Mr. Cordone: Would it be in my right to request for Planning Board and Zoning Board to have a meeting over this condition?

Boardmember Renzin: We can vote first.

Chairman Collins: What was your question?

Mr. Cordone: Oh, I just was curious if the Planning Board and the Zoning Board could have a meeting over this because I know the Planning Board felt very strongly about the wall and it seems like you guys are at different ends. So I just would like to get some clarity on how to move forward on this project. I fear as though if one board is pushing one way and the other board's pushing the other way that I'm not going to get anywhere with my project or the developer.

Village Attorney Whitehead: We haven't taken a definitive vote yet, but certainly if this board was going to deny the variance I would say you would definitely need to go in that direction because you're looking at a 12-foot wall that I don't think the Planning Board will approve.

Chairman Collins: Well, we can deal with that after the vote is taken. I certainly don't object, but I also feel like there is a solution to that and would be happy to meet with anyone on the Planning Board to walk them through how I would approach it and how we have approached similar challenges in the past.

Let me take note of this letter. Thank you, Joanna, for reminding us that this exists. So this was written by Paul Perreten on Tuesday, March 20. So we're going back a ways:

"Dear Chairman and members of the Hastings Zoning Board,

"I am the owner of the mixed-use building, professional and residential, at 139-141 Southside Avenue. It is located at a much lower grade and to the north of the applicant's property, set next to the Con Ed substation.

"I am worried about possible damage to my building if the applicant should use dynamite, pile-driving, or other major drilling equipment when it prepares the ground and subsurface for the construction of footings and foundations.

"Years ago, Metro-North did extensive below-ground construction work along the railroad tracks at, and near, the railroad station. It used heavy drilling and pile-driving equipment prior to modernizing installations. It resulted in extensive disturbances to the deep-rock granite formations below, and contiguous to, my property. Consequently, underground wells and streams were opened and redirected, causing my basement to flood. I had to install sump pumps in order to redirect the continuous flow of underground water.

"What assurances will Riverton Lofts commit to in order to protect nearby buildings from similar, and worse, damage – possibly structural in the event it has to dig into rock formations to establish space for footings and foundation? Will it have insurance coverage for such a risk, or a special fund from which damages can be assessed?

"I will not be able to attend your meeting, so will appreciate your consideration of addressing this risk of damage to adjoining property owners and how the applicant will continue and provide for payment in the event of damage to his neighbors.

"Thank you for your consideration.

*"Very truly yours,
Paul Perreten, of 18 Sunset Road in Old Saybrook, Connecticut"*

Chairman Collins: This is not in our purview, and is typically something for the Building Inspector and the engineer, Village Engineer, to work out with you. But do you have

anything to add, to comment on?

Mr. Cordone: We're not anticipating doing any dynamiting or ...

Building Inspector Minozzi: They won't be allowed to use dynamite, even if they wanted to.

Mr. Cordone: I don't think we can afford it, to be honest with you.

Chairman Collins: All right, very good. Then why don't we go ahead with the motion.

On MOTION of Boardmember Dovell, SECONDED by Boardmember Quinlan with a vote of 3 to 2 (Chairman Collins and Boardmember Renzin voted against), the Board resolved to approve Case No. 23-17 for the construction of a new 7-unit, multi-dwelling at 10 West Main Street: required parking, existing use, provided 14 space, required 18, variance required four spaces.

Chairman Collins: All right, it passes. Congratulations, good luck to you.

Mr. Cordone: Great. Thank you, guys. Have a great evening.

Chairman Collins: You, too.

Okay, so our last case, which I will need to recuse myself from because of my personal proximity to the project, is 45 High Street.

Case No. 10-18
Samar Tannous
45 High Street

For relief from the strict application of the Village Code Sections 295-70E.3(a)[1&2] and 295-70E.1.a, b, c & d for reconstruction of a new dwelling to replace a current dwelling at their property located at 45 High Street. Said property is in 2-R Zoning District and is also known as SBL: 4.140-151-32 on the Village Tax Maps.

Nonconformity details of the proposed new dwelling are as follows:

Building Coverage: Existing – N/A; Proposed – 36.4 percent; Required

**Maximum – 30 percent {295-70E.3.a[1]}; Variance required – 6.4 percent
Developmental Coverage: Existing – N/A; Proposed – 51 percent; Required
Maximum – 40 percent {295-70E.3.a[2]}; Variance Required – 11 percent
Front Yard: Existing – N/A; Proposed – 5 feet; Required Minimum – 25 feet
{295-70E.1.a}; Variance Required – 20 feet
Rear Yard: Existing – N/A; Proposed – 10 feet; Required Minimum – 25 feet
{295-70E.1.b}; Variance Required – 15 feet
One side/Two sides Total: Existing – N/A; Proposed – 8 feet/18 feet; Required
Minimum – 8 feet/20 feet {295-70E.1.c}
(Side yard one, calculated as a front yard): Variance Required – 17 feet
Height: Existing – N/A; Proposed – 51 feet; Required Maximum – 35 feet {295-
70E.1.d}; Variance Required – 16 feet**

Chairman Collins: The applicant has withdrawn her proposal for this evening, which means she'll be back at some point presuming she wants to continue with the project. It means she will be back for a later meeting.

I respect that since so few of you spoke on the other projects, by my law of deduction you're here to talk about this one, which I'm not surprised at. And I don't want to deny you the opportunity to speak on it, since you have made the effort. However, I will point out that the applicant will come back and she will present, presumably, at some point, and you may decide you keep your powder dry for that conversation. But you're here and I don't want to turn you away after having made the effort. I think it's great to see civic involvement, even when there is friction involved.

I'm going to invite anyone who wishes to speak on this to raise your concerns. Feel free, just know that we'll be doing this dance again. Linda, should I recuse myself from this part of the discussion?

Village Attorney Whitehead: Yes.

Chairman Collins: That's what I thought. So I'm going to hand the chairmanship over to Mr. Dovell, who will proceed over the discussion from here on out.

Village Attorney Whitehead: I also just want to say you can always submit comments in writing. We understand it would be a burden to come back again; you've been here tonight. And there have already been a number of letters received, which will be part of the record, and which the Board has all received, and anything that continues to be received.

At this time, you know, they have asked to be heard tonight. We don't know if ... obviously,

they've seen the letters, they've seen you all here. We don't know if they're planning on changing their plan before they come back again or if they're going to come back with the same plan. So if people really want to speak because they're here, just know that the applicant's not here to hear your comments. The Board will hear your comments.

Boardmember Quinlan: Could I just make a comment? Are you going to recuse yourself, or do you want to sit here?

Chairman Collins: No, I should go.

((Chairman Collins recused – Boardmember Dovell assumes chairmanship))

Boardmember Quinlan: Ray, why don't you move over?

Village Attorney Whitehead: Good. Get out of here.

[laughter]

Boardmember Quinlan: Just before we start hearing your comments, first of all I'm not happy that this case was adjourned at the last second. I have an open mind about this case. I haven't heard the application, and I never make up my mind until I hear the application. I viewed the property, and I'm going to do my homework before I make any decisions. But having said that – and correct me if I'm wrong – wasn't there a gentleman here that was the ...

Village Attorney Whitehead: The architect.

Boardmember Quinlan: ... the architect?

Building Inspector Minozzi: Yes.

Boardmember Quinlan: He asked for an adjournment in the middle of the hearing.

Building Inspector Minozzi: There was a family emergency and they had to leave.

Village Attorney Whitehead: With the applicant.

Building Inspector Minozzi: With the applicant.

Boardmember Quinlan: Are we going to verify that in any way? Usually we get a doctor's note.

Village Attorney Whitehead: An applicant is allowed to ...

Boardmember Quinlan: Okay, so the applicant ... let me just tell you. So the applicant is allowed, I suppose – I've been told by the lawyer now – at the last second, for no reason at all, without even telling us why and just coming and whispering, I guess, to somebody, that there is a family emergency. And you're all here, okay? I'm a lawyer. This is a technique that is used constantly, okay? They get you here, they adjourn the case, and they hope you won't come back. Okay? That's what's happening here, all right?

Building Inspector Minozzi: I don't appreciate you saying that as a boardmember.

Boardmember Quinlan: That's true.

Building Inspector Minozzi: I'm sorry, I don't appreciate you saying something like that.

Male Voice: You shouldn't be commenting.

Boardmember Quinlan: I shouldn't do that? Okay.

Male Voice: You're giving a personal opinion that, in your position, you should not do.

Boardmember Quinlan: All right, but I'm just saying ... and I'm just going to finish. I'm just going to ask you to come back. You can say anything you want tonight, but I'm just going to ask you to come back. I just think it's rude, what he did, and I'm allowed to say it.

Male Voice: That's what I admire.

[applause]

Male Voice: Do our comments go on the record?

Village Attorney Whitehead: Yes, yes.

Male Voice: Okay.

Village Attorney Whitehead: So I think ...

Acting Chairman Dovell: My fear is that they may have seen the handwriting on the walls and they may be at work revising the submission. So we may be going through this all again, in any event. I suspect that's what's happening. That said, how many people here would like to speak, in any event? Just a show of hands.

Why don't we go ahead and hear their comments? Please understand that this application, I believe, will be changed before it comes back.

Village Attorney Whitehead: And I don't know if any of the Boardmembers want to say anything about their thoughts on the application, or if it's even worth it without the applicant here. But I also think, before you start, you should just reference what application you're moving on to, just for the record, so it's clear in the minutes what we're talking about.

Acting Chairman Dovell: We're talking about 10-18, for 45 High Street.

So why don't we begin. Please state your name for the record.

Christopher Thomas, 114 James Street: Mine is the property directly bordering 45 High Street to the south. I came prepared to speak on the topic. I have to say I am very disappointed and surprised by the sudden adjournment. I notice that several of the other projects were represented by attorneys. We didn't see the owner for the property on Pinecrest, we didn't see a number of the owners. We didn't see the owner for the property on Ronny Circle.

I am puzzled as to why the architect, who should be able to speak on it if anybody could, is not able to adequately represent the interests of the developers. That said, it does appear that there is a family emergency for them. Again, I just want to say I'm frustrated because, you know, we've been here for an hour. Frankly, if it was such a family emergency that they couldn't be here why wasn't it a family emergency at 8 o'clock when the meeting started? Why did the family emergency only occur an hour into this, after we've been here? You know, if it is in fact a legitimate family emergency obviously my condolences and best wishes to anyone who may be experiencing difficulty. That said, I am – again, not to repeat myself but – very, very unhappy with the way this has arisen.

I do have a petition which was signed by numerous residents of the area, which I would like to submit. I also have two letters regarding the project from neighbors who were unable to be here which I would also like to submit. And I do have another question, as well. After looking at Village code, I have a question as to whether this property should even properly be the subject of a variance request. Bear with me here a second. So I initially analyzed this

request under the five-factor test that's found under Village law, section 7712. But after looking into Village law a little bit more, or Village code, I did have a question. The house currently on the lot is a preexisting nonconforming structure on a nonconforming lot.

Acting Chairman Dovell: Mm-hmm, correct.

Mr. Thomas: The minimum size for a development in that neighborhood is 75-hundred square feet for a single-family house and 10,000 square feet for a two-family house.

Acting Chairman Dovell: Correct.

Mr. Thomas: The lot, as existing, I have it as a hair under 2,838 feet, slightly over one-third the size of a legal building lot. Hastings, like many other municipalities, has a prohibition against increasing the degree of an existing nonconforming. In section 295-56 of the Village code, subsection B states that "*A one- or two-family dwelling that is nonconforming with respect to use ... -- excuse me, I apologize -- "... a one- or two-family dwelling that is conforming with respect to use ..."* -- which this property is -- residential, proposed residential -- "*... but not conforming with respect to one or more area requirements may be enlarged or altered in such a manner as not to notice the nonconformity.*"

I am arguing that this property is so small that there is no variance that can be granted that would not increase the degree of nonconformity.

[applause]

On the plans as submitted, it shows a buildable area of 75 square feet, which is much smaller than the existing property. The proposed thing, the proposed structure, on all four sides would increase the nonconformity. It already exceeds the allowable density and lot coverage. So any variance that is granted, in any direction, will increase the degree of nonconformity and therefore be in contravention of the Village code automatically, in and of itself.

Secondly, there is -- apologize here, I'm switching things around here -- a provision in the code that speaks to sight lines. That is 295-20, subsection (e)(1), which requires that on a corner lot such as this "*...no fence, wall, hedge, or other structure or planting shall be erected, placed or maintained in such a way to obstruct track visibility along the triangular area formed by the two intersecting street right of way lines and a straight line connecting points along those street right of way lines which points are located 50 feet distant from the theoretical point of intersection of the lines measured along street lines.*" Please don't ask me to repeat that.

[laughter]

What that says, if I indicated correctly, is that a theoretical triangle has to be created on the corner of property, with 50 feet back from the corner on each side of the corner lot and a triangular line connecting them. And that no building or planting may be placed within that area. This plan, as submitted, is massively within that area. It would be essentially impossible to construct anything on that lot without obstructing that area. The current house, which as is preexisting nonconforming, falls within that area and blocks it.

The new proposal would block that even more. But regardless, any proposal would obstruct that view. And I would like to say that this is not an idle concern because the intersection of High Street and James Street is notorious in the Village: it is one of the busiest intersections in the Village. It is also not only busy, but it is the intersection of two extremely narrow and highly trafficked streets. James Street, in that area – in the area approximately 75 feet south of the intersection at High Street – is a two-way street, with parking permitted on one side. The street is 21 feet 5 inches wide. I mean, this is a very narrow street.

So in an area like this – and I should point out is also a school bus stop – you have numerous issues already at play. And there is no zoning variance application request for this. I do not believe that a variance could properly be granted on this. This is a safety issue that is specifically covered by the Village, and I would argue that it is not even proper for a variance of a safety regulation such as this to be considered.

I would ask that the Board consider that going forward. Thank you.

[applause]

Mr. Gonder: Back before the house that is on there, there was a very small house. Probably I'm going back into the '40s. And it was probably 600 square feet area. And if I remember correctly, it had a living room, a bathroom, and a kitchen. And the peak of the house, I remembered them moving the stairway but I think they had some bedrooms upstairs. It was smaller than the white house that is just above Rose Street.

Building Inspector Minozzi: You're right, it was a bungalow.

Mr. Gonder: Right. And two people lived there. Their name was Alfred Widows and his daughter – or not his daughter, his sister. I was in the house once only or maybe twice, in the living room. The living room was like 10 by 10. But that's just one thing. And the house was facing High Street. And you call it 45 High Street, and the new, modern home that Mr.

Heiss rebuilt is facing James Street.

And I have a question. When they say High Street, I think it addresses James Street, especially when I spent a couple of hours looking at the plans this morning and saw certain things – nonconformance, nonconformance. And they showed a big house on High Street. I'm driving up and down High Street, and he means Rose Street. The plans are inaccurate. It's Rose Street, and I forget the numbers but I have them here. It's the building the town has built on Rose Street, and it's 21 and something else.

Building Inspector Minozzi: 27 and 29.

Mr. Gonder: Yeah, right. So some of his plans are inaccurate.

Building Inspector Minozzi: The lots come with their own address, not necessarily reflecting on where the front door of the house is.

Mr. Gonder: Oh, okay.

Building Inspector Minozzi: That could be. And in many instances, the mailing address would reflect where the front door faces. In many instances. But we deal with is legal addresses, and the legal address just comes with the lot itself, if that helps clarify.

Mr. Gonder: That answered my question, very good.

The other thing I saw on the plans, which I wasted a lot of time apparently because this gentleman answers a lot of questions about the code, it said it was a 2-1/2 story. And here I see a garage and windows here, one. Then I see two, three, and then some towers of things that should be built over in London 'cause it would be good for the Princess.

[laughter]

Mr. Gonder: You know, that's what it looks like. But I count four floors, and they call it 2-1/2. And I just don't know how they could get away with it.

And I want to give other people a chance to speak. Thank you.

[applause]

Mr. Lazzari: I'm sorry I'm monopolizing this podium. My background, I'm a builder of 25 years (inaudible), building inspector for 10 years, and I'm currently a project manager for

New York City subways reconstruction stations. I have an extensive background in construction.

This gentleman did a fantastic presentation. This is a preexisting nonconforming structure on a nonconforming lot. It's already too large. I don't even see why this is being entertained because this is a self-created hardship: they bought the lot knowing what it was, and now you're asking for increases which automatically denies the variance. I'm not going to get into the numbers, I'm not going to challenge the numbers.

I looked at this an hour ago. These are my comments from what I saw. This should not be granted. That house belongs on a bluff in a parking lot overlooking the Hudson, not on that parcel. Thank you.

[applause]

Nancy Paquette, 44 High Street: I live with my mother, Evelyn, and I'm speaking on our behalf. My mom is a long-time resident of Hastings. She's been in that house since she was 2, and we've seen a lot of change. I'm only 53 and I've seen a lot of change myself, but she can give you a whole lot of history about Hastings.

Living in the house now, back since 2011, I can tell you – thank you very much, first of all, sir – that corner is treacherous. I have told the police countless times if they ever want to make their ticket allotment for the month just sit somewhere around there. Nobody stops at the stop sign. It's already very dangerous. I sit on my front porch and I'm waiting for one day somebody's going to crash into my house. Nobody stops, everybody's traveling up and down really, really fast up High Street. That, in itself, is a huge safety issue.

The buses coming around the corner in the morning for the children, it's just a nightmare. And it's putting ... I'm not against helping people, you know, coming into the neighborhood new. That house has sat there for awhile. It needs to have something beautiful put there. I'm not saying we don't need something pretty put up there. But what they are suggesting, it's just ridiculous. I mean, my house is being dwarfed by everything that's being built around us. It's ridiculous. Our property value is going to be affected. Granted the plan looks beautiful, but it does not belong in that spot.

I think, you know, they really seriously need to go back and do something with that. And I hope I'm speaking correctly for everybody in the room. I think so. Several of our neighbors have already left because we've been here for a long time. But sorry, I'm just getting over being sick. I think a lot of things need to be reconsidered. I'm a third generation carpenter-contractor daughter so I also know code and construction. So my mother and I can speak to

that, as well, but four stories on that teeny, tiny little lot. I mean, this poor guy is living right next to it, but we're living right across from it.

I think all of these things need to be taken into consideration. Thank you very much.

[applause]

Ms. Paquette: And here is the matriarch.

[laughter]

Evelyn Paquette, 44 High Street: Hi, I'm the Mother of that young lady. Anyway, yes, I've lived in my house since I was 2 years old. When I ... well, once I was a little bit older and realized it, that house on the corner was there. And like Mr. Gonder said, it was a little tiny house. Originally the house didn't have ... where these young people have, where – what was your number?

Mr. Thomas: 114 James.

Ms. Paquette: And what is your number?

Male Voice: 110.

Ms. Paquette: Okay. The house originally, the property, went all the way back to the Hannick property. Because Mrs. Coiners' mother originally owned this property. I don't know if you're familiar with that name, but anyway when her daughter got married she decided she was going to give up – or the parents, actually – that little piece of property so their children could have the little house there, which is what this gentleman is living in right now.

My concern with this whole situation is, I wonder where are they going to get parking? I mean, like was spoken about, coming around that corner if you sit on my porch at 7:30 to 8:30 in the morning it's absolutely ridiculous with the traffic situation. Nobody bothers to stop for a full stop. And if people have to come out – if they propose, on the High Street side to put a driveway in there – I don't know how anybody would ever get out of the driveway. Somebody's going to get killed there. I mean, it's ridiculous.

So I just wanted to say I am certainly in favor of it. I would love to see them fix something up nicely, but much smaller than what they plan to do. So thank you for your time.

[applause]

Acting Chairman Dovell: Anyone else wish to speak?

Acting Chairman Dovell: I think we're done.

Village Attorney Whitehead: Adjourned, yes.

Acting Chairman Dovell: Yes, because we're adjourned.

Village Attorney Whitehead: Yes. So this matter is going to be adjourned? Yes?

Male Voice: Can I just ask, is it proper to request that the Board consider whether or not this is even a proper subject for a variance?

Village Attorney Whitehead: It is. Anything in the zoning ordinance, they can apply for a variance. Doesn't mean this board's going to approve it. They can apply for anything, so they're allowed to make the application. I think this board has heard all of you. I know this board has their own opinions on this application.

Sean Connaughton, 35 High Street: Will there be new mailers ...

Building Inspector Minozzi: Up to the mic, please,

Mr. Connaughton: I live two houses away from 45 High Street. I looked at this property to ... I'm a real estate developer and a general contractor myself. I looked at this house to buy and so something speculative to it. I took the survey and the plot plan to three different architects and they all told me you'll never get a variance. All I wanted to do was go up, take that existing half-story and make it a full second story, and was told by three different architects that's never going to get approved. So I passed on the deal.

But my question is, is there going to be a new mailer sent out, or are they just going to show up to the next hearing? How does this work?

Building Inspector Minozzi: You have to keep watch on the Village Web site for the agendas for the upcoming meetings. It will be posted on the Village Web site in the Web Blast and on the Web site about a week before the meeting.

Village Attorney Whitehead: Right. So if you're signed up to get the e-mails you'll get an e-mail with the agenda when the agenda comes out. Or you can check on the Web site, or

you can try calling the Building Department.

Building Inspector Minozzi: Of course you could always call.

Female Voice: Will it be in the paper?

Building Inspector Minozzi: No.

Village Attorney Whitehead: Once it's been on, it doesn't have to be noticed in that way again because it's adjourned, it's an open matter. The only time it would have to be re-noticed is if the variances got larger, which I doubt will happen here. But otherwise, no. So you just need to watch the Web site, watch the e-mails, or check with the Building Department to confirm if it will be on ... this board meets generally on the fourth Thursday of every month.

Building Inspector Minozzi: And usually the Village Blast goes out about a week before.

Mr. Lazzari: I just have a question. I don't want to come up to the podium.

Village Attorney Whitehead: You have to because you have to speak into the mic.

Building Inspector Minozzi: Sorry, Rich. It's transcribed.

Village Attorney Whitehead: You want this on the record, so ...

Mr. Lazzari: Not really. I think they may have to – you know, depending on the changes they make – re-present and re-mail. Because if there's going to be substantial changes, which I suspect there will be, I think that they should have to re-notify everybody so everyone has a chance to review what they're going to propose. Because this is a new proposal, everybody's seen this huge building, and even if its de minimis from the size they're requesting now I think it should be presented in whole if there's substantial changes.

Building Inspector Minozzi: It will be on all plans. The new application, whatever it may be, will be made available in my office and on the Village Web site approximately one week before the meeting. So anybody and everybody can look at the newest whatever it is that they propose.

Mr. Lazzari: No, I understand. What I'm really saying is, if it's going to be changed ...

Building Inspector Minozzi: It's due to my office two weeks before the meeting, and it's usually online a week before the meeting.

Mr. Lazzari: Okay. Again, I looked at this an hour before I came here. You know, we know each other. I'm just concerned, I'm a new citizen here, I love this town. I've worked here for 15 years in the '70s for Mr. Page. I have a lot invested in this town. I've worked on every street in this town, you know, and I'm glad to be here and happy to be a resident. And I would like to participate more often.

Thank you.

Building Inspector Minozzi: Thanks, Rich.

Village Attorney Whitehead: It's a village.

Mr. Lazzari: I grew up in the city.

Village Attorney Whitehead: Okay, so just say the matter is adjourned.

Acting Chairman Dovell: The matter is adjourned.

Boardmember Quinlan: Thank everybody for coming.

((Chairman Collins returns))

Chairman Collins: Ladies and gentlemen, I'm sorry. We're still in session, so if you could take the conversations outside we've got some discussion points. We've got minutes to approve and other things.

Village Attorney Whitehead: Please move the conversation outside.

Chairman Collins: Ladies and gentlemen, can you move the conversation outside the courtroom, please?

BOARD DISCUSSION AND COMMENTS

Chairman Collins: There are two discussion points that we had from the last meeting and

I'd like to get through them. It's not too, too late. So the two discussion points that we had from the last meeting were the MR-1.5 developmental coverage/building coverage issue and the legalization and fine schedule.

I think where we left off was ... can we close that door and open this one? Why don't we open this one and close that one because that's where the volume is. We have to leave one open for fire safety.

Village Attorney Whitehead: But then they're going to come around and go down the steps and they're going to be over here.

Boardmember Quinlan: I think we can hear.

Chairman Collins: You're right. That's right, it won't be long.

The two we need to get covered, Ray had some additional follow-up to do which I know he has done. I had asked Ray if he'd be ready to prepare and share a recommendation for what he would suggest we change in that code, that part of the code. Then we can move to just getting your feedback from having a chance to digest it. And maybe read the minutes on the subject of the legalization issue and the fine schedule. Then we can move to minutes and be done. I think we can probably do all this in about 20 minutes.

1. Discussion on Lot Coverage

Chairman Collins: Ray, you want to go first with where you left off and what you're recommending?

Boardmember Dovell: Sure. I'm going to bore you once again with some of these diagrams, but this'll be quick.

Boardmember Renzin: This is my favorite diagram ever.

Boardmember Dovell: Don't flip out.

Village Attorney Whitehead: This one's your favorite?

Boardmember Renzin: This is my favorite.

Chairman Collins: Yes, the clown house.

Boardmember Dovell: The last time we talked we were talking about MR-1.5 and the possibility of, first of all, separating the building coverage from the development coverage by some change in language. I analyzed a 25 percent lot coverage and what that meant. What that meant was, it looked like it would be feasible. You could create feasible development, but it doesn't give you much flexibility in terms of building massing, and I think that was part of Buddy's concern.

Buddy thought that perhaps 35 percent would be a better target for building coverage, and 50 percent to 55 percent for development coverage. The issue with that is that there has to be a way to put a cap on floor area. If you grant flexibility for building massing – you know, you have a footprint of a building – you've got to somehow make sure they don't take 35 percent and just multiply it by three on the site and get a much bigger building than in the case of either Warburton or Washington.

So it suggests to me that we accept a greater flexibility with the increased building coverage to, say, 35 percent, but cap it with a floor area ratio. But in capping it with a floor area ratio we really needed to look at both Washington and Warburton so I looked at those two sites. Buddy gave me the information for it. Now if I can find it. Are you familiar with floor area ratio, the concept of that?

Chairman Collins: I had to look it up, but I could use a refresher.

Boardmember Dovell: Okay, do you understand this?

Boardmember Berritt: Explain it.

Boardmember Renzin: Explain it.

Boardmember Dovell: Floor area ratio is taking the built floor area – in the case of Hastings, it's the gross floor area – correct? So it includes all the structures on the site.

Boardmember Berritt: Right.

Boardmember Dovell: The gross floor area divided by the lot coverage.

Village Attorney Whitehead: It's lot area.

Boardmember Dovell: Excuse me, by the lot area.

Boardmember Renzin: Okay.

Boardmember Dovell: So if you have an FAR of one and you have a 10,000 square foot lot you have a 10,000 square foot building.

Village Attorney Whitehead: You can build 10,000 square feet.

Boardmember Dovell: Right, a 10,000 square foot building. If you have two, it's 20,000 square feet and so on, but we won't get to those numbers. So looking at what we approved for Washington and Warburton, I ran the calculation. Buddy looked it over. And for Woodbank we get an FAR ... Woodbank is the project at the corner of ...

Chairman Collins: Nodine, right?

Boardmember Dovell: No.

Village Attorney Whitehead: Woodbank is Nodine.

Building Inspector Minozzi: Yes.

Chairman Collins: Yes, that's what I thought.

Boardmember Dovell: Okay, it's Nodine. We have 11,453 square feet of gross area – that comes off Christina's charts – divided by the lot area, which is 15,978 square feet. So you back in to an FAR of 0.71. But for Washington – I think primarily because of the two buildings, and everyone was focused on the historic building – the FAR drops there, with the historic building, plus what she was proposing – it was 13,611 square feet. I estimated the floor area in the existing building, Buddy. That's the best I could do.

Building Inspector Minozzi: I hear you. I don't have any documents on it either.

Boardmember Dovell: There's no documents on it, but it was a conservative estimate. It gives you 13,611 square feet divided by the lot area, which is 26,126. Which gives you an FAR of 0.52, right? But I think in this case, Woodbank is probably the better example because I think that's what we felt comfortable with on what I'll call a virgin site; there's no existing buildings on the site. So I thought okay, let's try 0.70 as a maximum FAR.

Now go and look at these pieces of paper again. I ran FARs for each of these, each of these scenarios. If you just look to the back, say, and look at the ... let's start with MR-1.5 – MR-

1.5, on a 100 by 100 site.

Chairman Collins: Which exhibit are you ...

Boardmember Quinlan: Exhibit 10.

Boardmember Dovell: Yes, exhibit 10.

Chairman Collins: Okay.

Boardmember Dovell: Which is analyzed on the basis of 25 percent building coverage. That's just building footprint coverage, right, using the definition we hope to get approved. You back into an FAR of 0.75 and you create a situation that makes a development like this feasible for a townhouse-type unit, or flats, whatever you want to do. So 0.75, 0.70 would be kind of a target for a maximum FAR number, for a cap on an FAR number assuming the 35 percent building coverage. Meaning that the architect and the developer have some flexibility to accommodate grade changes and building massing. So it makes for more interesting architecture, and I think what Christina's building on Nodine is a good example of something that works well in the town of Hastings.

You know, it's not just a box, it's a little bit more nuanced. And I don't think it was onerous in terms of its lot coverage just given that ... and then I looked at the other. You know, if you're just interested and you want to look at what these other diagrams mean, exhibit two is where we are with 15 percent coverage. It's an FAR 0.42, right? So that's the bump that we're giving. We would be recommending a bump from 0.42 to 0.7 as a maximum FAR number.

So it's a substantial increase, but I think we've seen, historically, that that's really what's needed. Then if you go on, that's the same for all of these. At 15 percent, they're all around 0.40 to 0.41 FAR. Here's the interesting thing. An R-7.5 building has an FAR 0.72.

Village Attorney Whitehead: Just based on setbacks and coverage.

Boardmember Renzin: Look at that.

Boardmember Dovell: Right, that's all based on coverage. So that's why you have projects like the corner of High Street and James Street, is it?

Building Inspector Minozzi: High and Rose.

Boardmember Dovell: High and Rose; it's that giant home.

Village Attorney Whitehead: So your single-family zones are allowing bigger buildings on the same sized lot, your multi-family zone.

Boardmember Dovell: You're allowed bigger buildings.

Chairman Collins: Which is crazy. It's upside down.

Boardmember Dovell: Which is lunacy.

Village Attorney Whitehead: That's what we're trying to fix.

Boardmember Dovell: Which is what I was telling Joanna she could build on her lot. She could build ...

[laughter]

Village Attorney Whitehead: You made her very happy.

Boardmember Berritt: Right.

Boardmember Dovell: She could build a whopper of a house.

Boardmember Berritt: Get started tonight. Inside information, Ray, thank you.

Village Attorney Whitehead: Well, we're actually not looking to change the single-family zones, but we're trying to fix the multi-family zones.

Boardmember Berritt: Right.

Boardmember Dovell: Yes, I know, but it's indicative of what we're going to confront down the road when people are buying tear-down homes and that's what you can build. So it's going to become an issue.

Village Attorney Whitehead: It's a bigger issue.

Boardmember Dovell: It's a really big issue for the town. So anyway, that was just the gymnastics. Then I came up with a few bullet points, my recommendations which are here. So just pass a few of those down.

Boardmember Renzin: This is so much more thinking for doing that.

Boardmember Berritt: It's very helpful.

Boardmember Dovell: Okay, so the recommendations, our recommendations, would be change the definition of building coverage to eliminate the *and* structures. Strike that.

Boardmember Renzin: Can I ask a question? Are the wording changes only for MR-1.5, or across the board?

Boardmember Dovell: No, they're definitions. These are definitions.

Boardmember Renzin: And does it impact anything else by changing it in other zones?

Village Attorney Whitehead: We're going to have to look at some of the other zones and how it impacts, but it's an issue that we've been aware of for awhile.

Boardmember Renzin: Got it, okay. Sorry for interrupting.

Boardmember Dovell: No, that's okay. Please interrupt, that's the point.

Use building coverage with the new definition, *and* development coverage to establish the maximum building footprint and hard surface coverage. Then 35 percent for building coverage which, Buddy, I think you feel pretty strongly about.

Building Inspector Minozzi: I'm happy with 35.

Boardmember Dovell: And 50 percent for development coverage.

Building Inspector Minozzi: And I'm extremely happy with that because it's just what's going on down there.

Boardmember Dovell: It's what we end up anyway, yes.

Then to put a cap on it, use a maximum floor area ratio of 0.70 to limit gross floor area. That way we cap it.

Building Inspector Minozzi: I think that's a very reasonable FAR. I've been looking at some other villages and seeing how they do it.

Village Attorney Whitehead: For multi-family.

Building Inspector Minozzi: And I think that's a very reasonable FAR, especially when you're comparing it – I mean, excuse me, not comparing it – when you're joining it in with building and developmental coverage and when they work together.

Boardmember Dovell: Right.

Building Inspector Minozzi: I think it's *very* reasonable.

Village Attorney Whitehead: The problem right now, as we've discovered, is the requirements in the code – the coverage and the setbacks – don't work together.

Building Inspector Minozzi: No.

Chairman Collins: No.

Building Inspector Minozzi: And as Ray has brought to our attention, it's just atrocious that what you're allowed to build in a single-family neighborhood and what you're allowed in a multi-family, or multi-residential with office ...

Boardmember Dovell: It's really out of synch.

Building Inspector Minozzi: ... is lunacy. It just doesn't make any sense.

Boardmember Dovell: Then the side yards, which you can see from the little 1-foot wide building, needed to be addressed. So the recommendation would be for lots 25 feet to 49 feet in width, 5 foot total for the yards with a 2-foot minimum.

Chairman Collins: You sure do.

Boardmember Dovell: You know, there are some really small side yards, and it makes up the character of the Village. There was consistency there. Lots 50 to 74 feet in width, 10-foot total, 2 minimum. Lots 75 to 99 in width, 15-foot total, 5 minimum. Lots a hundred and up 20 total, 10 minimum. And get rid of the requirement that it's half the height. Just strike that entirely.

Building Inspector Minozzi: Right, half the wall. Just straight-up setbacks.

Boardmember Dovell: Right. Then the last paragraph is attempting to make sense of this open space, the baroque requirement for open space. Which if we accept all of these coverages, there's no sense in even having this because everything else is open space.

Village Attorney Whitehead: Right, then you don't need it.

Boardmember Dovell: You don't need it.

Village Attorney Whitehead: Considering that it was never defined what it was anyway.

Building Inspector Minozzi: Yes, that's one of the worst items that are defined in our code is open space.

Village Attorney Whitehead: It's not defined.

Chairman Collins: It's not defined, and I think the Village would be wise to determine what goal are they trying to achieve with this. Just state does it have a goal. And if they really can't articulate one – and that may be fine – then it should really just be taken out. Otherwise, it's an impediment and subject to our interpretation, and it doesn't belong.

Boardmember Dovell: The only reason it would belong in a multi-family area is to have dedicated recreational space. If you can define dedicated recreational space, which is with grass, and it's separated from our ...

Building Inspector Minozzi: That's where our rec fee came in: in lieu of dedicating open space we have a rec fee that we are imposing on all of these units anyway.

Boardmember Dovell: I see, yes.

Building Inspector Minozzi: Which is supposed to go towards helping our parks and making our parks nicer and better, and maintenance. That's what these rec fees are supposed be for.

Boardmember Dovell: Yes, I see. So I don't see any reason to have it if you've got it covered elsewhere.

Chairman Collins: I would agree with that.

Boardmember Dovell: It just doesn't seem to have any ...

Chairman Collins: Yes, I would agree with that.

Building Inspector Minozzi: I think you did an excellent job.

Chairman Collins: I would agree.

Village Attorney Whitehead: Yes, you did a lot of work.

Building Inspector Minozzi: I applaud your efforts, I really do.

Boardmember Dovell: I mean, I think the final bit here was looking at what we approved, right?

Chairman Collins: Yes, it was a good test.

Village Attorney Whitehead: Because that was when you were comfortable with it.

Boardmember Dovell: That's what we were comfortable with.

Village Attorney Whitehead: That's what you felt fit the site and fit the neighborhood.

Boardmember Berritt: Proportionately, yes.

Boardmember Dovell: And I was a little concerned about the issue with Washington, but that was driven largely by view preservation where they were forced to bring the building down, thereby limiting floor area. So there are other factors that can still limit these developments: view preservation, steep slopes, all these other things can still limit them, but it may grant them flexibility to think about other ways to go about putting the building on the site.

In Christina's case, for Washington she had to drop ... she only got two floors, where she's entitled to three. She got two floors, but she couldn't spread the building out and capture another unit, right?

Village Attorney Whitehead: Because of the coverage.

Boardmember Dovell: Because of the coverage issue, right.

Village Attorney Whitehead: And she was dealing with trying to keep the existing building.

Boardmember Dovell: Right, which was great. I'm very happy with that outcome.

Boardmember Berritt: But people could then retroactively ...

Boardmember Renzin: That's what I was just thinking. They can retroactively come back.

Boardmember Dovell: They could, yes. She could come back and say I want to go to 30 ... what was the coverage there?

Village Attorney Whitehead: That one was fine.

Boardmember Dovell: Okay, so they were 44 percent for development coverage. And what for building coverage?

Boardmember Dovell: There was this note on it that was 37.

Boardmember Dovell: 28 percent.

Building Inspector Minozzi: This was 32-34 Washington we're talking about, right?

Boardmember Dovell: Right. She used the 28 percent coverage.

Chairman Collins: Well, if there are no suggested amendments or objections, then what I would suggest we do as the next step, Ray, is have you – since you authored this, it should not come from me certainly – send this to Niki Armacost. She is our contact, our liaison, into the Board of Trustees.

Boardmember Dovell: Okay, why don't I rope it into to original memo I wrote. Would that make sense, Linda?

Village Attorney Whitehead: Yes.

Boardmember Dovell: Okay, just change that memo.

Village Attorney Whitehead: Send it to Niki, with a copy to me.

Boardmember Dovell: Okay.

Chairman Collins: If you don't mind copying it. In fact, I would just copy the whole

Board.

Boardmember Berritt: The "*and*" structures. That doesn't leave it open so people can ... what are the "*and*" structures?

Village Attorney Whitehead: Right now it's everything except driveways. So it's walkways and walls and patios, which really most codes distinguish between building coverage – which is just your building – and overall coverage.

Boardmember Berritt: Right.

Village Attorney Whitehead: Or in this case we call it development coverage. And your code doesn't do that right now. It lumps everything into building coverage, which is not what building coverage is supposed to be.

Boardmember Berritt: Right, okay.

Chairman Collins: That has come up in the past, where we've had proposals for structures that were unusual. Like what was the one like a sauna or something like that? There was like a rec house.

Boardmember Dovell: It was a little plunge pool.

Boardmember Berritt: Yes, I watched that on TV.

Chairman Collins: It was bizarre. We didn't know what to call it.

Boardmember Dovell: It was a dull night, huh?

Boardmember Berritt: No, but it was interesting.

Chairman Collins: Okay, Ray. With, again, our gratitude ...

Boardmember Berritt: Yes, thank you.

Chairman Collins: ... this is great.

2. Legalization and Fine Schedule

Chairman Collins: For the legalization issue, I presented that in our last meeting and wanted to let you all sort of simmer on it. And see, after reading the minutes and having thought it through, if you had a position on whether we should increase the fine schedule. Then if you believe that we could talk about how that should be done or leave it as is. Which I'll remind you the Board of Trustees just in the last year already approved an increase.

I will go first and say I think a combination of what Jerry said in the last meeting – which is just a reminder that this is already a pretty darned expensive place to be – and also a recognition that this penalty, unfortunately, has a very high likelihood of hitting people who had nothing to do with the problem in the first place. That strikes me as really, really unfair. It would serve no deterring effect if it's hitting people who had nothing to do with the problem; they didn't author it, they just inherited it from people who were sloppy.

So for all those reasons I'm inclined to leave our already-accelerated fine structure in place, and acknowledge the fact that maybe once every four or five years we will get something egregious that will make us want to pull our hair out and we'll want to bring Dave Forbes-Watkins back out of retirement to take his shoe off and pound the podium.

Boardmember Dovell: Express his outrage.

Chairman Collins: No one did it better.

Boardmember Renzin: That's exactly what he would do, express his outrage.

Boardmember Quinlan: Who is this?

Chairman Collins: David Forbes-Watkins.

Boardmember Quinlan: Oh, yes.

Chairman Collins: He occupied your spot and ...

Boardmember Quinlan: And he actually did his shoes?

Chairman Collins: No, but he almost did it once.

Building Inspector Minozzi: He used to get *so* mad.

Chairman Collins: And understandably.

Village Attorney Whitehead: Certain things really set him off.

Boardmember Quinlan: I'll go next. I think everybody knows how I felt last time. I really haven't changed my mind. For practical reasons I think we have to keep the current fine structure. I'll put it that way.

Boardmember Berritt: Yes, I mean I think it's one of these things that no matter what the fine is it's still financially so much more worthwhile to go past it. You know, one of the questions I have is how do people know. What is the communication, what is the information that's available about various elements that would trigger these sorts of fines and things?

I do think there's maybe something we could look at in terms of the information that's provided on the Web site. You know, looking at what other towns do, looking at if there's ways to say this information is freely available, anybody can have it. I mean, I know if they go through the zoning, and if they look and dig and everything else, but are there ways we can communicate it so people feel like now I couldn't say that I didn't know.

Village Attorney Whitehead: We've talked about improving the Web site and, you know, putting some simple FAQs in. And also some things about just like what requires a building permit, what requires ... there's some of that, it's not what it could be. And if you look at some other municipalities' Web sites you'll see things. I had brought some in previously that we looked at. I mean, people can always call the Building Department, but the idea is to make the information more readily available on the Web site.

Boardmember Berritt: And certainly if there are patterns of sort of abuse of various things where it can be sort of like if you ...

Village Attorney Whitehead: Well, sheds. And I can tell you, even from a real estate attorney standpoint we go through this all the time because municipalities are very different about how they deal with sheds. So whenever we have someone buying a property, and there's a shed and we don't see a CO for the shed, we're like okay, does this municipality require building permits and COs for sheds; what setbacks do they require. So sheds are one of those things. And you guys get legalizations for sheds every once in awhile because people want sheds. And it's usually someone's going to sell their house.

Building Inspector Minozzi: That's usually when it comes up, just like in the case tonight.

Village Attorney Whitehead: It comes up when someone goes to sell and the buyer says, Does that shed have a CO? And the seller says, I didn't know it needed one. So sheds are

probably the most frequent thing that that happens with.

Building Inspector Minozzi: Just got a call today.

Village Attorney Whitehead: So the idea is to kind of catch that kind of stuff, and that it's simple information on the Web.

Chairman Collins: Well, you know, one idea you just reminded me of, Joanna – I really like where your head is going on this – is to have something along the lines of what the fire department does around the time the clocks switch. They all remind you to change the batteries in your smoke alarms. I mean, we could pick a month of the year where the Building Inspector sends out an e-mail once a year saying, Hey, if you're contemplating getting work done this year check in with me, this is the permitting process.

Building Inspector Minozzi: Or we can coincide that with Building Safety Month, which is February.

Chairman Collins: There you go. That sort of thing does take repetition, but after awhile it sort of sticks in.

Building Inspector Minozzi: We actually did something last year.

Boardmember Berritt: *The Enterprise* could even ...

Chairman Collins: Yes, a PSA.

Boardmember Berritt: They could put something ...

Building Inspector Minozzi: They sent that last year.

Boardmember Berritt: Because there's so many people that have moved in to the Village that will have no clue what they need to do.

Chairman Collins: No clue.

Boardmember Berritt: They probably haven't owned a house before, many of them.

Chairman Collins: That's right.

Boardmember Berritt: I think a lot of the information is sort of basic information. I mean,

looking at the Scarsdale site they clearly have an issue with fences because there's a lot about that.

Village Attorney Whitehead: And you don't require permits for fences so fences are the other one we see a lot of times. Some municipalities require permits for fences, they have special fence permits.

Boardmember Berritt: Frequently asked questions.

Chairman Collins: All right. So I would say, Buddy, maybe if you can take the action to give some thought to how you would propose promoting this, some awareness around this.

Building Inspector Minozzi: Sure.

Chairman Collins: I'm happy to work with you on drafting stuff if I can be useful.

Chairman Collins: Absolutely.

Chairman Collins: I love that sort of stuff.

The last thing we have to do is just approve the minutes.

APPROVAL OF MINUTES

Meeting of April 26, 2018

Chairman Collins: I found this particular minutes to be among the least accurate that I've seen in a long time. There were a lot of problems in these minutes.

Building Inspector Minozzi: Really?

Chairman Collins: Yes, just lots of spelling mistakes, missing words. It was just not done well, and I don't know if our mics were lousy. Maybe ... it seems like we got new ones.

Building Inspector Minozzi: He didn't mention anything to me about it.

Chairman Collins: You'll see in my markup. I sent a markup.

Boardmember Dovell: I have markups here, too.

Chairman Collins: Oh, you do.

Boardmember Dovell: Can I just ...

Chairman Collins: I think if we can just submit minutes as marked from Ray, as well.

Building Inspector Minozzi: Okay, that's fine.

Boardmember Quinlan: I trust your markups.

Chairman Collins: But I found a lot more problems than in the past. Did either of you two have any comments on our amendments? That's quite okay.

So then can I get a motion to approve the minutes, as amended?

On MOTION of Boardmember Quinlan, SECONDED by Boardmember Dovell with a voice vote of all in favor, the Minutes of the Regular Meeting of April 26, 2018 were approved as amended.

ANNOUNCEMENT

Next Meeting Date – June 21, 2018

Chairman Collins: So our next meeting is end of June, correct?

Boardmember Berritt: One thing I did notice from the last meeting when the architect was presenting here, on the TV anybody watching it couldn't see any of us because he was talking there and pointing to things here. He wasn't on that TV. So if you wanted to try and follow it from home you couldn't do. I was just aware of that.

Chairman Collins: Ahh, that's good. That's a really good thought.

Boardmember Berritt: If it had been the contentious issues.

Village Attorney Whitehead: So they need to do it on this one, not that one.

Boardmember Berritt: They need to do it on that side because the camera catches them on

that side.

Building Inspector Minozzi: That's a good catch. I didn't even think about that.

Boardmember Berritt: I happened to turn it on, and I was like, Oh, no. I was like, Oh, wait a minute, you can't see any of the images.

Village Attorney Whitehead: Your next meeting is the 28th, June 28. The fourth Thursday.

Chairman Collins: June 28th? That's my birthday.

ADJOURNMENT

Chairman Collins adjourned the Regular Meeting.