

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
REGULAR MEETING AND PUBLIC HEARING
FEBRUARY 16, 2006**

A **Regular Meeting and Public Hearing** was held by the Planning Board on **Thursday, February 16, 2006 at 8:15 p.m.** in the Municipal Building Meeting Room, 7 Maple Avenue, Hastings-on-Hudson, New York, 10706.

PRESENT: Chairperson Patricia Speranza, Boardmembers Rhoda Barr, David Hutson, Robert Lee, William Logan, William Smith, Fred Wertz, Village Attorney Marianne Stecich, Special Counsel Mark Chertok, and Village Planning Director Angela Witkowski.

I. Roll Call

II. Approval of Minutes: January 19, 2005 meeting.

Chairperson Speranza: Does anyone have any modifications or corrections?

On MOTION of Boardmember Wertz, SECONDED by Boardmember Smith with a voice vote of all in favor, the Minutes of the Regular Meeting January 19, 2006 were approved as presented.

III. New Business

- 1. Arnold Nager, Cliff Street. Steep Slopes review for proposed new single family residential structure for which a building permit was issued in April, 2000 and never constructed.**

Chairperson Speranza: the next item on the agenda is new business, but it's kind of a carryover from the last meeting. This is an application for steep slopes review for a proposed single-family structure on Cliff Street—Mr. Nager. Deven, do you want to bring us up to speed on this? And there are new materials at our places this evening which were prepared in accordance with the regulations for steep slopes.

Building Inspector Sharma: I've given you a copy of the plan that I received, I believe, after the package was sent out to you. It has minor changes in terms of calculations for the zero net increase in runoff calculations from the site. Actually, you people had asked me to prepare a comparison between what was approved at one time and what we are doing this time. You have a copy of this. We do have a letter from the engineers, signed and sealed, that addresses most of the issues that are required for steep slope review.

From my perspective, everything seems to be in order. And if you have any questions, we have Steve from the engineering firm; with regard to the technical aspect of this application.

Chairperson Speranza: Okay, thank you.

Steve Anderson, engineer - Gabriel Senor: We prepared the plan. Basically, it was approved five years ago, 2000, and has changed in some characteristics. The house is a bit larger, but as far as the driveway and the position of the house it's still the same. The plan shows all the mitigation for steep slopes: the plantings, the pachysandra and periwinkle to prevent erosion. It shows the erosion control, according to Westchester County best management practices, and also takes into account the storm drainage for the zero net increase. Since there's an increase in the size of the house, we have increased the units. Used to be, on the old plan, infiltrator units, which were much smaller. But now we're using a Cultec chamber and it takes the storm water for a zero net increase for a 25-year storm. So essentially it's the same plan, but it's been adjusted for all the changes from 2000.

Chairperson Speranza: Okay, does anyone have any questions or comments on this application?

Boardmember Hutson: Yes. Inasmuch as the footprint increased by 60%, why would you say it's a *bit* larger? Maybe your definition of a bit larger is different than mine.

Mr. Anderson: Yes, it's a little bit larger.

Boardmember Hutson: It's a *lot* larger.

Mr. Anderson: If you look at the numbers it is larger. But we still took into account, made sure, that the storm drainage system would handle it. It is larger, I'll admit to that, yes, but will be kept in the same position as the last time.

Boardmember Hutson: In regard to that question of the runoff, in the 2000 proposal the retention system had a little over 1,000-1,063 cubic foot capacity. You lowered it, and yet you get less runoff.

Mr. Anderson: Right. There was an error in the first submission. I went through it myself. It added the total site area and the impervious surface. So essentially it was increasing the size of the property. That's why there was a difference. I've talked to the Building Inspector about it, and we've gone through the figures and he agrees with me that it's taken care of.

Boardmember Hutson: Okay.

Chairperson Speranza: Okay, so the fact that there's a 60% increase in the size of the dwelling and a reduction in the retention system capacity, that was due to a mathematical error in the original application.

Mr. Anderson: Yes, it took into account the whole site as grass, and then the impervious surface added into it.

Chairperson Speranza: In addition to the site? Okay.

Does anyone have anything else on this application? Anyone from the public have any comments on this? Marianne, you're okay?

Village Attorney Stecich: As you know, my concern was that not only was the letter not sealed, it didn't certify the correct things. But now it's certified because it was supposed to certify under the statute.

Chairperson Speranza: Okay, can I have a motion on an action for this application?

On MOTION of Boardmember Barr, SECONDED by Boardmember Wertz with a voice vote of all in favor, the Board resolved to accept this application in accordance with the restraints that have been certified.

Chairperson Speranza: Okay, thank you.

2. **Public Hearing. St. Matthew's Lutheran Church, 7 Farragut Avenue. Re-subdivision of existing three lots to realign property line and create two distinct lots. One lot is occupied by St. Matthew's Lutheran Church. The other lot combines two existing lots occupied by residential property to facilitate sale of house by St. Matthew's Lutheran Church.**

Chairperson Speranza: Okay, the next item on the agenda, we actually have the first of three public hearings tonight. So we'll open the public hearing for re-subdivision. I guess that's what it's known as, as opposed to a recombination. But it's listed for a re-subdivision of three existing lots, 7 Farragut Avenue, St. Matthews Lutheran Church.

Edward Mitchell, Nobile Migarian & DiSalvo: Nancy Gagliardi, an officer and Trustee of St. Matthew's Lutheran Church, is here, as well. This application involves the sale of the church's former parsonage, which the church no longer needs. The street address is 15 Farragut Avenue. Currently it's a one-family house and it sits on one of five lots that are owned by the church. The application seeks to clarify, and create, just two distinct lots instead of the five irregularly-shaped lots. That will allow the church to sell the property, which includes about 28,000 square feet along with the house itself. There's no change to the house. It's still just a one-family. The plot plan submitted shows the new lot line and it shows the square footage. It doesn't violate any setback restrictions. So it's really just a matter of adjusting the line.

Chairperson Speranza: Okay, that was one of the questions that I had. I just wanted to make sure that these are going to be two conforming lots.

Mr. Mitchell: That's correct.

Chairperson Speranza: The side yard setbacks from both the church structures and the house, everything's in compliance with the zoning.

Mr. Mitchell: Yes.

Boardmember Wertz: And what is the property zoned for?

Mr. Mitchell: R-7.5.

Boardmember Smith: And if the existing parsonage were to be knocked down and another building be put in its place, do you know what size that building could be built to?

Mr. Mitchell: I don't know the answer to that. It is a big lot, though. If the proposed lot line is accepted, the square footage of the new lot is over 28,000 square feet.

Boardmember Wertz: I think that's important for us to determine before we approve this. Because if we're going to be facing another multiple-family dwelling on Farragut Parkway, especially one that's so close to the school, we should take that into consideration.

Mr. Mitchell: It will remain a one-family. There's no proposed change there.

Chairperson Speranza: Right, it's R-7.5. You can't have one...R-7.5 is just single-family.

Boardmember Wertz: And it would have to be—just so the record's clear, since there's so much concern about development in the Village—that if someone wanted to build a bigger building on this particular lot they would have to get a change in the zoning.

Chairperson Speranza: Yes, or a use variance, which they'd probably never be able to get.

Boardmember Wertz: Right, because it's very stringent.

Boardmember Hutson: And what is the distance on the new lot where the parsonage is as far as the amount of street frontage?

Mr. Mitchell: I'd have to check the preliminary plat. If I may, I'll take a look.

Boardmember Hutson: This is 76. Is that what you understand?

Mr. Mitchell: Yes.

Chairperson Speranza: No, it's 228 feet, isn't it?

Mr. Mitchell: That's to the corner.

Village Planner Witkowski: Yes, that's to the corner.

Chairperson Speranza: Oh, I see.

Mr. Mitchell: I think it's 75 feet plus the 27 feet on the side.

Village Planner Witkowski: 102.

Mr. Mitchell: Yes, that's it.

Boardmember Hutson: So the question is, then, in terms of possible subdivision of that so that there might be two lots made is the question, I think.

Village Attorney Stecich: R-7.5, the minimum area of at least 7,500 square feet and a width of at least 75 feet...Width doesn't necessarily mean frontage. It can be defined at different spots. The frontage has to be 70% of required width. So it would be 50-some feet.

Boardmember Hutson: So probably it could be subdivided.

Village Attorney Stecich: Well, I'm not going to say probably because I don't know that they'd get the width. I don't know if at any point on the line they've got the width.

Nancy Gagliardi, St. Matthews Lutheran Church: Actually, the church tried to enter into an agreement with the Affordable Housing Committee and sort of give the land to the Affordable Housing Committee so that four structures could be built. Well, one structure with four units in the back of the property and the existing house could be two apartments or something for senior citizens. The neighbors were opposed, so we kind of shot that down. But there was a problem because it would be a flag lot then, and you couldn't have a flag lot here. So that was the end of that.

But does it help you to know that we already have a buyer. We're in a contract, and the buyer is going to redo the house as a one-family unit and live there with his family. I mean, he doesn't have plans to tear it down and build a McMansion, or whatever.

Chairperson Speranza: Okay, thank you.

Village Attorney Stecich: They actually wouldn't have the required width for two without getting a variance. Because 70% of 75 feet is 52.5, times two would be 105. Seventy-two percent is close. No subdivisions are as-of-right, but they would need a variance because they don't have the required frontage.

Chairperson Speranza: Okay, anything else from the Board? Anyone in the public wish to make a comment on this application?

Okay, then we'll officially close the public hearing.

Village Planner Witkowski: I just wanted to state for the record that all the mailings are in order.

Chairperson Speranza: Okay, thank you. If there's no more discussion on this, we need to go through SEQRA. Two-lot subdivision, we have to do SEQRA?

Village Attorney Stecich: I would suggest you could probably go through all the yes/no questions. There are some corrections that probably if Nancy sat down with staff could be made. Like you see, it says the total amount of the parcel is 29,000. Well, the total amount, in fact, would be both lots. But I think those kind of corrections staff could make. And what you might do is just go through it quickly because I think they're all known. But just go through it.

Chairperson Speranza: Okay, what we're talking about here is we need to go through the environmental assessment form for the proposed subdivision. There are some general informational items that are contained in the first part of the application, which is what our counsel was just referring to in terms of making sure that all of the information is, in fact, correct. But at this point, as a board, we can determine whether or not there will be impacts on any of these resources.

The first one is "...whether or not there would be an impact on land, a physical change to the project site." At this point, given what we've heard, the response would be no. "Would there be an impact on any water designated as protected?" No.

Boardmember Hutson: No.

Chairperson Speranza: Would there be an impact on air quality?" No. "Would there be an impact on any plants or animals?" No. "An impact on agricultural land resources?" No. If anyone on the Board disagrees, please stop me. "Impact on aesthetic resources?" No. "Impact on historic and archeological resources?" No. "Impact on open space and recreation?" No. "Impact on any critical environmental areas?" No. "Impact on transportation?" No. "Impact on energy?" No. "Noise or odor impacts?" No. "Impact on public health?" No. "Impact on growth and character of the community or neighborhood?" No. And now I think we're safe, based on our review of the plan design, that there would be no negative impact. So this would be a negative declaration on this subdivision, and I need a motion for that. I'll entertain a motion to declare that there would be no significant environmental impacts because of this subdivision.

On MOTION of Boardmember Hutson, SECONDED by Boardmember Wertz with a voice vote of all in favor, the Board resolved that the proposed resubdivision would have no significant impact on the environment.

Chairperson Speranza: Now, is there a motion to approve the re-subdivision?

On MOTION of Boardmember Smith, SECONDED by Boardmember Barr with a voice vote of all in favor, the Board resolved to approve the resubdivision of the lots at 7-15 Farragut Avenue into two lots.

Chairperson Speranza: Okay, that's it. Thank you.

3. Public Hearing. Betty Ryberg and Phil Grant, 11 Riverview Place. View Preservation to allow first floor expansion and bay windows.

Chairperson Speranza: The next public hearing is on an application of Betty Ryberg and Phil Grant, 11 Riverview Place. This is a view preservation application. The Planning Board makes a recommendation to the Zoning Board which actually, then, takes the vote on approving that. So you're here for the applicant?

Phil Grant, 11 Riverview Place: My wife and I are also represented with our architect. I want to thank the Board for giving us the opportunity to present our plan.

We basically had four goals. We wanted to put in a master third-floor bedroom. There's already an existing third-floor bedroom, but expand that into the attic space. We wanted to expand our existing kitchen. We really wanted to preserve the historic nature of our house. We did extensive research, which we'll talk about in a little bit. It's a 1900 Victorian Colonial Revival house on Riverview. We really wanted to minimize obstructions and the views from our neighboring properties, and we wanted to enhance the property values of both our house and of the neighborhood.

As I said, we conducted some really extensive historic research on this. I went to the Hastings Historic Society about a year ago when we started the plans. We found some original photos of our house, and we were really intrigued with the nature of some of the elements that have changed in the house. You know, porches that have disappeared, shingles that have been changed, and things like that. So we really wanted to stick to that. We found photos from 1900, 1907, and 1930. We also did some extensive tours around the Rivertowns, especially Hastings, just all around the streets to kind of get a feel for the different houses. My parents have a place in Cape May. We did extensive tours inside and outside of some of the historic houses down there. My wife and I and our architect, Toby Guggenheimer—Toby just bought the prototype house over on Farragut and is doing extension resources and a different plan there—researched also countless books and websites and everything else to really come up with a good solid plan.

When considering extending the footprint of the house, there's a house two doors closer to the river than ours that pushed the kitchen out. We kind of liked that idea. It would have really given us a lot of space. There's really not a family room on the first floor. But we thought that took away too much of the river views. It was just too much of a plan, so we kind of settled on something a little bit more than that that would not degrade the river views.

We also challenged our architect to keep the historic fabric of the house. We wanted to keep the second floor the way it is—the bedrooms where a rather grand entryway in Inglenooks. The kitchen itself was a particular challenge because there's a butlers pantry, back servant stairs. We wanted to keep all those elements, too.

A lot of previous architects said get rid of the servants stairs, get rid of the butlers pantry, put the bathroom over there. But we wanted to keep those historic elements of the house, so it did create kind of a challenge. We did invest a lot of money through two different architects to come out with the current plans with the challenges that we could have.

Our plan, to summarize it, kind of a five-point. We want to restore the 1900s porch and the shingles around the bottom of the porch that had been removed. We want to rebuild a smaller version of the porch on the side of the house. Right now there's a door to nowhere.

If you took a step out, unless there was a lot of snow down there you'd probably meet your demise. So it's kind of a safety issue and it's an aesthetic issue, also, just having a door hanging out of the second floor. We want to match our existing kitchen. The second and third floor of our house actually overhangs part of the house, and our plan is just to bump that out about 4 feet to match it up, to flush it even with the back of the house. Also, as I said before, we're going to put in a master bedroom up on the third floor, and a bathroom, expanding the existing footprint there. That, again, is to preserve the footprint of the second floor. Not to kind of make a master bedroom suite on the second floor, but keep the four bedrooms the way they are. We plan to re-shingle the entire house. It's been a little neglected, and we plan to bring that back to the original 1900 shingle pattern that was on the house. The last thing is to bury the existing power lines and phone lines that come from the back of the house because they do somewhat obstruct the river views.

So we believe our plan fully complies with the goals set forth in Section 295-82 on account of our minimal impact on the bump-outs that we're proposing. We've done a little bit more research. My architect has some of the existing historic photos that I was talking about so you can get a [sense] of what the house looked like back then. We also did a view analysis to make sure that we weren't greatly affecting, or at all affecting, any of the views. We have some satellite photos, and it gives you the existing view lines and how they would not be affected.

Chairperson Speranza: Very thorough work you've done here.

Mr. Grant: Well, thank you.

Boardmember Barr: Especially, the critical issue is surely the sight lines. That's why they're improving the situation. All the rest is interesting.

Chairperson Speranza: Right. Which we did get in our packets.

Mr. Grant: One of the points is that when you look at the architectural drawing, which was part of the packet, even when Betty and I saw it afterwards we were like, Wow, it looks like it's quite a bump-out. But when you see the actual architectural designs of what the facade would look like you realize, in perspective of the human eye, it's not quite the bump-out that the floor plan would originally show.

Chairperson Speranza: You know, we did receive in our packet, and for the benefit of anyone who might be here in the audience interested in this application and wants to see this, we do request of anyone who is coming before us for view preservation to take photographs of the structure and how it intends to look, or where the actual increase in building would be, so that people could then determine whether or not there would be an impact in someone's view. We do have a plan that we could put up on the easel if anyone wants to see this. If you wouldn't mind just going over the views. Is there a way to mount it on there?

Mr. Grant: I'll hold it up.

Chairperson Speranza: Because I think it would be helpful, particularly since there are people in the audience who are interested in this application, for them to be able to see what it is we see. I mean, you can also come up and take a look because these are photographs from various locations in the area. So if you want to just go through where the photographs have been taken from.

Mr. Grant: This is a dead-on front view, so it shows the existing two windows up on the attic door, up on the third floor, and where the bay window would be. This is a photo of the back of the house, and you can see the 3.5- to 4-foot overhang in this area here that would be bumped up flush with the rest of the house. And here's another photo that shows the area that's going to be filled in. The other one would be, then, the other bay window in the back on the third floor where there is an existing one window. That would be replaced by the bay window. You wanted to go through the view-affected photos, or are there any questions?

Chairperson Speranza: That was the other piece that you were showing the audience, the people who came up? That was the view-affected?

Mr. Grant: It shows some of the architectural renderings.

Boardmember Barr: The key issue here is the sight lines.

Chairperson Speranza: That's right.

Boardmember Barr: The only issue before us. Not whether we like the house, or not.

Chairperson Speranza: Is this the one that you were just holding up?

Mr. Grant: This is the one with the satellite photo of the existing footprint of the house.

Boardmember Smith: Would any of the neighbors want to come take a look at this? Are you satisfied?

Chairperson Speranza: This is an appropriate time, then, to ask for comments from the public if people have questions or concerns on the application.

Mr. Grant: I'll let you have copies of that, and copies for the Zoning Board because they might be interested.

David Press, 17 Riverview Place: Well, I think the architectural rendering is beautiful. I want to thank Mr. Sharma because I showed up here after we got our registered letter and he was very helpful with looking at this and getting me to correctly look at the plans. I'm the someone whose views are affected, and the views are affected to the right and left of the house. The bump-out that they're talking about in the northeast corner, I show on page 1 here. I detailed that on page 2. And you can see my view. That is a view taken with a little camera from my living room window. I like that view. I can see the Palisades, I can see the river, and it's my view to the north of their house on the first floor from my living room.

The third page shows the 4-foot bump-out and how it affects our view. It obliterates the view. We are in a view preservation area, I think, and if Phil and Betty are interested that it won't affect—his quote, "...so that it wouldn't at all affect views..."—just take a look at these pictures and make your decisions. Page 4 shows the site for the southern exposure bay window up on the third floor. I love that view of the Palisades with the snow on it and with the river. Beautiful view. That is taken from my bedroom. Page 5, I just zoomed in a little bit. And page 6 shows the blockage from the proposed bay window. It's not easy saying anything that would dampen the spirits of my neighbors. It's not easy for me to be here and do this. But they are proposing to literally cut off my views left and right.

The third one is the proposed third floor northern exposure bay window. That one isn't as easy to see with the tree there, but you can see between the big branches that is my northern view of the Palisades and the river. I zoomed it in a little bit on page 8 and tried to show approximately where that proposed bay window is: obliterating view number 3. Now, the balcony on the east side of the building sounds like a great idea—or patio, or whatever that structure is—sounds fine. The bump-out on the west side for the kitchen doesn't affect anybody's views. But my views are greatly affected, and I wish them well in all of their goals of having a larger third-floor bedroom.

My understanding is, if you block views you can't do that if there's alternatives. I think the alternatives are bay windows east and west, which would give views of the river and would not block anybody's views. So I think that there are alternatives to blocking the views from our house. All of the pictures here were taken from existing windows in my house. My house, which I affectionately refer to as Dr. Mink's house because that's what people in town call it and I'm proud to be in Dr. Mink's house and have been there for a lot of years. I hope that they can go back to the drawing board and come up with something that doesn't block all of our views. Thank you.

Chairperson Speranza: Okay, thank you. Anyone else? Yes, sir. Just make sure you state your name for the record, please.

Tom Milton, 16 Riverview Place: I have two questions, actually, for the Planning Board and they relate to procedure. One is, the notice says that this hearing is for view preservation for enlargement of the first floor, period. It does not mention the other changes. The subsequent hearing in the notice, which is the Zoning Board, does mention those other changes. But this notice is limited to changes for the first-floor. Yet there are plans, proposals anyway, to do other things that would affect the view, which have been mentioned here tonight. So I'm wondering why this notice did not include these other issues. That's the first question? Obviously, there are people who, in reading this, might have been affected by that, would say, Well, that's only about the first floor. And they may not be here tonight.

Second question is relating to another planning issue, I think. Because the request for a zoning variance is, among other things to make a major variance change from 2-1/2 stories to three stories. This appears to be a planning issue since it would affect the character of the neighborhood to go to three stories when the houses are 2-1/2 stories. So I'm asking why this planning issue was not included in this hearing.

Those are my two questions.

Chairperson Speranza: With the help of counsel, let's start with the second one first. The variance is something that's included within the Zoning Board of Appeals action because that is the board that grants variances. The Planning Board does not, so that's why that does not appear.

Mr. Milton: But is that not a planning issue to change that character?

Chairperson Speranza: The building is not being increased in height.

Mr. Milton: No, but it's going from 2-1/2 to three stories.

Village Attorney Stecich: It's not within the jurisdiction of the Planning Board.

Mr. Milton: Okay. That was my question. That's the answer to that.

Village Attorney Stecich: The first question. I think the Building Department learned about the windows after the notice had gone out. And if I'm correct, this is the application you called me on and Deven said is there an issue. I thought the notice would still be adequate because the notice also included the notice for the Zoning Board meeting, and if anybody has any issue they could come to the Zoning Board meeting as well because it's on for both of them. So the question was whether a new notice had to be published. This board could decide otherwise, but I think this notice is adequate to apprise the public of what the... proposed changes are going to be.

Chairperson Speranza: Let me just make sure the mailings on this were all in order.

Village Planner Witkowski: Yes, they are.

Boardmember Hutson: Can I just ask a question on that point? The extent of the impact on view preservation for the windows on the upper floor comes out. It's only on the one side that it affects the view preservation?

Mr. Press: North and south.

Boardmember Hutson: On the windows?

Mr. Press: I listed them as view preservation problem number one, problem number two, and problem number three. Problem number two is the southern exposure bay window on the third floor, which is on pages 4, 5, and 6.

Boardmember Hutson: Oh, the other one is the one in the trees, you said.

Mr. Press: The tree actually is on my property and it's not long for this world, I think. But you can see in between there that you do see the Palisades and the river through there, and that would be cut off, okay?

Boardmember Hutson: All right, thank you.

Mr. Press: Thanks.

Chairperson Speranza: Does anyone else have anything?

Diana Peck, 17 Riverview Place: I'm David Press's wife. I just wanted to say that we think Betty and Phil are doing a lovely job with the house. We're in favor of everything they're doing except for the concerns about the view, and I think that that's the only issue that's here tonight. But we respect what they're doing. It's not easy to speak against something our neighbors want to do, but we hope that the Board will take even our little bit of view very seriously. Thank you.

Chairperson Speranza: Thank you. Anyone else from the public? Do you have any follow-up comments you want to make about anything you've heard?

Mr. Grant: I guess it would help to see the pictures that you're handing out. Thank you.

Chairperson Speranza: I am curious as to whether or not there has been any dialogue as neighbors. If there has been any kind of dialogue or any kind of meeting.

Mr. Grant: There was some dialogue in December about the kitchen. We didn't have plans to show them at the time. We did not know about the third floor... Our architect wasn't finished with the design, so we did not. When we did the bump-outs, honestly I didn't even think that they would affect the river views because of the minor effect of the bump-outs.

Chairperson Speranza: Well, I'm just wondering if now that you have heard the concerns of some of your neighbors whether or not you have any inclination to go back and rethink anything.

Mr. Grant: When I heard this past weekend that there were some concerns I did a lot of walking around the property. You know, that's when we went to the satellite photos. I see

that a small sliver is affected with the bump-out on the third floor front, but when you look at the whole that's quite an expansive view of the Palisades, and the best view being over towards the left. It does slice off a minor bit of the Palisades but, I think that's well within the extent of the intent of the view preservation. It's not to eliminate any expansion; it's to minimize the expansion. And that, again, the kitchen in the back, we did consider bumping it out to a larger area. And instead we just squared off that existing part that's already under the overhang of the second and the third floor.

Boardmember Hutson: How far out does the bay window come?

Mr. Grant: What is it on the other one? Three feet, both of them.

Boardmember Barr: I don't know, it's the third picture that's concerning me. Because that seems to...the other one, it may slice off a piece of it, as you say, but in the third one it looks like, page 3, that it's totally blocking the view.

Chairperson Speranza: The bump-out in the back.

Boardmember Barr: The northeast corner photo. I mean, that looks like it really is blocking. If you compare page 2 and page 3, you cannot see the river at all. At least according to this picture.

Boardmember Logan: I think you have to look at that picture as taken from a very specific point of view. I mean, that angle of view must be specific to is it to the left of your living room window, is it in the middle of your living room window, or is it to right of your window. I think all these photographs are zoomed in.

Mr. Press: I tried to make it clear in the first paragraph, all of these pictures were taken from existing windows in the house. Page 1, 2, and 3 are from our living room window. It is our only living room view of the Palisades and the Hudson.

Boardmember Logan: And if you step...in this photograph, if you stepped 2 feet to your right would that view still be blocked?

Mr. Press: On page...

Boardmember Hutson: On the first page.

Mr. Press: First page? If I step 2 feet to the right I'd be in my fireplace. I mean, it's taken from the right-right-rightmost edge of...I tried to give it the benefit of the doubt, if I could. Went all the way to the right-hand edge of that window. And I actually took some measurements. I mean, I don't know how big the overhang is on that page 1 that exists going out, but I think our river view is gone with that. And I know it's a 4-foot bump-out, but that's our view of the river there.

Boardmember Logan: And you don't have a view to the river to the left of the house here.

Mr. Press: From the living room, no. That's our first-floor view.

Boardmember Logan: So it looks like the edge of this house is cut off right here, but you can't see the river just looking to the left?

Mr. Press: You want me to come back? I'll take more pictures for you.

Boardmember Hutson: That's this side, right?

Mr. Press: Okay, if we get to page 4, now I am on the southernmost window in my bedroom.

Boardmember Hutson: Then if you're on the first floor...

Mr. Press: On the second floor. No, on the first floor those views aren't...

Boardmember Hutson: ...window?

Mr. Press: There's windows, but the views are down the street. And there's trees on the street blocking it that way.

Boardmember Logan: You know, a lot of this conversation is a function of the angle of your view. If you zoom in with a telescopic view it appears to obliterate a lot. But to say that this 3-foot bump-out obliterates your view of the Palisades I think is an exaggeration.

Mr. Press: It doesn't obliterate the view there, but my understanding...I'm going to say two things, and I don't know if I'm correct on one of them. One of them is a quote from Phil: "...so that it wouldn't at all affect views..." and I would like to hold him to his standard on that, if we can do that. And my other understanding is that in the process of making a decision about people losing their views—which I thought we couldn't do because of the view preservation area that we are in there if there is some impact, even if it's minimal impact—my understanding of the law is that if there's an alternative way to do it without blocking those views...and the alternative is that beautiful third-floor bedroom with east and west bay windows that'll affect nobody's views instead of north and south. And they will have magnificent views out of the west bay window. So unless I'm mistaken about that law...somebody...I'm not a lawyer, but they do have an alternative that would not affect our views. I don't know that they have an alternative on the first floor other than to not bump that out.

Chairperson Speranza: Marianne, do you have the Section, please? So that everybody hears it, and everybody knows what we're operating from.

[END TAPE ONE, SIDE A]

[START TAPE ONE, SIDE B]

Village Attorney Stecich: ...structures so as to cause the least possible obstruction of the view of the Hudson River and the Palisades for neighboring properties and adjacent public right-of-way.

Mr. Press: And in accordance with that, I would ask the Planning Board to send the architect back to redesign that beautiful third-floor bedroom, which I hope they get, with nice east and west bay windows.

Chairperson Speranza: Okay, thank you.

Mr. Press: Thank you.

Chairperson Speranza: Boardmembers?

Mr. Grant: I wanted to make one final point. I didn't get to the back window, on page 7, with the tree blocking the view. I think David said that was on his property. I do believe that that's about 7/8ths on my property. The line does go kind of through it.

Mr. Press: I'll get you the...

Mr. Grant: We did have a survey done.

Mr. Press: I'll get you our surveys...

Mr. Grant: But it's a very strong maple tree.

Chairperson Speranza: Okay, that's really not very consequential. Okay, how do we want to handle this. Fred?

Boardmember Wertz: I would follow up on your line of questioning, Patty, and ask if you've considered alternatives. I know it sounds like you became aware of the potential problem only fairly recently, and it might have been good if there was some dialogue and consideration of options. But I wonder even at this late date what your response is, if you've thought of any other alternatives, any other ways of achieving your aims.

Mr. Grant: Absolutely, Fred. On the front and rear—you know, I know David says that we could do it on both sides. But if you see, really, the fabric of the house, it is something that we considered. There's an overhang there. You really can't put in a bay window and really keep kind of the historic function of the house, with the research that we've done with a lot of houses of the same kind of ilk. So where you see kind of bump-outs and bay windows in this style of house, they tend to be on the front and the rear of the house like that. And again, it does look from his pictures that it does slice off in the front a minor bit of the Palisades. But I'd say, you know, where does the eye focus on. The eye's going to focus on the best view, which is right down the street. So cutting off a little sliver of a view still does not totally diminish that view. It still is a very nice view.

In the back I would say, you know, as I just pointed out, the tree does affect the view. So it really should be pretty much a moot point in the back that that is not affecting their view.

And on the kitchen, as I said, we really, with keeping the historic elements in the kitchen—the butlers' pantry, the back stairs, you know, trying many different designs, we

have an angular fireplace, too, that kind of abuts the kitchen—you know, we really do need to just bump out that 3 feet. You know, a little additional space will bring it to a modern, safe, useable kitchen.

Mr. Press: You see the pictures, the historic pictures, of this house. It has a bay window, which is similar to what we are proposing here. So it's not like...

Chairperson Speranza: Okay, thank you.

Boardmember Barr: I'd like to ask our architect on the Board, this number 3: it looks to me like going from page 2 to page 3 you're really chucking out the...is that the case, or is it sight lines, or...

Boardmember Logan: Well, you know, I think one of the ambiguities we could perhaps ask to be clarified here is to have these photographs mapped onto a plane so we can see exactly where they're taken. Because in any yard you can go to any spot, you can say, Yes, my view is blocked. But in the overall picture of things, when you have the ability to move around, there's always big houses with lots of windows. There are multiple views. I think if this was the only view of a piece of the river I would be very sympathetic. But I'm not certain that it is, and I'd like to be able to see marked on a plan if there are other views.

On the other hand, this is a huge house already and do we really need to have any kind of projection. So I'd like to see a little bit more information, and I'd like to give all parties a little bit more time to perhaps talk amongst themselves and get a little bit better information. Maybe we can have this resubmitted. Because I think if we're talking about the bay windows on the third floor this does seem to be a very minor intrusion. And if this sets a precedent for everybody who wants to alter their roofline slightly it's going to eliminate in the future a lot of people doing any kind of renovations to their houses. We have two other applications before us tonight. If we set this precedent with a little bump-out which may comprise 2% of the overall view of the Palisades, I mean I don't think that's significant. But if the kitchen does block the only view of the river, I'd say that maybe is a source of concern.

So I'd like to maybe visit the site, or have some photos taken of the site indicating exactly where they're taken from. And not tonight, but I think there's some room for some dialogue here and I think that should happen.

Chairperson Speranza: Anyone else?

Boardmember Smith: Yes, I have a question about the proposed bump-out for the kitchen. Is that subject to a variance? Do you need to get a zone variance to do that?

Mr. Grant: Actually, not. The only variance that we're going to pursue is the two-stories-and-a-half, and it's going to be a three-story house because it is unfinished and we're going to finish the third floor. In that case, it's going to be the three-story house.

Boardmember Smith: So you have enough space between the proposed addition for the kitchen and the lot line which, I guess, is the back lot line. The setback is sufficient?

Boardmember Hutson: What will that be? What is that distance?

Mr. Grant: Yes, I do have a setback. And part of the existing kitchen is already back to that point, so we're just kind of lining that up.

Emilio Amado, Tobias Guggenheimer Architects: The required setback is 25 feet, and we are 27 feet and 3 inches where the kitchen is.

Boardmember Smith: With the addition?

Boardmember Hutson: And you're saying that part of the structure on the west side of the building already goes out toward the lot line that far?

Mr. Amado: Yes. In this area here the house already goes to the back of the lot in this corner here, and this is the new addition.

Boardmember Smith: So that part of the house goes to the required setback.

Mr. Amado: By 2 feet.

Village Attorney Stecich: Plus, in any event, under the code, even if it were on the lot line bay windows can project 3 feet into the setback.

Boardmember Hutson: Right, but this is in regard to the kitchen.

Boardmember Smith: This is the kitchen part.

Village Attorney Stecich: Oh, it's not a bay window down there. Okay.

Chairperson Speranza: What happens if ... this has to go for a variance to allow this conversion from 2-1/2 stories to 3 stories because the attic is going to be ... living space. ... I thought I heard somewhere along the line in planning, that you couldn't have the living quarters on the third floor—maybe Deven can help with this—without doing an exterior fire escape or something. That might have been from 15 or 20 years ago, I don't know.

Building Inspector Sharma: No, [in] the current residential code you can go up to three stories, single-family dwelling. The only thing is, if you go to a third story you have to sprinkle the entire house. They do plan to install a sprinkler system in there.

Our code says 2-1/2 stories, and Marianne and I have talked about it. She thinks the half-story only refers to the height, whereas I was talking about space in the attic that gets used. There's a definition of half-story in our local code. Once you go beyond that square footage in the attic space it becomes more than a half-story and it becomes a third story. Every time you have three stories you need to install sprinklers. That was the only consideration that Marianne and I talked about, and we're going to discuss it at the Zoning Board.

Mr. Grant: And just to clarify on that point, we are going to sprinkle the third floor and the egresses to make it a safe house.

Chairperson Speranza: Okay, so what I'm hearing is that we would like to get a little more information. I think you're right. I've walked down Riverview a thousand times in my life and thought this was going to be no problem. But obviously, when you see it through somebody's eyes they become issues. I think it would be good if we do all try to go and take a look. And if we can get some additional information with respect to the photos and the views, and where the photos are taken. Yes, sir?

Mr. Press: Could I add one point, if I could? Is it okay? I'm going to make my point up on the wall, actually. If this is their house, and this is the north end of their house, the existing line goes back halfway, cuts in 3 to 4 feet, and cuts back. So there's that cut-up, and they want to bring it back out. Here's the side of my house, my living room, my northernmost window going there. If you walk down Riverview Place, stand under that window, knock on the door, come in, look out the window if you want—that's the major one. The third floor on the north side with the tree there, it's not a good picture. The lighting was not good that day, but there is a nice view that's going to get cut off there if this goes forward. But that's, I think, the main one. Thank you.

Chairperson Speranza: Thank you. Okay, so then likely we'll see this for our meeting in March. In March, Angie. That's another March item.

4. Public Hearing. Susan Holden, 17 Pinecrest Drive. View Preservation to allow enlargement of a dormer in the attic.

Chairperson Speranza: The next item on our agenda is another public hearing for a view preservation project on Pinecrest. The applicant is Susan Holden, 17 Pinecrest Drive. Again, this is for the Planning Board to make a recommendation to the Zoning Board of Appeals with respect to view preservation.

Village Planner Witkowski: The mailings are in order.

Chairperson Speranza: Good, thank you.

Mitchell Koch, architect: I'm the architect of record for this project, representing Susan Holden. I want to start off by clarifying that after we filed the drawings my client withdrew the portion of the work which was the kitchen addition. I think you got a letter clarifying that. And I changed the photograph which we had shown. So really all we're talking about is that third-story dormer bedroom.

The gist of it is that it's our intention to provide a master bedroom suite in the back without altering the roofline in the front. The views are magnificent, of course. And from those

drawings you can see that we're going to create a fairly flat-roofed, octagonal—or half of an octagon—chamfered addition that will sit on top of existing projection on the second floor. Apropos of the question of the third-floor versus 2-1/2 floors, this addition does not rise in size to the standard required to call it a third floor. It's still a 2-1/2 story building because the habitable space on the third floor represents less than half of the second floor.

As you can see from these drawings that I submitted, the projections the third-floor change in the roofline is a very minor obstruction to the view of Palisades, representing 1/2 of 1% or something of the view. And, of course, in this area there are no houses very close on the north side, none directly behind the house on the east side.

Chairperson Speranza: And that photograph is from the Aqueduct.

Mr. Koch: One and two are from the Aqueduct. Photograph number 2, there's no apparent change. Number 1, you can see just a little nubbin there of this little projection. But, of course, from there you can see the entire sweep of the Palisades beyond. From the neighbor's house which is directly to the south there's not an obstruction of the Palisades from their house because their house actually projects a little bit closer to the road than this one. But I know that my client talked with them at length about this. And then, of course, from below on Pinecrest Drive you see it as a change to the roof line, but that's looking south and east.

Chairperson Speranza: Okay, does anyone have any questions or comments on the application? No?

Then we'll consider the public hearing on this application closed, and Boardmembers, do you have any comments or questions about this?

On MOTION of Boardmember Hutson, SECONDED by Boardmember Wertz with a voice vote of all in favor, the Board resolved to recommend View Preservation approval for the Zoning Board of Appeals of this application.

IV. Old Business

Riverwalk aka MUPDD Saw Mill Lofts SEQRA Review. Continuation of SEQRA review to address traffic and site engineering issues and responses to comments.

Chairperson Speranza: Okay, now we're headed into the old business portion of the agenda. The Planning Board members have received a new version of the Supplemental

Final Environmental Impact Statement for what is now known as the MUPDD Saw Mill Lofts proposal project, which is being considered for a roughly 7.5-acre site on Route 9-A. What I want to do first is turn it over to Mark Chertok, our counsel, who will go through exactly how we've gotten to this point, and where we are, and how we will move forward.

Special Counsel Chertok: How we've gotten here, we don't want to be here too long.

Boardmember Barr: You mean six weeks, six months?

Special Counsel Chertok: If you recall, this started back a number of years. The initial development, the Riverwalk Village proposal, was initially put in in the Supplemental Draft EIS to augment the ShopRite EIS; was put in in 2001-2002, went through a number of iterations of that document, was accepted in April of 2002. There was a public hearing on the Draft EIS at that point, with public comment. Thereafter, the moratorium was adopted, which lasted about 18 months. During that time the so-called MUPDD district was adopted, voted on favorably, and became effective last fall in October of 2005. In the middle of last year the applicant put in a proposed Final Supplemental Environmental Impact Statement which basically, through several iterations, has shifted the proposed project from Riverwalk Village to the current proposal for the MUPDD live-work type of units, 60 condominium units. That has gone through that EIS. The first version of that, or variant of that, was put in in June and later variance, or iterations, in December, January, and February. In September the Board's consultants, primarily STV and Carpenter Environmental, reviewed the traffic, transportation, and storm water management aspects in particular of that. And Ed Garling reviewed the socioeconomics/land use portions of it. As a result of those reviews, you've seen three or four versions of that document, which has changed dramatically.

We have the consultants from Carpenter and STV here if you want to have a summary of what they've done, but by and large I could say that the entire traffic analysis was updated, revised, and redone, and the storm water management plan was redone to reflect the new proposal which is obviously smaller, takes up less impervious surface. But the storm water management plan was done, and I think the consultants are generally satisfied with the adequacy of the document. But, of course, that's ultimately the decision that the Board needs to make.

So if you want, you could hear from the consultants or they're here to answer any questions. I think the issue tonight is whether the Board has reviewed the last version of the document, believes it's sufficient, adequate, and can be accepted, and then to move on to the next step which would be, in this case, a public meeting to comment on that document since the Board has traditionally done that even though it's not required when a Final EIS is accepted. So that's where we are tonight.

Chairperson Speranza: Thank you. That wasn't too long. Before we have our discussion, or request our comments, I don't know, Bruce, if there's anything that you want to say at this point. Or we'll just move into our discussion.

I would like to hear from the consultants that were hired by the Village. Why don't we start with Carpenter, to give us a summary about the storm water information. We have each received the report. Because we are at this point where we, as a board, are determining whether or not we're going to accept this document and put it out for public review, I think we've got to make sure that we are all completely comfortable with it. Hearing from our consultants, who have the expertise that we may not, is important to make sure that you are also satisfied with everything.

Steve Garabed, Carpenter Environmental: I just wanted to give you a little background into what we actually did over the past few months. When we first got involved with the project we were still looking at Riverwalk with Saw Mill Lofts alternatives. At that time our major issue was that we really didn't understand what was being proposed in terms of storm water management for the Saw Mill Lofts alternatives and we couldn't really evaluate their impact. That was back, I believe, in September when we were looking at all that. I think Mark said in about October the MUPDD zoning got finalized and the applicant moved forward with the Saw Mill Lofts alternative as the primary alternative.

About December 1st there was a meeting. I was in attendance, Mark was there, Marianne, Angie, and the applicant's representatives. At that time we looked at what they were proposing to do in terms of their storm water plan. At that point they had revised it from what we had seen proposed for the Riverwalk alternative. Their approach was to look at the site as a redevelopment project because it had been developed at some point. The DEC has a redevelopment policy. What they do is, they allow you reduced water quality and quantity requirements when you're redeveloping a parcel. I didn't really agree with that approach because there was sufficient room at the site where you could install full-size best management practices and treat the storm water. We, as a group, that day actually asked the applicant to go back and reevaluate the storm water management plan and to see whether they could treat all the storm water from the site. That is, in fact, what they did. They went back and redesigned the storm water plan. At the end of December they put forth a new proposal showing full storm water treatment.

Also back at that December meeting we conducted a site visit. The public had raised some issues with the condition of the pavement out at the site. A lot of people said, or we had heard, that there was speculation that the pavement was in such condition that the storm water essentially infiltrated right through it. We all went out there, we took photos, walked around the site. Indeed, there were some cracks in the pavement and there were some weeds

growing up through it. But in general the pavement was in good condition. You can see where the storm water was pooling right by the edge of the drop-off down to Saw Mill River. So we were convinced that, yes, the pavement was still acting as an impervious surface and directing all the runoff to the river.

We reviewed that late-December submittal. I know there were a number of calculations that were provided. I reviewed all those. I had a series of comments. We had a conference call early January. I presented those comments to the applicant. They made revisions to address those comments, and turned it around, I believe, in a day or so. And I believe it was a January 12th submittal where they had picked up all of my comments at that point.

I've been through the calculations and I am satisfied that the applicant has demonstrated that they can treat the storm water from this site, they are not increasing the runoff from the site, and that they are satisfying the requirements of SEQRA.

Chairperson Speranza: And you're very happy with the things that are in the document in terms of it being complete. I mean, I'm very glad that you mentioned this DEC redevelopment policy and that it is not, in fact, being treated as a redevelopment parcel; it's being treated as if it was new. So the maximum level of storm water treatment that should be built on the site is going to be built on the site.

Mr. Garabed: Right.

Chairperson Speranza: Thank you. Okay, STV.

Steve Scalici, STV: You have that letter in hand. They say give the good news first, and then go from there. The good news here is that we feel, in our review of the EIS and all the traffic studies heretofore, that it satisfies, or those studies satisfy, SEQRA. And thereafter has demonstrated that the potential significant impacts from the project have been mitigated to the maximum extent possible.

Like my colleague, let me go through what we've done since September, the last six months. We've done quite a bit with the applicant's traffic engineer, starting with that review of the Riverwalk SFEIS where we reviewed the traffic impact study, looked at their data collection plan, reviewed their traffic networks, their analyses. We had a number of comments and the applicant's traffic engineer went through them with us, agreed with some of what we said and took a different tack on others. But generally we were satisfied with what they provided us with the reviewed copy.

Phil and myself, and Patrick O'Mara's been here before me, took a different tack with providing trip generation for the joint living-working quarters. We were satisfied with that because I know that's an issue for the Village. We asked them to take a re-look at Farragut Avenue, Broadway/Main Street intersection, maybe test a worst case 25% Metro-North

commuter use. They've taken care of that. And there were some more detailed comments I just don't want to get into right now to maybe bore you with some numbers.

November comes along. We met with the Phil and the Village attorney and Mark and Angie about our list of concerns, which was submitted to the Planning Board. They're included now in the SFEIS in great detail, as are the answers to that.

Come January, with our recommendations, the traffic engineers revised all their traffic analyses. They examined a couple of potential build scenarios—the Saw Mill River Lofts and Riverwalk—and did a sensitivity check on that. They updated exiting conditions from 2000-2005, which is important to make sure that we had the most current traffic picture that's available. They've updated a no-build analysis of the future without the project from 2003 to 2007; another important pro forma thing you have to do for an EIS. They did a number of sensitivity checks for us, or for the Village, including a reasonable MUPDD, as the acronym is noted. The MUPDD Saw Mill Lofts trip generation scenarios, and that the trip generation for the Riverwalk Village alternative would exceed the worst case trip generation for the MUPDD Saw Mill River Lofts. That's an important finding if the Saw Mill River Lofts is the preferred action.

They did a sensitivity check of that five-[corners] intersection, Broadway/Main/Farragut, for us to look at reassigning traffic through it, 25% of the trip generation. It was a little bit lower before. We think that's a key location that's got to quote, unquote work from a traffic point of view for the project. They did a sensitivity check of 9-A and Lawrence. I think that was an issue for Angie that we really examine that, or that the consultant examines that. And then finally we received a revised traffic and transportation report, again including the new traffic volume networks, each intersection's capacity analyses. We need to, of course, verify that it was accurate, it was reasonable. There was a consistency of geometry and signal timing in their traffic mitigation analyses and their basic capacity analyses. Then most recently, this month since the last Planning Board meeting, the SFEIS has been updated to include all those revisions I just mentioned.

As I said, starting with the good news, we feel—we, your traffic analysts—think it's met SEQRA and it's providing mitigation to the maximum extent possible. Again, that's the good news.

Chairperson Speranza: And that's all there is? Good news?

Mr. Scalici: Well, that's quite a bit. I could go into more detail, but that's why I wanted to give you that good news first.

Special Counsel Chertok: Maybe I just want to add so that it's clear to the public also that the purpose and the responsibility of the consultants is to make sure that the information in this document is accurate and complete, and reflects state-of-the-art studies and analyses. Then it goes to the Board to make sure they're satisfied with the contents. And then the

Board, separately and distinctly, makes it's own independent determination or recommendation in this matter to the Trustees in the context of SEQRA findings with respect to the MUPDD. So the consultants are not making any decisions. They are making sure that the document contains adequate and accurate information.

Mr. Scalici: Maybe a little bit more to the point, Mark, just if I could add onto that. For example, the current capacity analysis methodology is the most recent as opposed to previous versions. That the assumptions are reasonable; reasonable from a professional, co-professional, point of view.

Boardmember Hutson: On the actual application of the mitigation at the 9-A intersection closest to the south there, did you make any judgment as to how likely this is for the DOT to go along with the suggestion that they have at that intersection? Because that's something that we don't know at this point. I realize what was said last time. That there seemed to be some favorable response in formal discussion. Were there any further discussions, and did you, as our consultant, have any conversation with the DOT on how likely that what they're suggesting would actually fly?

Mr. Scalici: David, we haven't. But in our capacity as a professional traffic engineer, if they were to come up with mitigation that seemed unbuildable, undoable, unreasonable we certainly would have made that determination and had that discussion with the applicant's consultant. But no, we have not yet had any discussions with the state DOT.

Chairperson Speranza: I thought I heard at the last meeting that there was discussion with the state DOT that they don't approve.

Phillip Greeley, John Collins Engineers: We did have discussions with the Department of Transportation, as we reported at the last meeting. The representatives from the Poughkeepsie regional office were down in Westchester looking at several things, and we did have the opportunity to discuss it with them to make sure that there wasn't any objection and that it was a reasonable approach, and that we would process that as part of our highway work permit with the DOT. If the Board likes, we can get some further...or your consultant...we can get him in touch with the people if you'd like that level of detail at this point. But typically what DOT says is, Yes, it's reasonable. After you're approved, you come in with your highway work permit application, and then we go through the fine details of how that gets implemented. For example, on the upgrades of the equipment, what type of control that they want us to put in, what types of signal heads, and the details of the design. But in terms of what we've proposed, it conceptually is agreeable.

Boardmember Hutson: Well, unless it's not appropriate I would like to have our consultants follow up with contact on that.

Mr. Greeley: We can provide them with the contacts just to make it easier. That'd be fine.

Boardmember Hutson: I had one other question for our consultant on this.

Mr. Scalici: If he would like to meet us in the field, also, I mean we'd make ourselves available for the Village.

Boardmember Hutson: The difference in traffic generation between what I'll call MUPDD lofts and LI lofts, right?, the LI lofts is considerably more. I think it was in the AM-70 XXX peak as opposed to 38. I think it was. That is almost entirely the function of the commercial space, the one-quarter of the units that could be commercial. Is that totally where that significant difference comes?

Mr. Greeley: Yes. The answer is yes in terms of what the generation would be related with that. Because the residential units themselves are pretty much the same in terms of the types of trip generation.

Boardmember Hutson: Right, but it's a possibility that a quarter of those could be retail.

Mr. Greeley: Correct. What we're talking about is the generation in terms of not necessarily retail. But we had it broken down. Employee trips...

Boardmember Hutson: That's everything together, right?

Mr. Greeley: Yes.

Special Counsel Chertok: The upper end of that analysis assumed the traffic to be generated by the Riverwalk proposal, which was much higher than any anticipated traffic from the MUPDD. So they looked at that as kind of a worst case assumption and then took a middle case for likely to believe in the MUPDD. So the worst case assessment was also done for impacts, to cover that in a sense.

Boardmember Hutson: I was just comparing the data that they showed not involving Riverwalk, but just between MUPDD lofts and LI lofts.

Bruce Lozito, Ginsburg Development (GDC): Yes, the LI lofts did have a provision for 20,000 square feet of retail apart from the residential units as opposed to the MUPDD.

Boardmember Hutson: I'm just saying, is that the source?

Mr. Lozito: Yes, that 20,000 square feet is significant generation.

Chairperson Speranza: I have a question. What we had heard and what's in the document, one of the things that you had requested of the applicant was to increase the background traffic to, I think it was, 2.4% annually.

Mr. Greeley: Two-point-five.

Chairperson Speranza: Okay, that's not what was being assumed originally. And I'm just wondering, is that reflective of anything strange going on in terms of additional traffic that's been generated over the years that wasn't foreseen, that's not the normal traffic background growth?

Mr. Greeley: Well, typically, the background growth factor is a discussion we would have with your town planner. It reflects what's going on in the Village or a particular area of New York City, whatever that may be. That that factor is chosen specifically because of what is happening, what's projected to happen, over the next reasonable number of years. Could be as far out as 10 years. Beyond something like 10 years it's difficult to put your finger on. But that 2.5 apparently is a reasonable number with the Village, so this is a growing village.

Chairperson Speranza: Right, and it was an increase into what the original calculations had been.

Mr. Greeley: Which was originally years ago. I would assume in the last five years things are happening in the Village that you need to reflect it with a higher background growth factor.

Chairperson Speranza: So the standard generally...well, I know you believe it's 1 to 1.5 because that's what you had initially.

Mr. Greeley: Yes, what we had looked at was, historically—and there's been a spike over the last several years, so historically—if you look over a longer period, it ranges. And this is DOT historical data; this is not my historical data: you know, 1- to 1.5%. In terms of the 2.5% increase per year that we were looking at, it was based on what has happened recently. Not necessarily just the Village, but the surrounding areas and what has happened that's caused that increase. So from my perspective it's conservatively high because you get these spikes and then it levels off. So if you look over a longer period of time, it's more gradual. But I think it was a reasonable approach to look at over the next two-year period, you know, a 5% increase regardless of our project. And then, of course, we had the issue of the Ridge Hill project which looked at it separately.

Chairperson Speranza: No, I had more concern about the background.

Special Counsel Chertok: Well, one of the things that we had here which you don't always have before, first, the Draft EIS was back in 2001 with a lot of the traffic data. It was updated through 2005. You had traffic at representative intersections and you could see the actual increase. So it ranged, I think, from 12- to 17%. So that got you in the 2- to 2.5% range, and then we carried that forward to be conservative. Because obviously, the higher the background the greater the impact on the level of service when you add traffic from the project. So it was fairly conservative, but we had actual data from the gap in time which allowed you to be more precise.

Chairperson Speranza: Okay, rather than using the traditional standard.

Special Counsel Chertok: Correct.

Mr. Greeley: In addition to that growth factor there were a few other projects specifically in the Village that we had also added on top of that. Other projects...

Chairperson Speranza: Do Boardmembers have specific questions about what's in the document or the approach? I have a number.

Boardmember Hutson: You mean overall? I mean, you just have to focus when you go between the lofts and the Riverwalks. I mean, you have to focus.

Chairperson Speranza: I read something that was very surprising to me.

Boardmember Barr: Where are you? Which volume are you in?

Chairperson Speranza: First volume. It's what I consider to be a new theme that I hadn't heard before. It has to do with the pedestrian bridge from the development over to the South County Trailway, which had always been included as something that was a part of this project which is now represented in this document as being a potential bridge. Due, in fact, to the recreational fees that the Village is now charging. And that the applicant is saying the bridge would be built using the recreational fees, or if other public money was available. I found it very troubling to read that in this document because that had always been one of the items that made this a more open development and was more of an invitation to the community for interaction. So to hear now that it's, one, potential if there's money available, and suppose the bridge were to be more, who knows? Could it be more than \$430,000? I don't know. But to have it represented in here now as a potential, I found very troubling.

Boardmember Hutson: Well, that's a change as far as I was concerned.

Mr. Lozito: Should I respond? Two things happened since the time that the June version of the SFEIS was submitted. At the current time, one probably most significantly was the fact that the recreation fees were enacted by the Village totally in excess of \$400,000 for this particular project. And also the MUPDD now becoming the proposed action by virtue of the MUPDD zoning being in place. So two things had changed. One being that now the project is the 60-unit project. You know, far smaller than the 167-unit Riverwalk project, and also this added obligation of the recreation fees. Factoring into that, to my knowledge—and Susan's obviously been more intimately involved—there hadn't been a clear expression, that at least I was aware of, that the Village favored this pedestrian bridge as an important amenity. I don't know if that had been expressed to the applicant, and was something that the applicant was proposing and was being received. But I don't know if there was particularly strong support for that particular proposal.

So taking that into consideration, plus the fact that it was the smaller project with the higher fees associated with it, we thought this might be a reasonable approach. Whereby if the Village does, in fact, determine that it's an important amenity for the site, the applicant would do it at his expense, at his cost, but propose to use a portion of the rec fees. We think that the bridge would be in the \$200,000 to \$225,000 range, so it wouldn't be consuming all of the rec fee. Which, as I said, is at least \$430,000, possibly more, for the project. So there

would still be a substantial amount available to the Village of those rec fees for other purposes.

So it's a proposal. We wanted to have a little flexibility, see what the Village's sense was toward the bridge, and go from there.

Boardmember Hutson: I just want to comment that not only was it understood, it was emphasized, I think, both on our part and on the part of the applicant that this was, in fact, a mitigation for the relative isolation of the site. As well as a benefit to the community as far as providing access to the open space and the recreational area there, and to the trailway and so on. So it really is, I think it is. I think Patty's right. I think it's a very important issue and it would be a significant change. I don't know under who's purview it would come if, in fact, there is to be an agreement that some portion of the fee would be offset to facilitate this. I don't know that that would be ours or someone's else's. But in any case, I think our expectation was—even with the proposal of the lofts, never mind Riverwalk—that this was an integral part of the project.

[END TAPE ONE, SIDE B]

[START TAPE TWO, SIDE A]

Chairperson Speranza: ...that should reflect what the discussions have been. How does the discussion of the use of recreation fees come about? We've never implemented any of them before. We never had them before, so...

Village Attorney Stecich: It'll happen in site plan review. As part of site plan review you implement...and it's the Planning Board that makes the determination about the recreation fees. So what you could do if you want it, as David suggested, the bridge would be mitigation for the isolation. Require that, require the bridge, and then when it comes to site plan review and determining what the rec fee should be—not set in the code, but what they should get credit for in the rec fee—you could decide at that point. I don't think that has to be decided in order to determine either whether the EIS is complete or even your findings on it. If you make providing the bridge a mitigation, a requirement of the development, then you don't have to decide tonight. Or you could decide tonight, but it'll come up during site plan review how you're going to deal with the rec fees.

Boardmember Lee: I think if it stays in there as an optional item this thing doesn't have a prayer. Because that's one of the main talking points against this particular development is it's isolation. Unless you do something to ameliorate that I don't know who's going to be in favor of it.

Mr. Lozito: Again, I don't know if it's ever been as clearly expressed as it just has.

Boardmember Smith: I think it has been.

Chairperson Speranza: When you take it away...

Boardmember Barr: But there was never any question raised.

Chairperson Speranza: It was always in there.

Boardmember Barr: Every plan that's come through, it wasn't a matter of debate or possibility. Every design showed the bridge, or referred to the bridge.

Mr. Lozito: So would what Marianne suggested be at all palatable to the Board, that it be a determination at findings? Or is it something you need to have addressed here tonight?

Chairperson Speranza: My concern is that there's a document that will be going out for public review at some point, and I don't want the document to say that it's a potential. I think the document should read as it has read in all of the other versions, and then we make a decision at site plan. You want to make the case then to say: these fees were put in place during the review; we would like to get credit for building the pedestrian bridge; whatever the case may be. But I don't think it should be contingent upon recreational fees or the availability of other public funds, which is something that's in here. Because then it can be, Well, sorry, the money's not there—we didn't get the grant.

Mr. Lozito: I think that's reasonable.

Chairperson Speranza: Okay. I didn't even have to go that far into the document to find it.

Mr. Lozito: I mentioned it in the letter, too.

Chairperson Speranza: Also, this is a question. The affordable housing units, it's a condominium structure. It's mentioned in here, 54 condominium units and six apartments. Does that mean they're not going to be condominium ownership?

Mr. Lozito: No, they would be. They would be condominium also.

Chairperson Speranza: Okay, because I don't know how...

Mr. Lozito: We were trying to differentiate from the live-work versus...calling it an apartment versus live-work.

Chairperson Speranza: Okay, because I'm not sure...and this is something we'll speak to the Affordable Housing Committee about. Because also in here there are assessed condominium fees. You know, the condominium association's going to pay for this and this and this, which is normally how it does. I don't know how that works with affordable units. Maybe it's not an issue or a problem at all.

Mr. Lozito: There are a number of ways that the common charges can be allocated to units in a particular project. Sometimes it's done on the basis of square footage, which is probably the most common. Other times it's on the basis of cost. So there are a number of ways to handle it. We hadn't really thought that obviously they would be paying common charges to some degree. But even if we went on the square footage basis it would be lower than the other units would be, by virtue of their size.

Chairperson Speranza: Okay, so that's something that as we proceed in terms of how it works through the Affordable Housing Committee. Because you'd hate to have an affordable unit that people can't move into because the associated fees are too high. I just know how that works.

Village Attorney Stecich: We'll have to have Sue Smith present something to the Board on that, the Affordable Housing Committee. At whatever point they're going to have to meet the affordable housing...this Board determines...sort of like with the rec fees, this board is going to determine what the affordable housing requirements...hopefully, you know, with agreement from the applicant.

Mr. Lozito: The affordability takes the common charges into consideration. For example, as you're going to calculate your mortgage and your taxes into the affordability, likewise you would carry in the common charges.

Boardmember Hutson: I think the important thing in this document, to make sure that that issue is included as part of what has to be addressed. I mean, that's an important issue.

While we're talking about affordable housing, Patty, I, too, would like to see a little bit more justification or discussion about the question of social equity in regard to the size of these units. I mean, as I said before—and not to go over it in great detail again—I already find it a bit of a problem to suggest that the folks in the affordable units wouldn't like to have a live-work arrangement, as well. And that's one thing that's been set aside, and I understand the discussion on that. But I think that has to be more clearly addressed.

The second thing is on just the size of the living unit itself. Because to me it's kind of a double whammy. I mean, you can't have the work space and you have to have a smaller living unit. It just doesn't sit right from a community standpoint and from a socioeconomic. And I know the way the applicant feels is that these are still nice units, and more than we have now, and so on and so forth. But there is just we've got people living in the same area in the same buildings in the same...

Mr. Lozito: You know, I thought I had made the representation last time that we would look at that. Because the floor plans and the architecture are not written in stone, and we were agreeable to making adjustments to that.

Boardmember Hutson: See, I didn't see a lot of discussion about that in here.

Mr. Lozito: Primarily because we just haven't taken the plans to the next level. But we are agreeable, on the record, to making adjustments in that regard.

Chairperson Speranza: But if I'm understanding David correctly, what he'd like to see is that the size of the units, or an attempt to balance it out, could be done during site plan. At least have that in here.

Special Counsel Chertok: It seems to me that's an appropriate issue for site plan. I don't think there's any question about that. But I don't think it's really an environmental impact as to how you size individual units.

Boardmember Hutson: I'm only thinking of the social impact. Because I think...

Special Counsel Chertok: Social impacts, you may not want to venture there. What I suggest is that when the Board reaches the point of making their findings they make that point to make sure it's included. Because I'm not sure it's technically an environmental impact.

Boardmember Hutson: All right, I just don't want it lost.

Mr. Lozito: But we definitely will take that into account.

Boardmember Hutson: All right.

Chairperson Speranza: I had one other thing. We were not involved with the Zoning Board's decision with respect to the number of parking spaces, first of all. And I'll show you when this document becomes public. There's reference to tables that don't exist, but I'll show you those. We had talked at point as a board as part of the development to whether or not all of the parking really needed to be built out. If there was going to be an area reserved for if additional parking was needed—I'm looking at Marianne because I know you go to the Zoning Board—as to whether or not that was something that was considered by the Zoning Board.

Village Attorney Stecich: No, the Zoning Board was just trying to calculate the number of spaces that they thought would be needed by this many units. They were supposed to determine the parking requirement for a live-work unit, and they found that that was just too hard to do in the abstract and that they would make the recommendation for this project. And although there was some discussion—could they require more, could they require less, and I explained that you could waive the paving—that was not part of their recommendation. Their recommendation was that you need 174 parking spaces to service what they're going to have there, without any recommendation as to whether some of them could just be set aside. Or whether in addition they recognized that the Planning Board may well require more parking spaces.

Chairperson Speranza: So there would still be the opportunity for us to have an area designated for potential future parking.

Village Attorney Stecich: Yes, that's always part of site plan review.

Chairperson Speranza: If it needed to be done.

Special Counsel Chertok: The EIS, I think, indicates that there's space for a significant number of additional parking spaces on the site, if needed. So you certainly would do that during site plan if you thought it necessary.

Chairperson Speranza: Does anyone have anything else?

The question before us, then, is whether or not we feel that this document is in good enough shape, with changes—the items that we've discussed tonight—to be made available to the public for us to accept as a board. If that is the case, and we have said repeatedly that we will have a public meeting to hear public comment on the Supplemental Final, because the Board of Trustees is doing the concept plan at the same time, I've spoken to the Mayor and we thought that maybe we would do a joint public meeting. However, I don't want to do that if we as a Board don't feel that the document is ready for us to accept. So I need some feedback as to whether or not we feel we're ready to go forward and declare this complete.

Special Counsel Chertok: Could I just add a caveat? One change that certainly would be made would be conditioned upon making the pedestrian bridge a proposal and not conditional upon public funding, just so it's clear. That would be a condition of it.

Chairperson Speranza: Yes, definitely. And I did catch some things in the document that need to be fixed. It's nothing substantive. It's just where tables are...

Special Counsel Chertok: Typographical errors. The MUPDD is not in the appendix, the ZBA opinion is in twice; those kind of editorial, if I can call it that...

Chairperson Speranza: Which will help in terms of public review of the document and will make it easier.

Special Counsel Chertok: Yes.

Mr. Lozito: We can clean those up.

Boardmember Smith: The traffic appendices have some handwritten forms in it. In my copy they were almost illegible because they just didn't copy them. Those types of things, someone's going to be doing sort of final edit.

Chairperson Speranza: Well, if you've noted things, then we should...

Mr. Lozito: I think that might have been the storm water. I think that was the storm water that didn't...

Boardmember Smith: Yes, the storm water.

Chairperson Speranza: Okay, so, Bob, are you comfortable now?

Boardmember Lee: I think it's as complete as it's going to get. We owe a great deal to the audience, who has made it complete. I particularly want to congratulate the young lady who did all the work on the water, worked harder on this than we did.

Boardmember Logan: Yes, I feel it's complete.

Boardmember Hutson: Yes, I'm good with the changes.

Chairperson Speranza: Okay, same with me.

Boardmember Barr: Yes.

Boardmember Smith: Yes.

Boardmember Wertz: Yes.

Boardmember Hutson: The highlights [from this Resolution to accept the SFEIS as complete are]: The Ginsburg Development Corporation initially filed an application in September, 2000 for a zoning amendment change, site plan review, subdivision, and other approvals for the development of a residential development to be known as Riverwalk Village on 7.45 acres of property located along the west side of Saw Mill River Road adjacent to the Village of Hastings-on-Hudson municipal boundaries of the Town of Greenburgh. Therefore, we are hereby resolving that 1) the Planning Board accept the February, 2006 SFEIS as complete and adequate, and adopts the accompanying notice of completion of the SFEIS; 2) that the Planning Board shall hold a public meeting on the SFEIS on March 2nd, 2006 at the Village Municipal Building at 7 Maple Avenue, Hastings-on-Hudson at 8:15 in the evening; and finally, the Clerk of the Planning Board is directed to make the necessary filing in publications, including the filing and publication of the accompanying notice of completion of the SFEIS and the filing of copies of the SFEIS.

Boardmember Barr: Could I make a small suggestion? Maybe you want to make the meeting earlier.

Chairperson Speranza: Yes, I was thinking that also. We should see if we can do it earlier than 8 o'clock. You'll check? Okay, we will make sure there's plenty of notice on this.

Boardmember Logan: And we've decided this is going to be a joint meeting with the Board of Trustees?

Chairperson Speranza: Yes.

Boardmember Logan: Good idea.

On MOTION of Boardmember Logan, SECONDED by Boardmember Smith with a voice vote of all in favor, the Board resolved to accept the February 22, 2006 SFEIS for Riverwalk as complete, adopt the accompanying notice of completion and to hold a joint public meeting with the Board of Trustees on March 2, 2006.

Chairperson Speranza: We will get a definite time. Do you want to be there? Certainly, I would like our consultants be there also, please.

Special Counsel Chertok: For which, I'm sorry?

Chairperson Speranza: For the meeting on March 2nd.

Special Counsel Chertok: Oh, absolutely.

Elizabeth Felber: When are they going to be public? Because, you know, next week is vacation. A lot of people won't be here.

Village Technology Director Zaratzian: They will be on the Village Website.

Special Counsel Chertok: You'll be able to give a disk to Raf so that would be ready to put on the Website.

Elizabeth Felber: And if it's not, who can we call to find out where it is?

Special Counsel Chertok: It'll be on the Website shortly. What it will take is about a day to get it on the Website.

Jim Metzger, 427 Warburton Avenue: I have just a couple of, hopefully, simple questions. It was stated that 25% traffic attributed to Metro-North commuter use is okay. Was that strictly traffic moving through the Village, or did that take into account the parking problems that were already existing in the Village. And where did that 25% number come from? When I watched the last Zoning Board meeting it appeared that no one could really say how many of these units were going to be used for business, how many of them were going to be strictly residential. I question that number, and it's something that gives me great concern because I live in a neighborhood where all of the overflow parking ends up for people that can't get spots.

Chairperson Speranza: As far as I know through reading this, and this information will be in there, that is slightly in excess of the census data's information with respect to the number of people in the Village that take Metro-North to work. That's what that percentage is.

Mr. Metzger: Thank you.

Next question, actually a comment, size of the units. I agree with Mr. Hutson completely. I believe that there was a project—and, again, this is something I don't have hard data on—but I believe there was a Ginsburg project in Yonkers where affordable housing was part of a high-rise and was all grouped in a part of a building that was the least desirable part of the building. The City of Yonkers sued, I believe, and successfully won so that the affordable

housing would have similar size and similar distribution and views to all of the other units within that building. I think we should demand nothing less of this project.

Last question I have is, issues were raised about wells that were existing on the site that were used for monitoring toxicity. And that has never been addressed in terms of storm water runoff, treatment, any of those things. Does anybody have any updated information on that?

Chairperson Speranza: I remember I asked the question why are those wells there. Evidently, those wells were installed by someone—again, based on the information that we've received, and our storm water expert over here has told us, also that the applicant has said that they were installed—during a time when the property was proposed for sale even prior to ShopRite those wells were put in. And that's what's been used over the years to do test samples. And they don't have any impact on water quality or drainage. Is that correct? The ground water monitoring wells.

Mr. Lozito: 1995.

Mr. Metzger: Then I guess the question is, are there any toxic substances that have been identified in those wells, and when does that part of the process happen to find out if the site actually does have any toxic residue and how would that be mitigated.

Special Counsel Chertok: That was actually addressed in the Draft EIS. There was a phase 1 and a phase 2 study done, and the Board's had reviewed that to make sure that the studies were adequate. So that's not necessarily in the Final because it's in the earlier document that was accepted and is subject to the public hearing. That was done.

Mr. Metzger: Okay, I think that's it. Thank you.

Chairperson Speranza: I think everybody should be aware of this. The documents we have—because this process has been going on for so long—if you want to start looking at stuff today, on the Village Website is the Riverwalk SDEIS. That's the one that's got a lot of the information. There's no information in there about the MUPDD because it didn't exist at that point. But in terms of things like the testing, in terms of things like where the wetland delineations are, it's a good place to start. The next set of information that you're going to see is different because now the selected alternative is the MUPDD. So the base information hasn't changed, but the FEIS that's going to be out on the Web for MUPDD is going to make reference to the earlier document. So certainly there are ways right now to start to look.

Mr. Metzger: Okay, and the last question is, if additional parking is required, how would that be accommodated in terms of looking at storm water runoff and impervious surface? Obviously, that would become an issue that would need to be addressed. Thank you.

Danielle Goodman, 28 Ashley Road: I have a question about the recreation fees. If you'll just repeat for me, this project was going to bring into the Village fees in excess of \$400,000?

Chairperson Speranza: Right.

Ms. Goodman: And the purpose of the fees is so that the swimming pool and the facilities and other things that the 60 new families would be using, the Village is reimbursed for, correct?

Village Attorney Stecich: There was a study to determine what each new person in the Village cost the Village in terms of providing recreation. So you can't say that their funds...and rather than saying precisely what it's going to we did a big calculation and divided it by people. Say each two-bedroom apartment was \$7,500, and for three-bedrooms. Then it goes into a separate escrow account just for recreation purposes.

Ms. Goodman: So that's terrific. Now, explain to me how...because one of the things I didn't speak to you about, but I spoke to the Board of Trustees about was my concern about the fiscal impact of this project. So now I'm hearing that you're seemingly willing to negotiate, or trade away, \$400,000 with respect to the mitigation for the isolation.

Chairperson Speranza: You did not hear that.

Boardmember Hutson: No, you could not have heard that.

Ms. Goodman: All right, because from the back of the room it sounded like there's going to be some sort of negotiation. So I would like to understand. We're getting \$400,000 for sure, correct?

Chairperson Speranza: The assessment of fees is on the order of \$400,000.

Ms. Goodman: See, I just want to make sure that during the site planning process that somehow part of the \$400,000 isn't going to go away to building the footbridge because somehow they feel that they shouldn't have to fund that. Because I don't think, respectfully, that you have the right—you're not elected, you're appointed—to give away money or to negotiate. I mean, send it back to the Board of Trustees.

Village Attorney Stecich: No, the only thing, Danielle, is under the state village law it's the Planning Board that determines what the recreation fee need is, so that's why it would be the Planning Board. But the whole point was that's something you do at the site plan stage.

Ms. Goodman: So this is then still negotiable. You're saying \$400,000 is not coming to us because you all still have to decide that.

Village Attorney Stecich: No, the Board has to determine that they have a recreation need, a need to pay rec fees. This'll probably be the first application it's being applied to.

Ms. Goodman: So we're setting a precedent here.

Village Attorney Stecich: Yes. Well, we're not setting a precedent. We created the law.

Ms. Goodman: Yes, you are. You are because you have a lot of other developments coming down the pike, so what you do for them and if you cut them a break, then the other developers are going to...

Boardmember Smith: No one has suggested that we cut them a break.

Boardmember Hutson: I'm glad you aren't negotiating. You would have given it all away already.

Ms. Goodman: No, I wouldn't. What I want to hear is that there is going to be \$400,000 plus a footbridge that the developer is building.

Boardmember Hutson: I think most of us would like to hear that. The point is, each of these situations has to be considered individually. There may be times where it's in the community's best interest to make sure the bridge gets built, and you have to look at it. The odds are, you see how we feel about the fact that it's part of the proposal. I mean, you see that. That doesn't mean that it might be that would be considered as something that could be reduced in order to make sure this happens.

Ms. Goodman: Well, that's what I was hearing from the back of the room. Thank you.

Boardmember Hutson: It wasn't that, but you shouldn't have heard that the \$400,000 was gone.

Ms. Goodman: No, I'm saying part of it definitely could be gone correct?

Chairperson Speranza: What we have set, or the point that was trying to get across tonight, this...the document that we are going to accept is going to have in it that there is a requirement for \$430,000, I think it is, in recreational fees. That the bridge is a part of this project. And I did say we will hear the case, should the applicant wish to make it, at site plan. Hey, part of the recreation fees should go towards the bridge. Yes, you did hear that we would hear that should the applicant wish to make that argument at site plan review.

Ms. Goodman: And when you establish the fees is that subject to public hearing?

Chairperson Speranza: It's been done.

Village Planner Witkowski: It's already done.

Ms. Goodman: I meant the negotiation, the application.

Chairperson Speranza: Site plan, yes. Site plan's approved at public hearing.

Boardmember Barr: How that money is used is a matter of public debate. And whether it's used to build another wading pool...

Boardmember Hutson: I don't even think we've had an executive session in about six years. So it's all public.

Ms. Goodman: No, I just wondered. Having participated, I'm just trying to understand.

Boardmember Hutson: Of course it's going to be discussed.

Ms. Goodman: Okay, thank you.

Chairperson Speranza: We're not giving anything away to anybody.

Joanne Sold, Ardsley school district trustee: I'm here this evening with another trustee, Mark Cohen. Our concern for this evening is, as you so aptly pointed out earlier, adequate and accurate information. In that regard, our concern is the projection of the number of children that will come from this development. We have some experience in the Ardsley school district with other Ginsburg Development projects. The one in particular is Boulder Ridge. Boulder Ridge, while not similar in many instances, also is a condominium development with quote, unquote lofts [according to an] ad in the *New York Times* classified section advertising a unit loft/bedroom. So our concern is in terms of the adequacy of this projection of 16 children for a 60-unit development with loft space that it appears to me could easily be converted into bedroom or bedrooms. In that regard, we have put in for a FOIL request with the Town of Greenburgh for the Environmental Impact Statement information for Boulder Ridge. I think it would be prudent to have that information to see what, indeed, was projected or school-age children or for children in that community. How does it compare to the realities that we currently have. We currently have, from Boulder Ridge, approximately 100 students, 100 children who attend our schools. Of that number there are 52 who are in our elementary school. The projection in this document indicates that the kids would be spread throughout. Obviously, that's not our experience in terms of Boulder Ridge.

I've also requested a similar document for Clarewood, while I don't think it is exactly akin because they aren't lofts, in my understanding, in that development. But I think it would also be important, since it's another Ginsburg Development project, to see, indeed, what were the projections for that development in terms of students and what's the reality for the Hastings school district. We are in no way taking a position for or against this project, but we do feel very strongly that we need adequate and accurate information in order to prepare for our long-range plans.

Mark and I serve on the long-range planning committee. We now have developed within that committee a development review portion, which is what this evening is about. So we really need accurate and adequate information for our long-range plans, to assess the fiscal impact of this development on our school district. And I don't know exactly where we proceed from here. I don't know how long it's going to take the Town of Greenburgh to locate these documents, and perhaps it would be appropriate to ask Ginsburg Development Corp to provide them, since they certainly should have copies of it, if that would be more expedient.

But we are significantly concerned about the projections for 16 students, or 16 children, from a 60-unit development with lofts.

Village Attorney Stecich: I can't say anything about the projections, but on the use of the workspace as bedrooms, that was a concern of the Zoning Board in determining the number of parking spaces that were required. They were saying, Well, how do we know? Maybe they're going to use those workspaces for extra bedrooms. So one of the conditions of the Zoning Board's determination of 174 spaces, which they asked to be both in the ultimate site plan approval and the concept plan approval, was that it be a condition that the workspace not be used as bedrooms. And also that it would be in the site plan approval and the ultimate MUPDD approval, so it would be enforceable by the Village, in addition to it would be a deed restriction that would be enforceable by the people who live there and the HOA. So that just deals with the one issue.

Ms. Sold: One additional comment, so to put on a different hat. I'm no longer a school board trustee, I'm a past resident of Boulder Ridge for about 10 years. I'm pretty certain the two-bedroom units with lofts, which have no exterior windows, they only have skylights, similarly were not legally allowed to be bedrooms. But I can tell you from personal experience that, indeed, that is exactly what they became. So I'm not clear how you're going to be able to enforce that. At the end of the day, if somebody erects a partition or creates a bedroom space I really don't personally—and this is not a school trustee, but just based upon my own prior personal experience—I don't know how you're ever going to be able to police that or really determine ultimately how it's going to be used. This is based upon my personal experience with Boulder Ridge and numerous, numerous units which would not qualify as living space because they didn't have the necessary egress for fire purposes but, indeed, were converted to bedrooms. So that would still be a concern that I would raise.

Village Attorney Stecich: The Zoning Board was also concerned about the enforceability. One of the other recommendations they made, which I didn't mention before, was that—and hopefully you wouldn't get to this—individual certificate of occupancies be granted for each unit rather than for the entire building. So that you could say to somebody, You're going to lose your C of O unless you get rid of that bedroom.

Boardmember Hutson: But is it really possible to grant C of Os for individual condominium uses?

Village Attorney Stecich: Yes, it's done. I'm not saying that's why they're doing it here, but it's done sometimes because you have a great big project and as the apartments are ready you can sell..

Boardmember Hutson: In regard to the Boulder Ridge situation, did you say you do know how many units there are and how many bedrooms there are, or you don't know that?

Ms. Sold: How many units are at Boulder Ridge. Offhand, I don't have the number.

Chairperson Speranza: One of the things that we should get in to you, and it's somewhat dated now probably, almost 10 years old...

Boardmember Hutson: I think Angie may have done some updating in terms of the...or no, you didn't do it with schoolchildren on the residential things. That was just on taxes, right? The updating of the housing studies that we did.

Chairperson Speranza: Several years ago we had looked at that. We looked at how many children were the result of some of the newer developments in the area. And I'm pretty sure we had Clarewood in there.

Boardmember Hutson: Yes, we do have Clarewood.

Chairperson Speranza: But again, it's eight years probably and lots of kids can be born in eight years.

Special Counsel Chertok: You had Clarewood and that was a mixture of one- and two-bedrooms, so the ratio was, I think, 0.1 children per average unit. There's a study done of about seven or eight developments, mostly in Hastings, some in other neighboring towns. And if you took the highest percentage in that study which was, I think, about 0.22 per unit on the average using a three-bedroom, it would yield about 13 or 14 students, or children, from this development of 60 units. So that was actually looked at, and some of that data is in the Draft EIS, as well. And others are from another study that was done for a development in downtown Hastings. We can certainly, if you're interested, get you that information.

Boardmember Hutson: And perhaps we could ask Ginsburg folks on Boulder Ridge if you could at least just get us the number of units and numbers of bedrooms and number of lofts just so we would have that information to start with.

Ms. Sold: I think that's fine, but I don't think that addresses really the primary question. You're talking about accuracy and adequacy of a document projecting children in a school district, and I think the best correlation comes from looking at previous documents that they've prepared. They've used these standards time and time again. And I don't know the answer to the question.

But if you look at the Boulder Ridge Environmental Impact Statement and it says 128 units and you're going to get 20 kids, I'm telling you today we have 100, well then, clearly, there's no correlation between the projection and the reality. And that's the concern of the school district. If we come up with the information that they're right on target with this as well as what they projected for Clarewood, although I don't think it's comparable because there aren't lofts there, but if they're on target with these two projects in terms of projections and reality of today, then you can have some comfort in this number of students that they're

projecting. I don't think it matters whether they're one, two, three, four-bedrooms and how many there are.

Boardmember Hutson: Well, I think it's more, frankly, to look at real-life examples today and see what the real numbers are in terms of comparable kinds of units. I mean, maybe somebody exaggerated in a project when that was built 10, 15 years ago, and maybe they are exaggerating today. You know, you have to assume maybe a developer saw the light. So you'd have that possibility, too. I think the real helpful thing is to look at really comparable, real-life, current circumstances in terms of size and type and number of kids. Because the thing that we learned when we did the study was that variables such as the general location of the development, how child-friendly it was also influenced in addition to number of bedrooms and the school district and so on, how many children and how many school-age children there were there. And the nature of the school district influenced how many of those children were going to private school as opposed to the public school, and so on. So there are other variables, too, but certainly the bedrooms and the size of the units, the kinds of yards they had, the access to play areas and so on were other factors.

Boardmember Barr: Well, David, that's very sophisticated, but I don't think that what we're suggesting is unreasonable. It should be relatively easy.

Boardmember Hutson: I was responding to her point.

Boardmember Barr: You know, if anybody's got the old records somebody must have them.

Ms. Sold: Right. I know they exist and, certainly, the Town of Greenburgh will find them. Whether they'll find them before this project is built is another question. But I think it is important information to look at. In regard to when you talk about facilities for children, I know that initially when I moved there, there was no intention whatsoever to have a playground facility because they really didn't appear to think that there were going to be as many young families moving in. So while there was the planned pool area, there was certainly no playground plan at the time. But within the next five or so years that playground became a reality. It was never part of the plans, nor was it proposed by the developer. It was proposed by the community.

So things can change. I don't know what the opportunities are at this site and the additional acreage that exists. Whether or not there's any restrictions on the development of that land. But that need arose in Boulder Ridge, and therefore that was built. So I just caution you about that, as well.

Special Counsel Chertok: Mr. Hutson mentioned real-life studies. The study that was done a couple of years ago in the Village used actual projects and the actual number of students

generated by units from different projects. So it didn't try to look at what someone projected, it looked at the actual numbers. So that will give you, perhaps, some comfort. If there's other information you have, you ought to provide it at the meeting in two weeks, if you can.

V. Discussion

Schedule Special Planning Board Meeting for Thursday, March 2, 2006.

Note: this will be in addition to the Regular March Planning Board Meeting to be held Thursday, March 16, 2006.

Trustee Swiderski: A question about process. You're speaking about a joint meeting in two weeks for the Board of Trustees. What is the outcome of that meeting? What do you foresee the process during that meeting being, and what comes out of that and what are the next steps beyond that?

Chairperson Speranza: I guess it's really two tracks. The public meeting is held. And it's a matter of convenience in terms of your public hearing is still open on the concept plan. We have said that we will have a public meeting on the SFEIS. After that meeting, it's the job of the Planning Board to make findings on the environmental documents. So that's what *we* do after that.

Village Attorney Stecich: And the recommendation.

Chairperson Speranza: And a recommendation to go to the Board.

Village Attorney Stecich: ... your public hearing was left open for their recommendation on the concept plan. So you're waiting for two things from them: the SEQRA findings and their recommendation on the concept plan.

Trustee Swiderski: Does that happen before the meeting?

Chairperson Speranza: No.

Trustee Swiderski: So March 2nd is a joint public hearing? Is it considered a public hearing for both boards?

Village Attorney Stecich: Yes, because your public hearing is still open. I think that was what they had in mind. And then after that, the Planning Board will make their SEQRA finding and also their MUPDD recommendation, which will probably be one document because it's really the same stuff. It'll go to the Board of Trustees and then you make the final determination. You approve it, it will go back to the Planning Board for the site plan approval.

Trustee Swiderski: And will we have the document you have before you prior to the meeting on the 2nd?

Chairperson Speranza: As soon as they make these changes.

Special Counsel Chertok: [The document will be] available to the Village on Monday [February 20].

Trustee Swiderski: So the meeting on the 2nd is a public hearing. It's not a working group session between the two boards.

Boardmember Barr: It's a public hearing.

Special Counsel Chertok: [Continuation of the hearing on the concept plan].

Trustee Swiderski: Okay, thank you.

Chairperson Speranza: Okay, anything else from anyone?

VI. Adjournment

On MOTION of Boardmember Smith, SECONDED by Boardmember Lee with a voice vote of all in favor, Chairperson Speranza adjourned the Regular Meeting at 10:30 p.m.