

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
REGULAR MEETING
JANUARY 19, 2006**

A **Regular Meeting** was held by the Planning Board on **Thursday, January 19, 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, Fred Wertz, Deputy Village Attorney Marianne Stecich, Special Counsel Mark Chertok, and Village Planner Angela Witkowski.

ABSENT: Boardmember William Smith

I. Roll Call

II. Approval of Minutes: December 15, 2005 meeting.

Chairperson Speranza: Comments, revisions?

Village Attorney Stecich: I had one correction on page 5...

Village Planner Witkowski: Where is that one?

Village Attorney Stecich: Page 5, where it says Bob Lee. That should be Louise Leaf..

Chairperson Speranza: Okay, and then I had one on page 7. It's towards the very end of the page. We're talking about Pearl Street, Pearl Street being a Village road, and it says here it was mapped on the Village Comprehensive Plan and it should say the official map of the Village.

Boardmember Logan: I've got a small item. Even though Bob Lee wasn't present, he somehow managed to make a motion to close the meeting. Somebody else must have done that.

Village Planner Witkowski: Force of habit.

Chairperson Speranza: Bob, you were here in spirit.

On MOTION of Boardmember Lee, SECONDED by Boardmember Barr with a voice vote of all in favor, the Minutes of the Regular Meeting of December 15, 2006 were approved as amended.

III. New Business

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: This is kind of old business. It's a steep slopes review for a property located on Cliff Street. It's for a proposed new single-family structure. It had been before us and was issued a building permit back in April of 2000, and is now before us again. The construction never took place. Angie or Deven, do you want to fill in?

Village Planner Witkowski: Deven is here to present that, and has been working with the applicant. I did include the minutes from February of 2000 when it was given the steep slopes approval.

Chairperson Speranza: Yes, that was very helpful, by the way. Thank you.

Village Planner Witkowski: You're welcome. And then in April of 2000 they received a building permit but they never built the house.

Chairperson Speranza: Okay, so does someone want to take us through the proposal? Is the applicant here, or a representative? Are you Mr. Nager?

Arnold Nager, Cliff Street: This is for a two-story modular home to be built on the same property that you previously approved in 2000. We're using the same engineer, Elliot Senior. He has certified the plans for you. I don't know if this is part of your file, but I have the letter from Gabriel Senior to Marco when he was the Building Inspector with regard to the runoff. I believe this should be pro forma.

Chairperson Speranza: Yes, I had some issues. There was some questions that I had with respect to what was submitted. And I don't know if it's you or Mr. Sharma who could explain this item 4, which is attached to the application by Elliott Senior.

Mr. Nager: Yes, he's the engineer.

Chairperson Speranza: So he's the engineer.

Mr. Nager: Gabriel Senior's the firm.

Chairperson Speranza: Okay, because what I have before me from Elliott does not reflect...it is not the statement that we need as far as the certification, which is what's in the letter from 2000. But it's different people now, and I'm not sure...maybe Marianne...

Village Attorney Stecich: The drawings we have are not the 2000 drawings, they're the 2005 drawings. So we don't know that the approval given in 2000 was for this, unless somebody's compared them and knows that they're the same. The other problem is, this

drawing that includes a lot of the calculations that are supposed to be under seal is not sealed. This is not certified. And, in fact, the person who did this is not the same person who did that certification in the letter. This says Gabriel Senor.

Mr. Nager: Gabriel Senor is inactive. Elliott is his son and runs the firm.

Village Attorney Stecich: Well, these drawings say Gabriel Senor. There's no certification on the drawings, and there's got to be. If you take Deven's checklist, there's got to be a plan submitted under the seal of a licensed professional engineer showing and certifying the following. These things. The best I could tell from the writings down here is that, in fact, those were those calculations. But they're not sealed. There's no certification. The other thing I don't see, unless it's someplace else, what's in number 6: the statement under the seal of an engineer saying that the mitigation is going to prevent to the maximum extent possible.

Mr. Nager: I believe I just handed that to you.

Village Attorney Stecich: Is that what I just got?

Chairperson Speranza: And that was all from 2000, and these sounded like they're very much technicalities. And they are, but they are for a reason. The letter is for plans for 2000, and we've got plans for 2005 that aren't sealed.

Village Attorney Stecich: It's not enough just to seal it. We have to know that what he certified to in that letter is exactly the same thing as what's in this drawing, which we don't know based on this stuff. So I don't think it's ready to go tonight.

Chairperson Speranza: Deven, were you able to take a look? Did you look at the plans that were submitted in 2000 and see if there had been any adjustments made, or if these are the same? It'll expedite it for the next round.

Building Inspector Sharma: The plans are similar, but not the same. The built-up area is a little bit bigger this time than it was, and the calculations are based on the new plans. I did miss the fact that they're not signed and sealed. I did see the survey. That was signed and sealed, but these drawings are not.

Chairperson Speranza: Right, and there's no indication, there's no statement, that is required for all of these that says it disturbs the slope to the minimum extent practicable.

Building Inspector Sharma: You see, the statements I saw on the drawings themselves—calculations for the storm water that will be generated, how is that mitigated—that's all in the drawings. The statement in response to item number 4 is also.

Chairperson Speranza: Right, but that's not what's required in the application. So first of all, let me find out if there are any comments from Boardmembers.

Boardmember Hutson: The extent to which the structure and the impervious surface is different, I think you're feeling that's not significant? In other words, if you compare plans

for a structure that was proposed in 2001 and the amount of impervious surface that would affect these calculations, is there much difference? What is the difference, do we know?

Building Inspector Sharma: No, I don't know the actual extent of the difference between the two structures. We're still within the parameters of the zoning requirements; the setbacks and the lot coverage and everything.

Boardmember Hutson: No, I understand that. I was thinking more as it might affect the storm water issues.

Building Inspector Sharma: You see, I did not compare.

Boardmember Hutson: I mean, because it says steep slopes, runoff and so on is...

Mr. Nager: I have to say something. If you drive down Cliff Street on any day when it's a little cold after there's been rainfall, you better have snow tires or chains on your car because you're going to slide down the hill. Some of that water is coming from my property, some of it is coming from the cliff above the old Bauer house, and it's not mitigated right now and it's legal, and the Village has to come in. And then, of course, there's a stream that runs down the street constantly because the catchbasin fills up. Building this house will reduce the amount of water that comes running down Cliff Street onto the parkway. There have been accidents on the parkway from water running down the hill, running past the sewer onto the parkway, gets cold, it ices up. Unwitting drivers come down, and it's like bumper cars in winter. I understand the technicalities involved, but the practicality is that there is no way that building this property, with the retaining walls and the catchbasin that's going to be in there, that was just clearly shown on the plans—which I can get certified and sealed tomorrow morning as soon as Senor's office is open—is not going to help. But every month that goes by without getting an approval from this board further delays construction and mitigation of the runoff that you have now.

Chairperson Speranza: Okay, well, we do need to make sure that the plans are in synch with the documents and the certification and the statements protecting the Village. That's the first thing that we've got to take care of. There would be another meeting, so it is one more month. It's been five years.

Mr. Nager: That's correct. There was some litigation for a couple of years. That's why there was a delay.

Boardmember Hutson: The reason we're talking about that is, we don't necessarily want to spend a whole meeting going into all the details again if we don't have to. But if there's significant difference, then we have to.

Mr. Nager: Yes, it's a little bigger. There's one more bedroom than in the house that was before. The other house was going to be stick-built, and this is a modular construction.

Boardmember Hutson: If we could just have an idea in terms of impact on the lot coverage and the square footage difference on footprint, so the next time...it's just a minor detail.

Mr. Nager: Okay, I think if you have the old plan with the new plan you can see that. May I have one copy of that letter back, please?

Chairperson Speranza: Oh, sure. Anyone else on the Board have anything on this application? Anyone from the public wish to comment on this? Okay, thank you.

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: Then we'll move on to our next agenda item, which is a discussion of the continuing SEQRA review for Riverwalk, also known as the MUPDD zone and Saw Mill Lofts—the SEQRA review. What I'd like to do first is have Mark Chertok, who is one of our counsels on this project, once again explain where we are in the process for this. I think that's real important. There's been some time that's gone by. Then I want to talk about a couple of the different elements, and then we'll have a presentation on our comments.

Special Counsel Chertok: Okay, the applicant submitted a proposed Final Supplemental EIS last summer. The Planning Board's consultant submitted review letters and comments, which were approved and adopted by the Board in September. Since that time the consultants, and counsel for the Board and the applicant, have met on several occasions to address the applicant's proposed responses to two of the principle areas. That is, traffic and storm water drainage. We had meetings with the traffic engineers, at which we amplified on the comment letters from the consultants, explained aspects of it. There was a submission made, and there was a second conference call discussing that submission. That happened with the transportation issues.

The same thing happened with the storm water management, except we also added a site visit to check out the site for a limited period of time. The consultants who are here tonight from STV and Carpenter are both satisfied with the substantive responses provided the applicant with respect to traffic and storm water drainage.

What remains to be done, obviously, is to put in the full revised proposed Supplemental Final EIS for the full review. But on these two issues, at least the consultants are comfortable with the substantive responses that were prepared by the applicant and submitted to the Board in the last week or so.

Chairperson Speranza: Okay, before we move into the detailed response to the comments that the Village had submitted I do want to address, or bring up, a memo that we Boardmembers—I'm not sure if all of you got it—received at our place today regarding the affordable housing element of the proposed development. Sue, would you like to come up? Sue Smith, the Affordable Housing Committee.

Sue Smith, 645 Broadway: We had a letter from people at GDC about the affordable housing component, hoping it would be able to support that, which the committee reviewed at their meeting last week. So I wanted to respond promptly to that, and to let you know that in our review it seems that, in fact, they do meet the letter of the law in the set-aside law, but I don't think there's extra. You know, it's minimal. We are not really happy that the interior size of the affordable units is considerably smaller than the market rate units. This is detailed in the memo, and taken from the letter, which Angie also got a copy of, that indicates the various points in which they are in compliance. This generated the thought in the committee, the Affordable Housing Committee, that we perhaps now have had some experience—although nothing has been built, but in terms of the approval process — with two developments using the set-aside law. Maybe it's an opportunity for us somewhere in the next few months to have some discussion with you folks to try to refine it in anticipation of whatever might happen—large tracts, waterfront, whatever is ahead — and maybe learn by our experience. Because it's good in lots of ways, but it doesn't seem quite as good as it could be. Maybe we can find a balance of what is realistic to ask of a developer, but also which fits with what we want in our community. But they are in compliance with the law as it is now, to my reading [and] our committee reading of it. I wanted to share that with you rather than just to be mute on the issue.

Chairperson Speranza: And I believe one of the things we, as a board, have been quiet about, and frankly I don't have an issue with, is the position of the developer that there is no requirement to provide the workspace, and the affordable housing is really the affordable housing component. It's not designed to give someone an opportunity to also have a place where they could make their living. I don't know how any other Boardmembers feel.

Boardmember Logan: I basically agree with that.

Chairperson Speranza: Okay, but I think you're right. So I think it's a good opportunity for us to put on our agenda for a meeting to sit down and say, Okay, now that we have had some experience with actually implementing this, what are the things that we know that we really have to think about more fully?

Ms. Smith: And in both cases it hasn't been a "cut-and-dried, following-the-formula" kind of situation. One has requested another location, and the other has got this workspace. And I'm sure if we do some research there are probably some other variations out there that none of us have thought about. I think we need to be better prepared in the future.

Boardmember Hutson: Patty, it seems to me that while I think in our discussion we had pretty much agreed that the workspace wasn't expected, I thought there was discussion that we did expect some real comparable size regarding the living units. Not only in regard to this project, but in regard to other projects that this has come up before. I don't remember the exact language, but I thought there was something in the language that suggested that. Marianne, do you remember that?...

Ms. Smith: I've got the law here.

Boardmember Hutson: Well, we'll have to look at it. But in any case, it just seems to me a fair approach in this circumstance would be that the living units should be closer [in size]. Because as you point out here, you're talking about almost half again as large for the market rate as the affordable units just on the living space.

Village Attorney Stecich: David, what you're thinking...because I had the same recollection you did. But what it says is that they have to be distributed among one, two, or four bedroom units in the same proportion as the main thing. It does not say anything about square footage.

Boardmember Hutson: That sounds right but I think in the context of this project that our willingness to waive the workspace at least should suggest that perhaps it should be closer to a comparable size.... I realize what the committee is saying: "Look, we'll go with it."

Boardmember Lee: We need to address that problem because no development in Hastings, given our zoning code, should be a cookie-cutter, large apartment building. So they're all going to be as-of, one of, and they're going to have to have some rules. Because you can't just take apartment A, apartment B, apartment Z all alike. They're all going to be different. Every project we've got has been that way and is going to be that way, so we need to address it. And we haven't.

Boardmember Barr: I really struggled when I got this memo, thinking about it a lot. What's the fair, what's the equitable...what's the objective. And I discussed it with my husband tonight. He's a very wise man. He said, "Well, one way of looking at it is, if all the apartments were affordable, would these be reasonable size apartments?" In other words, are these substandard? In any situation, are they substandard or are they reasonable apartments. Just like we have some houses in Hastings that are bigger and so forth, if these are decent, reasonable sized apartments meeting our affordable housing law, the fact that somebody else in the project has something larger may not be the thing. I thought it was an interesting way of looking at it, and I'm struggling. But it seemed to me that this was a thoughtful way of looking at it as a standard.

Ms. Smith: Right. Well, they certainly are large enough in terms of building code. Not excessively so, but I think they're somewhat over. I don't know what the current... size is for a two-bedroom apartment, but it's a little bit less than these are, I believe.

Boardmember Lee: I think this is a long discussion in its own right, and it's too late to amend the law for this project. I think we should have a meeting where this is the only topic, or one of the many topics, we talk about and get ironed out. It's a question to answer. I agree with Rhoda.

Ms. Smith: It's a fairly new concept that's being used in a few communities, so it hasn't had a lot of opportunity to be tried out. We're kind of the guinea pigs here...The committee is very concerned that because we have not required a work area—if that, in fact, is your decision because you're the ones that have the authority here—that we not be establishing some kind of precedent in the future.

Chairperson Speranza: Right.

Ms. Smith: So I would hope that your wording for whatever approval, if you give an approval, would indicate that.

Boardmember Wertz: Sue, I'm very thankful for the committee's input on this. And I think the Board, and certainly I, feel the same way that you do: some kind of guidelines to ensure that the affordable units are equivalent within some reasonable parameters, of course, to the other units. And I think we reflect the spirit of the community that we don't want buildings in which the affordable units are somehow less attractive, less desirable, and distinguishably different. And I think we need to be sure that that doesn't happen, and can't happen, according to our regulations. I don't know if there are any other communities that have devised regulations or guidelines that would address this issue, but if there are it would certainly be worth doing some research on it and learning about it.

Ms. Smith: Yes, and I think the committee would be happy to do that. As I say, it's just evolving as we speak, I think.

Boardmember Wertz: And it's unfortunate we don't have it in place because I wish we did. And I think how your committee felt, and certainly I agree, and that's the spirit I sense not only on this board but throughout our entire community. So I think it really is an important issue and we ought to address it as soon as we can.

Ms. Smith: But we also have to realize at least we have the 10% set-aside in place, so we've gained something. It's not for naught. Also, I had made the point in the memo that we do understand that the interiors are not going to have the special kinds of things that the market rate units require these days. It will not have granite counters and marble bathrooms ... We understand that the finishes will be of a more standard sort and that's a place where there can be some difference between the units. It's not as critical as square footage, perhaps.

Boardmember Wertz: Perhaps not. But then when you add everything up...

Ms. Smith: But it's worth a discussion.

Boardmember Wertz: ...and you have two different kinds of units that are obvious to everyone living there, I think it's a problem.

Boardmember Hutson: I'll make one last comment. I think that even though there is nothing in place, I can't imagine that when this was done that if the people who wrote [the affordable housing law] and had it approved— "...affordable units shall be distributed among one-, two-, three-, four-bedroom units in the same proportion as all other units in the development..." —that they had in mind that it's likely that one-, two-, and three- for the affordable units are going to be of a significantly different size than the other ones. I think if they did have that in mind that they would have addressed it. I think the expectation was—it may have been an oversight—but the expectation surely was that they're comparable units.

Boardmember Wertz: Right.

Boardmember Hutson: I'm not saying they're exactly the same. I just think that in this project, at this time, it should be expected that the developer respond to that and do better than they've done.

Boardmember Lee: As the CIA would say, "I don't think this is a slam-dunk." We just built some affordable units. They are not the largest houses in Hastings. They are not even average size houses in Hastings. There are some practical considerations. That's why I think we need a long meeting and a long discussion. Because it's not clear exactly how to go.

Chairperson Speranza: And we will certainly do that. We will make sure that we set aside time where we can sit down and talk about it. And if we can find out some information about how this is being handled in other communities that have made the commitment to affordable housing through a village- or town-wide policy, that would be great. And then certainly, as we go through in terms of this specific project, that's something that we keep in mind for the developing of findings, etc. on this and we can handle it that way.

Ms. Smith: I will go ahead and do that kind of research if you think that's useful. It's something we could talk about in the next two or three months.

Chairperson Speranza: Great. That would be good.

Boardmember Wertz: That would be great, Sue. Thanks.

Ms. Smith: Thank you.

Chairperson Speranza: Okay, thank you. I was going to turn it over to Mr. Lozito. Excuse me one second. Mr. Nager?

Mr. Nager: Apparently through an oversight, the wrong plans were submitted. The Building Inspector does have the sealed plans with all of the certifications required.

Chairperson Speranza: Okay, we'll do this. It'll be first on the agenda for the next meeting, okay? Great.

Now, why don't you do the introduction. Of course, you can respond to the comments you just heard from Affordable Housing, but you're also here to talk to us about the updated information that we've received from your consultants. We have the Village consultants here to go through any issues that they may have or any comments on the supplemental information. Feel free to go ahead.

Bruce Lozito, development consultant: I am representing Ginsburg Development Corporation. Susan Newman is here tonight. She was going to introduce me, but she got here after I did so I'll introduce her. Susan is passing the baton, as it were, to me as she takes on different responsibilities in the company. So I'm pleased to get involved with what I think is an innovative and exciting project.

With me tonight is Tony Castillo, who's from SESI Engineering, who worked on the storm water management, Phil Greeley, who you've probably seen before, who worked on the traffic aspects. And Kevin Healy, our counsel is also here tonight. I just wanted to respond. I want to first thank the Affordable Housing Committee for their thoughtful review and their comments and for, of course, acknowledging that we are in compliance at this point.

I just want to mention that we'd want you to know that, certainly, the units that we've proposed as affordable units at 1,060 square feet are certainly decent and, essentially, market rate. Very often we've done projects that are market rate with two-bedroom units in that size, so this was by no means an attempt to provide a substandard unit in any way but, in fact, a very livable unit that we would often-times market at market prices rather than affordable prices. So we heard her comments. I will say that obviously we're at the conceptual level of this project and we'll be refining the architecture as the time goes on. There will be tweaking that we can do, and we'll take a look at that. I can't make any promises at the moment, but we want to make sure that those are attractive. We think they are, but we'll take a look at it again to make sure that they, in fact, are very attractive units for the people who live there. So if there's any questions on my response I'd be glad to answer them.

Before I get into the traffic and drainage questions, these handouts have a couple of highlights that relate to both of those issues. There are two packets with some data relating to the traffic and the drainage.

Mark Chertok did a very good explanation of where we are today and what we're going to do tonight. I wanted to point out something that Mark didn't get into and that is, since the SFEIS was submitted in the summertime and commented upon in early September, two things did happen, one of which was the MUPDD zoning became effective on the property. That was in late September, I think it was.

Almost immediately thereafter Susan submitted an application for concept plan approval to the Village Board for the MUPDD Saw Mill Lofts version that we'll discuss tonight at

length. So in order to make the SFEIS more understandable once it's accepted and circulated, we're going to restructure it slightly so that now the MUPDD Saw Mill Lofts is the proposed action rather than Riverwalk. We're going to keep Riverwalk Village as an alternative for comparative purposes and the other lofts alternative which was under the LI zone as alternatives, but focus on this project, the MUPDD lofts live-work concept, as the proposed action. Hopefully, that'll make people focus a little better on what exactly we're looking at, what we're measuring the impacts for, and any mitigation that's involved. That's taking some work to do that. It's tweaking a lot of the document but, in essence, just to reformat it so that it makes more sense and makes the proper emphasis.

The two topics that we're here to discuss tonight I think probably received the most extensive comments from not only your consultants and your board, but at other meetings from the public. So they're certainly the most germane. We've worked very closely with your consultants and your attorneys and staff, as Mark mentioned, to address those comments in a meaningful way. I think everyone knows the plan but, just for the record, just to state, the MUPDD Saw Mill Lofts concept plan is the 60 units in two buildings, with 30 units in each, with a live-work component in every unit but the affordable. So there's 54 live-work units and six affordable units.

There's a slight mix of one-, two-, and three-bedroom, but the predominant unit type is two-bedroom. The average, overall, is all two-bedroom. Part of the proposal, as you know, is to dedicate 1.75 acres of land to the Village as parkland. All parking's that's required for the proposal is accommodated on-site, primarily in basement-level garages with a limited amount on the surface in an effort to reduce the amount of impervious surface. We've had meetings with the Zoning Board of Appeals regarding an interpretation of the required parking for the site, and I think it's safe to say that they're in agreement on the number that we've proposed as being appropriate for the uses that we've agreed to limit ourselves to. So that seems to be becoming finalized as part of this process continues.

With respect to traffic, the first little packet that I gave you is a couple of tables that just highlight some of the key features of what we looked at in proceeding with responding to the comments that we had received. But first, just to give an overview, I think the most important thing that we were asked to look at was the fact that a lot of the data we had given the Board in the DEIS, SDEIS, was from the year 2000. The traffic counts were from that time. When we submitted the SFEIS in draft form there had been some updates to verify those counts and see that they were in a reasonable range. But your consultants felt strongly that those numbers needed to be updated to arrive at realistic current-day traffic volumes, and then project them out to a realistic build year.

Our documents had a build year of 2003, which is a pretty good trick when you're in 2005, so we projected that out to 2007 as being a more realistic time frame, and made incremental

increases in the anticipated traffic at a rate of 2.4% per year over that entire seven-year period from 2000 to 2007 to arrive at what the anticipated traffic volumes would be when this project came on line and was occupied.

So we've taken a very conservative look at what kind of traffic we should be thinking about and concerned about in the future when this project comes on line. Then because it was such a radical change to our data, that required that we do a completely new analysis of all the intersections that had been identified. You have that in that black binder. Phil Greeley [of John Collins Engineers] and company did a full report with a lot of information. We abbreviated some of it just so you wouldn't get a sore back carrying it around. But the meat is in there, the tables showing the levels of service that result both in the future with, and without, the project to show the impact. And as importantly, what we did was, in doing the analysis the first sheet that you see in that traffic-related handout, this is somewhat of a unique use, this live-work use. And there's not a great deal of experience with it in Westchester, although there is some. Instead of trying to crystal ball a precise usage of the property in the future, we decided it'd be more appropriate to analyze range. That first sheet is a range of different scenarios that could occur with results of trip generation ranging from 44 vehicles in the PM. peak hour, which is the critical peak hour, to a high of 78. And you'll see there are different scenarios.

The typical all-residential rate is 44 trips in the peak hour. That's just for pure residential. If we assume that 50% of the people would work at home, which is an extreme on the low end, there would only be 24 trips in the peak hour. And that's because not all of the units are live-work; only 54 of those are live-work. We did some other scenarios with different amounts of people staying at home to work and having either half an employee on average, or one employee on average, or a visitor, and so on and so forth. In discussions with the traffic engineers and staff, this was deemed to be a reasonable range of anticipated traffic from the project. Then what we did is, we took sort of a midrange traffic volume for the MUPDD version of the analysis of the 44 trips. And then we re-ran all the Riverwalk numbers at the high end, which is 90. On the second chart you'll see that there's a range of traffic generation for the different uses that have been discussed in the past, including Riverwalk which had 90 trips in the p.m. peak hour as compared to 44 for our current proposal. So by analyzing those two different scenarios, we've kind of covered all the bases that we put on the MUPDD chart, the range of possible or anticipated traffic from the MUPDD version.

So we think it was a practical and also informative way of analyzing a somewhat complicated question, and giving us a comfort level that we've covered all our bases. We know what the potential impacts could be and, whatever mitigation is necessary, we know what to provide. In doing that, we found that even with the conservative increases in background traffic, or in the no-build condition, adding our traffic there was very little change in the levels of service as a result of both the Saw Mill Lofts version and the Riverwalk version. The levels of

service you'll see in the table are very comparable, such that we feel that we can honestly, and technically, say that the project will have very little impact on traffic conditions both in the future and today if it were to be on-line today. I tried to summarize all this in my letter and, hopefully, I'm not being too redundant. But a couple of areas came into focus.

One obviously being the Jackson / Route 9-A / Ravensdale intersection which, I'm sure, has been on everybody's mind any time any development goes on in the Village of Hastings. We have pointed out that there's clearly a problem with that intersection, particularly in the PM peak hour, for the westbound approach. We heard this at the Village Board public hearing on the concept plan. People noted how in the afternoon people coming from Sprain Brook Parkway heading toward Hastings can spend quite a bit of time. Our own analysis shows that in 2007 it could be as long as a five-minute exercise to try to get through that intersection. That's a level of service which, obviously, is not something that's acceptable. Fortunately, the configuration of that intersection and its usage is such that we can find a solution that has a great deal of benefit without a great deal of disruption. That is to provide new controls for that signal and to provide different timing for that signal so that the green time is given where it's needed most and the traffic volumes even out, and the movements through the intersection do so in a balanced way so that there's no drastic extremes in any one approach or drastic delays in any one approach.

We can accomplish rather significant results, as I mentioned in my letter, decreasing that five-minute delay to a one-minute delay. That's something that people will notice. It's not something that just traffic engineers, numbers, and alphabets and things indicate. That's a real improvement that people will be aware of. We can do that and actually improve the overall operations of the intersection so that it is functioning at its best possible capacity, taking all of the approaches into consideration. There is a need for minor delays, but it's matters of seconds on the 9-A approach, which has much lighter volumes than this problem approach. So there's a little bit of give-and-take. But again, overall, the intersection improves from an F to a D. So it's a substantial change that we think is very important. I want to say also that we're doing it despite the fact that only 1% of the traffic will be ours. So this is a major benefit that's not really a mitigation for any impact that we're creating, but still something that comes as a positive as a result of this project that I think can be looked at as not just solving a problem that the development might be creating but it's solving an existing problem without making matters worse in any way.

The other intersection that we were asked to take a look at was the Five Corners. That was mentioned in the comments from STV. There was concern about commuter trips, if we had underestimated the commuter trips that might be going through that intersection. So we analyzed it with the distribution that we expect, and that is roughly 5% of a typical residential

development on this property would go through that intersection. We took a 25% number, which is what your consultants had selected based on the demographics of the Village as a whole; how many people in the Village commute, what percentage. Even taking that very conservative percentage and using the higher traffic-generating Riverwalk proposal, there still were not changes to the level of service at the intersection. So we feel that we've covered the question of whether either the Lofts or the Riverwalk proposal, even with an exaggerated anticipated commuter traffic, would have an effect on that intersection. And it appears that it would not.

I should mention also that the whole concept of the live-work proposal is that fewer people would be commuting off-site in any case, so we expect the numbers to be significantly less than what Riverwalk would generate with the Lofts proposal.

I think those were the main issues as far as traffic was concerned. As Mark said, the volumes of things that we submitted to your consultants and to you do pass muster with them as far as a technical review is concerned.

Chairperson Speranza: I'm wondering if we should break now and respond to questions or comments. Any comments that we have on what we've read with respect to traffic?

Boardmember Hutson: I was wondering, on the proposal in terms of westbound traffic, one of the issues in that intersection is not just the light. It has to do with the grade and the crown of 9-A as you cross it. Whether that is taken into consideration as you do this projection. That phasing alone would really lead to the kind of mitigation you're talking about. Because I know in the Ridge Hill thing that they're talking about adding a lane.

Mr. Lozito: Turning lanes.

Boardmember Hutson: A turning lane, but that's not part of what you're figuring in this calculation, right?

Phillip Greeley, John Collins Engineers: Yes. Again, Phil Greeley from John Collins Engineers. The analysis that was presented does take into account the grades. We have a very steep grade, especially on the Jackson Avenue approach—the vertical alignment of the road as you come through the intersection. Those create some difficulties, and those are exacerbated by the way that the signal operates today. For example, if I'm coming across Jackson Avenue, and whether I'm going to the Village or turning left to go south on 9-A, the alignment and the cause of the conflict with through traffic, ...

[END TAPE ONE, SIDE A] [START TAPE ONE, SIDE B]

...arrows indicating. And we have a very heavy left turn volume. You know, the traffic heading westbound includes both the heavy left turn and, of course, a heavy through coming

towards the Village. So it's really to improve the efficiency of how the intersection functions.

But again, getting back to your question, the grades are taken into account both in terms of existing conditions and in the future. Whether there could be some additional alignment changes, as you pointed out, as part of the Ridge Hill development, which would be adding significantly more traffic through this intersection, they have identified and developed plans putting in turning lanes on all approaches. So that's a more drastic improvement. But this improvement would provide some initial relief to what's happening today and would also accommodate the traffic from this development.

In terms of the analysis with and without the improvements, we have seen, in other locations that have similar types of issues with conflicting left turn movements, where once this work is done we've seen real benefit as opposed to us just doing calculations. So we have seen other locations where this does...especially in a heavy commuter where you have heavy left turn movements that it improves the efficiency of the operation of the intersection. Hopefully, that addresses your comment.

Boardmember Hutson: Well, the arrow, I think, should help. I was concerned because it's going to increase the backup on the eastbound side a bit, from what you're proposing. So that would cause even more conflict on the left turn people. Of course, the issue you have there is still maybe the first few cars on the left can get through and you'll still have them back two more cars that want to make a left turn but they don't make that arrow. So without that, I don't know.

Mr. Greeley: Of course, no question. If you put in all turning lanes at the intersection you would clearly improve it. What we're trying to do is look at it in terms of a reasonable cost. Because we're going to also be replacing the controller, the signal heads, some loop detectors, so there's some significant costs. But also in terms of the magnitude of the traffic that's being added. As I said, for example, with the Ridge Hill project, the amount of traffic that's being generated there they really were looking at very extensive improvements to accommodate that loading. But clearly, yes, if additional lanes could be added, that would provide additional improvement.

Boardmember Logan: A quick question. I gather from what you're saying that Ginsburg Development's proposing to pay for these controller changes, the controller upgrade?

Mr. Greeley: That's correct.

Boardmember Logan: Maybe an additional left-turn light or something?

Mr. Greeley: Yes.

Chairperson Speranza: And do you know if there are any rules or regulations the state DOT has? I know to install a signal, a traffic signal somewhere, it's got to meet certain traffic laws. Is there something similar here where you could say, okay, you're going to do this and you're willing to pay for it. But the state DOT says, ... it's our facility and it doesn't meet the criteria and we're the ones who have to maintain the signal—we're not doing it.

Mr. Greeley: Yes. The answer is yes. If it was something that was, quote, off-the-wall, the DOT would say, No, you can't do that. Just to kind of bring you up-to-date, we have had some preliminary discussions with the DOT. They're aware of the issues. We've provided some preliminary information to them. Typically what happens, when an applicant is proposing to make modification it's done under what's called highway work permit process. So we have to still go through that process with the DOT, but we wanted to get some feeling without a definite commitment from the DOT. We actually looked at the intersection with them last week, looking at several locations. Just on the surface of it, after looking at it, they felt it was a reasonable approach. So the answer to your question is, it's not something that's off-the-wall, we still have to get their approval, and we have gotten some positive feedback.

We've also, and I think it's spelled out in some of the responses, if, for example, the DOT says, You know what?— we don't want to do that, I think there's a commitment made on the developer's part to take the equivalent monies and put towards an improvement. If, for example, there was an overall improvement that it could be used for that or something else in the Village. Typically, because we work for municipalities as well as developers, when the municipality is in support of something, the DOT will listen to that also. Just as an aside.

Chairperson Speranza: I had just a couple of things. You had mentioned that the update of the traffic counts, from the time that they were done in 2005 until the present time, that there was actually a significant increase in traffic from 2000 to 2005. Was that equivalent to the 2.4. The percentage background growth that you assumed? I want to make sure. I mean, essentially, it seems like it may have jumped then 10%.

Mr. Greeley: Just to kind of give a summary of what Bruce mentioned, we did additional traffic counts, new traffic counts, over the course of a week in terms of 9-A and the Jackson corridor to really see what has transpired there, and looking at that in terms of the intersection and the amount of traffic changes. It varied, but basically about a 12% increase over that time period. So the volumes were adjusted. For example, on one approach, the percentage increase may have been a slightly lower increase. But we looked at that, and we looked at it with your consultants, to come up. Even if it's a little conservatively high, we felt it was a reasonable approach to adjust everything upward in terms of the intersection.

We also had other data that was available from the DOT on the 9-A corridor, and there were questions raised on the Ashford Avenue intersection because when we did the original

studies it had not been modified yet. So we brought that up-to-date with 2004 traffic data from the state. But in terms of the increases, there were some varying increases. But in terms of the 2- to 2.5%, 2.4% was what we saw as a composite growth increase, then bringing that to the current condition to reflect what we saw in November. And again, in November when we did those surveys, it could have been a little bit higher because of the time of year, getting close to Thanksgiving and you may get a little bit of a spike. But again, we think it's a conservative approach. And then from the 2005 to our design year we added another 2.5-, 2.4% perm year to grow out to the future as well as adding in traffic for other known approved developments within the Village. And then, of course, we did a supplemental analysis which looked at Ridge Hill. We looked at that separately just because it's the nature of that project.

Chairperson Speranza: That leads to my next question. I've never heard the term—and I'm sure it's a term of art; that is, a traffic analysis. But repeatedly for certain intersections you mention a sensitivity analysis.

Mr. Greeley: Yes.

Chairperson Speranza: Like for Ridge Hill.

Mr. Greeley: Yes.

Chairperson Speranza: What is that?

Mr. Greeley: It's very similar in terms of the traffic generation. There's a range. We have certain projections in terms of what we see based on the project. For example, the Five Corners. Yes, for the Village as a whole, 25% commuter trips that use the train, etc.. So there is range there. And the sensitivity is to see, well, if it's not 10% and it's 25%, what does that do to the operation. So we classify it as a sensitivity to see how sensitive the analysis is to that change. Similarly, at 9-A and Ravensdale, what is the effect of Ridge Hill? You know, Ridge Hill, I guess in terms of being in a different municipality and what's involved there, maybe that wouldn't be classified as a sensitivity. It's just an alternative analysis with their impact. We refer to it as sensitivity just to see what the effect is of that.

Chairperson Speranza: Okay, so it's just not as detailed.

Mr. Greeley: Well, it's a detailed analysis. We have it with and without, so it's to see what the effect is of that other development, or the effect of a change in assumption: if there's more people that go to the train station, if there's a different distribution of traffic. For example, let's say we projected 15% in a particular direction. And somebody says, Well, we think it's going to be 25%. The sensitivity would be what does that extra 10% do.

Boardmember Hutson: You mean effect on level of service.

Mr. Greeley: Correct. Sorry for the confusion.

Chairperson Speranza: What I'd like to do is, our traffic consultant, would you mind coming up? I just want to hear from you. You reviewed the information. If there are any issues that you still have remaining?

Patrick O'Meara, STV: We're the Village traffic consultant. We reviewed the traffic interpretation section of the project.

As Mark had mentioned, we provided our preliminary comments in September. Sat down with the developer and Mr. Greeley. We went through a detailed discussion of all these issues in terms of the traffic volumes from 2000 to 2005, background projects, the issue with commuters going to the station at 25%. Right now we're satisfied with the work. As we mentioned, we were concerned with the intersection of Ravensdale Road, Jackson Avenue, and 9-A. We're satisfied with the mitigation that's being proposed there. We agree, as well as the DOT, this is a reasonable improvement. As Mr. Hutson had mentioned, it can be better if we put left turn lanes at every approach, but for the level of traffic that we're adding it's an appropriate measure to improve it. We're satisfied with the work as it is right now.

Chairperson Speranza: Thank you. Okay, let me open it up now to any comments from the public. We're just speaking right now of the traffic information. Are there any further questions?

M.J. Madigan, 26 Mt. Hope Boulevard: I'm wondering if I'm doing the math right. If you have 50 units, 25% commute. Is there not a consideration about what happens after they get through Five Corners and they get to the station? Where do they park? Parking is already a problem, and with a new arrangement down there people are starting to park in the lot that really is occupied by the restaurant. So what happens when you add, what, 10, 12 more cars? Where does it go?

Chairperson Speranza: That is something that I believe is already included in the SFEIS. Anything else?

Lin Osbourne, 17 Villard: I would like to request again that...we have people that come to these meetings, get out of their houses, come out in the cold. We want to be able to see what you all are seeing. I respectfully request again that when you pass out things, let us see it, too. I mean, that's why we're here, all right?

This gentleman here was talking about the signal failure and when the traffic is coming west, is that right? You're coming down the hill...that's west, right? That there's a five-minute delay and that he expects that it would be reduced to a one-minute delay. He talked about it as a signal failure of F. I've been stuck in that where it has backed up to within one block of Central Avenue. That's not a five-minute delay, and that's in the middle of the afternoon. Sometimes there's a delay in the morning. I've never gone there in the morning, but I was there last week and at 7:30 in the morning it's backed up the other way going out of town. So although his figures may say that there's a five-minute delay there, my empirical

experience is different. And although our traffic consultant feels that the mitigations are appropriate for the level of traffic that it's going to bring, actually they may be. But the problem is that the level of traffic is so awful already that even though this is only going to bring a 1% difference it's still not going to help.

Chairperson Speranza: Thank you. Let me just address the materials issue. One of the reasons not to have anything distributed at this point was to make sure that this is information which becomes part of the document to be made public. If there were still items that needed to be addressed, if our consultant were to get up and say, "No, this isn't right. This doesn't make sense. It doesn't work. Go back to the drawing boards," we don't like to have 12 different versions of things that are out there. That's why we have the summary and the presentation for the people who are here. We don't want to have the materials out until the materials are accepted by the Board to then be distributed to the public. So it's going to be out there.

Ms. Osbourne: But you understand it's difficult for the public to respond to materials that we are unable to look at.

Chairperson Speranza: Right. I know the presentation is not the same as reading them, but they will come and there will be more opportunity.

Mr. Greeley: Just one clarification. Sometimes when we make a presentation we forget about the details. In Mr. Lozito's presentation he talked about five-minute delays. When we study traffic we look at an hour period; a one-hour period is what's evaluated. The delays that are referred to are average vehicle delays. So over the course of the hour and, clearly, I've experienced where I've been in a queue that's been back past over the throughway heading westbound in the afternoon. But again, it's averaged over the hour, and that's the criteria that we have to use for the state DOT. It's a standard procedure. Are there spikes within that hour where you could have delays that could approach 8, 10 minutes? Yes, it could happen, and it does happen, because you do get a peaking. But again, the comparison in terms of those average vehicle delays...and that's the definition of level of service. Average vehicle delays over the course of an hour is what's presented in the documents. Ms. Osbourne's comments are appropriate. Because you can drive there and our experience—we drive through the intersection—you see what happens. So we're not coming up with different conclusions, but just to clarify that the data that's presented and the form that we have to present is average vehicle delay.

Chairperson Speranza: Okay, thank you.

Jim Metzger, 427 Warburton Avenue: I understand that there has to be a process in place to evaluate these things and certain standards have to be met. My question is, PM peak hour

studies. I'm not convinced that that necessarily represents what may be actually the worst traffic consideration in this site. We're building a project that is going to be remotely located from the downtown portion of the Village and from everything that happens culturally in the Village in the afternoon. I'm assuming that a certain amount of children are going to be living here. What we're finding is that in the afternoon there's a huge amount of vehicular traffic from parents shuttling children to and from different activities. It's been my experience that some of the worst traffic I've experienced at this site actually occurs at 3 and 4 o'clock in the afternoon. School buses are out, they're stopping, dropping kids off, picking kids up, etc.. People that are running errands after school. They pick their kids up, they will go down to Central Avenue, etc. I'm wondering if studies shouldn't be done on a summer weekend when people are doing projects and they're trying to get in and out of the Home Depot. So I question this narrow time frame of picking a peak PM hour and applying that overall to this location. I think there are other issues, specifically its remote location to the Village, that need to be incorporated.

I will also reiterate, I think there's going to be a problem with parking for the train. I don't know that 25% is an accurate number. I can only go by what the experts are saying. I'm not convinced that it's only going to be 25%. I believe, from listening to the discussions in the Zoning Board, that, in fact, the vast majority of people that are moving into this project are not going to be working out of their house. They'll be using that extra space for a family room or an additional bedroom. I think most people that can afford to live up here are going to be commuting into the city, and I think that number is dangerously low. Those of us that live in the vicinity of the train station that have to accept that extra parking are going to be made to suffer for this.

The last thing is, we talk about vehicular traffic. No one's addressed pedestrian traffic. I know that's not part of this study. However, if people intend to walk from this project to the Village—and we're trying to promote a walkable Village—bringing additional cars through that intersection is going to be a nightmare. It's already impossible to walk from that site to the Village on those sidewalks. 9-A is dangerously narrow, cars speed through there. Anybody that's driven through there recently knows that the flooding is a problem. I think that we need to incorporate the traffic study with the pedestrian flow study and find out if, in fact, are we creating an enclave that nobody's going to be able to get in and out of.

Thank you.

Jeremiah Quinlan, 39 Hillside: Patty, I just want to repeat one of the ideas I had for the Trustees when this came up that was addressed by the experts today. What I would ask the Planning Board is to be your own experts and to go out and drive through that site, especially during the peak hours of, let's say, 4:30 to 6:30. I, and I made the same point to the Board of

Trustees, occasionally have business in White Plains. I come back down the Sprain and hit that intersection. You know, I'll wait 15 minutes easy, almost on a regular basis. As I said to them, I'm a patient man but I think that's too much. And Lee commented, after my comments, that I was being very gracious by saying that I only waited for six or seven lights. That it was probably a minimum; that there were probably more lights we wait through.

So with all due respect to the experts, I would ask the Planning Board to go out there, drive from White Plains between 4:30 and 6:30, sit at that intersection coming into Hastings. Imagine yourself, after you do get to the hill, that even if there was a turn signal...and David, you made a good point. There's going to be cars behind people. You know, you're going to have one or two cars maybe using that left-hand turn signal. That's where the problem really is. It's the people turning left, going down 9-A. And then it's going to be stopped because someone's going to be going straight, or someone is hopefully going to be making a right turn. But by then, you know, they might be able to do it. And then traffic—it's not really going to help the traffic situation.

As to the argument that Ridge Hill should be built and we're going to have a major renovation to that corner, I mean if Ridge Hill does get built I think the majority of Hastings residents will realize, and do realize, that we will be in a traffic nightmare. Not only in that intersection, but in the whole geographical area. It will become mind-boggling.

Just to end up on a funny note, I was sent over to Stew Leonard's on the Friday before Christmas to do some shopping. I don't do much shopping. We were having some friends over that night, and when Eileen mentioned to them that I was going over to Stew Leonard's to do some shopping on the Friday before Christmas their comment to her was, "Well, I hope he gets back for dinner." Because the traffic there was just incredible on that day. The whole intersection was just loaded. Stew Leonard's, even though it's a great store, it was just unbelievable. It was an unbelievable experience.

So I really believe that any traffic is too much, and do your own studies. Go out there, walk it, drive it, like Jim said, and you'll see it's really a traffic nightmare and this is not going to help it. Thank you.

Chairperson Speranza: Jerry, twice a day through that intersection, at least. Not from White Plains; from the south. So we do our work.

Mr. Quinlan: No, I know. Am I wrong?

Chairperson Speranza: It fluctuates.

Boardmember Hutson: It varies. It really varies a lot.

Chairperson Speranza: Right.

Lorraine Kuhn, 38 Judson Road, Ardsley: In 2000 it was an easy trip west on Jackson Avenue and south on 9-A. In 2005 it's intolerable. And it's hard to believe that's only a

12% increase. That really doesn't sound like the right figure. To say that by 2007 we're only going to see another 5%, with Ridge Hill coming in, these figures are estimated figures. It doesn't sound like it reflected any actual looking at the volume of traffic that was generated by Home Depot. I just think maybe numbers based on some actual studies are warranted here because these sound awfully low. Thanks.

Chairperson Speranza: One of the reasons that I asked about what you found to be the increase was to make sure that, in fact, you weren't using 2% or 2.5% for a year, when in actuality the increase from 2000 to 2005 was 3% per year.

Mr. Greeley: These are based on actual counts. And in terms of just dealing with the PM peak, the PM peak is what we look at in terms of design issues. We did 24-hour counts on all approaches to that intersection, so we have variations every hour of the day. We have classification counts in terms of school buses, etc.. So yes, during other hours: in the AM you have a different pattern, midday you have a different pattern. You have more trucks on 9-A in the midday. The school hour, you have more school buses.

But what we're looking at in terms of improvements...and again I'll point out, we're talking about average vehicle delays. Clearly, at that intersection that we're focusing on, 9-A and Ravensdale, when you're heading westbound or coming through the intersection there's days where I come down and I don't have a long delay. There's other days where I'm back past Stew Leonard's access road there. It does vary over the course of an average period.

...the improvement that we're proposing, just for clarification, is to give an advance for everyone that's on that westbound approach. It would not just be for the left-turn vehicles; it's left, through, and right. But what it does is it allows some movement to occur so you move out some of the queue and it just improves the efficiency of the operation. It's based on what we saw in actual operations at other intersections. Thank you.

Chairperson Speranza: Okay, anyone else for traffic?

Mr. O'Meara: Just one more comment in defense of the review and the work that was done. Yes, there were new ATRs put out there, 24-hour counts, and they were at the same exact locations as they were back in 2000, to see how the growth compared from 2000 to 2005. You can see the daily variation of traffic over the course of the day. The period that was analyzed is the peak period of the day, and the peak generation from the site is added on top of that to get a good idea of what would happen with this additional traffic during the peak period. Again, I agree with everyone else here in terms of the delays along the westbound approach that can be unbearable. Whether or not this project is put in place, those delays will exist. If the developers walk away, there will still be the 5-, 10-, 15-minute delays.

But with regard to the guidelines of doing an EIS, the developer has put in their fair share of mitigating the intersection for the traffic they add to it. In the cases they're doing here, they're almost going one step a little bit beyond that. They're improving it a little bit more

than what they really need to. By actually providing the traffic signal advanced phase to the westbound approach, not only are they helping with the additional traffic, but traffic that's out there today existing that's having problems going through the intersection. The issue right now with that intersection, it's beyond just this development. All the traffic that's going through there, it's a DOT issue. We really can't solve all the problems at that intersection through this one developer.

With regard to Ridge Hill, they are adding more traffic. We did do the analysis for adding the Ridge Hill traffic to the intersection. So that 5% does not include Ridge Hill. That was added on top of that 4.5-, 4.8%. So just an additional clarification of what's going on at the intersection, how it's being improved.

Chairperson Speranza: Do you happen to know what the build year for Ridge Hill is? I'm just curious.

Mr. Greeley: According to the FEIS, it was also 2007. And they had included Artists Walk, which was the Saw Mill Lofts, in there. Just to be safe, we included them, as well, in this as a sensitivity just to make sure all the bases were covered.

Chairperson Speranza: Okay, thank you. Is that it for traffic now?

Danielle Goodman, 28 Ashley Road: I have a couple of questions. It was indicated that there were additional submissions, conference calls, a site visit, consultations. Were any minutes kept, and is that going to be made available to the public?

Special Counsel Chertok: The submissions were made only to the consultants, not to the Planning Board, in response to the comments that were made. The only submission that's gone to the Planning Board is what was given to them recently. So these were meetings only among the consultants and the lawyers, and did not involve the Planning Board. So until the consultants were satisfied with the responses, they didn't go to the Planning Board. Now the Planning Board will review them. I'd also add that these are all going to be part of, presumably, a Supplemental FEIS, and that will be subject to public comment at that point. So it will be all together in a single document for public review, as well.

Ms. Goodman: So are you saying there'll be another opportunity for the public to comment? There'll be a hearing?

Special Counsel Chertok: I don't know if there'll be a hearing. I don't think the Board has determined a public meeting.

Chairperson Speranza: We don't have to have one.

Special Counsel Chertok: They're not required, but the Board typically holds a meeting on the FEIS, and this is a Supplemental FEIS where the same process would typically be followed. So there'll be opportunity for the public to review this entire document and to provide any comments on it.

Ms. Goodman: Do you happen to know if the 2005, the August, 2005, binders are in the library yet? Because all that was there the last few times I checked were the prior Riverwalk binders. In other words, the SFEIS that was filed with you and dated August, where there was an index of comment letters, the documents that were put on-line were missing letters 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, and 19, and they were listed in a schedule as being present. So I think they just didn't get scanned in. But when I went to the library to look at the hard copy, it hasn't been there. So I was wondering if that could be put in the library.

Chairperson Speranza: We'll follow up with that and make sure. I think we would put the document on-line.

Ms. Goodman: But you didn't scan everything in. There were missing letters.

Chairperson Speranza: We will make sure.

Ms. Goodman: And I was particularly interested in the ones that were sent to you, or to the Village, by the county of Westchester. Because apparently they weighed in on this, and it would be interesting for the public to know where they came down on the project.

Chairperson Speranza: Well, if you get what's missing to Angie we'll make sure that you've got it, that there is a complete document.

Ms. Goodman: Can I give her this?

Village Planner Witkowski: Thank you, Danielle.

Chairperson Speranza: Okay, now we're going to talk about the storm water analysis because that was another big issue that came up during the comments.

Mr. Lozito: Steve Garabed from Carpenter Environmental Associates prepared a memo in September also, regarding his review of the preliminary, or draft, Supplemental Final Environmental Impact Statement. I think it's fair to say that an emphasis of his comments happened to be the fact that we had proposed now these two alternative Saw Mill Lofts concepts—the one that conforms to the MUPDD, and the one that conformed to the LI—and that we hadn't analyzed those in as great a detail as the Riverwalk Village had been analyzed, and that it was difficult for him to respond to the impacts and suggested mitigation for those. So in light of the fact, as I mentioned at the beginning of the presentation, that we've done a little bit of a turnabout here and made the MUPDD Saw Mill Lofts the proposed action, those comments happen to be extremely well-pointed. So the work that we've done since we got his memo has been targeted toward providing all of the information that he needed and the Board needed to do a proper analysis of the storm water impacts of the proposal that we're now putting forth as the proposed action.

Tony Castillo has spent many hours and has, I think it's also fair to say, given Steve more than he asked for. There were some things that weren't being required of us, but we thought the best way to address it was head-on and give the whole ball of wax. Which, again, we spared you some of, but we did give Steve what was referred to as a storm water pollution

prevention plan which provides all the answers to the questions that were asked in a concise, one-place binder with calculations and drawings and the like, plus additional information even though it hadn't been asked of us. But I think it gave Steve, your consultant, enough information to take a look at what we were saying and to be able to verify what we were saying. The areas that seemed to be of greatest emphasis in his comment letter, as Tony Castillo interpreted it and I tend to agree, had to do with the questions of storm water quantity, storm water quality, and to a lesser extent the erosion control.

So Tony did do an analysis in each area. With respect to storm water quantity, the question of whether detention is appropriate on a site such as this or not, I think the fundamental point that one has to appreciate is that we are, with this development, reducing the amount of impervious area that's on the site currently somewhat—from 2.3 acres under existing conditions to 2.1 acres under the proposed conditions.

And obviously, that has relevance to the amount of runoff that comes off the site and is generated by the site, both in terms of the rate at which it comes off and the volume of it coming off. Tony did calculations and submitted them to Steve that demonstrate that when you compare the existing condition to the post construction condition, both the peak rates of runoff—that is, the speed, or the volume over time that comes off site—will be reduced for the 1-year storm, the 10-year storm, and the 100-year storm, which are the characteristic storms that are analyzed to get a sense of the project's impact. In addition, the actual volume of runoff coming off the site is also reduced under each of those storm scenarios.

So it was clear that detention was not required. Tony also provided an explanation how, given the characteristics of the Saw Mill River, the New York State DEC would not require a detention in any event, but this was one further justification for not requiring detention for quantity purposes on the site. So those documents are in, those calculations are in, and Steve Garabed has reviewed those.

Chairperson Speranza: Can I just add, because it is in a letter that we have here, there was a meeting with the DEC.

Mr. Lozito: Yes.

Chairperson Speranza: The DEC said there was no need for detention.

Mr. Lozito: I don't know if detention was discussed. That was more of a storm water quality discussion, or maybe you can tell me, Tony.

Tony Castillo, SESI Engineering: The discussion with the DEC was, we discussed two elements. One was a need for storm water detention on the site, and also what measures for water quality the DEC would generally like to see on a site like this. In terms of detention—because where the site is in relation to the Saw Mill River's drainage area—the assessment of the DEC is that this is a fourth water stream regrader. Basically, it's at such a

point in the drainage area where there is such a...whatever peak event in terms of flow rate and volume were to come off the property, it isn't even a blip in terms of the overall peak flow rate of runoff volume of the actual Saw Mill itself during the 100-year storm. So they said because of that we will not require you to provide any detention on this site.

Chairperson Speranza: Thank you. I should have let you finish.

Mr. Lozito: That's fine. I wasn't present at the meeting, so I couldn't answer myself.

I guess a related question has to do with some proposed fill in the 100-year flood plain. We're proposing to do a small amount of fill quite distant from the river, actually. The flood plain boundary follows pretty much the channel of the river and then blips out where there's a hollow, if you will, in the site at that point. And we're doing a small amount of fill at the most landward end of that blip. We quantified it as 79 cubic yards, and I was asked to kind of come up with what an example of that is.

I don't know how high this ceiling is, but a cube about 13 feet, by 13 feet, by 13 feet. So it's probably something like this corner of the room is what would be filled. I think, again, in the context of the Saw Mill River that's a blip in terms of any impact. It's 0.67%, we calculated, of the flood plain storage on our site. Tony was comfortable in saying that it's a de minimis amount of fill that would not have an appreciable effect on flooding. So we've made that statement and taken that position. Both in terms of the amount of runoff and the characteristics of the development itself we're confident that there's going to be no impact on off-site conditions as a result of the proposal.

With respect to storm water quality, which has really come in to the fore in the last few years as the Phase 2 regulations became effective, Tony again met with the DEC on that issue because there's a question about how sites are treated when they've been developed previous, or not. As you know, a substantial portion of this site, the northern portion, is parking area now, as is the area to the very south. Typically, what the DEC will allow is a slightly less stringent water quality program. If they recognize the site has already been paved and having its effects and you're simply redeveloping it, then they have a different view on how it's handled and a somewhat less stringent view. However, we elected not to pursue that relief. Given the sensitivity of the site and the concerns that have been expressed by the Village, we decided to go the next step with that.

I'll give an overview of what the approach is, and then I'm sure you'll have some more detailed questions. But it's a function of capturing a certain amount of runoff—used to be called the first flush, but I think it has a different terminology now, that has the most pollutants in it—and treating it in a variety of ways that the DEC has deemed appropriate and effective. We selected basically two methods to use on the site to accomplish the DEC requirements. Again, Tony can explain it in more detail, but they involve bioretention and, to

a much lesser degree, infiltration. Just to give an example of the bioretention concept, this plan, which is the one that you have in your package, shows different areas of the site and where they contribute to a storm water quality facility. So, for example, this is an area of parking in the front of one of the proposed buildings. What it would do is sheet flow, run off, to what's called a gravel diaphragm which runs along the edge of the pavement. It's basically a relatively shallow, 1-foot wide trench with gravel in it that the runoff from the pavement goes into and prevents it from being a concentrated flow into a grass swale which is on the other side of that gravel diaphragm. So it's a sheet flow, a gradual sheet-like transmission, of the runoff into a swale, that then by gravity flows to a lower end of the swale where a bioretention facility is. That's a depression that has a combination of mulch, planting soil, sand, filter layer, and then a gravel layer beneath, with an under-drain that takes filtered water once it passes through all those layers to the drainage system, having treated it for water quality purposes, then discharges it into the storm water system and then off-site.

So we had those bioretention facilities in four places, one each for the two parking areas in front of the buildings. Here's the second bioretention. Then you're also required to treat rooftop runoff. Used to be an understanding that there weren't vehicles up there you didn't need to worry about water quality on the roof. But now with acid rain and other concerns, the DEC requirements are that you treat rooftop runoff, as well. So in this instance, the rooftop runoff as well as the area behind the building is directed toward another bioretention basin through swales, as is the rooftop of the building to the north to a bioretention basin over here.

So that's the primary function or methodology for treating the storm water from the site, both from paved areas and buildings. In addition, there was an area that required a different treatment because of grading and so on and so forth. That's a little different. It's an infiltration system, where runoff from this driveway down to this garage area is captured in a Vortech device, which some of you may have heard of before. This is, according to Tony, a very effective device for separating out oils, hydrocarbons, sediments, and more substantial debris, floatable type debris. Once it goes through this Vortech device it's outletted into what's called StormTech, which is basically just half-pipes set in gravel where the water runs to, and then eventually just percolates into the groundwater. Having been pre-treated by the Vortech device, it's treated by that percolation through the ground back into the groundwater. So that was proposed for that area.

Also we provided, at the request of Steve Garabed, a Vortech device in this area, as well, to provide treatment of the water from this other driveway. So I think we've met, certainly, the criteria of the DEC and the objectives of your consultants in addressing the storm water in an appropriate fashion.

As far as erosion control, there was nothing special, if I can say that, about how to treat erosion control on this site using standard methodologies of silt fences along the Hudson

River. And I suspect we'll probably, in addition to this silt fence that we show on there, probably do a hay bale backup or something just to ensure that in heavier storms the silt fence isn't knocked over. It will provide a more substantial backup for that. We provide inlet protection, so that when the drainage system is partly in and the site isn't all stabilized...

[END TAPE ONE, SIDE B] [START TAPE TWO, SIDE A]

Steve Garabed, Carpenter Environmental Associates: As you know, we reviewed this for the Village. As Mark said—after our meetings, site visits, conference calls back and forth—at this juncture we really don't have any major issues with the proposed plan. The applicant has accommodated us where we have asked for certain things. There were certain regulations that were open to interpretation in terms of what was required, and they tended to look our way on our interpretation, which we believe provides enhanced water quality protection for the site.

We reviewed their storm water pollution prevention plan. At this point it's a draft document. It will need to be finalized at the time that they're ready to apply for their storm water permit. But it's got the basic components that are required. It does have the soil erosion sediment control plan as one of the major components. Again, that'll be finalized after the plan approval process. It includes all of the design calculations that we reviewed. In general, we are in agreement that this plan will mitigate the storm water impacts.

Mr. Lozito: Thank you, Steve. There was one other thing I was asked to mention at one of our discussions. There are a number of drainage pipes that run through the property now. One of the things that Steve was right to ask about was whether those pipes had sufficient capacity to carry the additional runoff that we would be generating. He put Tony to task, and Tony gave him the information that he had requested in that regard.

But there was one other point, and that has to do with rerouting those lines around the buildings. There was a question about the areas that we're not going to replace, whether they're in good enough condition to be relied upon to carry the storm water. So we've agreed, and I'm not sure if we put it in our documents yet but we will, that when we undertake construction there will be an actual field inspection of the condition of those remaining existing pipes that are still to be part of the system. If they're not adequate, the Village engineer, or whoever you may designate to make that determination...we would replace those if necessary. That was something we were asked to address, and we'll do that.

Chairperson Speranza: Okay, questions from the Board?

Boardmember Hutson: I want to just ask, in terms of the methodology that's being used, or being proposed, the maintenance standards for those. What are they? I mean, one of the things I'm always concerned about these setups is that for the first eight years it's great, then nobody pays attention to it.

Mr. Lozito: As part of the DEC review, one of the major elements of the SWPPP that we need to provide them is a very rigorous operation and maintenance plan. They want to see a full schedule of how—in the future, once this is built—how is it going to be maintained. Frequency; what's involved: a very detailed information statement. I can tell you this much. For example, bioretention facilities, at the very least every few months, quarterly at least, we need to go in and evaluate the condition of the facility to determine, number one, how much siltation has occurred, are there any floatables that are laying there. Once that's found, those areas need to be remediated, cleaned up. In cases where there's major silt buildup, that silt obviously needs to be removed. And if any grasses need to be replaced, that needs to be done at that time. It also gets into, for example, for any infiltration facilities, as we're proposing here, pretreatment, in order to reduce the need for intensive maintenance. We provide locations where there will be clean-outs so they will be easily inspected in order to make it easier to maintain them, have more of a visual record of them. But we will provide that information in the SWPPP as far as what the frequency would be.

Susan Newman, GDC: If I could just add to that, I think I mentioned in the letter that the question of who would be responsible for that was raised by one of your staff. That would become an obligation of the condominium association. It would probably be delegated to the landscaping contractor as routine type of stuff to be done. There'll be a declaration of covenants and restrictions that impose certain things on the condominium association in perpetuity. That kind of maintenance obligation can be put in there. We've even, in the past, made it something that's enforceable by the municipality. So there's ways to address that and ensure there will be a responsible agency on the premises, being the condominium association. And there's a method of ensuring that they do the necessary maintenance.

Boardmember Hutson: Thank you. Do we have anything in the Village storm water planning that has to do with oversight to make sure that these things get done?

Special Counsel Chertok: No, but you can put on not only the covenants or restrictions from the association, but you can require a condition of site plan approval that not only provides the Village with enforcement authority but can provide that if the necessary action isn't taken within a certain period of time then the Village can take the action and basically back-charge the association. We recommend that type of condition to be put into any approval. So it's not only the DEC that you can rely upon for enforcement, but you can make sure that it gets done from the Village perspective, as well.

Boardmember Barr: Would it be normal to have an escrow fund?

Special Counsel Chertok: It would not be normal because you typically have a homeowners association which has funding. You could build into these kind of provisions an annual report to make sure there are sufficient dollars to cover those kinds of maintenance obligations. And if it didn't, then you could ask for an escrow fund. But you typically

wouldn't ask for that up front. It's really over time that these things tend to occur and become problematic.

Chairperson Speranza: Anyone else on the Board? I just had two things. Realizing the boundary that's shown on this plan, effectively you are not looking at anything for the open space that's been proposed to be dedicated to the Village. I can certainly understand the reason why. What I want to make sure is that there's nothing about the grading of this property or the way that the drainage will be handled that we end up having open space that is just under water all the time or is unusable for anything.

Mr. Lozito: Any and all grading would not direct water onto the land that we're proposing to dedicate to the Village; as you would treat any neighbor, quite honestly. We can contain our own runoff, and we handle it on our own site.

Chairperson Speranza: Okay, because I see one of the bioretention facilities is fairly close in that corner.

Mr. Lozito: That'll discharge right out.

Chairperson Speranza: Right into the river, okay.

Mr. Lozito: Very convenient to have the river right there.

Chairperson Speranza: Okay, and this one may be the tougher question, but I think it's something that we all have in our mind and I just want to have both your consultant and our consultant address this. Is there any reason for us to believe that this project will in any way contribute to the flooding that's been experienced in this area of the Saw Mill Parkway?

Mr. Castillo: When I evaluated the hydrology, the existing flow patterns, on the property today, and looked at the flow patterns that I anticipate will occur in the future post construction, I took a very hard look at the those flow rates and volumes that come off the property now into the river. I sat down and evaluated them both with a very conservative eye. Looking at all the approved methodologies, if I could borrow from the traffic consultant here, the sensitivity analyses were done. We do those, too, just to get an idea of what that difference would be because I realize that it is critical. I can tell you that, based on my analyses, we are not going to increase storm water runoff volumes and rates for those key storm events; that 1-year, that 10-year, that 100-year storm event. So therefore I think this will not create a negative impact in terms of flooding.

Mr. Garabed: As Tony said, his analysis shows that there is going to be, actually, a reduction in the peak flow rates and volumes for the 1-, 10-, and 100-year storm, so that is true. In terms of that, you're actually going to have a reduction in the runoff off of this site. The one change that they are making, like Bruce mentioned, was a change to the flood plain. It's really a de minimis quantity. If you were to model that, the model would be greater than

that change that you would see. You couldn't even see it in the model, it's really immeasurable. So in that regard it's going to have no measurable impact on the flooding.

Chairperson Speranza: Okay, thank you.

Boardmember Hutson: Seeing what's happened on the Saw Mill, for lay people it's just...anytime you fill anything, it's hard to think that somehow a project doesn't have any impact on it. But I have to accept what you say. When we had the Army Corps of Engineers doing all of these things that supposedly were going to improve it, and the parkway gets closed all the time north of us, our experience is just such that we really need to be convinced on this. Not that you have to try to do it more now. I'm expressing my anxiety. I'm looking for therapy, I'm not looking for answers here.

Mr. Castillo: I understand your concern. As we sat and looked at this we knew there would be some questions because it is hard to grasp: How is that possible?

One of the things that we did look at in the post construction condition is, in terms of these buildings, what's going to happen?, what's the runoff pattern? Typically what happens when you develop sites you have point discharges, all right? So you have a situation where buildings, when it rains, there's a straight pulse of runoff that goes right into the river. So the river sees that immediate impact of that additional runoff, okay? What we're doing is, we're taking a different approach to that. Especially, for example, for this first building up in the northern side. One thing we're doing is just taking that building and we're taking the rooftop leaders, and we are going to run that through a grass swale first and then have it get to the barrier retention facility. What does that mean? That means that it's going to take longer for that water to travel, make its way through the system, and eventually get down to the river. So you don't have those immediate pulses of runoff. The terminology is called "the disconnected rooftop runoff." And that is a very valid term because what's really happening—the best way to explain it—is, we're slowing down the effect of that impervious cover on that stream. So that, in effect, there isn't an increase in runoff from these areas. You are actually getting decreases because you're kind of slowing down that runoff rate. So that's an additional measure we looked at on this property.

Boardmember Hutson: All right. See, I think part of it is, we have to look at these things in regard to code requirements and governing requirements. But almost in terms of making a contribution, if you will, it would be interesting to know...because when you say "compared to current conditions," we're talking about paved parking lots, to a large extent here.

So you start off with something that it's not too big a challenge not to surpass it. It would be great if there was a way to see that we could almost reduce it significantly, and then compare the increase to something that would be the case if the parking lots weren't there. Because, you know, when you drive by there you see it as open space. You don't think that it's really contributing that much to runoff to the Saw Mill when, in fact, it is because it is parking. So

the standard that you're trying to meet is a pretty lousy one to start with, in that you're working off a parking lot. It's almost as though we would like to see ourselves make a contribution to reducing the impact significantly on the Saw Mill River. I realize that's not a developer's charge or responsibility totally. But, as part of the community, that's what we should be looking to do.

Mr. Lozito: I have a feeling that even if we just ripped up all the pavement there probably would not be a measurable effect on the Saw Mill River. We're not dealing with a big enough site to have a real measurable impact.

Boardmember Hutson: That's probably true of almost all of these sites up and down the river, that none of them in and of themselves are so significant. It's the fact that this was the only one we have any influence on at the moment. But somewhere somebody's got to start with this stuff. That's the responsibility I'm talking about.

Chairperson Speranza: Okay, why don't we open it up to any questions. Again, we're dealing with the storm water.

Ms. Osbourne: I really don't have a question on the storm water. It's sort of a bigger question. I don't have a lot of experience with this. What does 1.75 acres...what can you put on it? Can you put a ball field? Is it a football field? Is it a soccer field?

Chairperson Speranza: We have to keep to topic now.

Ms. Osbourne: Can someone just give me three words? How big is that? I just don't know.

Village Attorney Stecich: I can answer that because we did study it. You can put on a Little League baseball field. You can put on four tennis courts.

Ms. Osbourne: Good, that's what I want.

Village Attorney Stecich: Not together.

Ms. Osbourne: No, no. I understand.

Chairperson Speranza: Okay, storm water?

Ms. Kuhn: You're going to be real dependent on all these practices. You know, you wind up with a big flooded swale. There were previous reports that criticized it and said a lot of them are going to fill up with silt rather quickly. So you're going to be very dependent on this development to maintain these practices so they work properly, and it's going to have to be frequent, and it's going to have to be diligent.

I had just a question. I was curious if you could actually show us how you're going from 2.3 acres to 2.1. I've been very curious about the subterranean aspect. Because you're excavating a huge area and you're going to have to exclude all the water from there. Somehow that has to figure into your calculations, doesn't it? I know you think of the water

falling down on the roof, that's your impervious surface. Well, what about that big hole that can't take any water at all?

Mr. Lozito: We do have responses in the documentation which will be in the SFEIS which will be available to the public.

Mr. Castillo: When it rains we've certainly provided a very aggressive means to collect and treat and convey that storm water safely into the Saw Mill River. Now when, as you say, an excavation will occur, just so you understand, whatever fraction of the rainfall that gets into the ground, it's not, in effect, stored. There's no big box, if you will, that's underground. What happens is, that water ultimately gets down into groundwater at some point. It takes a little bit of time, but it does get down there. As a result of this project we're not removing the ability of that water to get to the surface down into the ground. It'll make its way down there. It'll meander its way down as it does today. Water will find a path of least resistance.

Ms. Kuhn: But you're eliminating two big spaces under those buildings where it currently falls onto it and travels through there. Now it won't be able to, so it's going to be flying off and running to the sides and coming down the hill and going around.

Mr. Castillo: As it does today.

Ms. Kuhn: It's got to figure into it.

Mr. Castillo: That's what it does today.

Ms. Kuhn: Well, there's no big hole today, and most of the things all up 9-A don't have basements because it's a problem.

Chairperson Speranza: And it may have to do with the depth. Because I was curious about that issue also: in thinking that the dirt underneath the building does play a role in terms of slowing down the movement of water. And not right off the building, but coming off anywhere else, it does serve some sort of purpose. But you're not going to have that extra soil to act as almost a filter to pass through. But you've got other techniques, is what I'm understanding now, that are going to be able to serve that purpose.

Mr. Castillo: Right. When rainfall will occur on the rooftops of these buildings, right now what would happen is a certain fraction of that water runs...actually, in the northern portion of the property, that's all pavement right now. So what happens when it rains? It goes right into the river. What are we doing in the future? First of all, were cutting down that whole area of impervious cover. That's going to be reduced.

What are we putting in its place? We're putting a rooftop that going to be treated by grass swale and bioretention. What are we doing there? We're allowing for water to get an opportunity to infiltrate into the ground where it doesn't have that opportunity today.

Ms. Kuhn: But you are going to have, actually, less ground for it to infiltrate. Somehow that has to figure into your calculation.

Mr. Castillo: It has no bearing at all.

Ms. Kuhn: I was here...

Boardmember Hutson: Lorraine, excuse me. I don't think there will be less ground for it to go into, right? In other words, if you consider the parking lots to interfere with the same kind of thing that you're talking about the buildings...

Chairperson Speranza: No, I can understand what she's thinking. It's the volume of earth, because you're excavating, is going to be different.

Ms. Kuhn: Right now when it rains on a big piece of dirt the water can kind of go in and find its way to the groundwater. It can keep finding its way down to the Saw Mill. The water won't be able to do that, and how many feet deep is that underground? How many feet deep are you going below surface? Ten feet?

Mr. Castillo: About 10 feet, yes.

Ms. Kuhn: Ten feet by the entire surface area of the building, those are big holes around which all the water has to go. Whatever's falling has to go around it. You've got water that comes down a steep hillside, too, from across the street. You're already talking about, well, you got to look at the pipes, you're going to have to redirect the pipes. It has to be a factor.

Mr. Lozito: I think the point Tony's trying to make is, it doesn't serve a storage function. The soil is merely a conduit, it's a pass-through. So we're not taking away something that holds water and keeps it there. We're not taking something like that away and replacing it with a garage. It's just an area where there is soil that serves as a conduit for water. It's a flow-through, not be stored and get into the groundwater. So the storage function isn't happening is what I think Tony was trying to say. It's not happening now, and it's not going to happen afterward. So it's really not relevant.

Ms. Kuhn: Who did you talk to at the DEC?

Mr. Castillo: Patrick Faracane.

Ms. Kuhn: Okay, thank you.

Mr. Metzger: I disagree with what you're saying. It is, in fact, a storage facility for a limited amount of time in a heavy rain. I have photographs that were taken earlier in the fall when we had major rains. What happens when we have a major rain is, the ground loses its capacity to absorb water at the rate that its falling, the river rises.

A simple way to think about this, you have a large bowl of water. The water is right up to the edge. If you were to take a glass, an empty glass, and put it into that bowl and push it down, the displacement of that glass would cause the water to flow up and over the edge of the bowl. When you have a heavy rain, it's the equivalent of having a bowl of water. When you add more water and you don't have enough surface to absorb that, you're going to be increasing the runoff. My feeling is that by putting in this underground garage you're talking about, actually it's the equivalent of putting in more fill in the flood plain. I don't believe that

this will decrease the amount of water going into the river, and I'd like to give these photographs to the Planning Board so they can see what the effects are.

The other thing is, it's very easy to study a limited site and say, Look, here's what happens right at the river when the water runs off here. I would call your attention to what happens down on her street when we have a heavy rain and it becomes a lake. This is down in Yonkers. Yes, it's not Hastings, but you know what? Part of what we need to do as a community is be cognizant of what happens to those that live downstream and those that live upstream. What we're talking about here is increasing the amount of flow in a heavy rain for a short duration of time, which is what causes these problems.

My other question is, where is the flood plain, or where is the water table on this site? How far below the existing grade?

Mr. Castillo: Elevations of groundwater, approximately about elevation 116. So that's at least 10 feet in some locations, greater in others.

Mr. Metzger: And that's what, during normal flow times? What about during the floods that we've been experiencing? Where is the water table on that site? Does it go up to 2 feet, does it go up to 3 feet? My question is, when you put this garage in are you basically building a swimming pool that's going to be kept empty.

Mr. Castillo: I believe that the groundwater levels were tested in late winter, early spring, which are the characteristics of the highest levels of seasonal high groundwater, seasonal high water tables. And I, quite frankly, don't agree with what you're saying about the fact that this we're taking away storage. One of the things that we're trying to do on this site, and we believe that we've successfully done that to this point, is attempt as much as possible to not change and alter significantly the hydrology of the site by putting in these bioretention measures. And also, I haven't really spoken about it much, but we have an infiltration facility here. We are taking treated storm water. We are putting that back into the ground. Let's not forget that. I mean, that's a substantial area, too. Okay, it's probably at or greater than the footprint of the one of the buildings that's on there now, that we're proposing now. So we are taking very critical steps to insure that we're not negatively affecting the surface water hydrology and the groundwater hydrology of the site.

Mr. Metzger: With all deference to that, there have been several other developments, most notably in Elmsford, where they were told the same thing and they ended up having major flooding problems that cost a huge amount of money for the village to mitigate. We have this healthy...I don't know what the word would be. We tend to question these things before they get built so that we don't end up paying for the cost of repairing it.

My last question is, we're talking about taking this rain water and, with all the mitigating circumstances, we're holding the water on the surface and giving it a longer time to flow

back into the river. My question is, where does that fit into West Nile Virus and mosquito problems if we have a damp site throughout the entire summer? Thank you.

Ms. Goodman: I think it's a shame that we're even here, but our village had an opportunity to pass its own environmental regulations and we could have taken a leadership role with respect to the river. But that time has passed, so now the ball is in your court. I'd like to point out two things. One is, the parking lots that are there are cracked and they leach. So every time that I hear that the impervious surfaces are going to be compared to what's there now, what's there now is a leaching, leaking surface. And we're going to replace it with concrete and steel and glass. That's number one.

Number two, and maybe I've misunderstood the layout and I'll ask the question. Isn't the site plan that's currently before us going to be building on what is now a parking lot, and then south of it on ground that is not built upon? Isn't that true?

Mr. Lozito: Yes.

Ms. Goodman: So what you're doing is, you're altering the topography. Because the parking lot that's at the due south end that's paved is, I think, the portion that's being donated to the Village? Am I correct?

Mr. Lozito: Yes, and we are obligated to remove that pavement from that piece.

Ms. Goodman: So we don't know what we're going to end up with because you're going to build on what's now unbuilt. You know where the three trees are directly south of that? That's a meadow, it's a field, it's not built on. They're going to fill that space with a building.

Chairperson Speranza: Right.

Boardmember Hutson: I don't think there's any confusion about the fact that they're going to be building on some...

Ms. Goodman: But I think that has to account...you're changing the property.

Boardmember Hutson: Well, they've accounted for that.

Chairperson Speranza: Which is why we're doing this.

Boardmember Hutson: That's why they brought in these other measures, to compensate...

Ms. Goodman: And I just can't believe for an instant, I don't believe it, that this is not going to increase the flooding. It's just not acceptable. And they're drawing conclusions. Nobody's asking them what is the basis—let's see it written out—what is the basis for your conclusions. That's a very simple question.

Chairperson Speranza: Okay. And that will all be in the SFEIS, the document. As I mentioned, the materials that we have now that are responses verified by the consultants hired by the Village will all be in the document.

Ms. Goodman: Well, I hope very much that there'll be another hold harmless agreement or something between the condominium association and the Village, where the Village isn't going to have to send the fire trucks and other things over there to pump out the roads and the basements and everything else.

Chairperson Speranza: That's what the hope would be.

Ms. Goodman: And I hope that that legal instrument is in place so that we don't accept this. It's just incredible to me that we would even be thinking about this, taking on this kind of liability, so I hope that there are some protections there. And I don't believe it for an instant, and you know what? It's just an abomination and I can't accept it, but I guess we're going to have to live with it. And hopefully you are going to take the hard look that they say they're taking. But if you just look up- and downstream at what's happened with development, it's all additive. Thank you.

Chairperson Speranza: Thank you. Okay, anything else on this?

The question that I have, and I will address it to counsel: next steps in terms of continuing the process. We, as a board, have to make sure that the document—and now we have lots of pieces of documents—is acceptable to us.

Special Counsel Chertok: You don't yet have the full document. The next step, to my understanding, is that the applicant will file a revised proposed Supplemental Final EIS, which will be given to the Board and, presumably, to the consultants for review. So that's the next step. I can't answer the timing of it because that's under the applicant's control.

Mr. Lozito: We think that these two areas, as far as responding to the comments we've been given, have been addressed to the satisfaction of your consultants. We would presume that these two topics—the chapters in the SFEIS on those—will be presented based on what we've given you thus far. Again, as you've pointed out, that's just the step of getting it accepted by you so we can go to public comment. It's not the end of the discussion. There were some minor comments in other areas that we're going to address that I don't think are controversial; that we'll get to your staff in short order for a first look, and then, when they're happy with those, present to you, and hopefully, be in a position at the next meeting to take action on the SFEIS. We thought we'd get the biggest issues focused on in one meeting. At this point we thought that would be the best way to handle it.

Chairperson Speranza: Okay, I'm just a little concerned about something you said: take action on the SFEIS in February.

Mr. Lozito: Just to deem it complete so we can go out to the public. Not to make findings.

Chairperson Speranza: Okay, so you think you're going to have a document ready for us?

Mr. Lozito: Yes, the comments that are remaining are relatively small in comparison to those that we've gotten, and required a lot of study.

Chairperson Speranza: We're not getting another loose leaf volume full of information.

Mr. Lozito: No.

Chairperson Speranza: Because I know there's been a lot of back and forth in terms of the way that this is arranged because of the Riverwalk and the Saw Mill Lofts LI, so we would be following the pattern of the previous SFEIS.

Mr. Lozito: As much as we can, but making it clear which is the proposed action.

Chairperson Speranza: Okay.

Mr. Lozito: So we're going to try not to disrupt that too much, but to make it a better document. Try to make it clear that this is what we're talking as a requested action. So we'll try to keep the changes to a minimum, but we think in the long run it'll be more clear that way if it's presented in that fashion.

Chairperson Speranza: Okay, because I want to make sure that you all have time to take a look at this whole new...

Boardmember Hutson: Yes, we are getting a complete new set. Is that what you're saying? So you need time. No?

Special Counsel Chertok: What I think you're going to be getting, and that question I'll ask Bruce, is that there was a proposed FEIS previously submitted, which you've seen and reviewed. So the changes are going to be to that document. And I would suggest that you try to ascertain a way to identify where the changes are so we don't start from ground zero again. Which I think is what the subtle suggestion of the Board was, from six members that are here. So I think you ought to try to do that. Because there's no reason, if something has been reviewed and not critiqued and basically accepted, I don't see any reason to start all over again. And I think that's what you're all suggesting.

Boardmember Hutson: If you're talking February, definitely.

Chairperson Speranza: Right. Because we want to make sure that we can very confidently accept the document. So we do want to make sure that we go through it very, very carefully and say, Okay, we as a board are satisfied now and let's put it out for public comment. That it's complete. I guess if you wanted to wait until March there would be no objection by this board either.

Boardmember Barr: But we could read it in advance of the meeting, not two days before the meeting, or just before the meeting. Because we do read this stuff.

Chairperson Speranza: Okay. I think that's it for Saw Mill, and also this agenda item.

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

Ms. Kuhn: A question. If the SFEIS gets accepted in February, what comes next?

Chairperson Speranza: We'll be having a public meeting. It will be released to the public and we will have a public meeting on the document. And then this board has to issue findings on the project. Then it's got to go back to the Board of Trustees.

Ms. Kuhn: Then it has to go back to the Board of Trustees again? Thank you very much.

V. Discussion

Chairperson Speranza: I don't think that we want to tackle steep slopes tonight. We have had a special meeting for steep slopes. That's what the minutes were. You weren't here last month.

2. Large Tracts

Chairperson Speranza: Let me talk for a minute about the large tracts document, which was handed out to everyone. I do want to try to be able to go through that and somehow put together a presentation for the meeting February 16th, which is why I want to make sure the agenda is very, very carefully constructed for that meeting. There is one omission from the document, and that's the chart. That'll be mailed out.

Village Planner Witkowski: I'll get that to the Planning Board members. I have to fill in the potential revenue also. So I'll have an updated chart at the same time with that.

Chairperson Speranza: And I do think, when we speak of large tracts, that's going to fit very nicely into a follow-up discussion with respect to steep slopes. Because some of the discussion that was had at the meeting of the committee had to do with finding a way to strengthen some of the laws that we already have on our books. So we do want to make sure that those discussions are conducted. Get me comments, and then we will do something more formal on February 16th, the next meeting.

Boardmember Lee: I was just wondering if we should consider having two meetings either in February or March.

Chairperson Speranza: Well, I want to find out what the schedule is going to be for the receipt of the SFEIS. And I'm wondering about, Angie, anything new from GDC on West Main, 45 Main, 422. Anything from Urban Green?

Village Planner Witkowski: Urban Green, yes, they have submitted everything to Susan Fasnacht at Charles Selz Engineering that she had requested. They finally got that into her, so I know she's reviewing that. And we did get a revised memo from Paul Buckhurst because he was able to get the photomontages. They sent those to them. So they're working on what they have now. It should be ready by the February meeting. When I talked to

George Jacquemart he seemed to think that they could probably have everything ready for the February meeting.

Chairperson Speranza: Okay, we'll have to talk about it because we can't do it all at the February meeting.

Boardmember Barr: We did sign off on the wall that they had.

Chairperson Speranza: Right, Maple Avenue. Anything with regard to a start date for 45 Main Street?

Village Planner Witkowski: I think they started working this week on it.

Chairperson Speranza: All right, good.

Village Planner Witkowski: There's been a lot of activity. We can hear it over here.

Chairperson Speranza: All right, any other issues from Boardmembers? Any issues from anyone in the audience?

VI. Adjournment

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