

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
ZONING BOARD OF APPEALS
REGULAR MEETING
SEPTEMBER 23, 2010**

A Regular Meeting was held by the Zoning Board of Appeals on Thursday, September 23, 2010 at 8:00 P.M. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Deputy Chairman Stan Pycior, Boardmember Ray Dovell, Boardmember Marc Leaf, Boardmember David Forbes-Watkins, Village Attorney Marianne Stecich, and Building Inspector Deven Sharma

CITIZENS: Unknown

Deputy Chairman Pycior: Good evening. Welcome to the September 23, 2010 meeting of the Zoning Board of Appeals. Our chairperson has a professional commitment tonight that conflicts with the meeting. So our chair, Brian Murphy, won't be here tonight. However, there is a full board: we have our alternate serving. I'm Stan Pycior, the Deputy Chair for the Zoning Board.

We have five applications before us tonight – actually three applications and two presentations – so we have a rather full agenda. If I may, we'll move to the first case. First, Deven are the mailings in order for the three applications?

Building Inspector Sharma: Yes. I was informed by my secretary earlier today that all the mailings are in order.

Deputy Chairman Pycior: OK, thank you. We may proceed.

**I. Case No. 12-10
Soon JaKim - 189 Warburton Avenue**

View Preservation Approval and for a one-story addition and deck. Variance sought is from the side yard requirements for an open deck or terrace at a level no higher than the entrance to the building.

Existing - NA, proposed 2.95 ft. Minimum required - 6 ft. {295-20.(B).(6)}

Deputy Chairman Pycior: Our first case is case number 12-10, the applicant is Soon Ja Kim, at 189 Warburton Avenue, for view preservation approval and for a one-story addition and deck. The variance involves side yard requirements, and the project involves view preservation approval.

Is it Ms. Kim? Excuse me, ma'am, is it Ms. Kim?

Soon Ja Kim applicant: Yes.

Deputy Chairman Pycior: Could you please speak into the microphone.

Ms. Kim: Yes. And I have some hearing problem. That is, I cannot hear things clearly. So if I need to approach you, please allow me.

Deputy Chairman Pycior: Feel free. And if you have to approach, please use that microphone, the wireless microphone, when you approach.

Ms. Kim: OK, yes.

Deputy Chairman Pycior: So if you'd like to present your application.

Ms. Kim: This is the ones you have, so I didn't bother to put it up there. My architect provided it for me.

Deputy Chairman Pycior: Yes, Deven, if you would put that up for the public.

Ms. Kim: This is essentially the current house between here and here. That's 8.65 here. So I want to do it the way it is, extend it toward the backside. On this side is nothing but the open field. I am going to tell you what I want to do.

Because I am, well, old ... soon, in early January, I'll become 74. But there isn't another single person on earth who can help me so I am trying to do it while I can do it. The reason being that I need a first-floor bathroom. Without that bathroom it's very [off-mic] sometimes to climb up there. So when I become really old or senile or sick or something, it would be almost impossible to go up there.

The previous owner was a friend of mine and I assisted him. He was very strong physically. He could move a boat. But he had a stroke, useless, couldn't go up there. Then the

bathroom, it's a nightmare. It is a must item for anything on the same floor, a bathroom. Not only me, everyone. That's what I had through my experience. It's horrible.

So that's why I do it. Then my house is so small. Therefore, I could find no place else to do it. Then I bothered him a lot because I was originally trying to see if I can convert a space on the first floor. Could I convert it a comfortable bathroom? No. It's 3 by 5 feet, and you can't do it. Especially when you want to use a wheelchair. It's impossible.

So then I have to add up where. See, this is where I made the model of my house. My house is like this. This is Warburton Avenue, this is the river. This side is the river, and this is Warburton Avenue. You go in there, this is two pieces. This side is a living room with big picture windows here. The other side is a kitchen. There's a wall, and then some more. The closet is right in the den.

Already this house is small. So there's no place extra to build. So I went to the Building Department. My permit, I cannot build it. Because if I was to observe the requirement then you know what? The bathroom is going to be just like it is. This is a kitchen. A half-inch represents 1 foot. So this is right in front of the kitchen. The kitchen is beautiful, beautiful view right up the Hudson.

From the Hudson River, with the boats going up and down ... I used to ride boats. It's beautiful, but who wants to have a house like this? In addition, you don't want to pull out the living room. No one wants to build a bathroom blocking the view. This is illogical. And this side is really congested. My next door here, it's really congested. Then everything be changed, you have to consider that it isn't.

My next door building is a new addition to that street. On my side there are only six houses, and four have only very small space – maybe less than 10 feet – the Building Department will know it. Sixty-five and sixty-nine only a few yards between the buildings. And 73 and 75, they're only a few yards, too. At the time, they were permitted. But later on it was a 50-yard frontage requirement. It becomes 50 yards.

So that's my next door and myself we have additions. Space is not that crowded. Plus, my neighbor planted big shrubs for privacy. He is the one who is really encouraging me. He is a disabled person, neck down, so he knows what happens, what it's like. So he encouraged me enormously to add this thing.

I'm asking [off-mic] move to the existing building. Then also, I have to be concerned with the aesthetic aspect, plus architectural things; whether my addition is disturbing our neighborhood architectural things, the population, or whatever; fire hazard or anything that I

had to consider. Then I had to consider if my addition is going to lower the property values of other neighbors. They are wonderful neighbors.

This doesn't change anything except this hall back here. Instead of the bathroom blocking my kitchen ... I was making this overly apparent this is when I moved to this side, the continuous wall existing. The external thing is that now this is already shingled with red shingles. So I'm going to continue as though it was built originally that way. That's my plan. I'm asking for this space for the addition.

This is really narrow. The walls take it up. And the 10 has to be 10, otherwise it's really not comfortable. And then also, according to the situation, I might have to expand the bathroom. Anyhow, currently this is really necessary I require to have a bathroom here.

Deputy Chairman Pycior: If I may interrupt, I understand the addition and why you wish to continue it and not have a piece of the house jutting out.

Ms. Kim: [off-mic].

Deputy Chairman Pycior: Now, how about the deck for which you're applying?

Ms. Kim: That is here. It's this side. That is just to enjoy, and they built a wheelchair to go out. I enjoy that deck just like any deck owners. I enjoy it now and in the future. But I proposed this because I'm taking advantage of the situation. This was not built up even in the old days. This bathroom is 50 feet from the requirement. It couldn't be left there as an empty lot.

So even in the old requirement it couldn't meet that requirement because the original owner was a very rich person. At the time there was no view preservation, so they bought this lot. It's absolutely useless really.

Deputy Chairman Pycior: Deven, is it a buildable lot as far as you know? Because the deck is very close to that other property line.

Building Inspector Sharma: No, I have not looked into it.

Ms. Kim: [off-mic]

Building Inspector Sharma: I'm not sure. I have not checked that.

Ms. Kim: That is the fact. You know why? So many people said it's a beautiful view, so they want to build the house there. So numerous people were seeking to build the house. So the 50 feet doesn't meet. That's what is still left vacant. Nothing can be erected.

Deputy Chairman Pycior: The deck, as proposed, would only be 2.9 feet from the property line.

Ms. Kim: Yes. So anyhow, for my advantage, next to that vacant lot is a park. None of them would allow anybody to build anything, nothing, in addition to this view preservation law. This is a zoning law, and will not do anything. The purpose of that is also zoning, as I understand it. When something breaks up, you're concerned. But it's nothing.

This side of my house is brick, and this is a chimney going up. This is 2 by 6 feet. That starts right here then the chimney takes up quite a bit of the space. So I think I have enough space. You have the paper there. If I have a wheelchair user, then you have to have space to move around. So that's what I'm proposing.

In addition, it doesn't change any characteristics of the community, as mentioned. But there is this much space there.

Deputy Chairman Pycior: I'd like to first ask Mr. Sharma another question, then open it up to Board members .

Deven, do you know if the owner of that lot would have been noticed of the hearing, even if there's no house there?

Building Inspector Sharma: I would imagine, yes. The addresses of all the property owners within 300 feet of the subject property are sent these notices. So I would assume, though I did not check specifically about it. But all the properties within 300 feet, the owners of record have been notified.

Ms. Kim: If it were buildable, then just an assumption: if the lot is buildable, then the assumption is that two things will take place. Number one, somebody bought and already built something. Number two, the previous owner of my house that took place. One took place. Because it is not buildable, that's why it's left unbuilt, open.

Deputy Chairman Pycior: But we're not certain it's not buildable.

Ms. Kim: Yes.

Village Attorney Stecich: Two things, just to remind you. There also was a view preservation application, which I don't think was addressed. And to let you know, that the Planning Board did recommend view preservation approval.

Deputy Chairman Pycior: OK, thank you.

You've told us that since no one is in the house next door, you anticipate no view preservation issues? Your neighbors – have you spoken with neighbors about this?

Ms. Kim: They're all encouraging me. And whoever owns the lot didn't bother to send it. The two people who didn't send it in that's the next-door lot owner.

Village Attorney Stecich: They didn't get it.

Ms. Kim: And Dean Wetherell is really encouraging me. He introduced me to the architect and all kinds of things. When I was using the closet to convert it to a bathroom, I called him.

Deputy Chairman Pycior: Well, thank you. I want to open it up. I know Boardmembers have questions.

Ms. Kim: We don't have any problem in the neighborhood.

Boardmember Dovell: You're building across the entire back of the house? The addition is 28 feet by 10 feet?

Ms. Kim: Yes.

Boardmember Dovell: All the way across. Your model shows something different than that, though.

Boardmember Leaf: The model's the alternative that she's choosing not to do.

Boardmember Dovell: I understand. So you've elected to fill that in, in the process.

Ms. Kim: This is from the house, front. This is the living room.

Boardmember Dovell: I didn't understand. But you're proposing to build all the way across the back.

Ms. Kim: Currently this side, I want to extend this. But to meet the requirement, I have to keep it 8 feet. And it comes right to this, so I want to avoid this. So I put it this way.

Boardmember Dovell: Did you think about putting the deck in the back? The deck that you're proposing on the side yard, did you think about maybe putting that in the back?

Ms. Kim: What do you mean, in the back?

Boardmember Dovell: In back of the addition.

Ms. Kim: I have this extended to the railroad tracks. There is a Hastings trail there extending right to the back. But it's really a steep hill, and the back is enormous.

Boardmember Dovell: But your view is directly out the back of the house. That's a nice view.

Ms. Kim: This is the house. So this will be ...

Boardmember Dovell: I understand. I'm talking about the deck.

Ms. Kim: Yes, the view is in the back.

Boardmember Dovell: The view's from the back.

Ms. Kim: Yes, back.

Boardmember Dovell: Why didn't you put the deck in the back?

Ms. Kim: Because, number one, I don't want to ... I had to meet also the requirement because it is a hill. That's the hill, plus the land I have is [off-mic]. This part, somebody illegally dumped there. That hill was higher than my height. We put back fill in the backyard.

Building Inspector Sharma: Ms. Kim, speak in the microphone please. Please pick up the microphone.

Ms. Kim: The backyard is filled. Originally it didn't have much ... this is another reason that since I am asking for a variance I might ask why don't I go out 12 feet. That would be more comfortable. But I am worried about the fact that it was a field. So I don't know how long the original dirt is. That's what it is.

Boardmember Collins: You're concerned that it's settled because of the landfill.

Ms. Kim: Yes. The land stretches out that long, but it is a hill, steep hill. I chose that, and open space anyway. That house, twice they were asking my previous owner if they can buy the lot because they are paying taxes for nothing. Because it's not usable for anything. So with view preservation, nobody can build anything. My friend, the previous owner, said, "Why do I pay taxes on that?"

Deputy Chairman Pycior: Do other Boardmembers have questions?

Boardmember Forbes-Watkins: I want to express a concern. I don't dispute what you say, Ms. Kim, but I would like to have certified to us that the lot to the north of your lot is not buildable. Because putting this deck within 2 feet of the property line, if it's building, is way beyond reasonable. It just doesn't make sense to me.

Ms. Kim: What do you mean?

Boardmember Forbes-Watkins: Well, I wish to know explicitly that the property next to you on the north is not a buildable lot.

Ms. Kim: Yes, how can I ...

(crosstalk)

Boardmember Forbes-Watkins: And I cannot vote on this until I know for sure that we're dealing with a situation where somebody can't come further down the line and say, "You've allowed us to be squeezed." I just insist that it must be.

Boardmember Collins: Yes, I support that. I'm with you 100 percent on that.

Ms. Kim: When can I find it?

Building Inspector Sharma: I would have to research it, Ms. Kim, and I would have to report to the Board between now and the next meeting. I can't do it right now. It's not that readily available, that kind of information. I do not know who owns the property, what the size of the property and everything is. I'll have to research it and report whatever I find out to the Board. Then they'll be able to make the decision.

Deputy Chairman Pycior: Now, can we separate ...

(crosstalk)

Ms. Kim: Dean Wetherell there you know. The owner of that lot is Dean Wetherell.

Deputy Chairman Pycior: Can we speak about the application, and perhaps vote on the addition tonight?

Boardmember Forbes-Watkins: I have no problem with that.

Boardmember Dovell: I think you should explore putting the deck in the back. I think you should explore moving your deck to the back of the house. It doesn't require a continuous footing. It simply requires two columns that would go down, and might alleviate the situation with the neighbor.

Boardmember Leaf: Potential neighbor.

Ms. Kim: And there's also a safety issue, too. The reason that I'm not building anything is safety because it's 8 foot currently. I put the home security system, and because it's a wall. And plus, here I'm very insecure, OK? This is very steep. That gives me security, and [off-mic]. So it's kind of a security issue. Otherwise, you might continuously try to ... see I'm concerned about the security and et cetera. I might as well all around.

Deputy Chairman Pycior: It's clear the Board is not prepared tonight to vote on the deck because we don't know the status of the property to the north of you.

Marianne, could we – for the sake of getting the construction going – if the Board wishes, approve the addition in the back of the house?

Village Attorney Stecich: Yes, you could vote on that and vote on view preservation. You could *not* vote on it, or deny it.

Deputy Chairman Pycior: But if she comes back with the deck, we would have to vote on view preservation again. But at least this way ...

Village Attorney Stecich: If she comes back with the deck, yes, you would have to do view preservation. Right. And my recommendation would be not to vote on the deck. I guess people would vote no if they were going to do it, and then she really couldn't come back for six months. But if you just don't vote on it, and she provides information that convinces you it makes sense ...

(crosstalk)

Ms. Kim: I think it's a safety issue.

Deputy Chairman Pycior: But this evening, all we can go forward with is a vote on the addition, and on view preservation for that addition. We're not going to vote on the deck tonight, or on view preservation for the deck.

Ms. Kim: I don't understand. You are asking me to build that deck here?

Deputy Chairman Pycior: No. We're asking you to explore that, once we find out the status of the lot to the north of your property.

Ms. Kim: It's status with the land.

Deputy Chairman Pycior: But we can vote on the addition.

Ms. Kim: I have to work with him, right?

Deputy Chairman Pycior: Yes, but we can vote on the addition tonight.

Ms. Kim: Because I'm 1,000 percent sure there will be no problem.

Deputy Chairman Pycior: I have to see if anyone is here to speak for or against the application, anyone in the audience, and then we can go forward with the vote on the addition. So thank you for your presentation.

Is there anyone here tonight that wishes to speak in favor of this application? Is there anyone here tonight who wishes to speak in opposition to this application?

Does any member of the Board wish to make a proposal or a motion concerning the variance necessary for the addition? We'll do that first.

Boardmember Forbes-Watkins: That's only a view preservation issue, is it not?

Deputy Chairman Pycior: No, it's the side yard, too.

On MOTION of Boardmember Collins, SECONDED by Boardmember Pycior with a voice vote of all in favor, the Board resolved [approve view preservation for the one-story addition only and the variance therein for the side yard requirement, but table any decision related to the deck and view preservation related to the deck] MS. LOPEMAN:.

Ms. Kim: You see the [map] [off-mic].

Building Inspector Sharma: Yes, come back to me tomorrow or Monday and we'll look into it.

Ms. Kim: Tomorrow I ...

Building Inspector Sharma: Either tomorrow or Monday we'll look into it. Call me tomorrow.

Ms. Kim: Tomorrow I'll call you. Thank you.

Deputy Chairman Pycior: You're quite welcome. Thank you for your presentation.

**II. Case No. 13-10
Anne Mackey & David Makulec - 60 Dorchester Avenue**

For an addition and alterations

- 1. Front Yard: Existing-10.42 ft.; proposed-10.13 ft.; required . Minimum - 30 ft. {295-68.F(1)(a)}**
- 2. Rear Yard for Principal & Accessory Structures: Existing- 14 ft. & 3 ft. Proposed - 11.42 ft. & 3 ft. Required Minimum-22.08 ft. (30% of the lot depth) & 8 ft.{295-68.F(1)(b)}**

Deputy Chairman Pycior: The next case before us is case number 13-10. The applicants are Ann Mackey and David Makulec of 60 Dorchester Avenue. The application concerns variances for an addition and for alterations, a variance from front yard setback requirements and rear yard setback requirements.

So Mr. Tilly, if you'll identify yourself for the record.

Steven Tilly, architect: I'm here with Stephanie Reinert from my office. We're representing Ann Mackey and David Makulec.

As you mentioned, it was a little over two years that we were here and recorded a variance for this project, on September 11, 2008. And that variance has lapsed, so you may take it as a sign of recovery that we are back.

Deputy Chairman Pycior: No electioneering.

Mr. Tilly: No electioneering. I'm sorry, I take it back. We are back to again request said variance and try to rekindle the local construction industry. In any event, you may or may not remember this lot – which is on the slope like many lots in Hastings, up on the hill, Mt. Hope hill – this sort of L-shaped configuration. And you see in green the as-of-right under the current zoning. The house, I'm sure, predates zoning. And most of it sits nonconforming.

So naturally, when we're hoping to bring this small structure – a total of 1,400 square feet plus enclosed space – somewhat into the 21st century in terms of its use, a modest addition to a kitchen and the side of the building with a new entrance. Our addition also – since it is adding to a mostly nonconforming – there certainly is a good percentage of our addition that is nonconforming.

So, Stephanie, I don't know if you want to walk us through just the color coding on the pieces so you can kind of visualize it more clearly.

Stephanie Reinert, architectural designer: OK. The dark blue is the existing building that you saw in the previous slide. And this portion of the dark blue, as well as this dark yellow color – which, if you'll notice down here, is all gray – is an existing garage. The yellow portions are the new additions, which is pushing east for ... it's a mud room and a kitchen, and it's extending through the first floor living room and dining room eastward.

This is a deck, and this on the lower portion of the garage would be demolishing the garage and then a new storage shed on a portion of it. And then the deck from the stairs would come down next to the garage several feet here, of an incline that the garage is upon. Sorry, this part is an existing deck which would be demolished. And a new deck, a new cellar storage unit, and a first-floor family room and then a second-floor deck is to be added here at this portion of the building.

Deputy Chairman Pycior: Questions from the Board?

Boardmember Forbes-Watkins: In looking at the space, I noticed to the east – Far East on the property, all the way on the east of the property – there is a driveway, a gravel driveway

that leads to a garage. Is that garage part of this property, or is it another property? It looks like it's the same construction as the house on this property.

Mr. Tilly: Yes, that's adjoining.

Boardmember Forbes-Watkins: It belongs to neighbors?

Ms. Reinert: Yes.

Male Voice: They have a double lot, and that's the second garage on the end.

Mr. Tilly: Right. I mean, it's a nice little structure.

Boardmember Forbes-Watkins: Well, it would have been a nice shed if it was on the right lot.

Mr. Tilly: Oh, I see the theory, yes. Can't do that on their property.

Boardmember Forbes-Watkins: No.

Deputy Chairman Pycior: I must say, when I visited the property, and then compared it to the shape of the lot, it's a highly unusual lot. And it is extremely steep terrain.

Mr. Tilly: The old-time platting did just happen. Somebody drew it two-dimensionally.

Boardmember Forbes-Watkins: Interesting to build a building and it has an as-of-right area.

Deputy Chairman Pycior: Other questions from Boardmembers?

Boardmember Dovell: Could you take us through the plans and show us exactly what's being added and demolished?

Ms. Reinert: The items that we're demolishing are this existing block here on the southwest, and the full garage. And then the additions ... this is the proposed plan. On the first floor, the additions – sorry, I turned them upside down, so that's the other drawing – the additions basically move out eastward. So these rooms get enlarged and then it shifts eastward, and then we have the deck here. Did you want the second floor, as well?

Boardmember Leaf: So the addition aligns exactly with the west wall?

Ms. Reinert: Yes, this addition extends out along the street.

Boardmember Leaf: Along the fireplace edge.

Ms. Reinert: Well, I'm sorry. Along the fireplace, the family room addition in the back actually is inset a few inches. So rather than sticking out from the street, it pushes in a little bit.

Boardmember Leaf: And that's the flat roof portion of your addition.

Ms. Reinert: On the second floor it would be flat, yes.

Boardmember Leaf: It's flat, yes. And then at the front of the house?

Ms. Reinert: At the front of the house, this is all existing and we're extending it out along the same plane in the front to this corner. And then we have a little entry that juts out on the first floor, as well.

Boardmember Leaf: So the programmatic pieces are a new kitchen. Is that a new entryway?

Ms. Reinert: About right here is the new.

Mr. Tilly: Right. A new kitchen, enlarged. I mean, it's a really tiny split-level kitchen actually right now, so you kind of trip over it in the middle. So we're getting that all on one level that you can get into with reasonable access, with a mud room. And then on the second floor we get a master bedroom closet. So just a more comfortable living arrangement upstairs just by building on top of that footprint.

Boardmember Collins: How many square feet entirely are being added to the house?

Mr. Tilly: The footprint, we're adding 700 feet. We're adding 900 enclosed feet on two levels. So we're bringing it to 2,338 enclosed square footage. So it's a little more viable as a building. And I see this ... my other theory about it is sort of a poison pill against tear-down so that we'd be making a small house more viable and it'll have a continued life.

Deputy Chairman Pycior: Question.

Village Attorney Stecich: Is steep slopes an issue? Did you check?

Building Inspector Sharma: As best I know, it isn't.

Village Attorney Stecich: It's just because somebody said it's a steeply-sloped property.

Mr. Tilly: Yes, we did that analysis the last time.

Village Attorney Stecich: And you didn't need steep slopes.

Mr. Tilly: Right. No, we're OK.

Village Attorney Stecich: OK, good. I vaguely remember.

Deputy Chairman Pycior: Other questions from other Boardmembers? OK, thank you, Mr. Tilly and Ms. Reinert.

Is there anyone in the audience who would like to speak in favor of this application? Is there anyone in the audience who would like to speak in opposition to this application?

Would any Boardmember like to pose a motion concerning front yard setback or rear yard setback?

On MOTION of Boardmember Collins, SECONDED by Boardmember Forbes-Watkins with a voice vote of all in favor, the Board resolved [approval for the front yard existing 10.42 feet to the proposed 10.13 feet against the required minimum of 30 feet; the rear yard of existing 14 feet and 3 feet to 11.42 and 3 feet, against a required minimum of 22.08 feet and 8 feet].

Deputy Chairman Pycior: Good luck with the project.

Mr. Tilly: Thanks very much.

**III. Case No. 14-10
Alex Cheng - 495 Warburton Avenue**

View Preservation Approval for the addition, alterations and restoration of an existing building. Variance is sought from the off-street parking requirements.

**Existing and proposed - None. Required for a two-family dwelling – 4 spaces
{296-36}**

Deputy Chairman Pycior: The third case before us today is case number 14-10. The applicant is Alex Cheng of 495 Warburton Avenue, here to request restoration approval and to seek a variance from the off-street parking requirement.

Village Attorney Stecich: This was before the Planning Board. So there are two things. One is, the Planning Board did continue this thing because they wanted ... they didn't make a decision on the application because they had some questions. So they did not ... they went back and forth, but I think they finally didn't make the recommendation of view preservation. They didn't recommend against it, but they didn't make a view preservation recommendation yet on it.

It also had a question which ... I'll tell you what the question is so when they're explaining the plan you can think about it. They wanted an interpretation from the Zoning Board on a question that the code doesn't address, it just does not address. Neither Deven nor I see an answer for it in the code. And that is whether ... if you look on the front, I think you could see.

They have this ... if you look on the drawing, it says "roof garden." But the roof garden is on that structure, right? See, that's like a separate structure in the back that sometimes ... I think it's separate. And they were referring to it as an accessory office or accessory building. And the issue is, is that a lot. I know we've had that issue before, whether you're allowed to have an office or a studio in an accessory building. We've got that a couple times before.

Alternatively, is it part of a house – is it part of the same house – which is a little difficult to figure out from the plans. I couldn't figure it out from the plans. But anyway, bear that in mind. And maybe I'll refine what the interpretation is later on.

Deputy Chairman Pycior: Yes, then we'll ask them. So if you'd like to begin your presentation, and especially explain to us the status of the office as you get to it.

Ned Baldwin, architect: Oh, of course. Yes. And this is my client, Alex Cheng. He's the owner of the property.

Mr. Cheng proposes to build a two-family house at 495 Warburton where there is presently a partially-built structure; a structure with a roof but not much else, and a foundation and not much else. So we are doing virtually a new building. There was some confusion at the

Planning Board that I had said just consider it all new construction. Then somebody was confused that the existing roof was to be retained.

This is a very unusual lot. It's a 100-foot lot, just like the four houses to the south. But the rear garden is bisected diagonally by a retaining wall which is approximately 12 feet high, even higher at one end. And then the ground slopes down all the way to the municipal parking lot, down at the commuter lot.

There was a thought to actually get access to parking in the commuter lot, and we went to the Trustees and asked to see if there was a possibility of Mr. Cheng leasing spaces there. That was pretty well rejected, as was any thought of any kind of structural stairs to get down to the parking lot.

We've discussed this, and we've modified the design in such a way that access to the commuter lot is not part of this application at all. We're asking for a variance for all of the parking requirements, including any parking requirements that might be assessed against the structure in the rear.

Now with respect to the structure in the rear, we made the mistake of referring to it as an accessory office use. I don't know this is always a thorny issue in Hastings for some reason. Mr. Cheng proposes to use this building just the way any of us would have an office at home. He does not intend to run a business, sell anything, have employees, or entertain clients in any way.

So we would like ... there seemed to be two possibilities. Either we characterize this as an accessory building which is used as a workspace – not an office, but as a workspace – in which case we'd leave the design exactly as we've presented it. Or, alternatively, we would call it part of the main building and connect it with a roof, which is in the Village code. It does say that a structure attached to a main structure with an open roof has to be considered, and meet all the standards of, the main building.

So there are two options we can go. We prefer not to build a roof, obviously. But if we have to, we would.

Boardmember Collins: Would that be a breezeway is what you're talking about?

Mr. Baldwin: Well, when the code was written I'm sure that's what they had in mind. In this particular case, it would be a roof over a stairway going downhill.

You have to appreciate this is a very unusual triangular piece of land. It's only 400 square feet of useful space that we get out of it. But we hate to abandon it. It's a very good space. Right now it is a garbage-strewn slope that's very unsightly that you look at from the commuter lot. And we think that putting a building in there would look a lot better than a crumbling retaining wall.

So we feel very determined that we want to put a building. It's just how we are going to do it.

Deputy Chairman Pycior: Marianne, to the best of your interpretation, would constructing an enclosed stairway down the hill qualify it as part of the same building?

Village Attorney Stecich: You know it depends. I can't even picture where this roof would be and what the whole thing would be like. I've looked at the plans. It's too difficult to understand.

Mr. Baldwin: We sent a drawing of the roof added, and it was sent to all the Boardmembers.

Village Attorney Stecich: I guess I'd need to see what the finished ... I mean because you just have ... it depends. If it seems integral to the house, then I would say its part of a house. But I don't think you could have people ... I don't know why you ... but let's say, for instance – you have to be careful here – let's say somebody's got a garage in the back that they want to use it as their studio, as many people have come in. I mean, it's come before this board a few times and I think has had to say that's not a permitted ... so do you want them to be able to just put something like a roof in between the two and say hey, it's all one building.

I don't know. So it kind of ... I don't really mean to be invasive, but kind of the devil's in the details, I would say.

Building Inspector Sharma: The way the code is written, an accessory structure can be closer to the property line than the principle structure. But if you connect, then the portion that's connected to the principle structure becomes a part of the principle structures and has to follow the same setback requirements as the principle structure.

So in other words, a garage for example ...

(crosstalk)

Village Attorney Stecich: Well, not a garage.

Building Inspector Sharma: if it's connected, it does not become a principle structure. But if it meets all the setback requirements, then it could.

Deputy Chairman Pycior: But I think that comes to bear in this case because the building as it is now is pre-code and doesn't have sufficient setbacks, I assume.

Mr. Baldwin: No, there are no setback requirements.

Boardmember Leaf: Does that go for the rear lot line, as well?

Mr. Baldwin: Yes, this is an MR-C district.

Boardmember Leaf: There's no requirement.

Village Attorney Stecich: And what does it abut? Does it abut a residential district at all?

Mr. Baldwin: It's all MR-C all the way back, all the way down to Southside.

Boardmember Forbes-Watkins: It's very hard to see the back of this building on visual inspection. The man in the office below in the next door building was nice enough to let me come around and peek around a corner. Where is there an entrance in this plan for a person to leave the principle building and go to the structure in the back via a covered walkway or simply downstairs? Is there an entrance in the plan?

Mr. Baldwin: Yes. The plan of the upper dwelling unit has, on the far right side of the plan – this is Drawing 3.5 ...

Boardmember Forbes-Watkins: Ok, Drawing 2.5 or Drawing 3.5?

Mr. Baldwin: It's Drawing 3.5. You see the entry hall for the upper unit is on the right side of the house as you come in from Warburton. And then you go up a stair, and on the landing of the stair there's a door leading to the rear stair.

Boardmember Forbes-Watkins: And those stairs, then, are at the first-floor level, not the basement level.

Mr. Baldwin: No, they're approximately 4 feet about the first-floor level. That's where you start down.

Boardmember Forbes-Watkins: And then you go down.

Mr. Baldwin: Yes, and then it goes absolutely straight down, with intermediate landings so that you could ... even the lower unit could get access to those stairs if they wanted to.

I would point out that in considering the structure it is essentially a subterranean structure they were proposing. It's only visible above grade on the north side from the commuter lot. From any other vantage point it is totally below grade. And we're proposing landscaping the roof so that Mr. Cheng has a very nice garden the full width of the lot essentially, except for the stairway.

Boardmember Forbes-Watkins: OK, we have windows on the north side.

Mr. Baldwin: Yes.

Boardmember Forbes-Watkins: I see them in the drawing.

Boardmember Forbes-Watkins: Subterranean, without windows, would be a little much.

Mr. Baldwin: No, but if those windows weren't there, then we wouldn't even be having this discussion. It's totally underground.

Boardmember Forbes-Watkins: What is the difference in the height between the roof and the office, and what you're calling the garden? Is it 3 feet? Is that the change of grade?

Mr. Baldwin: From the roof of the office?

Boardmember Forbes-Watkins: From the roof of the office, which is the landscaped roof of the office, to the garden below it.

Mr. Baldwin: It's all at one level. The garden on the rooftop – the rooftop that we're proposing building – will be flush with the present garden.

Boardmember Forbes-Watkins: Here. Is there a change in grade between these two?

Mr. Baldwin: That print might show a ...

(crosstalk)

Boardmember Forbes-Watkins: Garden minus 3.

Mr. Baldwin: It shows a foot difference, but we would actually level that out. We're anxious to make it all one level.

Boardmember Forbes-Watkins: So it's all one level.

Alex Cheng, applicant: To me, right now, the retaining wall is part of the structure. It only encompasses half of the backyard. And when you look at the plan that we're doing, actually the ... after we're done with this, the whole building is part of this structure. They're all connected. I just want to alert you that the structure – not just the wall, separate building – they're structured. They're all connected structurally.

Boardmember Forbes-Watkins: Again, in my viewing this property, it looks as if the retaining wall extends beyond your property line. Is that correct?

Mr. Baldwin: No. It's entirely on his property.

Boardmember Forbes-Watkins: It is entirely on that property?

Mr. Baldwin: Because, see, his property ...

(crosstalk)

Boardmember Forbes-Watkins: It really looks like there's a corner on the next property.

Mr. Baldwin: The rear yard of number 497, which you walked around, that is all Village land actually. And Mr. Cheng's property actually extends 2 feet 9 inches into that, on that side. That's why we're able to build the stair on that side. Only relocating the wall a few inches, we'll get the 3-foot stair and it'll be entirely on his property.

Boardmember Forbes-Watkins: Who built the retaining wall? The prior owner?

Mr. Baldwin: Oh, no. It's been there forever.

I have a few more remarks about view preservation if you want to hear them. The view preservation, basically the reason we're here is because we want to build two small penthouses on the roof. And the Planning Board was not thrilled with our explanation of what these penthouses look like. So I did a supplemental drawing, which you also received.

The penthouses will be exactly like the houses to the south. They stay within the 40-foot height limit and, in fact, ours would be a few inches shorter than the ones to the south. They are set back approximately 20 feet from the Warburton façade, so they're totally invisible from anywhere nearby.

The other photographs on that board show the River Town Lofts building here and the apartment building at the base of Washington Avenue. Those are the only two vantage points that you can see anywhere near the roof, and I was unable to get up in either building in order to get the photograph. But as you can see, it's a very small impact.

Deputy Chairman Pycior: Mr. Baldwin, how high beyond the front roofline do those structures ...

Mr. Baldwin: Do they extend?

Deputy Chairman Pycior: Yes, how tall are they?

Mr. Baldwin: Well, they're almost 6 feet high. The ones to the south are 6 feet 6 inches high, or this will be probably 6 feet high. But the roof level on this building was built at a slightly different elevation. So that drawing shows you the slopes of the roofs to the south.

Village Attorney Stecich: We didn't get that drawing.

Boardmember Forbes-Watkins: Do we have that drawing?

Boardmember Dovell: No, we didn't get that. I didn't get it.

Boardmember Collins: Can we circulate it up here?

Mr. Baldwin: You should have gotten a copy of the letter that we sent to the Planning Board, which had that stapled to it.

Boardmember Dovell: I didn't get that.

Village Attorney Stecich: You sent a supplementary letter to the Planning Board?

Mr. Baldwin: After the last meeting, with drawings. I delivered it to Deven, and he said he would ...

Boardmember Forbes-Watkins: I think Deven has gone to get ...

Mr. Baldwin: Maybe he's gone to get it now.

Deputy Chairman Pycior: You call them "penthouses." What's their purpose?

Mr. Baldwin: One is for access to the roof. We have a small deck up there with open railings around it. And the other one we wish to use for daylighting the lower two floors of the structure using two heliostats mounted on the roof.

Deputy Chairman Pycior: OK, I see that. The sunlight ... OK.

Mr. Baldwin: I don't know if you're familiar with heliostats, but basically it's about a meter-square mirror with a tracking mechanism so it tracks the sun through the day. And it keeps the reflected light aimed at one specific point. So inside the other penthouse we have an inclined mirror that redirects that sunlight straight down so we'll have direct sunlight reaching the basement and the first floor.

Deputy Chairman Pycior: Will there also be mechanicals on the roof? Like will there be air conditioning units?

Mr. Baldwin: Yes, there will be one air conditioning condensing unit.

Deputy Chairman Pycior: And approximately how big is that?

Mr. Baldwin: Oh, it's about yea big. I said these structures on the roof will be slightly lower than those on the houses to the south in terms of overall height above Warburton Avenue.

Boardmember Forbes-Watkins: The helio will extend beyond the penthouse, as I understand this drawing?

Mr. Baldwin: Vertically, you mean?

Boardmember Forbes-Watkins: It appears in this drawing as if it is outside of the penthouse.

Mr. Baldwin: It is, yes. These heliostats will sit on tripods on the deck and on the roof. They're about 5 feet high.

Deputy Chairman Pycior: But no higher than the penthouse.

Mr. Baldwin: They're not as high as the penthouses, no.

Boardmember Forbes-Watkins: But they're in front of, or behind? Where are they?

Mr. Baldwin: They are as far to the north as you can get.

Boardmember Forbes-Watkins: As far to the north.

Mr. Baldwin: Yes, you want to get them to the north so that they have the full sun through the whole day and redirect it into the other penthouse.

Boardmember Forbes-Watkins: And they are to the Warburton side of the penthouse.

Mr. Baldwin: No, they're to the north side. One is on one side of the stair-access penthouse, and the other ...

(crosstalk)

Boardmember Forbes-Watkins: No, not north and south. I'm looking east and west.

Building Inspector Sharma: How far west?

Boardmember Forbes-Watkins: Are they on the west ...

(crosstalk)

Mr. Baldwin: They're shown on the roof plan, which you have.

Boardmember Forbes-Watkins: They're to the west then.

Mr. Baldwin: No, one is to the west and one is to the east.

Boardmember Forbes-Watkins: Oh, OK. So in fact, then, the view preservation issue is partly exacerbated by having the helio on the Warburton side of the building. You wouldn't see the helio on the far side hardly at all, except possibly from up the bridge.

Mr. Baldwin: You cannot see either one because it's only this high. And it's still back from the ... it's approximately 12 feet back from the edge of the roof. There's no way you could ever see it.

Boardmember Dovell: Do you have sight line views or photomontages of the visibility of this?

Mr. Baldwin: No, because unlike ... when we did the houses to the south, I was able to construct sight lines from properties all the way up Washington Avenue. Here, there is nothing to the east at all because the Cropsey property is down low, everything's down low. The only buildings that can even see – potentially see – the roof are a long, long ways away.

Boardmember Dovell: But I think it would be nice to demonstrate that with a section, or a photomontage.

I think this application is missing a lot of detail that we need to inform ourselves about what it's trying to do. For instance, in the back of the building you have no sections through the property, north-south sections or east-west sections, to talk about the adjacent ... I mean here. What is the section through here, what is the section through here? I see their elevation. What is the section through here?

We're grasping because there isn't enough drawing here to really explain the submission. And the fact that you don't have ... I mean, you're telling us that you can't see it, but you haven't demonstrated that you can't see it.

Mr. Baldwin: Well, I thought the photograph demonstrated that.

Boardmember Dovell: We didn't see the photographs. This is the first time we're seeing the photographs.

Deputy Chairman Pycior: Also, the same thing with the office. We have your word that you'll look up a hill and just see a little office, but if you could perhaps take a photo and then superimpose.

Mr. Baldwin: It's all dense woods. You can't even see where ... now you cannot see anything up there. I thought that our elevation ... this elevation's very clear. The rest of the building is all subterranean so this is what you're looking at. And that stair is not there. Ignore that.

Deputy Chairman Pycior: But I'd like to see an actual ...

Mr. Cheng: [off-mic]. You just see the old retaining wall. This is in front of the retaining wall and flush in terms of elevation exactly past the retaining wall.

Mr. Baldwin: I can draw sections through it.

Boardmember Dovell: Well, otherwise we're just basing it on your description that it is flush. So it would be really helpful to have these sections longitudinally, and cross-sectional sections, so that we can actually see it. We're hearing what you're saying, but we don't have any document that shows these conditions. And we don't have a document that shows the existing conditions; we just have a document that shows the new conditions. There are no existing-conditions drawings. We're seeing proposed conditions, but we're not seeing the existing conditions.

Mr. Cheng: I was just asking ...

Building Inspector Sharma: Is it not turned on?

Mr. Cheng: Yes, it is on.

I'm just trying to understand what we can do to satisfy your request. Because at this point, it's almost impossible to get a level view of this building. Because under this is the Cropsey municipal parking lot. It's about 20 feet, 30 feet ...

Mr. Baldwin: Well, from the ... it's at least 20 feet lower from the bottom of the retaining wall, and the retaining wall's over 12 feet high.

Mr. Cheng: And at this time – I mean, obviously it's a property of great interest. I go to the municipal parking lot, and what can I see? Looking from [off-mic] looking up [off-mic].

Boardmember Dovell: You can see what the condition is along that edge. I'm not arguing that. You can see where grade is because you've drawn a line and it says that's where grade is.

But what we don't know is what's happening as a section through that to see how the proposed office is working and what the condition is on the other side. A section through the building this way. You need a section through here, you need the longitudinal section through here so we can see what these things ... how this is all knitting together and, hopefully, will begin to shed some light on the one-building/two-building situation. It's not clear from the drawings.

Mr. Baldwin: I don't know that it'll shed light on the one-building/two-building thing, but the transverse section I agree with you I should have had that. The longitudinal section is not going to show very much.

Boardmember Dovell: This section?

Mr. Baldwin: Yes.

Boardmember Dovell: Well, it's not in your set of drawings. You don't have that ...

(crosstalk)

Mr. Baldwin: No, it didn't occur to me that it would be necessary.

Boardmember Dovell: Well, it's explaining the situation along these edges. And it will help also explain some of the conditions that I see about lot coverage. You know, how is your lot coverage being calculated here?

Mr. Baldwin: Eighty percent of the lot has to be not covered.

Boardmember Dovell: Understood.

Mr. Baldwin: Or covered, rather, no more than 80 percent. Twenty percent of the lot amounts to 515 square feet. The existing garden is over 405 square feet, and the stairway adds another 100 square feet. So basically we have the open space.

Boardmember Dovell: The actual open space is including the stair then.

Mr. Baldwin: Yes, it does include the stair.

Boardmember Dovell: Deven, is that ...

Village Attorney Stecich: No, stair isn't open space.

Boardmember Dovell: Stair's not open space.

Village Attorney Stecich: No, a stair would be included in coverage. You shouldn't calculate ... you do this thing with the numbers, adding things up. What you do is, not more than 80 percent of the lot can be covered, have stuff on it.

Mr. Baldwin: The Village code contains no definition of open space coverage or anything like that.

Village Attorney Stecich: No, no. It's not an open ... you don't have an open space requirement. What you have is a coverage limit. No, there's a difference. An open space requirement, that's ...

Mr. Baldwin: But there's no definition of coverage. For instance, an open stairway or an overhang ... normally, for instance, in setbacks you're permitted to have encroaching overhangs from roofs and things like that. I included 12 square feet for the little setback we have at the front of the building which, if you interpret it that the ...

(crosstalk)

Village Attorney Stecich: Let me go through the coverage thing. Because you don't have ... there's no word "coverage" used. We're using coverage as a shortcut. The way it reads throughout the code is: "*All buildings and structures on the lot shall together cover not more than ...*" and I think in your district it's 80 percent. So you count all the structures, and do they exceed 80 percent.

Boardmember Dovell: Is there anything in there about "open to the sky?"

Mr. Baldwin: No.

Boardmember Dovell: So if you have grass under an overhang – say a cantilever of 5 feet – how do you do that?

Village Attorney Stecich: Yes. That's probably not coverage. I would say that's ...

Mr. Baldwin: That's *not* coverage, or *is* coverage?

Building Inspector Sharma: How about pathways and walkways? You say they're technically structures, but they're in open areas.

Village Attorney Stecich: No, because remember we changed that.

Building Inspector Sharma: Yes, we changed that to development area.

Village Attorney Stecich: We changed it for development coverage, building coverage and development coverage.

Mr. Baldwin: You mean landscaped stone steps outdoors would be considered coverage?

Village Attorney Stecich: No. You know, I'm not going to address hypothetical questions. I haven't seen a drawing that shows what the coverage is. The closest thing is the roof garden, but that's actually not ... yes, the roof garden is over structure. You can't count that as open space.

I can't tell from the drawing. And it's not that I can't read these things. I can read them, it's just not there.

Mr. Baldwin: Well, we have not included ... in my little calculation on the cover sheet I did not include the roof garden as ... I considered that coverage.

Boardmember Dovell: Did you include the terrace here? This terrace?

Mr. Baldwin: No, I did not.

Village Attorney Stecich: But see, I know you have your calculation in there.

Mr. Baldwin: Without the definition of what you can do with decks or overhangs and things like that, it's very hard to make the calculation.

Building Inspector Sharma: But see, any area that is built on – that has a building on it – is a covered area. You want a roof over it? It may be accessible and seem like its open. But the lot has been built on.

Mr. Baldwin: Well, I will recalculate all of it taking everything as coverage, and then we'll come back and ask for a variance on the coverage issue. But I would maintain that the roof is ... the purpose of providing open space is to have the capability of dealing with stormwater, and why is the zoning law written restricting?

Village Attorney Stecich: It's not open space. There are sections in the Village districts where there is an open space requirement. Coverage is different from an open space requirement. Coverage limits the amount of development. It's a totally different requirement from an open space requirement. And that earlier zoning code was before we were even worried about open space. It always had coverage limitations.

Deputy Chairman Pycior: I guess I'd like to tally up what we need and what we want. We need exact measurements on coverage. We would also want, in the case of view

preservation, somehow to see what the impact of the penthouses and heliostats would be. You mentioned it would only impact two buildings on the corner of Washington and Warburton. Did you attempt to take photographs from those buildings? Did you approach the owners?

Mr. Baldwin: I tried, but there's no way to get up high enough. And I built the four houses to the south and went through the whole thing then, and we had no problem. We had no problem with even larger penthouses than we're proposing here.

Boardmember Leaf: Mr. Baldwin, I couldn't find the dimensions of the penthouses, or bulkheads, or whatever you call them. Are they ... can you tell us what the dimensions are?

Mr. Baldwin: That's why I submitted that extra ... the stair goes up about 7 feet, and the lighting [off-mic] wall-to-wall inside dimension is 6 feet. The lighting in the penthouse is 7 feet by about 5 feet at its widest.

Boardmember Leaf: So 7 feet 5 inches for one and 7 feet for the other?

Mr. Baldwin: Yes.

Boardmember Leaf: And the height you said is 6 feet?

Mr. Baldwin: The height is about 6 feet.

Building Inspector Sharma: It'll have to be more than 6 feet because if there's a door to get in and out of there ...

Mr. Baldwin: That's a very short door, Deven. You step up onto the roof through a very short door.

Boardmember Leaf: That's a 6 foot 8 inch door.

Mr. Baldwin: That's in the adjoining building to the south. That's what they have to the south.

Boardmember Leaf: Oh, that's 493.

Boardmember Dovell: They're got a 5-foot door listed here on this addendum.

Mr. Baldwin: Yes, a 5-foot door. And it will be a short door, where you step up and through the opening.

Boardmember Dovell: Mr. Chairman, I want to also ... I don't want to leave this particular subject prematurely, but we still have the issue of what we call this office space. And in the response to the Planning Board, the applicant suggests that now there is a need for a variance to Section 295-67(c) of the code. And that part of the code is actually pretty substantial, describing what is and is not an acceptable accessory.

I'd like to know specifically, given your plans, what part of this 67(c) are you requesting a variance for. Is it the 30 percent coverage for the office on the floor in question, that it cannot exceed that? Because for the plan, just eyeballing, it looks like it takes up more than that much space. Or is there another part of 67(c) that you're seeking variance for?

Mr. Baldwin: That 30 percent limit is, when it's in the main building it's in 30 percent of the total floor plate.

Boardmember Dovell: But my question is, you refer to a variance. You say: "*The issue, then, appears to be either that we seek a variance from Article 295-67(c) due to the specific conditions that apply to this site where we are seeking to make use of otherwise inaccessible and, therefore, useless land, or we alternatively re-characterize the quote, unquote 'use' to eliminate the word quote, unquote 'office' and treat it as a work room within the principle building – in which case we will add a roof over the stairway.*"

So I guess I'm trying to figure out what you're asking for.

Mr. Baldwin: Well, the second option: it would be a single building with a roof over the staircase, and that we would not have any problem with the 30 percent rule. It would be within the main building.

Village Attorney Stecich: Is it accessible from the main building, or do you have to walk outside? That was, I think, one of the issues before the Planning Board. You have to walk outside to get into it, right? It's not connected.

Mr. Baldwin: That's why I said we'd add a roof so you are protected.

Deputy Chairman Pycior: It clearly would increase lot coverage, a covered stairway.

Mr. Baldwin: Well, once you put a roof on the stair, then I wouldn't argue with it. It certainly is coverage.

The other option would be, yes, the accessory use. Besides making it just a workroom in a single-family house in the main house, the other option is treating it as an accessory building. In which case we would need a variance for the use because, as Marianne points out, any kind of use other than a storeroom or a pool house is prohibited in an accessory building.

Boardmember Collins: Well, I don't want to speak for the other members of the Board, but it feels to me like we've got, you know, through ... there's a multiple choice solution here. And I would prefer, and feel more comfortable, if we were evaluating what you would like to do rather than have a dialogue about all the different options which seem to therefore be subject to very different sections of the code, and for which I'm not prepared – at least today – to offer an opinion.

Deputy Chairman Pycior: I think Mr. Collins makes a fine point. There are a number of questions.

To get back to my checklist, Ray, specifically what sort of views or drawings, or ...

Boardmember Dovell: I think a longitudinal section which will also explain the balconies that you have above, the terrace below, the garden, and the relationship to the office. One section like all the way through the building so we can see what the conditions are at grade right through here, a section through here.

Mr. Baldwin: A transverse section through the ...

(crosstalk)

Boardmember Dovell: Through this terrace, which would explain that relationship both to the house and to the grade below. And then a section midway through here which would explain the garden, the office, and the conditions to the south.

Mr. Baldwin: I can provide that, yes.

Boardmember Dovell: And then the lot coverage, a breakdown of where these areas are coming from for the lot coverage.

Mr. Baldwin: Are variances ever granted for coverage?

Village Attorney Stecich: Yes. I mean, people don't apply for them a lot, but over the years I've seen one or two granted.

Mr. Baldwin: OK, that's it?

Deputy Chairman Pycior: Since we have members of the public present here tonight, should we hear them?

Village Attorney Stecich: I don't think they're here on this.

Deputy Chairman Pycior: Then you don't think they are.

Village Attorney Stecich: No, but ask. You may as well.

Deputy Chairman Pycior: Does someone move to postpone this case, or adjourn? Or can I just do that?

Village Attorney Stecich: You can just adjourn.

Deputy Chairman Pycior: We'll adjourn it 'til our October meeting.

But since people have been waiting, is anyone here to be heard concerning this case, either for or against?

OK, thank you, Mr. Baldwin. Thank you, Mr. Cheng. We'll see you next month, I hope. I might say, too, I welcome development of that property. It's been an eyesore for I don't know how many years ago that fire occurred, but it seems to be nearing a decade or so.

IV. Preliminary review of application of Hastings-on-Hudson Affordable Housing Development Fund for considering the approval of a one-family house with an accessory apartment proposed at 184 Farragut Parkway.

Deputy Chairman Pycior: Our next matter is a preliminary review of an application of the Hastings-on-Hudson Affordable Housing Development Fund for considering the approval of a one-family house with an accessory apartment proposed for a location at 184 Farragut Parkway.

Who is here to explain the proposal to us from the Development Fund?

Planning Board Member Dale: I am a member of the Planning Board, and in that capacity am the liaison from the Planning Board to the Affordable Housing Fund. Both Sue Smith

and Jim Keaney, the principals of the fund, can't be here tonight. Jim's daughter just gave birth, and Sue is in Iceland. So in that capacity, I can introduce the proposal although I won't make any attempt to evaluate it.

The fund has been struggling for a long time to find adequate land to build affordable housing for the Village. The need for that affordable housing, the urgency, has been recently underlined by the federal suit, that the county has just reached a settlement on, which demonstrates the disparity of the availability of affordable housing in the county – and Hastings particularly – which is on the list of villages that will have to respond.

The two projects being presented tonight are both very similar. They're both one-family homes with an accessory unit below. One is being built on privately-owned land which is being sold to the fund. The other is on Village-owned land which will be contributed to the fund. Right now, the financing of both projects are integrated and support each other.

The residences would be sold to a family. The single-family owner would be somebody to whom it is affordable and whose level of income is at 80 percent of the area median income for the county established by the federal government. The accessory unit will be at 65 percent of AMI for the county.

Both these projects have issues that will need support and variance from both the Planning Board and the Zoning Board. And the presentation of these issues will be made by Gary Warshauer, the architect for the project.

Deputy Chairman Pycior: OK. Thank you, Mr. Dale.

Gary Warshauer, principal – Warshauer Mellusi Warshauer Architects: Good evening. I'm representing the Hastings-on-Hudson Housing Development Fund.

Deputy Chairman Pycior: I was going to ask you to use the microphone.

Mr. Warshauer: My client has asked that we plan a single-family residence, as was described, with an accessory apartment on each of the two lots that we're going to discuss this evening. The first lot is located on Farragut Parkway, and it's a property that currently has an existing residence and an existing garage on that lot.

What you're seeing – what I'm sort of covering with my hand – is what we're proposing on that lot. But what's existing is, the driveway exists, the garage exists, and the residence exists. The property steps up from Farragut Parkway to the back of the site, and there are

some existing retaining walls and landscaped areas that are there and were done with the existing residence.

Boardmember Forbes-Watkins: Are you proposing to tear down the structures that are presently on the property?

Mr. Warshauer: No, we're not.

Boardmember Forbes-Watkins: So this will be additional housing on the property.

Mr. Warshauer: That's correct. What we're proposing to do is to subdivide the existing lot. It's an oversized lot. We're proposing to subdivide that lot and construct a new single-family house with the accessory apartment, and three parking spaces as well, to serve that use.

Deputy Chairman Pycior: Mr. Warshauer, will you be tearing down the existing garage?

Mr. Warshauer: No.

Deputy Chairman Pycior: You're building around it.

Mr. Warshauer: We're proposing to keep the existing house and the existing garage, and then to build around it.

Village Attorney Stecich: You should explain that the garage will continue to be used for the other house.

Mr. Warshauer: I'll get to that.

Boardmember Forbes-Watkins: There's a garage?

Mr. Warshauer: Yes. Let me go through, architecturally. I think we've planned the home in a way that is traditional in architectural character and, I think, compatible with the neighborhood in which it's planning. And it's been designed actually to step with the existing grades. As I said, there's an existing retaining wall, and we're placing the residence in the location of that existing retaining wall so that the backyard of the house, the house steps, and actually the backyard for the main residence, is on the existing grade. So we're stepping it up with the grade.

The accessory apartment is located in front. It's a one-bedroom kitchen/dining/living space in one bedroom and bath. And the main residence is a three-bedroom. We have a

kitchen/dining/living space and a kitchen dining area and a separate living area, and then three bedrooms on the second floor. As I've indicated, it steps with the existing grade to set in.

Deputy Chairman Pycior: Mr. Warshauer, which illustration is the front of the house?

Mr. Warshauer: This is what you would see from Farragut Parkway.

Deputy Chairman Pycior: But where would the garage ...

(crosstalk)

Mr. Warshauer: There'd be a garage in front. There actually is a garage that's sitting in front of that portion, and it's set behind that. Then these are the side views as the building steps up, and this is the two-story in the back. So it's really a two-story plus a basement. On the site plan, again, this is the existing residence and the garage that's proposed to remain. We're proposing to extend the existing driveway to provide for the three requiring parking spaces, and then the new residence is set in the back here.

There are five issues on this site that I want to speak with you about this evening. Two of them relate to being able to maintain the existing structures. Currently they are nonconforming in terms of their front yard setback. So we would need to just identify that. Twenty-five feet is required, and the existing residence is 15.4 feet and the existing garage is 18.7 feet. So in order for them to stay we would need at least acknowledgment of the existing nonconforming nature of those two structures.

Deputy Chairman Pycior: Will an effort be made – and this is premature – but will an effort be made to make that garage look like it fits the house behind it? Will it be similarly clad, or will it just be a separate entity?

Mr. Warshauer: I think we would probably try to side it in a similar way to the house. There probably is a little bit of work, and that's something that we certainly take into consideration.

The second zoning issue relates to the lot width. The total property, although it meets the requirements of lot area for two separate lots, the actual dimension of the width is not sufficient for the lot width for two lots. So we're asking for a reduction in lot width for one of the lots from 75 feet to, I think, it's 62 feet. And then the other lot would be conforming.

Boardmember Collins: Is this a subdivision?

Mr. Warshauer: This would be a subdivision, that's correct.

Boardmember Collins: So the accessory apartment is on a different lot.

Mr. Warshauer: Yes, sir.

Boardmember Collins: So why is it still an accessory and not ...

Mr. Warshauer: I'll get to that.

Boardmember Collins: OK, I'm sorry. I jumped ahead. You go ahead.

Mr. Warshauer: It's definitely an issue that we need to discuss. But anyway, once creating the lots we would need a variance to reduce the lot width for one of the lots.

The second, and actually the fourth and fifth issues, relate to parking, and it's exactly the issue that you raise. The garage, in order for it to remain and for the parking in it to remain for the existing residence, would require a cross-easement of some kind and a variance from you to actually allow parking for principle use on an adjacent lot.

By the nature of creating the separate lot, we had the issue of the parking. This is in order not to have to ... the grading that's out in front of the existing house is, again, a sloping site. And there are retaining walls and steps and different levels that relate to the existing structure. So as to not have to impact that or impact what the street view would be, we'd like to let the existing garage remain and let this residence continue to park in that garage.

So there are two issues related to that. One of them is the issue of parking on the adjacent lot, and then the other is the issue of the accessory garage which is no longer an accessory ... it's an accessory use that's on a different lot. We talked about this at the Planning Board last week somewhat at length. And I guess if this garage were related, if the parking in this garage were for this residence, then it would be an accessory use for this use.

And then I guess the parking out here, there would be cross-easements for these spaces to be for that residence. But that's not the intention of the plan at this point. The idea is that there would be some kind of a cross-easement given from this lot to this lot for the continued use of that garage, subject to whatever agreements were necessary.

Deputy Chairman Pycior: Wow.

Mr. Warshauer: So I think, on the surface, from a planning and an architectural standpoint I do believe that we've been able to accomplish the objective of an affordable home. I think it can be designed very nicely, and I think it can fit in planning-wise and architecturally very nice with the existing composition.

The nature of the subdivision and the nature of the cross-easements identify the five issues that we need consideration from your board for.

Deputy Chairman Pycior: OK, thank you. I know you're going to give us a preliminary review of the other one also.

Mr. Warshauer: Yes.

Deputy Chairman Pycior: But I'm wondering, I probably should ask if people in the audience ...

(crosstalk)

Village Attorney Stecich: They're totally separate. I suggest you separate the two.

Deputy Chairman Pycior: People are expressing strong interest in this. Do we have questions of Mr. Warshauer from the Board?

Boardmember Leaf: We'll be getting a full submission before we act. This is a preliminary, so we don't have any of these materials yet.

Mr. Warshauer: No, they haven't been distributed, but I think they've been submitted because I believe we're on your next month's agenda for formal discussion.

Building Inspector Sharma: No, I believe we did send you the material.

Boardmember Leaf: No, just the letter.

Building Inspector Sharma: We sent the material to the Planning Board.

Village Attorney Stecich: The Planning Board got it. I got it for the Planning Board, but not for the ZBA.

Mr. Warshauer: We've submitted it. I'm not sure exactly where it is.

Boardmember Leaf: And is it an easement? What is it that makes sure that this property is going to continue to be used for affordable housing? That's some kind of covenant in the deed?

Mr. Warshauer: Yes.

Planning Board Member Dale: Both the financing and the covenant in the deed would guarantee that this would be affordable – for 99 years is the requirement – to families at 80 percent of AMI.

Boardmember Leaf: Eighty percent and 65 percent.

Planning Board Member Dale: Correct

Boardmember Leaf: And so they would have to stay – these two new lots would have to remain ... are they going to be owned by ... they're owned by the trust?

Planning Board Member Dale: The fund will develop them and then sell them to individuals. And those individuals will have to qualify under the guidelines of the financing. And they would own the house themselves.

Boardmember Leaf: Separate deeds? So they own the house themselves, but the lot to the north is benefited by an easement on the garage to the south. And who owns the garage? In other words, is it a ground lease? Is the building owned by the lot to the north, or is the building now owned by the owner of the lot to the south?

Mr. Warshauer: The details of that have ... one step at a time.

Boardmember Leaf: OK.

Mr. Warshauer: The details of that have not been worked out, but my sense is that yes, there would be maintenance agreements – there'd be cross-easements and maintenance agreements – for the continuation of that garage if it's going to be used by ...

Building Inspector Sharma: Now how about the ownership of the garage? Who will own the garage?

Planning Board Member Dale: The Affordable Housing would own the garage, and enter into an agreement with the neighbor for them to have use of that garage.

Boardmember Collins: Does the use come with any restrictions on adding or doing anything to the property in future?

Planning Board Member Dale: I assume I haven't thought about it. I would assume they have all the rights of ownership except the right to sell the property for its equity value. They could only sell it to an affordable family, and that price would be locked by the amount of money that they've paid for the house in the first place plus any improvements that they made to the property. So they would not be able to sell it for an appraised value beyond market rate.

Boardmember Leaf: Is there a limit on the percentage of income that can go to this? So in other words, somebody makes 80 percent of the median. Can they pay more than 30 percent of their income towards housing? I mean, is it tied ...

Planning Board Member Dale: I don't believe there's any restriction on it. It's not like Section 8 subsidy, which limits it to 30 percent of the individual's income. But as part of being approved for the financing necessary, they have to be able to afford it. And I think that definition, any bank would require that it be within that 30 percent limit.

Boardmember Forbes-Watkins: I'd like to go back to ownership for just a second more. Ownership of the property to the north is not under the affordable housing rules. Is that correct?

Planning Board Member Dale: That's correct.

Boardmember Forbes-Watkins: OK. So if I bought that house I would also be buying ... I would be buying the right to park in the garage, but no ownership of the garage.

Planning Board Member Dale: Correct.

Boardmember Forbes-Watkins: Even though that's affordable ... your affordable owner.

Boardmember Leaf: The lot to the north is not also subject to the affordable ...

Planning Board Member Dale: No, it's a privately-owned home. The family who lives there has agreed to sell the property to the fund, but they would like to maintain use of the garage so that they don't disrupt the overall siting and conditions under which they live now. They would maintain ownership of the house.

Boardmember Leaf: The 80 percent and the 65 percent ... I got the 80 percent, where's the 65 percent?

Planning Board Member Dale: The 65 percent is the tenant in the accessory unit can only earn up to 65 percent of AMI, of area median income. So that the owner of the affordable unit will rent that unit, the accessory unit, to a family who earns only 65 percent.

Boardmember Leaf: In the southern lot, the dark-gray area, right there, is that two units of housing?

Mr. Warshauer: That's correct.

Boardmember Leaf: I'm sorry. That's the part I missed. OK, I got it now.

Planning Board Member Dale: It's a one-family home with an accessory unit.

Deputy Chairman Pycior: But to make the apartments more affordable – like the house is more affordable, like the houses down on Warburton – they created small accessory apartments so that the person who owns the house can afford to purchase the house.

Boardmember Leaf: Got it, thank you.

Deputy Chairman Pycior: OK, Mr. Warshauer, bear with us because I know you have a second presentation. But is there anyone in the audience who wishes to speak first in favor of ... or actually it's not a formal proposal yet. That's coming to us next month. But we would like to hear your views, so is there someone here in support of this presentation, this proposal?

Would someone wish to be heard in opposition. And please identify yourself, along with your address. The proceedings are being recorded. So if anyone wishes to speak.

Mary Wirth, 335 Mt. Hope Boulevard: I'm actually not here about this property so much, but some of what I'm hearing about this one will affect comments, or affect how I feel, about the other property.

I'm a little concerned about the number of variances required to create this scenario. You know, I am generally in favor of creating affordable housing in this town. I would have liked it if some of our current residents and current Village personnel – firefighters, volunteer firefighters – had priority in being able to get on the list. I've been told that that's not the case anymore. So people moving into this town, getting some affordable housing, there's no

guarantee that they will become volunteer firefighters or work for the Village or become a police officer or teacher, or any of those kinds of things.

But just getting back to the variance question, the current owners who are offering to subdivide and sell the property. Down the road, anybody who moves into that house or buys that house, maybe even two owners from now, may want their own garage or their own parking. And the fact that some of the changes to that northern lot are already out of compliance just by the nature of the house being built before, I guess, the zoning code that they're going to have a hard time doing anything. And so will the affordable property because they're out of compliance already.

I don't know what other solutions there are. And, you know, this lot to me has more going for it in terms of putting a house in it compared to the one later. But it concerns me because of, you know, the people who were here before and the hoops that they're jumping through to be able to do something that will enable them to stay here and live here and prosper here.

You know, they have to provide all these proofs to you, and get approval from you, to be able to get these variances to be able to stay here. Something new being built that's already out of compliance, and then more out of compliance, just concerns me for the future.

Deputy Chairman Pycior: OK, thank you. I look forward to your comments. Sir?

Sandeep Mehrotra, 338 Mt. Hope Boulevard: Again, my comments are also like what Mary was saying. That we are not here to say we don't want affordable housing. But, again – and maybe this is not the forum – we feel that the Affordable Housing Committee still has a lot more work to do. Because there are a lot of other vacant properties, or other properties for sale, which have structures on them that can be converted rather than kind of going through these sort of ... trying to shoehorn something that really ... because a couple of questions I had, just like the Board had.

If the garage is a use agreement, what happens after 99 years, after the affordable housing thing comes out? What happens to the garage then? Who owns it? Or the person who bought it with the rights to use it now can't use it because the guy decides to sell it to someone else. So if I had the affordable housing, and after 99 years – once it's no longer affordable housing – if I decide to sell it, and I sell it with the garage, now the guy on the north side, who owns it, who had privileges to use the garage, suddenly doesn't have it.

Deputy Chairman Pycior: I'm unclear. Will the garage always belong to the affordable housing client, and not to the ...

Mr. Mehrotra: That's what was responded to. That the garage would belong to the affordable. So it's the same issue as a lot of variances being sought that are sort of limiting what, in the future, people can do with the property that they own.

Deputy Chairman Pycior: Anyone else like to be heard about this particular presentation/proposal?

OK. So, Mr. Warshauer if you'd like to run us through Mt. Hope.

V. Preliminary review of application of Hastings-on-Hudson Affordable Housing Development Fund for considering the approval of a one-family house with an accessory apartment proposed at a vacant parcel of land on the east end of Mount Hope Boulevard, Sheet 33, Block 707, Lots 19, 20 and 22.

Boardmember Forbes-Watkins: May I ask, why were you unwilling or unable to identify the location on Mt. Hope Boulevard? All we got was Sheet 33, Block 707, Lots 19, 20, and 22. I don't know where they are. I don't know where you're proposing. And I would have liked to have looked at the lot before tonight.

Building Inspector Sharma: Undeveloped lots don't have an address.

Boardmember Forbes-Watkins: But it could have been identified "between 22 and 46," or whatever.

Building Inspector Sharma: I see.

Boardmember Forbes-Watkins: It was not helpful.

Deputy Chairman Pycior: Actually I have a question of Mr. Dale, while it's fresh in my mind. I forget if it was Ms. Wirth – I think it was – about buying existing ... oh, no, Mr. ... buying existing houses and converting them. I've noticed, as I drive through town, there are some houses for sale that are relatively modest, relatively small. Is it not possible for the Affordable Housing Fund ... would you not get funding, if you were to buy an existing house and renovated?

Planning Board Member Dale: The cost of the existing housing exceeds the budget that's permissible under the county's financing for the project. The issue that the fund has wrestled with throughout the many years that they've been trying to do development, they successfully

completed Warburton at 14 units because the county had ownership to the land and donated it. The other housing that was built further down on Warburton under a similar situation was property that belonged to the Village.

The cost of private land in Hastings just exceeds any ... at least we haven't found anything that's affordable within the formula that's acceptable for the development of affordable housing. And these two properties may succeed because the cost of the land for the one is compensated by the Village-owned property in the other case so that they balance out.

Deputy Chairman Pycior: OK, thank you.

Susan Lopeman, 333 Mt. Hope Boulevard: I was just wondering if, before any decisions are made, we could see the proposals for what it would cost to buy existing housing compared to building from scratch. Like I would like to see the numbers compared to buying and renovating.

Village Attorney Stecich: That's not relevant to what you're doing.

Ms. Lopeman: No. But he was just saying that it's more expensive to buy an existing property.

Deputy Chairman Pycior: But it's not a matter that the Zoning Board ... with variances.

Ms. Lopeman: I know. I just would think like rather ... I just would be curious at some point, before the Village decides, to see those numbers. Because there are some houses around ... there's one around the corner from us right near where this is going to be built.

Deputy Chairman Pycior: You might ask the committee, or the Affordable Housing Fund, that question directly.

Ms. Lopeman: OK.

Deputy Chairman Pycior: Because it's not within our power.

Ms. Lopeman: But there are some really inexpensive houses that have been sitting on the market for a really long time, so I just want to know.

Deputy Chairman Pycior: OK, thank you. Perhaps Mr. Dale and you can talk about it after the meeting.

Mr. Warshauer.

Mr. Warshauer: OK, thank you.

Boardmember Forbes-Watkins: Where are we?

Mr. Warshauer: This property is on Mt. Hope Boulevard, and it's located ... it's a vacant lot that is located, and I don't know the numbers.

Leonard Mastrangelo, 360 Mt. Hope Boulevard: It's between 360 and 348.

Mr. Warshauer: But I'll make sure we get you that information. And again, these drawings have all been submitted so I'll make sure that you get them as well.

Boardmember Collins: So it's pretty close near to the top of Mt. Hope, near the top of the hill?

Mr. Warshauer: No.

Boardmember Collins: Where is this?

Ms. Lopeman: Can I describe it to you? I can describe it very clearly. If you go up Mt. Hope Boulevard toward the parkway and you go down the really sharp hairpin turn by Cliff Street, make that turn. As you're going down that hill, the Mehrotras house and then the Rainwater house and then there's a stretch of land before you come to Lenny's house, which is the big brick house sort of set back from the road.

So there's a little strip of green in there, and there's the right-of-way. Well, they call it "the right-of-way," we call it the island. But it's the other side of the two-way Mt. Hope Boulevard.

Boardmember Leaf: In the old days, there was another lane of traffic there.

Ms. Lopeman: Years and years ago, yes.

Mr. Warshauer: It doesn't show the whole thing. You can see, and this is what you were talking about, where the road comes around. And there's actually a staircase that connects the two that runs up – an old stairway that ...

(crosstalk)

Mr. Mastrangelo: No, that was a railroad, the old Central Railroad, when the train stop was at Mt. Hope. The train stop was over the highway. The bridge was removed about 10 years ago actually. And actually next to that property, at the turn of the century, was a saloon.

Deputy Chairman Pycior: We can get to that.

Boardmember Forbes-Watkins: That's a zoning problem.

Mr. Mastrangelo: There was actually a saloon there.

Deputy Chairman Pycior: Mr. Warshauer, if you can comment on the application?

Mr. Warshauer: The site, Mt. Hope Boulevard, actually has a very wide right-of-way in this location. There's a boulevard in other areas, but it's only a single two-lane road at this point. So there's a right-of-way that extends to what is a sidewalk, and there's an existing stone wall that runs along the bottom of this property. And then this property slopes very steeply up from Mt. Hope Boulevard to the top of the hill.

The property itself has significant rock outcroppings on it, particularly as you go up into the property. So our proposal to, again, plan a residence on this site with the minimum amount of impact to the slopes and the natural features is to plan the building as close to the bottom of the site, to the front yard of the site, similar to the way the other homes around it have been planned close to the front, staying out of the steep slopes in the back.

We're also proposing, on this plan, to keep the existing stone wall. And rather than penetrate the site with parking, we're going to be asking the Village Board for permission to provide street parking for this lot actually within the right-of-way.

The house is designed very much the same as the house on the other lot, for economy of scale and construction costs. Similarly, it's a main residence with a one-bedroom accessory apartment and the layout is much the same. And it sets into the grade similarly. The nice thing about the design of this is that it's been designed so that the house can step with the grades and minimize the amount of excavation necessary to the site.

Again, it's the one-bedroom accessory apartment, and then the main residence. Again, it's one structure, but the one-bedroom accessory apartment is in front in an L-shaped format. This shows how it sets into the grades a little bit differently, but somewhat the same as the other, site because the other site slopes as does this site.

This is the site plan that again shows the proposed new residence in proximity to the stone wall, to the existing sidewalk. This is the right-of-way off of Mt. Hope Boulevard, and this is the parking that we're proposing that would come off of the street.

The zoning issues that we're here to talk about this evening relate to the lot itself has one non-conformity to it. And that is the width at the ... the lot width, which is less than what the zoning requires. It is an existing lot, but it doesn't meet those particular criteria under the zoning.

Building Inspector Sharma: Excuse me I have to change the battery.

Mr. Warshauer: So the lot width requires a variance. Again, it's an existing condition, there's no new subdivision here. It's the lot as it is.

The second variance we're requesting is a reduction in the front yard. And similar to the other homes that are along the curve of Mt. Hope Boulevard, we're requesting that we pull the building as close to the front yard as possible. So we're asking for a reduction in the front yard, at the smallest point, to 7 feet.

And then the third issue relates to the parking issue. And that would be to approve parking, street parking, for this lot, obviously subject to whatever restrictions or conditions the Village Board would place on us for that.

Boardmember Leaf: What are the dimensions of the side yards?

Mr. Warshauer: The proposed side yards are 14 feet and a little more than 16 feet. And that is within the zoning. The one side yard requirement is 12 feet, and we're at 14 feet. And the two side yards' total is 30 feet.

Boardmember Leaf: Marianne, if the Zoning Board wanted to impose limits on the parking that would go in the Village-owned property for which there'd be a parking easement, would the Zoning Board have the power to impose a limitation on the use of Village-owned land?

Village Attorney Stecich: Like what kind of limitation?

Boardmember Leaf: Like no boats.

Village Attorney Stecich: Well, that's already in the code. But OK.

Boardmember Leaf: OK. Well, something like that.

Village Attorney Stecich: Yes, because you'll also be granting variances. And you could say – because the variances of the four spaces have to be on us – you say, "We're granting you a variance from having the on-site parking, subject to the following conditions." The first condition would be, "subject to the Village giving you permission to park on the street," and then you could put whatever other reasonable conditions.

Just one other thing on both of these applications, although I think it's more significant for this than the other one. Not that this board has to do anything with it, but they'll need steep slope review from the Planning Board. One of them, I think, came real close to meeting the steep slope limitations. The other one exceeded it.

That's not for you, but just so you know the steep slopes are on the radar screen and are being dealt with by the Planning Board.

Boardmember Dovell: Where are the entrances, the individual unit entrances, on these?

Mr. Warshauer: The entrances are in this ... basically we're working with the grade, so the entrance would be through an existing opening in the wall from the existing sidewalk into the accessory apartment in this location, and then would come up and in to the main residence in this location.

Deputy Chairman Pycior: Mr. Warshauer, you showed that in the black and white diagram. Those would be a series of steps and landings?

Mr. Warshauer: That's correct. It's a sloping site, and so ...

Boardmember Dovell: You call it an accessory apartment, but it really is two houses, isn't it? I mean, they're independently-functioning houses.

Mr. Warshauer: That's correct: they're independent of one another. The way that they're designed, from a design standpoint, it is designed to read like one L-shaped structure. However, the accessory apartment would come in and enter into the main level of the accessory apartment, and then there's an internal stair that gets you up to the one-bedroom. And that is not connected at all to the main residence, to the main home.

The main home, we would come in and come up to an entrance in this location on the front of the main home – actually across the balcony – and that gets us up to the elevation of that level with the backyard. So you would enter in, and the living spaces with access out onto a

small landscaped terrace in the back. And then an internal staircase that would get you up to the three-bedroom.

Boardmember Dovell: And these are two prefabricated units that fit together? Is that how it works?

Mr. Warshauer: We haven't gotten that far yet because we want to get this.

Boardmember Dovell: Because the similarity between the two is remarkable. I mean, you've got a width of ... how wide is each bar there?

Mr. Warshauer: It's been designed ... they're 14 feet by ... a couple of dimensions. They've been designed so that they can be either conventionally-framed or modular construction, and we're evaluating the benefits of that now.

Boardmember Forbes-Watkins: Heating utilities are entirely separate?

Mr. Warshauer: Yes.

Village Attorney Stecich: Is it one building, or two buildings? This is the first that I'm ... it is one building.

Boardmember Dovell: It's two buildings.

Village Attorney Stecich: Bruce, in the ones on ... the other ones on Warburton, the affordable units on Warburton Avenue.

Boardmember Forbes-Watkins: One building.

Village Attorney Stecich: Those were one building. So this really is a little bit different. I'm not sure this would fall under the accessory – the way it's designed would fall under accessory – apartments. This is the first I realized that. But see: "*An accessory apartment shall be located in the principle building or in a conforming accessory building.*" So it wouldn't be a conforming accessory building.

Mr. Warshauer: I believe the Planning Board has, under their jurisdiction – and we should talk about this – has the power to grant an accessory apartment for an affordable unit that is a little bit more flexible than that in new construction.

Village Attorney Stecich: Yes, a little more flexible. But I'm not sure that ... it's an issue we'll have to look at. First time it was raised, and I'm going to have to look at it a little bit more.

Deputy Chairman Pycior: If you would, when we see the formal proposal you'll have an answer.

Village Attorney Stecich: Yes, because you may have to ... you're right, they're ...

(crosstalk)

Building Inspector Sharma: The two units can be separate from one another either horizontally or vertically, theoretically, technically.

Village Attorney Stecich: I understand that. I asked whether it was in the principle building, and Mr. Warshauer said it's not in the principle building.

Mr. Warshauer: No, no. It is ... this is one structure with two entrances. The uses within the structure don't connect to one another.

Village Attorney Stecich: Well, that's fine. But that's ...

(crosstalk)

Mr. Warshauer: But this is not two separate buildings. This is one ... this is designed as a single building.

Village Attorney Stecich: Oh. Well, that's what I asked before. That's why I was confused.

Mr. Warshauer: It's connected. They're not ... they're connected.

Boardmember Leaf: If it were modular construction they would be two separate modules, but they would fit on a single foundation? Is that ...

Mr. Warshauer: Well, actually it would be a single foundation, and a step foundation like you would do any structure. This would actually ... if this was done modularly, it would actually be four boxes because it would be two and two.

Village Attorney Stecich: OK. I just want to make this ...

(crosstalk)

Mr. Warshauer: But the structure itself is a single ... it's a single structure. It's attached.

Building Inspector Sharma: Yes, both units have one common wall.

Village Attorney Stecich: OK, except that when somebody just ... didn't you just ask are they two separate buildings and you said yes? So I don't know. I think it just has to be clear.

Mr. Warshauer: Let me clarify what I think the question was. The apartment and the main residence are not interconnected, not internally connected. That's the difference. It's one structure, but they have separate entrances into the accessory apartment and into the main residence. But it's all one structure.

Village Attorney Stecich: That's OK. All right.

Boardmember Leaf: Would the entrances to these residences be accessible to a disabled person?

Mr. Warshauer: No.

Deputy Chairman Pycior: Other questions from Board members? OK, again thank you, Mr. Warshauer

Before I take comments and questions from the public, I'd like to ask people to be relatively brief. This will come before us again as an official proposal, and you'll certainly have ample opportunity to comment once again. Tonight, as you see, we have many questions because this is new to us, as well.

This is only a preliminary presentation, but I do want to hear your views. And also, though, having served on the committee for over 17 years now, may I ask people not to be repetitious. If the person before you ... you can say, "I agree with Ms. So-and-so or Mr. So-and-so, but please keep your comments germane and relatively brief. Because again, you'll have an opportunity at a later date to comment again. So who else would like to be heard on this particular one, Mt. Hope?

Mr. Mastrangelo: I live in the adjacent property. People of the Board, this property was dear to me many years ago when I was to buy it from the town because the people before me were in contract to buy it from them, OK? I was told that, first of all, it was a nonconforming property, one, and the town wanted to keep greenspace in the town to keep

the character of the town and, at that time, they would leave it at that. Fine. That was in the late '70s.

We come up to this thing. Never say never. Because now we have a piece of property that before this drainage and slope committee there is very many problems here with drainage, runoff, ice. I've lived there since 1975, OK? I've improved that property, the street, I've fixed it many times. You can see what's done if you go down and look at it, the walls.

They presented a man here that said that they're going to put in French drains. He says the water goes in with a perc test. I can give you a perc test on any property that has dirt that is pure topsoil, that's all mulch, and the water will go in, OK? But the water goes to that rock, and you have to live there to see. That water runs off, after a big rain or snowstorm, for weeks. And you can check with the DPW how much ice they have to salt. They have to come and salt that street in the morning.

But this property here that we're looking for, if all of these things are given to this property, all these oddball properties in Hastings should be considered and given the same type of preference that they're given. We have, first of all, the lot is a nonconforming lot when I went to buy it. It's only 95 feet, it's not 100, one.

We have the house setback problems. When I put the extension on my house, there wasn't that many requirements at that time. But I did have to put the extension far back. As if you go there and look at it, in the garage you'll see how it's set back in the property. The old house was built in 1927, OK? They want to put a house 5 feet from the street, from the wall.

They got a problem now where they can't cut the median in the center. Where it's divided, they're talking about the right-of-way. The cars will have to enter either from the top, the next property, or back up and go by my property to go in. It is complete ice in the wintertime. The salt committee already talked about this.

We have also ... we have the setbacks, we have the steep slope. I would like to know, how steep is the slope there? Twenty-eight grade, right? We got a 28 grade on this slope, OK? That's another problem.

OK, we got the parking problem. Now, anybody else who wants to build a house has to provide parking on the property. OK, you want to put the house right there and you want to use the street. Whereas somebody else ... if I owned this property they would not let me do that, most probably. I can't say you wouldn't, but most probably not. OK, that's the parking.

We have old-growth trees in there. People have a preservation of keeping the town nice and green and the way they like it. There are trees there that are over 100 years old, about six or eight he said. I think there's more going to have to be removed, OK?

The town has never maintained this property. I have cleaned in front of it, basically up to that first cut where you see. I put new sidewalks in all the way down the street. When I came there, you couldn't walk on the sidewalks. There was a ravine there. The lady there told me that her brother, Pardy, used to play in that when they were young. I filled that all in when Mr. Maleska was there. They don't mow the grass in front of my house. All that is taken care of by me.

OK, the old-growth trees, we got the drainage problem, we have the square footage. What is the size of the house? Does it conform to the amount of the property which you want to build on?

Mr. Warshauer: In terms of what?

Mr. Mastrangelo: You said that the house is supposed to only have 1,700 square feet, and you want to put 2,400 or something square feet on the house.

Deputy Chairman Pycior: Well, Mr. Mastrangelo, we don't have the proposal yet before us.

Mr. Mastrangelo: OK, all right. But I'm just bringing up the points where I'd like you to really sit down and think about it for people that have lived in this town for 35 years. I lived in here more than I lived in the projects when I grew up, OK? I work 70 hours a week to stay in here and pay these taxes, OK?

I don't think it's fair the way I'm going to be treated, not building this house. It's that that property should have been my property, and I would have donated it to the town because if I couldn't build nothing I would have had to pay the taxes on it, OK? I would have donated it and left it forever the way it is, like that property up on Farragut just before Farragut Parkway.

There's a park over there on Ravensdale Road. You see that? It's called a natural trail, OK? That's what I was told: this property was supposed to stay like that property at that time. But it's not that way anymore.

And then we're, over here, going to put a two-family house in a one-family zone. The Affordable Housing Committee can do what they want. If I wanted to do my house as a

two-family I would have had to wait 15 years to do it. I think some consideration should be given. We got a big drainage problem there. His alleviation to the problem won't do it.

I spoke to the architect today and the engineer who did my garage. He said to me ... he knows that property because I had told him that I wanted to buy it. Very troubled property for today's standards. The old-time standards it was different. Kindly look at this, please. Go there, look at it, see the situation. Go there when it rains. There's people sitting right here, they'll tell you. Ask him how much the rock removal was on his property for that, just rock removal.

Deputy Chairman Pycior: OK, thank you for your comments.

Mr. Mastrangelo: Thank you very much.

Mr. Mehrotra: So just kind of piggybacking on what the gentleman before me said, again, five years ago I was here in front of the Board looking for expanding or doing renovations on my property, where I wanted a front setback variance. I was told no. So I have to expand it in the back, go through the more expensive part of rock removal to get my extension done and still be in conformance.

So again, these are some inequity issues that the Board has to consider. Second, he pretty ... again, I'm not going to be repetitive, but drainage is a significant issue. I'm a stormwater engineer. I have worked with the Village, volunteered with the Village in the Conservation Commission, looking at drainage issues. I mean, every house on the upside of that hill has a running stream in the basement. You guys can come and look at it and see it. So there's definitely drainage issues there.

Again, the Tree Board has to be consulted. That is old-growth forest. If I have to cut down a tree on my property, or if I'm in New York City, I mean just the cost of those trees should offset the affordable housing budget that we have here; just the cost of replacing those trees, if the Village is going to conform to its own laws.

So you have the tree preservation, open space, steep slopes. Again, I guess I am repeating myself so I would just consider the Board to take a hard look at it and really ask the affordable committee to further explore that there are ... that the current market value that our current properties on sale, which could be affordable, compared to the cost of construction. Because at some point I would like to request either the Planning Board or the Zoning Board that we should be able, as involved parties, to review the cost estimates, construction cost estimates, and the demolition of this.

Deputy Chairman Pycior: Well, I'm afraid our Board can't do that. We can address the drainage, we can address the parking, we can address the lot size. But as far as the cost issues, I actually would recommend that you as a community speak with the Affordable Housing Fund to try to address those issues. We will certainly consider the zoning issues quite seriously

Ms. Wirth: I don't want to repeat. Ditto, ditto, ditto for most of what they said.

A couple of things. One is, this house will not have any ... like there is no parking available on the property itself, on the house. It will all be on what is currently Village property. Well, the lot is Village property, but I mean the right-of-way is Village property. So there is no just off-street parking. It's like all-parking because there's no garage intended for this property.

The area that's the right-of-way goes all the way up. The thing about it is that when I was trying to get the Village to come and maintain it a little bit and do some of the grass cutting and all, I went back and forth about who's responsible to do it. And it came out of the parks department budget. So it was considered parkland. Now, it's not a park like Dan Rile Park, which was what Lenny was referring to, and it's not a park like MacEachron Park or any of those. But it is open parkland, supposedly.

So I have an objection to paving over that. You know, like why the Village would suddenly decide that, oh, in this neighborhood it's OK to suddenly ... now there are rights-of-way there already where people have rights-of-way for their existing garages. But those houses were built like in the '30s, you know. So back then nobody was thinking about these things.

The other ... hang on just one second, I don't want to think about it later. Well, I had a question about the trees. The drainage, big problem. And also ... and the maturity of the trees; the fact that they're old, and the fact that we have enough drainage issues now. When they clear that land, it's going to exacerbate the whole situation. And coming down that hill, it's a sheet of ice across the whole roadway in the wintertime.

The other thing is ... crap, I just lost it. Excuse me just one second. Oh, I'm going to forget it. It had to do with the ... oh, can I come back up, or you're going to be finished, right?

Deputy Chairman Pycior: That depends if other neighbors comment.

Ms. Wirth: I'll think of it, and I'll try to remember it.

Susie Walrath-Mehrotra, 338 Mt. Hope Boulevard: I feel that you're not getting the full view of how steep this is. When we expanded our house, the grade was a serious problem for any construction. That jacked up the cost tremendously. And also the rock that Mt. Hope is made of is incredibly hard. We went through three jackhammers that our contractor was just tearing his hair ... they broke completely, dead, finished. So I think that there are factors just in the physical location of what we're looking at that are much more complicated than a different kind of land would be.

And I want to say I agree about the greenspace issue. That's a lot of what makes our neighborhood peaceful-looking. And I had a couple of questions about ... I'm not quite clear on. Is this building, the proposal is for it to be 7 feet back from the retaining wall, the wall that separates the Village median from the property, the lot?

Mr. Warshauer: At the closest point, yes.

Ms. Walrath-Mehrotra: At the closest point? I guess ... I know that that's significantly closer than any of my ... than our house is, or than any of the other houses that are near the wall. So I'm concerned about what that's going to look like. And I don't know if that means that we're all going to be allowed ... will we be allowed to build our house further forward then? We had to expand going backwards.

And also I would like some clarification about the parking because I ... is there some kind of correspondence between ... I mean, like it's a single-family house. We have a driveway and a garage in our property. If they don't have a garage, and it's a two-family dwelling, how many parking spaces need to be there? Is there ... I don't know, that's going to look quite different than just the driveways that go up in front of the properties.

Deputy Chairman Pycior: This raises a question. Mr. Warshauer, in order to put those parking spaces out front – since it so sloped – do you have to raise one side of the parking area, or the parking platform?

Mr. Warshauer: Yes, the proposal actually would be to do some re-grading in here and add drainage in here. That was presented to the Planning Board by our site engineer.

Deputy Chairman Pycior: So would you cut down into one side, or would you raise the other side, or both?

Mr. Warshauer: We'd do a combination of the two.

Deputy Chairman Pycior: OK, good.

Mr. Warshauer: And the issue of what we're thinking and actually the Planning Board had suggested that we look at parallel spaces rather than this configuration. But what we were looking to do is to sort of do what is similar to other things that have been done, you know, in the right-of-way, which the aerial shows.

But the issues of drainage that have been raised, this came up in the Planning Board meeting. That basically indicates that this right-of-way, which is somewhat of a swale, funnels drainage down the hill. So I guess the neighbor to the south had indicated that he had already filled this area of the right-of-way in and, presumably, done some drainage underneath. I thought that's what you said.

Mr. Mastrangelo: The drainage issues are from that street that you see on the top. The swale is just the grading. The meat of the drainage is there, and that's where you ...

Mr. Warshauer: Coming down the hill? Coming down the hill this way.

Mr. Mehrotra: And then ..

Building Inspector Sharma: Sandeep, please come to the microphone.

Mr. Warshauer: What was indicated actually at the last meeting was, I thought, something different. But our proposal is to pick up the ... the way that this is proposed to be graded is, from the back we're actually grading to a low point away from the house. And then we're going to pick up the drainage that comes off the hill and around the house, and we're proposing to have stormwater quality as well as stormwater basins in this area of the park.

Mr. Mehrotra: And where would that drain to? I mean, once you bring the water, where would you take the water to?

Mr. Warshauer: The engineer is not here this evening, but the test pits indicate that there is a sufficient percolation rate that would be able to handle that drainage. So we would contain it, and we would have it percolate.

Mr. Mehrotra: Well, I would suggest that you talk to Mike Gunther. Because the sanitary sewer that picks up all of our sanitary is totally overloaded with stone water.

Mr. Warshauer: This would not ... the stormwater would not go into the sanitary system.

Mr. Mehrotra: But the stormwater is not supposed to go into sanitary water when it rains. I mean, I understand that it's not supposed to go in.

Deputy Chairman Pycior: Actually, drainage is an issue that the Planning Board addresses in the steep slope review.

Ms. Walrath-Mehrotra: The Planning Board addresses slopes? That was my next question. You don't address steep slopes?

Village Attorney Stecich: No.

Ms. Walrath-Mehrotra: OK. Will this parking area have to have ... it's a little steeper there in the median than it is in front of my house. Will you have to have wall?

Mr. Warshauer: There's actually a berm that runs along the edge of Mt. Hope Boulevard that actually creates a swale in here. So what we would be doing is, we would be re-grading that, and then re-grading this whole area. And there is a grading plan. I apologize I don't have it with me, but it was presented to the Planning Board.

From an engineering standpoint, the basic engineering standards are that we will not increase the rate of runoff from this site from what's currently occurring. And it is our intention to try to reduce it to alleviate what is a current problem.

Ms. Walrath-Mehrotra: I guess I'm asking if ... maybe I'll just point to it.

Mr. Warshauer: Please.

Ms. Walrath-Mehrotra: For the slope that's here, does this need to have some kind of structural wall or like retaining wall on the sides there because of the size of this? That's why I'm asking.

Mr. Warshauer: The proposal is that this would be naturally graded so there would be no retaining walls necessary in this area at all. And again, the Planning Board has actually asked us to reconfigure this, which we're in the process of doing. And similar to the situation that you have across the street, to actually just create three parallel parking spaces along the street rather than do this. Which would make it a little bit easier to grade. Or not easier, but it would be a different grading condition.

Mr. Mehrotra: I guess one question I have for the Zoning Board is if that parking ... the way it's either shown, or even with parallel parking, if that variance is granted does that then

preclude the Village from ever developing a two-lane boulevard as Mt. Hope was supposed to be intended for? I mean, does that kind of ...

(crosstalk)

Village Attorney Stecich: Well, that's something that the Board of Trustees would have to take into consideration when they give permission to do it.

Mr. Mehrotra: So it's not a Zoning Board decision. It's the Board of Trustees.

Village Attorney Stecich: No, no. That's the Trustees.

Deputy Chairman Pycior: If the Board of Trustees granted that, we'd be involved in such issues as will the material be porous. I mean, on the drawing it looks like concrete, but that's because it's white. We would be concerned with drainage issues related to the parking, as well.

Mr. Mehrotra: Well, I think Deven can vouch for the drainage issues based on the wall. The retaining wall that holds Mt. Hope Boulevard for a long time collapsed, and you're totally aware of all the drainage issues – how much drainage comes from the top of the hill.

Deputy Chairman Pycior: But again, Planning will decide that. We would decide not materials necessarily, but configuration.

Ms. Walrath-Mehrotra: I'm done.

Deputy Chairman Pycior: Does anyone else wish to ...

Ms. Lopeman: I agree with everything everybody said. I just wanted to make a quick comment. I don't know if this is planning or zoning, but our houses across ... I live across the street from this property. In back of our houses on our side of the street is the highway. So it's really loud, and having as many trees as possible in our neighborhood is even more important because it absorbs a lot of the pollution and absorbs a lot of the noise.

And it just sort of balances off. Having all the greenery across the street from us balances off the fact that we like a big, busy highway on the other side. So I don't know if that's zoning, planning, but it's a quality of life kind of thing for us.

Deputy Chairman Pycior: Yes, it's quality of neighborhood.

Ms. Lopeman: OK. So it's really super-important to have as many trees ... like basically you're talking about taking a very hilly piece of woods – that's what you call that, "the woods" – and razing it or somewhat razing it. And it just really takes away from the character of our neighborhood.

And also, you can't tell from that picture but it's sloped in two directions, that piece of property. It's sloped downwards from the top of the hill where the other part of Mount Hope is – it's sort of a U of Mount Hope – and then it's also sloped going down. You have to see it. It's sloped in two directions.

Deputy Chairman Pycior: Now that we have the address rather than lot numbers ...

(crosstalk)

Ms. Lopeman: It would be approximately ... I would say it's approximately 350. It's before it turns ... at the bottom of the hill it turns into Stanley Avenue. So you go up from Stanley and you'll find it.

Mr. Mastrangelo: As you're going up Stanley on the left, the first house is my house. Not the one down in the corner – the first house going up. Then there's that lot. Now, whenever they built that house next to me it has the wrong address on it. It has a lower address than my house, but my house was built there first.

Deputy Chairman Pycior: We'll find the lot.

Mr. Mastrangelo: Everybody gets confused when they go there because they're looking for the higher number and down the street says 358, but my house is over the other way and it's 360.

Deputy Chairman Pycior: OK, thank you, sir. Ms. Wirth.

Ms. Wirth: I'm sorry, I thought of three things. One of them did have to do with the noise. During the last few storms that we've had a number of trees ... and over the years actually, a number of trees were taken by the DPW because of the tree that fell and caused a fatality. So they kind of clear-cut a bunch of trees behind us that they determined to be on their way out, which, you know, I'm not so sure.

But with the deer eating the understory, there has been a lot of also runoff behind our houses, which is the other side of the street from this toward the parkway. You know, my concern

about lack of trees is the pollution, yes. It's the absorbing of the sound just because sound bounces off that big hill and echoes all around. So that's a concern of mine.

Two other things, and one of them goes back to the variance thing, which I feel like there are a number of variances and shoehorning in of this property, and this project for this property, that if you go look at it and you try to envision the house there, and you see the houses around it, when you ... when people live in this house, two families live in this property, there will be like no place to put your barbecue. There will be no place to put ... it's all steeply-sloped and, you know, stone and vegetation.

And then this is something that I would like to ask the ... you know, I will address it with the Affordable Housing Committee, but I guess ultimately we are required – we are still required – to put a number of affordable units somewhere in this town. And it's not just 2, 10, 15. It's like 50, 100. It's a lot, but I'll get the number. And to just do this, which brings us like not even a drop closer – even both of these properties – yes, it's nice to be able to say we've done something. But to shoehorn them in, to grant all these variances that ... you know, when people move into this house, the next thing they're going to do is come before you for a variance to put a deck so they can at least sit outside for 5 minutes and be able to barbecue.

So there's a lot.

Deputy Chairman Pycior: There is a lot to consider. Thank you.

Ms. Wirth: Yes, thank you.

Deputy Chairman Pycior: Marianne, can you refresh my memory? At one point, when Art Magun was chairperson, we actually had a 10:30 time limit. Was that just by agreement?

Village Attorney Stecich: Yes.

Deputy Chairman Pycior: OK. Do others wish to comment? Oh, good. Thank you all. Assuming if this is before us next month, as promised, we will welcome your comments at that time.

Mr. Mehrotra: [off-mic].

Deputy Chairman Pycior: Oh, I'm sure see us wandering the hill. Next time it rains heavily, I'll be the guy out there.

Village Attorney Stecich: You had some minutes, Stan, right?

Boardmember Collins: Before we leave this topic, and it's maybe a question for the architect or whomever will be presenting this, I would like to see whatever conditions are going to come with this property permanently – or at least for the 99-year term – as it relates to the ability to build on it, things I can't even imagine. If there are conditions – and the gentleman who presented it wasn't sure whether or not there were or there arrive not – I would like to know if there are conditions they should be presented.

APPROVAL OF MINUTES

Regular Meeting of July 22, 2010

Deputy Chairman Pycior: We have to review and approve the minutes of our meeting of July 22, 2010. First, does anyone have any corrections?

Boardmember Leaf: Stan, I have a few corrections. On page 11, where Marianne is speaking in the first speech at the top of the page, the last line, last sentence is: "*So if the lot coverage here is 30 percent and the building would be 10 percent ...*" I think that that should read, "... or the development coverage would be 40 percent."

Village Attorney Stecich: Ten percent more.

Boardmember Leaf: Right? It's 10 percent over, so if the lot coverage is 30 percent, then the development coverage would be 40 percent.

On page 13, just in the top line, again, Marianne says: "*I think so, but I just took my abbreviated coverage.*" That should be "... I just took my abbreviated code."

In the motion on page 13, one, two, three, four, five lines down the line reads: "*Yard, minimum 25 feet;*" That should be a comma after 24 feet. And the next line: "*or 6.92 percent.*" That's "6.92 feet," or "6.92-foot setback."

On page 27, again Marianne. You must be mumbling, Marianne. The last speech at the bottom of the page, from Village Attorney Stecich, the last sentence reads: "*So because there's no exterior alterations here, it would be view preservation.*" Its "It would 'not' need view preservation."

And that was it.

Village Attorney Stecich: Thank you, Marc.

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Leaf: with a voice vote of all in favor, the Minutes of the Regular Meeting of July 22, 2010 were approved as amended.

ADJOURNMENT

On MOTION of Boardmember Pycior SECONDED by Boardmember Leaf with a voice vote of all in favor, Chairman Murphy adjourned the Regular Meeting at 11:00 p.m.

Deputy Chairman Pycior: Thank you all for an interesting evening.