

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
SPECIAL MEETING AND PUBLIC HEARING
SEPTEMBER 28, 2006**

A **Regular Meeting and Public Hearing** was held by the Planning Board on **Thursday, September 28, 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 William Logan, Fred Wertz (8:30 p.m.), David Hutson, Jamie Cameron, Eva Alligood, Bruce Dale, Deputy Village Attorney Marianne Stecich, and Village Planner Angela Witkowski.

Chairperson Speranza: Good evening. I'd like to call the meeting of the Planning Board to order. This is considered a special meeting because it's our second meeting this month and it is on an odd day for us, the last Thursday in September. It's September 28th.

I. Roll Call

II. Approval of Minutes

1. September 7, 2006 meeting

Chairperson Speranza: We have a set of minutes from September 7th that we need to either have corrections or a motion to approve.

Boardmember Dale: I have one comment. On page 27 there's a quote. I'm quoted as saying, on the bottom of the page, a statement about the trees which I didn't make. I think it was attributed to me, but it's not me.

Boardmember Cameron: Yes, that's actually my statement, where it says Boardmember Dale at the bottom of the page.

Chairperson Speranza: "...were listed as a continuation of your..." -- the paragraph above?

Boardmember Cameron: I said "the two of you said earlier that..." I remember that part.

Chairperson Speranza: So just take out Boardmember Dale.

Village Attorney Stecich: One thing on page 18, it says, six lines up from the bottom, "...where there is no steep slopes because it's not subdivided..." It should say: "...while there is no deduction for steep slopes..."

Chairperson Speranza: Right. Okay, anyone else have anything?

On MOTION of Boardmember Logan, SECONDED by Boardmember Dale with a voice vote of all in favor, the Minutes of the Meeting of September 7, 2006 were approved as amended.

a.) Confirmation of Positive Declaration for 10 W. Main

Chairperson Speranza: The second kind of subset of what we did, of the minutes. We had a lengthy discussion at our last meeting about the proposal for 10 West Main Street. Based on the environmental aspects of that proposal we, at the time, voted that we would be issuing a positive declaration for that project. There are certain items that we are specifically concerned with. The way that we had left it at the last meeting was that our counsel would put together the formal resolution for that positive declaration. We have that before us now to vote. We've all seen it. I think it's probably a good idea that we go through parts of it. David, do you want to do that?

Boardmember Hutson: Sure. You want to just read the resolution?

Chairperson Speranza: Yes, I think that's a good idea.

Village Attorney Stecich: I just have one correction. On SEQRA positive declaration, on the second page on "a," I was reading it again, and I thought, Wait a minute, this doesn't add up -- 47% of 62%. It should read: "Because the proposed action would be constructed on 47% of the slopes of between..." and "...on 62% of slopes of greater than 25%." So of all the slopes on the site that are greater than 25%, 62% of them are going to be taken up by this development.

Chairperson Speranza: So you'll make that change and make sure that we get revised...

Village Attorney Stecich: Yes, and I'll make other changes before we do the final.

Boardmember Hutson: How much do we want to...

Chairperson Speranza: Well, I don't think we need to go through the history of the property, but simply: "The Planning Board finds the proposed action may have the following significant..."

Boardmember Hutson: Okay. "The Planning Board finds that the proposed action may have the following significant impacts on the environment.

(a) Because the proposed action would be constructed on 47% of the slopes and 62% of the slopes greater than 25%, the project could have a large impact on the slopes on the project site. If, however, the project is built in strict compliance with the plans reviewed by the Village's consulting engineering firm, the impacts to the physical site would be mitigated;

(b) Because the proposed action will be built on a steep hill facing the Hudson River and visible from the train station and commuter parking lot it would affect views of the Village from important vantage points. Views of a wood hillside would be replaced by views of the large building. While the applicant has taken some measures to mitigate these impacts by stepping the building down slightly as the hill slopes down, those efforts are not sufficient to mitigate the negative impacts on aesthetic resources and community character;

(c) Because the proposed action lies within the Village's view preservation district and would affect the views of the Hudson River and Palisades from neighboring properties, it may have significant impacts on aesthetic resources;

(d) The proposed action would require the removal of large trees on the site, and could jeopardize the survival of large trees downhill from the site, including several old sycamore trees;

(e) The proposed action may result in the temporary elimination of some parking spaces in the Steinschneider parking lot, particularly when deliveries are being made to the construction site.

These are impacts that may be mitigated, but the Planning Board needs to know the details of how construction and related deliveries would be staged, and how many parking spaces would be affected, for what period of time, and how frequently."

Chairperson Speranza: Okay, so those are the reasons that we found that we've issued a positive declaration on the project, and really constitute the scope that we want the applicant to submit the environmental impacts on, do his Environmental Impact Statement on.

Let's just go through, if there are questions or comments on what you've seen. If not, then I'll have a motion to formally accept this and issue the positive declaration.

Boardmember Hutson: Did we receive a corrected Environmental Assessment Form, do we know?

Village Attorney Stecich: No, and part of the resolution was directed along the lines with respect to that. So they haven't gotten this resolution yet. They could have made corrections, but they didn't. No, we do not have a corrected EAF. But I think nonetheless we know, we're assuming, the EAF will have these corrections.

Chairperson Speranza: And the EAF has to be submitted. The Environmental Impact Statement kind of supercedes the EAF, so all of that documentation will come in with these areas more expanded.

Village Attorney Stecich: Right, you've got to make sure that it does come in. And I'm assuming, if the Board adopts the resolution and then sends it to them, they'll settle with ICAFT XXX.

Chairperson Speranza: Okay, can I have a motion to adopt formally the language in the resolution as amended?

On MOTION of Boardmember Hutson, SECONDED by Boardmember Alligood with a voice vote of all in favor, the Board resolved to adopt formally the language in the resolution as amended.

Chairperson Speranza: Okay, thank you.

Village Attorney Stecich: Patty, there was also a resolution that was part of the pos dec. There was a second document.

Chairperson Speranza: Oh, we have to do this?

Village Attorney Stecich: Only because it directs them to turn in the revised, and it also adds the part about the alternatives we want to consider in the EIS. It would be in a scoping document, it wouldn't be in the pos dec. But it occurred to me that we could cover everything by adopting this resolution.

Chairperson Speranza: I was going to say, I'll do this one.

Village Attorney Stecich: Yes, you don't have to go through it all.

Chairperson Speranza: Again, it's a resolution. The first page-and-a-half or two pages is the history of the project and all the reports that have been generated. The substantive sections for us are:

"...now therefore be it resolved that the Planning Board:

1. Directs the applicant to correct the Environmental Assessment Form," and it itemizes those things which we requested them to do we discussed at the last meeting.

2. Adopts the attached positive declaration," which I guess I did these out of order:
"and

3. Directs the applicant to prepare a Draft Environmental Impact Statement addressing the issues identified in the positive declaration, and including the following alternatives," -- because as part of SEQRA you have to look at alternatives as well. Those alternatives would be: "a no-build, a building without the discretionary fourth story below grade, and a building which would be no higher than 40 feet from the ground at any point."

Village Attorney Stecich: I should say a no-build you have to include in anything. You may well think of different alternatives or not like those alternatives. That wasn't a discussion that happened at the meeting. I just assumed, kind of based on the discussions, these were alternatives the Board would probably like to see.

Boardmember Hutson: No, I think that gets to the issues.

Boardmember Cameron: I think maybe within these things we can get there, but another alternative is for submitting a stepping-down of the building, which is, I think, more part of the alternatives. Essentially smaller building or stepping down.

Village Attorney Stecich: Okay, so we could just put: "(d) ...a building more stepped down toward the..."

Boardmember Cameron: "...more significant stepping down..."

Boardmember Cameron: But wouldn't that sort of coincide with (d)? Removing the discretionary fourth story?

Boardmember Hutson: Oh, that's the below grade issue. Probably is more with the 40 feet. In other words, the stepping down to address that.

Boardmember Cameron: He could take out the space in the parking level, but I would still think the building would be a significant problem because of the size we would see from the train station.

Boardmember Dale: But you still have a parking requirement.

Boardmember Cameron: Yes, but he could eliminate the apartment on the fourth story below, but the building wouldn't be any better from our perspective even if he did that because it still would have the same bulk from the outside. So what did you have in mind?

Chairperson Speranza: The idea is, we could add a vote that specifically addresses...related to the architectural components of it.

Boardmember Cameron: More significant stepping down?

Chairperson Speranza: Okay? Anything else? Okay, then I need a motion on this resolution, and you'll note that Boardmember Wertz has arrived.

On MOTION of Boardmember Logan, SECONDED by Boardmember Hutson with a voice vote of all in favor, the Board approved the resolution.

Chairperson Speranza: That's it now for 10 West Main Street. We have not heard anything from the applicant since the last meeting.

III. New Business

- 1. Public Hearing. Filipe Pereira. Resubdivision Approval for proposed purchase of a portion of 42 Whitman Street (Sheet 11, Block 628, Lots 48, 49, 50 and 51) lot by owner of 48 Whitman Street (Sheet 11, Block 628, Lots 45, 46, and 47) to increase size of 48 Whitman Street Property**

Chairperson Speranza: We're going to enter into a public hearing portion of this meeting for a resubdivision approval of property at 42 Whitman Street. It's Mr. Pereira, I hope I said that right -- okay, good -- who was before us once before for preliminary plat approval. Let me just check first. Angie, is everything in order in terms of the mailings?

Village Planner Witkowski: Yes, all the mailings are in order.

Chairperson Speranza: Okay, great. Mr. Pereira, first, name and address for the record, and then just brief everybody on what it is you want to do.

Felipe Pereira, 48 Whitman Street: This is Mr. Brian Rusnak, which is the owner of 42 Whitman Street. We are trying to do a subdivision on his portion of the property. He would sell it to me.

Chairperson Speranza: If you get the board up there, and then you're going to have to speak through the mic.

Mr. Pereira: Thank you. As you can see here, it's called Tax Lot 48 and Tax Lot 47. The dotted line is what is existing now. That's where the boundary is. So he's trying to subdivide this Tax Lot 48, and basically this is a 15 by 100 lot.

Chairperson Speranza: And this action does not result in any nonconformities on Mr. Rusnak's property.

Mr. Pereira: No, it doesn't. He's still going to have more than 25 feet from his house to the property line.

Boardmember Hutson: Remind me why you want to do it again. What's the benefit?

Mr. Pereira: Because now the house is only 6 feet from the property line, and if I acquire the 15 feet that belongs to him I'm going to have 20 feet from the property line.

Boardmember Hutson: You'll have more setback?

Mr. Pereira: Yes.

Boardmember Hutson: Just in order to have some yard and some room there, or do you want to do something there?

Mr. Pereira: Well, eventually, in the future, I would like to make an addition. But for now, yes, it would be just to have more yard there.

Boardmember Hutson: Right. And you're aware of what setback you would be required to have and so on, right? I mean with an addition. As long as you're aware of what the implications are as far as you would still have setback requirements.

Mr. Pereira: Oh, yes, I'm aware of that.

Boardmember Logan: Well, this action also makes this a conforming lot, whereas at present it's not.

Mr. Pereira: That's true, that's true.

Boardmember Hutson: Well, I think it's not a frontage conforming lot, yes, and I think that it's closer.

Boardmember Logan: Right.

Boardmember Hutson: I mean, it's 60 instead of 46, if I remember. Something like that?

Mr. Pereira: Yes, now it's 46, and it's going to go to 61, the frontage.

Chairperson Speranza: Any other questions, comments? This is a public hearing. Does anyone want to comment on it? Mr. Rusnak, do you have anything that you want to add? All right then, we'll consider the public hearing closed.

If there's no more discussion, then I think we're ready for a vote on this proposal. Let me do this in the right order now. There are two steps, actually, to this. Because this is a subdivision, technically we do have to go through the SEQRA process. We have an Environmental Assessment Form that has been prepared for this project. There is really nothing that's going to trigger any kind of a potentially large impact. Again, this is something that's been filled out, the applicant in conjunction with the Village staff. We are the only board, the only agency, that has an action on this, so therefore it's in our purview and we don't have to do any kind of formal lead agency designation or notice requiring the 30 days because we're the only people that can act on this. So the first action that we would be taking would be to issue a negative declaration on the environmental consequences of this project. And then the second motion is to approve the subdivision.

So would someone like to move the negative declaration for the proposed subdivision on Whitman Street?

On MOTION of Boardmember Wertz, SECONDED by Boardmember Cameron with a voice vote of all in favor, the Board resolved to make a negative declaration on the environmental impact.

On MOTION of Boardmember Wertz, SECONDED by Boardmember Cameron with a voice vote of all in favor, the Board resolved to approve the subdivision.

Chairperson Speranza: Thank you. Good luck. Let me just say for the record, we got communication from four neighbors: Carol Ann Griffiths, Ann Ostach, Mary Griffiths and Gregory Griffiths. They are all supportive of this action. I should have done that during the public hearing phase.

Okay, you're finished.

IV. Old Business

- 1. Public Hearing. Saw Mill Lofts. Site Plan Approval for proposed mixed-use development with 54 live/work condominium units and 6 affordable residential condominium units on 7.45 acre parcel on Route 9A (Sheet 22, Parcels P4 and P4A) zoned MUPPD. Concept plan was approved by Village Board of Trustees on 6-20-06**

Chairperson Speranza: This is noticed as a public hearing, as well. It's for site plan approval for property located on Route 9-A in the Village, Saw Mill Lofts, 54 live/work units. If you recall, this is a project that was ongoing for a number of years. We undertook an environmental review process, which was an Environmental Impact Statement, on several different kinds of proposals for this property. The Board of Trustees, which had the final action on this with respect to the requirements of the mixed use planned development district, approved it, subject to certain conditions. We received in our packet the list of all of the conditions. The project does come back to us now for site plan approval.

The first thing that I would like to do is to have Marianne go through how we got here today, what our role is with respect to the site plan, and then I'd like to have the applicant go through. I've noticed some changes with respect to the site plan as compared to the project as it was going through the environmental. Then, of course, we'll open it up for comments and discussion.

Village Attorney Stecich: Okay, I'm hoping I can summarize about six years in six minutes, but I'll try to be as quick as I can to explain where the Planning Board is procedurally right now and where you are substantively on this application. There's been a lot done, but there's still quite a bit to be done.

As Patty mentioned, actually starting back in 2000 the Planning Board's been conducting a SEQRA review of different residential proposals for this site after the ShopRite was turned down in 1999. Starting in 2000, Ginsburg made applications for several residential proposals beginning with 157 all-residential. It changed, partly as the zoning in the district changed. For awhile we had a proposal that was compliant with the light industrial district, which it was immediately before the MUPDD. Then, when it looked like the MUPDD was going to pass, we had a proposal compliant with the MUPDD. And then when the proposal didn't pass, we had a proposal compliant with the light industrial. None of that really affected the SEQRA review, though, because all the alternatives, including the one that's being considered right now -- the one that the concept approval was passed on -- was one of the alternatives fairly early on. So after the MUPDD law went into effect, which was October, 2005, GDC made an application under the MUPDD for concept plan approval for Saw Mill Lofts, which is the current proposal.

It first went to the Board of Trustees, which it does under the statute, and they had the ultimate approval on it. Then the Board of Trustees sort of acts as a gatekeeper; took a look at it, thought this is something that might fly, and sent it on to the Planning Board, which was already doing the SEQRA review; but also for the Planning Board to make a recommendation on the concept plan.

As I said, the Planning Board had been considering something very similar to this as an alternative. This then became the action that they considered. The Planning Board hired its own experts -- to review the proposals.

The most important input was from traffic engineers and from site engineers who studied the storm water impacts. The Planning Board then finished its SEQRA review in April, 2006, when it issued its findings statement, which determined that the proposed development would not have any significant impacts on the environment. Now, that was included in the materials you got. That was the 55-page document; goes through all of the history, goes through all the consideration of the environmental impacts. At the same meeting the Board adopted those findings, it recommended that the Board of Trustees adopt the concept plan subject to a number of conditions. Those conditions are included on pages 51 to 54 of that document called Recommendation of the Planning Board & Findings. The conditions are a huge range of things, from the pedestrian bridge over the Saw Mill River to construction staging to environmental issues.

So this board recommends concept plan approval and issues its SEQRA findings. It went back to the Board of Trustees then, because the Board of Trustees is the one that ultimately has to give the concept plan approval. The Board considered a few additional issues that came up that the public brought to the Board of Trustees' attention. They required some more input from the experts. By this time the fiscal experts became more important. There was a firm that was giving some fiscal advice. The Planning Board had touched on it, but not as much as the Board of Trustees did.

Then on June 20th, 2006 the Board of Trustees adopted the Planning Board's SEQRA findings, because every board has to adopt its own findings. So the Board of Trustees adopted the Planning Board's SEQRA findings with some amplifications. These related to some contamination issues that were raised by the public, the impacts on the Ardsley school district which were raised quite late in the process, and some fiscal impacts.

So as part of its SEQRA findings, the Board of Trustees imposed three conditions. They would have imposed all the conditions that were in the Planning Board findings plus three additional conditions. One, that if contamination is discovered in the area to be donated to the Village that GDC will be financially responsible for cleaning it up. There was some issue with the part that the Village was going to get, and would it be safe to have playing fields there and stuff. It was determined that it wouldn't be an issue, but as sort of a belts-and-suspenders step the Board required Ginsburg to assume liability for cleanup, if needed.

The second condition was that GDC must participate with the Village in creating a walkable, bikable trail connection between the South County Trailway and the Ravensdale Bridge, and make a matching contribution of at least 20%. And if the Village doesn't get the grant -- which the Village seems to think it has a pretty good shot at getting -- GDC has to develop the trail connection at its own expense; although maybe not as elaborate a trail connection, but some connection.

The third condition was, I guess, directed to the Planning Board, although you probably didn't really need it. That the recreation fees cannot be reduced or set off by any elements of the project, including the bridge over the Saw Mill River or this railway connection.

The Board of Trustees approved the concept plan. Their document -- Resolution: Approval of Concept Plan for MUPDD Saw Mill Lofts Development With Conditions -- that's the document, I guess, that supersedes everything -- includes all the conditions. It includes the Planning Board's conditions in there, if they need to see all the conditions.

Now, the term "concept plan" isn't exactly how it sounds. It sounds like it's just sort of a vague concept. Under the statute, it could happen that the plan that comes before the Board in a MUPDD is far more conceptual. Let's say somebody bought a big parcel and they only had a proposal for a development of a little bit, but they had kind of a concept for the rest of it. Then that would also be a concept plan. In this case the concept plan was actually very close to the site plan because the applicant was developing the entire parcel. They had a plan for the whole parcel, so it's really quite detailed and quite substantive. It included a number of items that would ordinarily be included in site plan review. So a number of things that would ordinarily be done in site plan review were already done, like the storm water management controls and the soil studies and those things. So those items would not have to be addressed again in site plan review because they were addressed in SEQRA and then they were addressed as part of the concept plan approval.

But there are still a number of items that the Planning Board is going to have to consider. You probably all have it in the zoning code, but it's a little easier to go around. This is the section from the zoning code on site plan approval. I highlighted, I looked at it. And if you start on the third page -- actually the second page in -- it tells you the items that have to be part of the site plan application. I think that list of things that has to be part of the site plan application is a pretty good checklist of the issues that the Board had to look at in site plan review. I highlighted the ones that would have to be the subject of this site plan review.

If you go to the top of the third page there, 295-144, one is a planting plan. They have to submit a planting plan. There was a little bit of that looked at in the concept plan and SEQRA, but not a lot, so you'll have to look at that in more detail. When you go to (e-1), (-2), and (-3) they're just really administrative. (-4), about the location of the yards, it's already been determined that all the setbacks were met so you don't need to look at that. (-5), though, you would have to look at -- the location and dimensions of all existing and proposed buildings and structures, including the height of all buildings and structures and the width of courts. That was looked at to some extent, but not in great detail. The next one would be the exterior design of proposed buildings, including proposed grades, facades, and other architectural features, and the location and attachment of mechanical equipment and other appurtenances to the exterior or on the roof. This is, in large part, an ARB function.

My suggestion would be that if it hasn't gone to the ARB already that the Planning Board recommend tonight that it go to the ARB. And the ARB is supposed to report to the Planning Board before you come up with your final approval. So to get it moving, to have this stuff sent on to the ARB. (-7) was dealt with in the concept plan review. (-8), the water courses and marshes and that stuff, but there was a little bit of discussion -- well, not a little bit -- but there wasn't the detail about trees that we probably need. So you see, the applicant did submit a tree plan. As part of the tree removal the applicant has to meet the code. There's a tree removal section.

Now, do you all have the whole code, or just the zoning code?

Chairperson Speranza: The whole code is on the Web.

Village Attorney Stecich: You can go there. But if you want, I have copies of the tree preservation section for anybody who wants it. So it's right here, I made extra copies of that. There's some things you have to do in considering whether they get tree removal permits.

Boardmember Allgood: That's what you call preservation.

Village Attorney Stecich: No, the permits are tree removal permits. The code is called the tree preservation section. Yes, you preserve them by making it hard to remove them.

Okay, then (-9), the location, layout, and surfacing of all existing and proposed driveways, paving, and off-street parking and loading areas, including individual parking spaces. That would include the underground garage. There's really just only been a review of the number of parking spaces. The location, size, and type of all landscaping. I referred to that before. The location of all existing and proposed outdoor storage areas, if there are any. The location and width of the sidewalks and location and size of utility lines. Jump to (-14), location, height, and design of fences and retaining walls, again if there are any. I think we saw retaining walls on this latest plan, so you have to see that. The exterior lighting, that was looked at a little bit, but not too much. And the signage. And then under all other pertinent information, a couple of other things I thought of that wouldn't be on here would be, you may want to look at a construction staging plan. I think in this application it might make sense, given that the construction may be close to the river and also close to a road. You probably are also going to want to look at the pedestrian bridge, which would be part of the site plan. And the trail connection, although that may be more speculative until we know whether the Village gets the grant.

Chairperson Speranza: For the pedestrian bridge?

Village Attorney Stecich: No, for the connection from the trailway to Ravensdale Bridge.

All right, and then skip a couple pages. You see I have highlighted essentially the recreation fees. I just have that highlighted so we don't forget at the end. It's already been determined that there is going to be a need for parks, but we just have to make sure it's a part of the final site plan approval.

Then the last thing is on the affordable housing. The Planning Board has to determine that the units are generally distributed evenly throughout the development. And lastly, that the affordable housing units are distributed proportionately to one-, two-, and three-bedroom units. I think that's it, unless anybody has any questions.

Chairperson Speranza: Okay, I see that Ms. Newman is here from GDC. Do you want to go through the overall project? -- we've got the plans before us -- or what's changed, refinements that you've made maybe, and the ways in which certainly the plans have been changed to conform to all of the conditions that were put on it.

Susan Newman, Ginsburg Development Companies: I've been on this project for most of the past six years, not all. In the last spring period, one of my colleagues, Bruce Lozito, helped finish the environmental impact findings with me because I had other commitments in the company. He's now gotten sidetracked with other commitments, so I am back as the primary point person to finish the site plan under its' final site plan review.

Boardmember Cameron: This document that we've been given, with recommendations to the Village, who produced this?

Chairperson Speranza: That's the one from the Planning Board?

Boardmember Hutson: That's from the Planning Board, the attorney.

Chairperson Speranza: Those are our findings on the environmental review documents, which we reviewed for this project.

Boardmember Cameron: Because it does address a lot of the issues.

Chairperson Speranza: The plans that we have received do, in fact, in some cases address the conditions of the approval. Yes, there have been some changes in it, and I don't know if the new Boardmembers saw the plans that were submitted with the concept plan. There are some general changes that we'll hear about but, yes, the job of the developer was, in fact, to come up with a project that met the objectives of our findings.

Boardmember Cameron: And now we have to verify that that's true?

Chairperson Speranza: Exactly.

Ms. Newman: Thank you. Let me pick up on that thought before I jump into an overview of this. Because it was such a rigorous environmental review, normally you reserve a lot of your engineering work to this point in the process, during site plan review. But because there was some concern that this site might be environmentally sensitive, we were asked to do all of the storm water layouts, all of the drainage, all of the utilities. So things that were very detailed have already been discussed so that both boards -- both the Planning Board and the Board of Trustees -- could vote on the concept plan with a clear conscience that there wasn't some environmental aspect to this that would crop up later.

So because we've done all of that work, I'm going to move ahead and just show where there have been changes with respect to that. This is a rendered concept plan that was done by our architect. At the time that we went through the concept plan review we were doing most of the design work in-house. We've now retained Do Chung & Partners as our outside architect to bring us through the rest of the process. Do Chung has been an active participant with Ginsburg Development on a number of our projects, and I'll name a few because you may be familiar with them. We have a project in Pelham called Marbury Corners. It's a three-building complex with 66 units. Do Chung was the principal designer on that, a project that's now almost complete. There was another project called Pondsides, done a number of years ago, where Do Chung was the principal designer there. We're working on a very large community in Haverstraw, and Do Chung has been our principal designer on the multi-story buildings in that project. So he's well-known to us and he's done a lot of very, I would say, elaborate and detailed design work throughout the region. He's well-known in the region.

What has changed in this site plan -- we'll talk about site plan issues first -- I consider mostly modest adjustments, or adjustments that were made in specific response to a recommendation by one of the boards. In particular, the elevation of this building as originally set was going to be at 122 feet. We've raised it 2 feet. This is done on a very conservative basis, and it's done in response to something that has not yet occurred but was identified by the Planning Board. Specifically, the FEMA flood maps may change -- they have not as yet changed, they may change sometime over the next year -- in which they change the flood elevation anywhere from 18 inches to 2 feet. We don't anticipate that change prior to site plan approval. Our requirements is to respond to it only if it changes during site plan approval. But to be extra conservative, and to take the Planning Board's thoughts about this into consideration, we've changed the elevation of this building as though that were in place, even though that's not the case.

The other change that we've made is we've moved the pedestrian overpass bridge -- it had been located right here on our property line -- at the Board of Trustees' request because it has to be publicly accessible and has to be held in a public interest. We've moved it on to the space to be donated to the Village. I might say, does anyone want me to walk through the whole plan first before I go through the changes? Is that valuable to you?

Chairperson Speranza: I think it might be helpful.

Ms. Newman: Then let me step back even further. This is a two-building complex. There are 30 units in each building. There are three stories, so it's 10 units per floor. Fifty-four of the 60 units are live/work, and a live/work is a fairly new concept. It came out of a very long dialogue with the community of what was appropriate for this site. It includes a residential area and a work space. The work space in no circumstance can be more than 30% of the total area of the combined spaces. It's intention is to have a direct door to the corridor for both the residential and the workspace, so that somebody's who's running an independent practice -- let's say they have clients visiting them -- they can tell them, Come to door 2-B.

2-B is their office door -- 2-A might be their residential door -- and it allows people to truly have a professional environment, even though effectively they have a work-at-home situation.

We're just now starting the real layouts of those units, but you can, I think, imagine how there could be two doors' access to the hallway. We are required out of these 60 units to have six affordable units as part of our requirement. Those units, because there's a preponderance of two-bedroom units here of the 54 units, six are one-bedroom, 42 are two-bedroom, and six are three-bedroom. I had to make sure my math totaled. The MUPDD code, in particular, only allows for an average of a two-bedroom unit. So we've balanced the six one-bedrooms and the six three-bedrooms to average the two-bedroom units; but the preponderance of units are two-bedrooms. For that reason, the Affordable Housing Committee recommended that all of the affordable units be two-bedroom units, and they are.

As was mentioned before, there are a number of constraints put on as part of the approval, one being the payment of rec fees. They've been calculated. There's a sliding scale at \$7,500 per two-bedroom unit and \$10,000 for a three-bedroom unit. That equates to \$465,000, which includes payment under the affordable unit, something that I feel somewhat uncomfortable about but that's the way it was imposed. It includes the donation of a 1.75 acre parcel to the Village. The use of that parcel is to be determined by the Village. What we will do as part of the requirements -- it's currently an asphalt driveway -- we will remove the asphalt and we will seed it with what we call a low-mow grass, which I'll describe further when we talk about our landscape plan.

The parking for this community was determined by the Zoning Board of Appeals. There is no provision in the Hastings code for how many parking spaces are appropriate in a live/work community. We worked with the ZBA for a six-month period to come to this determination and they came up a number of 174 spaces, based on the 60 units in this building. Of those 174 spaces, 120 of them -- 60 in each building -- are below grade in an enclosed parking lot and 54 are surface spaces. They're located here, here, and we have a parking lot here. This parking lot, we really feel, will serve as overflow for any visitors coming to the building and for people who want to access the pedestrian bridge to the South County Trailway; essentially serving as an overflow trailhead.

These are elevator buildings. The elevator starts in the garage level and it stops at each floor. So it becomes a very nice lifestyle building for an empty-nester or an older adult because you can live all on one level. That type of housing is not readily available, particularly in ownership mode, in Hastings. You can rent an apartment in an elevator building or you can buy a townhome, but townhomes typically have steps.

So for us it was a slice of the market that we felt, without labeling this -- and we wouldn't want to label it as older housing -- that certainly gives people an opportunity who are currently living in their homes, who enjoy having workspace as part of their homes, but who are becoming somewhat more fearful of the steps as they age. It provides a nice buffer in that regard. Although I do think demographically we will appeal to a wider group than that.

Each building, they're designed as similar -- identical, not similar -- buildings. They'll have a center entrance here, and the elevator core, obviously, is right off the lobby at the center entrance. The way the traffic flows on the site is, we've created a one-way drive going from south to north. You can come in at two entrance points. You can come in at the southern entrance point and either go into the garage and traverse the site, or you can come in in the center of the site but you can only head north. So you can come here, and then if you wanted to go into this building you would come here, you would come around, and then go here. Similarly, to exit, you can only exit at two points. You come out here, you come through here. You can either exit through the center of the site or exit at the northern part of the site. I think that's the basic concept. Should I stop now and answer any questions on the basic concept? Are there any questions on the basic concept?

Chairperson Speranza: For me, you stopped at a great point because one of the things that I did notice that was a change was the circulation. I had thought earlier that the southern driveway was actually an exit, right- turn-only. I can understand you want to be able to have the people who are living in the southernmost building a way to get directly into the garage.

Ms. Newman: Can I stop you there?

Chairperson Speranza: Sure.

Ms. Newman: That was a version maybe 10 versions ago. What was submitted as part of the concept plan also anticipated this as an entrance. What has changed, just to get into some of the changes, previously there was no visible arrival point, when you arrived. We felt that was very important, when you come on to this site, to have something visually that says you've arrived. So we've created this landscape area in front of this arrival point, and we did that by really sneaking this driveway over probably 5 or 6 feet just so that we could have a landscaped area at that location. Similarly, we created the same kind of landscaped area here. While I'm pointing here, I should stop and point out, these are three existing trees on the property. They're Norway Spruce trees; you've probably seen them. For those of us who lived in Hastings when Ciba-Geigy was still a tenant at this location, they used to put Christmas ornaments up and light them at holiday time. Therefore, there was a very strong emotional attachment to preserving Norway Spruces, even though from a horticultural point of view they're considered an invasive species. They're not terribly desirable, they're not native species. Even though we've agreed to do everything in our power to protect and preserve these particular three trees, this tree is the weakest of the three. It has had a lot of vines growing up it, it's not in good shape, and we're going to reserve judgment before we start construction as to whether, for safety reasons, we might have to take this one down.

While we're talking about circulation, this is an existing driveway on the property now. As part of our original concept plan submission, and as part of this package where we've elaborated on it, this driveway is actively used by our neighbor to the north, which is Ferrari Associates. Even though it's been our driveway -- or our driveway since we've taken title, which has not been that long -- I think just because of the fact that it's not clear whose driveway it is, it's been in active use by both properties. For that reason our neighbor to the north has asked us to make that driveway available to them on an ongoing basis. We felt, good neighbors that we are, that we were not going to get into a dispute over this. He could make claims through adverse possession that he was entitled to it. I mean, it would be bad karma for us not to accommodate him. This is John Ferrari, he's the founder of the Maria Ferrari Hospital. He and Martin personally are friends. It seemed like the right thing. In the world of doing good, it seemed like the right thing to do. So we've made that proposal official in the form of an easement agreement, which is included in your packet. Obviously, that agreement is subject to this board's approval, but we think it is appropriate that he continue to have that access. We would, heavily at our own expense, create a landscape buffer for our residents so that they sense that the property ends here. And even though we will continue to own this land, it won't be perceived as part of this project because of the heavy landscape buffer between the two.

Chairperson Speranza: Okay, a question about that. At one point there was going to be a subdivision or a...

Ms. Newman: I think we finally have clarified this. We will have a separate action, the way we heard tonight where there was a resubdivision or subdivision. We have a second action yet to come, and it's often done at the conclusion of site plan approval. I've since been informed by the Village attorney that we actually have to notice it the same way that we've noticed a site plan approval. So we will go ahead and do that. What the action will entail is, these are actually two lots. So what we would be doing, even though it's called a subdivision -- it's like a tree preservation plan that's really a tree removal plan -- on a practical level what we're doing is, we're consolidating the two lots, because it's becoming one lot. And we would create this line for when this piece is donated to the Village, actually that being the subdivision parcel. And Marianne, correct me if I've misspoken in terms of how that action technically works.

Village Attorney Stecich: No, that's correct. Because a subdivision is really any change of lot lines, so it isn't just breaking down parcels.

Chairperson Speranza: And again, it might have been 10 iterations ago that there was a proposal to subdivide further to the north because of the adjacent property owners...

Ms. Newman: Well, the way it works is, there is a line here which you can't see on this plan. You can see it better on this plan. This was the board that we used when we were going through the concept plan approval. Not quite as pretty as our new plan, you'll have to ignore all our pencil lines. There's a line right here, which is a Village of Hastings property line. These parcels at one point in time were in the same ownership. They're not currently, but you could certainly say as part of the subdivision this line will clearly be pulled away from that former lot. Because that lot is in Greenburgh, and it now will go with the Ferrari parcel. That may be what you're recalling.

Chairperson Speranza: That's what I recall, yes.

Ms. Newman: That's an unbelievable memory for a six-and-a-half year project, but that's the line right there.

Chairperson Speranza: The little things.

Ms. Newman: You can see our scribbles, in terms of what we were trying to do in creating this draft, what ultimately got done on this draft, which is some distinction through a change in the paving at each of these important locations, again reinforcing the feeling of arrival.

Chairperson Speranza: And there's no concern that if somebody comes in the middle driveway they can't go left.

Ms. Newman: They can't go south. There will be a big sign that will say "one way only" and direct them north. And then they'll be annoyed because they want to get to this building, and they're going to make a couple of curves and they're going to go out here and come all the way back.

Chairperson Speranza: And come back down.

Ms. Newman: And they'll only make that mistake that one time. After that they will have it figured.

Boardmember Cameron: Have you moved building D slightly north?

Ms. Newman: We haven't moved it north. What we did is, we angled it up in order to make the access into this garage more appropriate. We were having trouble making the grade into the garage.

Boardmember Cameron: So you moved it closer to that tree, I think.

Ms. Newman: Neither of these drawings are tremendously accurate. We have to go to the engineering plan, and that hasn't actually changed. The proximity to that tree on the engineering plan is the same. So these are rendered plans, both of these are rendered plans, so that the impact on the tree has remained the same. This is a shadow line, by the way, because it's a rendered plan. So I think the line is identical. We tried not to move it any closer to the tree than had previously been suggested.

Boardmember Cameron: So it looks closer in the diagrams you gave us compared to this diagram you submitted in the proposal. I'm just curious because maybe that's why the tree's disappearing.

Ms. Newman: Well, the tree's not...it's still there. I mean, it's still there right now. In terms of other, what I would consider, minor modifications as we looked at this and were refining it, we became concerned that the headlights of the diagonal parking would shine into the units, particularly in the evening, of the ground floor units. So to create more privacy for these units we designed what we think will be a stone wall -- we'll have that absolute determination in our next meeting -- that will run the whole length of the property along here -- and we'll go through it when we look at the concept landscape plan a little bit more -- to create a sense of privacy for the residents in the building and a separation from the parking lot. We felt, you know, when you start to study these things you try to imagine how people are going to live. And that seemed like a necessary part of the landscaping plan.

I think that's it on the conceptual basis, unless...

Village Attorney Stecich: I had one question, following up on Patty's. I don't remember whether the traffic studies focused on circulation. Did the traffic studies consider this traffic circulation?

Ms. Newman: Yes, in terms of exit and entering, and when you pull out whether you turn right or left.

Village Attorney Stecich: Okay, it was several versions ago.

Ms. Newman: In the end, we have to get this traffic circulation approved by the DOT. They have seen it on a preliminary basis. They don't issue their final A-OK until the Planning Board acts. So there is that final step of having to go to the DOT and saying, you know -- this is a state road, I think -- these are the driveways we would absolutely like to have; they've been approved, or modified, however, by the Planning Board, but this is what we're coming to you for. And then they will have to act on our request. As I said, we've met with them informally. But they've always seen it that way. We've never suggested anything else to the DOT.

Village Attorney Stecich: That's what our traffic experts said.

Ms. Newman: Correct, that has not changed.

Boardmember Cameron: I have a couple questions. You mentioned that the bridge would be moved over to the land that you're deeding over to Hastings, and then you mentioned that there's 10 parking spots -- I think there's 10 of them -- down there. Are they available to the public?

Ms. Newman: All of the parking on-site will be available to the public. So if, for example, these 10 spots are being used and there's available parking here, we will not have signs saying Private Parking Only. This will be a publicly accessible site. We don't believe it will be an inconvenience to our residents. We have a two-to-one parking ratio below grade for our residents. We think that's more than adequate, and therefore not a problem to make the rest available publicly.

Boardmember Cameron: Okay, the next question is on the allocation of the fees, recreation fees. I think we were allocating them by the number of bedrooms.

Ms. Newman: That's the Village calculation. We don't allocate them. That's the way the calculation is done by the Village.

Boardmember Cameron: Because, obviously, the affordable units are actually smaller, even though they're two-bedrooms, than the other units.

Ms. Newman: Well, let's talk about that, since you've brought that up. It was a question and an issue raised last time in terms of the size of the affordable units. They don't include a workspace because you are not required under the ordinance to include something like a workspace. The workspace cannot be lived in. The living component of the affordable unit in this submission is 1,300 square feet; our prior submission it was a little over 1,100 square feet. It now has the identical amount of floor area as one of our lines of two-bedrooms. So it's an identical square foot apartment to a market rate apartment, and we did that, obviously, in response to concerns that it be as similar as possible, as comparable as possible, to a market rate unit.

Boardmember Cameron: Excluding the workspace.

Ms. Newman: Excluding the workspace.

Boardmember Alligood: The residential portion is the same as your lowest square footage market rate two-bedroom.

Ms. Newman: Correct.

Boardmember Alligood: Because that was one of my questions.

Ms. Newman: Correct, they're both around 1,300 square feet. You have the chart in front of you. You can tell me the exact number there or I can pull it off another chart.

Chairperson Speranza: And I think the condition is a little more specific: that we have to make sure that it does comply with it. I'll find it, I saw it a couple of days ago. Oh, Mr. Hutson has it. It's got to be that the design and average size of the affordable units should be comparable to the design and the size of the residential portion of the market rate unit. I think there's something even more. I thought I saw something...oh, no, the average size, right? The average size of the affordable units should be comparable to the design and size of the residential portion.

Ms. Newman: Well, it's now identical to our market rate two-bedroom, one of our market rate two-bedrooms.

Chairperson Speranza: One of them?

Ms. Newman: One line.

Boardmember Dale: Is that the smallest size, one line?

Ms. Newman: It's smallest, but 1,300 square feet for a two-bedroom unit is considered very large in today's two-bedroom sizes. A typical two-bedroom in most buildings, in most condominium buildings, can average anywhere from 950 square feet and up. So at 1,300 square feet as our market rate two-bedroom, we're starting with a very large footprint.

Boardmember Dale: What's the average size of the market rates you're building?

Ms. Newman: I don't know that number.

Boardmember Hutson: Most of them are 1,800-, 1,900-hundred square feet.

Ms. Newman: But you have to deduct out the work area, as well.

Boardmember Hutson: Yes, you take out the workspace which is, generally speaking, about 400, right?, 500?

Chairperson Speranza: Okay, we'll make sure. We were comfortable with that.

Boardmember Hutson: The intention was that they should be, if they're all going to be two-bedrooms, that they should average the same size as the residential portion of all the two-bedrooms.

Ms. Newman: We have a constraint in terms of you have to set these up as lines. So we've set it up as a line that matches an existing market rate two-bedroom, and we believe it is comparable because of that.

Boardmember Hutson: That may be a problem, but it's probably not our problem. You know what I mean?

Ms. Newman: Well, we've taken the interpretation of comparability and we feel like we've met it on this basis.

Boardmember Hutson: Well, I would think you haven't, but that's been my position all along, as you recall.

Ms. Newman: We don't have the economics to make this any bigger. So what we will do if pressed on this issue is, we will make our other units smaller. We cannot deliver a bigger affordable unit than a 1,300 square foot unit. It's very large in the size of two-bedroom units. So we'll look at sizing down the other units so that you're satisfied that, as an average, we've met that requirement.

Boardmember Hutson: That's up to you. But we're doing this, I think, just to establish, first of all, a precedent of a sense of fairness and a sense of equity and equality. I mean, we have said that we understand why the affordable units don't have live/work. Because it's not required, it's not even implied anywhere. It would be nice if they did, but they don't. I don't think that we're justified in going there. But I think that it is justifiable to say that we really expect, in a situation like this, for the average size of the affordable to be equivalent to the average size of the market. We have new members on the Board, so we can talk about that. But I'm saying I think that was our consensus when we forwarded our recommendation.

Ms. Newman: And I do believe the language is "comparable," and not average. And comparability is a different concept.

Boardmember Hutson: But we did discuss that as to what some of us, at least, meant by comparable. It's to be addressed.

Chairperson Speranza: You know, we'll keep taking questions. But I do want to introduce Mr. Rob Pape. Can you come up to the mic just for a minute? As you know, during the environmental review process the Village hired consultants. Mr. Pape is from Carpenter Engineers. They have been on this project for awhile, again, working on behalf of the Village. You've seen the site plans and you've gone through them. There have been discussions about how things are put together. He is available to us as a resource for any technical questions. Anything that we as Boardmembers may not have the knowledge or expertise about, we can go to Mr. Pape and ask for his interpretation or clarification of things. So I just want to make sure that everybody knows.

Village Attorney Stecich: You might want to ask him to address it. Because the shifting of the buildings, I asked them to take a look at whether it affected the amount of impervious surface that the storm water analyses were based on.

Mr. Rob Pape, Carpenter Engineers: There are six storm water treatment facilities on the property lot. Because of the shifting of the buildings -- the previous design had a sidewalk going across the front -- and the slight changes within the roadway structure, there were some changes with the impervious space. Some impervious space appeared, and then some impervious space was removed and turned pervious again. My concern was to make sure that the six locations for the treatment systems had either maintained that same amount of impervious space or it was reduced. In all six cases, the impervious space reduced minorly or majorly, but there were definitely no increases on all six locations.

Chairperson Speranza: Okay, thank you.

Ms. Newman: And you have in your packet this whole set of engineering plans. I was just going to reference the one with the basins on it.

Chairperson Speranza: Okay, I'm trying to figure out how to approach this. Maybe we'll just go through Boardmembers questions and comments on the plans. And again, this is not something we need answers to everything tonight. And if we have questions about what's shown and what's said, we can always go to our consultants.

Ms. Newman: Do you want me to continue on the tree preservation plan and the landscape plan just in terms of presentation, or do you feel like you have enough information and you want to pause here?

Chairperson Speranza: I'm okay. Let me get a sense of the Boardmembers. Do you need the formal presentation of the other plans, or are you ready for our questions and comments?

Boardmember Hutson: The landscape plan, I'd like to hear a little bit about that.

Boardmember Logan: I think if Susan has a presentation we should look at the rest of it.

Chairperson Speranza: That's fine.

Ms. Newman: Only if you like. I'd be happy to sit down.

The tree preservation plan, which I think of as the tree removal plan even though it's named as such,...there are eight trees on the property that need to be removed out of a total of 44. And this all occurred because of their unfortunate placement within the site constraints. Working this site plan I've always referred to as the mechanism of a Swiss watch, it is all so finely tuned because we have a lot of existing constraints that drove the original placement of this building. Just to give the history, we were asked to keep the building as far away from the Saw Mill River as we could, and they have a minimum 100-foot setback from the river. There is a Westchester County sewer trunk line that runs through the property. We needed to stay off of that sewer trunk line or we'd have construction complications. Not that we couldn't do it, but that it created substantial complications for us. We also had the desire to create this donation parcel for the Village and setbacks on either side. So with all of that, there aren't too many locations for the buildings and they have to really be where they are.

I'm sorry, I need my crib notes on these trees. I've labeled them by number and there's a little chart in your packet that has a corresponding number to the plan, so if you wanted to follow, you can. The first tree, unfortunately, falls right in the driveway. It's an 8-inch twin greenhatch XXX, so it has to be removed only to create egress for the sight. These are a row of sassafras trees. We felt it was hard to even integrate or look at them, because they're so rigid, into the overall landscaping plan. Although later, when we talk about the landscaping, what we're expecting to do there is to retain that hedge in part. We want to break up the rigidity of it because the whole site will have a much softer landscaping feeling. But we are going to do that as a field selection, and try to move the bushes around to maintain and save them as best we can.

These trees here are impacted by a retaining wall, and I created an excerpt attached to the tree preservation plan for you to see where that retaining wall is because it doesn't show up on this plan. We've had to create this retaining wall here because, as you can see from this dotted line, the 100-year flood plain comes up into the property. As part of the SEQRA review and as part of the engineering review we were asked to minimize the amount of fill into the 100-year flood plain. The only way to accomplish minimizing that impact was to create this retaining wall. By creating this retaining wall, the tradeoff, unfortunately, is that we now have to remove these trees because you won't be able to save them when you create the retaining wall. But that was part of a balancing act between impacting the 100-year flood plain and the retaining wall.

Chairperson Speranza: Okay, and just so we don't forget later, that is one thing that I want to get a better understanding of is the retaining wall.

Ms. Newman: Okay, we can have our engineers...because it's a very technical question.

This is an existing tree that's in a storm water detention basin. Because of the way we have to create the detention basin, it's unlikely to survive our presence. In all other regards -- you know there were a total of 44 existing trees -- these are the only eight that we anticipate having to take down. All of the others we will integrate into the landscape plan.

Boardmember Alligood: Just a comment. It's really a bit misleading to say eight trees will be removed, when you have a row of seven that you need to count for the numbers. I picked that up when I looked at. It's one you are pointing to, but it's seven trees. So your total is not eight.

Ms. Newman: Well, I counted them as 44, so I can increase that number to 52 so the math would change in both directions. My understanding is that a sassafras tree is not considered a valuable plant specimen. If the Board felt strongly about it we'd probably only have to take out the first two or three for visibility. We could leave the others but, because they have such a rigid setup to them it just seemed incongruous with the rest of the landscape plan.

Boardmember Cameron: To go back to that tree next to the building, either the tree's moved or your building's moved. Because if you look at the other diagrams you've submitted, the tree was clearly farther away from the buildings than you're depicting it now on your current diagrams. I'd sort of like to know whether the tree moved, which it obviously didn't, or whether the building has been moved and that's covering the tree, and whether we can actually save that tree.

Ms. Newman: We're hoping to save it. I mean, that is the intention.

Boardmember Cameron: I'm looking to see whether the building moved or not. Maybe you can tell us that at the next meeting.

Ms. Newman: Tony, do you know? You have an overlay plan from the original plan. Okay, we'll bring it next time. We did an overlay of the original site plan to this site plan.

Oh, you do have it? My sense of it, and you may have a different sense, is that it did not move where the tree is. It did adjust slightly because we angled it in order to pick up the curvature of this road, but it didn't move any closer to it.

Boardmember Cameron: Okay, then we have to figure out why the tree was farther away from it in your prior diagram. Maybe the tree is now incorrectly placed and previously it was more correctly placed. Because it's quite clearly farther away from the building in the old diagram than it is now. You only have to look at it right here to see that it's quite a bit farther away.

Ms. Newman: I think it's very hard to figure out the exact center of the tree relative to this plan, and it depends, I think, on how they've drawn the overall effect of the tree.

Boardmember Cameron: Well, I'd be interested about saving the tree. And we should look and see whether it's correctly depicted where it is now, or whether it is actually farther from the building than you've now depicted it in this diagram.

Boardmember Logan: Susan, I have a question on a related thing, number 5. A 60-inch elm, that sounds like a huge tree. Is that tree in good health? That's also a similar situation to kind of coincide with the trailway. It's right there.

Ms. Newman: It's a tree that under normal circumstances you would want to try to do everything possible to save. I've been told, because of that retaining wall, we should not plan on being able to save it.

Boardmember Logan: I think this gets to the question of what sort of adjustments in the site plan are still possible, whether the southernmost building can migrate several feet south. You don't have any issues with side yard setbacks; you could potentially have some issues with turning radiuses and grades going into the garage and so forth. But I think we should look for some fluidity here if that tree is, indeed, worth something. I think a 60-inch elm, my God, it must be quite a tree. You know there are ways of building retaining walls with tree-well cutouts. There are ways of doing these sorts of things.

Ms. Newman: The first thing I will do is, I'll have an arborist go out and assess the health of the elm because, unfortunately, this is a tree survey that was done when we started this project five years ago. It has not been updated in the five-year period because the trees are still there. But elm trees, as you know, have struggled in this part of the country. So before we make heroic efforts, let's assess the condition of it.

Boardmember Logan: Well, I think that's a fair approach. I think if it is healthy then it's potentially an amenity for this property as well. You can get inconvenience to construction, there's no doubt about that. But if there is a way, and it has some merit, I think we should look at maybe shifting things 5 feet one way or the other.

Boardmember Hutson: They may be thinking about what this tree, over time, will do to the building and the retaining wall, too.

Boardmember Logan: Right. You could cut the roots, the root falls. Maybe it doesn't have many years left to it, but I think it's worth asking the question...

Ms. Newman: We'll take a look at it.

Boardmember Logan: ...and getting an opinion on the tree.

Boardmember Cameron: Just a minor thing on the diagrams. Whoever drew the rear-view elevation mirror-imaged it. It's actually wrong.

Ms. Newman: The wrong flip?

Boardmember Cameron: It's the wrong flip. You might just take a look at that. I could be wrong, but I tried my best and I couldn't make it work.

Ms. Newman: These are still schematic plans, by the way. I mean, we have not done the interior layouts of the units. Whenever you do a unit layout, you could have an adjustment on the fenestration because all of a sudden your window doesn't end up in the right room. So they are truly done for schematic purposes just to show that we've started the evolution of the architectural design.

Boardmember Cameron: Your patios didn't end up in the right place. That's how I..

Ms. Newman: That may very well be the case. They were done, as I say, to give the Board a sense of the direction of the architecture. Anything else on the tree preservation plan?

The next plan that you also have in your packet, just to go over quickly because this was started on the old site plan which was part of the concept plan package, it doesn't reflect the adjustment for this driveway which got moved over to focus on this particular planting. So this driveway doesn't line up exactly in front of here the way it's supposed to and the way it does on the site plan and..., as we reflect this concept plan, we'll get the proper base on it so that this road lines up exactly in front of the entrance statement that it's intended for.

As I mentioned before, the overall concept is to create a softness at the property and we're accomplishing that in two ways. One is in planting the whole front buffer zone in a more relaxed fashion than what's currently there with the euonymus hedge. That's a very rigid kind of thing, and we're doing it with a lot of small trees and bushes as well as clusters of perennial plantings in this area. There is a retention basin here, which we expect to put grasses and boulders in so that it doesn't read as an engineering thing but as a landscaping solution. In the back of the building we've added a lot of small trees to the existing meadow-like effect. This area will be seeded with ... "no-mow seed mix", which is what we're also suggesting to replace the asphalt on the Village property. I've been told you only have to go through in the fall season and mow it once, and that it has a meadow-like feeling for the rest of the growing season. The whole purpose of that was to keep this as a very naturalistic feeling, not to have it be lawn that needed to be fertilized or have weed killer in it. It does seem to be, given the proximity to the river, the appropriate environmental solution there.

As I mentioned, this will be very heavily landscaped with a combination of bushes and evergreen shrubs to create a buffer from the industrial building to the north. And in each of the driveway locations we will have an entrance statement that will include a small stone wall with a seasonal planting in front of it and some landscape bushes behind...actually, these are ...small trees behind to create a visual statement consistently in the sight. This element repeats itself at these three locations. That's the general concept of the landscape plan.

Boardmember Logan: A quick question. One of the requirements of the Board of Trustees was a vegetative berm parallel to 9-A. A berm, in my mind, is something which is raised. If you look at your topo plans, it's really a swale, that leads to the bioretention area.

Ms. Newman: This is a constraint that was imposed by, obviously, the engineering, where we do have to drain down in this location. We will try to accomplish that. The reason I didn't commit to it on this plan is, that's more of an issue that has to take into account the DOT. Because they may very well not want it bermed because it creates -- and correct me if I'm wrong here, this is not my area of expertise -- as I understand it, if you berm it up you're going to be forcing the water onto 9-A, which is an undesirable thing to have occur when you have a heavily trafficked roadway. I understand that they would like that... But until we have a conversation with the DOT about that I was reluctant to commit to it and show it on the plan. We ... think they're going to tell us that it's not a practical solution at this location.

Boardmember Cameron: So when will you be having discussions with the DOT?

Ms. Newman: You know, we can have an informal meeting with them and say, What do you think? We can try to resolve that in the next few weeks.

Boardmember Dale: Are you planning to have any pathways on the western side of the buildings, or is that just sort of nobody goes there and just look out their windows?

Ms. Newman: You mean back here?

Boardmember Dale: Yes. Or is it too steep?

Ms. Newman: No, it's not. It's actually a fairly gradual grade. We hadn't anticipated doing that. There will be balconies off the back of the building for people to enjoy the softness of the landscaping, but we really have tried to minimize the amount of impervious surface. This was a very big issue during our site plan review, is not having a lot of impervious surface on the site and we've done everything possible to minimize that.

Boardmember Alligood: To follow up on that, one of the things that struck me is that there's potentially an issue with accessing the pedestrian bridge as a pedestrian if you're in the public spaces in the front. My concern is that you have to walk down that active road.

Ms. Newman: These are only 60 units. It's not going to be an active thoroughfare.

Boardmember Alligood: You're not concerned that people will be walking on it?

Ms. Newman: No, and I do believe, given the fact that the county is working with us at this other location opposite the Mt. Hope Cemetery, part of that other trailway connection and part of the county's involvement there -- and I apologize, I didn't think to bring maps that Angie had worked up as part of this grant application -- the county has asked that there be a parking lot at that other location opposite the Mt. Hope Cemetery where the other access is, to bring a trail up to the Ravensdale Bridge. They haven't designed it, but they're hoping to get 10 or 15 additional parking spaces at that location. So I'm not convinced, if that occurs -- which we're trying very hard to get the money to have that happen -- that this will then be actively used because there will be another public alternative option to the county trailway.

Boardmember Alligood: I just think in terms of giving it a pedestrian feel and accessibility to somebody who's not in their car is something to consider. Not necessarily putting a sidewalk in, but some sort of path that doesn't require you to have to walk in a driveway. Somebody would be coming off of 9-A and might go zipping right into that building there. And even for residents, actually, because why would residents cross the street. Residents may want to access that pedestrian bridge, and they'd have to walk along the road. So I think just in terms of the feel of it, I have a concern about that, in that one area particularly.

Ms. Newman: Well, we'll take a look at it.

Chairperson Speranza: So what exactly is the...on the ground behind the building, between the building itself and the no-mow seed mix area -- the area that's just kind of white?

Ms. Newman: Correct me if I'm wrong. That, I understand, is to be a mowed grass area.

Chairperson Speranza: Okay, because ...it's probably been a long time since we've had them look at it... but I know in another application the fire department was concerned about being able to access the rear of the buildings in the event that they have to get a truck around.

Ms. Newman: I'm going to defer to Tony because he's had subsequent discussions on this.

Tony Castellano, SESI Engineering: About a month or so ago I came to the Village and had a meeting with a fire official here at the Village, and that was a comment that was discussed. The fire official did say that he did not think it was even appropriate to fight the fire, to provide access to the back of building B or the back of building A. He said there was enough space in those parking areas to the south of building B. There'd be no need to provide any additional access in order to fight the fire from behind the building. We have about three fire hydrants right across the street on 9-A that he felt would be appropriate to fight the fire from in front of the buildings. So as far as providing fire access to the back of B and A he didn't see as appropriate.

Chairperson Speranza: So he doesn't see the need to be able to bring a truck back there.

Mr. Castellano: No, he did not.

Village Planner Witkowski: Patty, I was at the meeting also, and that is what Jim Drumm said. I'll be giving him a set of the drawings tomorrow and he'll be reviewing them.

Boardmember Dale: Is that in spite of the fact that it's a double-loaded corridor if there are problems behind that you can only reach them behind the building?

Mr. Castellano: There's also access from the other side, as well, from the north. You could potentially also fight the fire for building A from the adjacent property as well.

Boardmember Dale: But your plan shows it's a double-loaded corridor, and the building, the apartments in the back, can only be accessed...unless you go through an apartment in the front you would have no access except from behind the building.

Ms. Newman: I think we should defer to the firefighters on this. This is not our area of expertise to know how a firefighter would create access in case of an emergency. It may very well be, as you suggest, they just rip through the whole building corridor inside -- they don't care, they have their axes, they just come in through the front and run to the back. So it may very well be that it's not an issue because of their firefighting methodology, but we're not familiar enough to comment.

Chairperson Speranza: Okay, but we'll make sure. Mr. Drumm will get a set of the plans, and he can even come to our next meeting.

Ms. Newman: And Tony did want me to point out -- he just said to me -- these are fully sprinklered buildings. They are state of the art into fire code compliance. Unlike other older properties in the Village, which obviously predated some of the current fire standards.

Boardmember Dale: What are the strength of the floors in the building? It's the material that the floors made out of.

Ms. Newman: We haven't decided what the method of construction is. Certainly the base of the building is concrete, so from the garage up...the garage base will be concrete. Whether we do it with a Hambro System or a wood frame system, we're working on that issue right now. You're allowed to build a four-story wood frame, so we're within the allowable.

Boardmember Dale: The question of how fireproof the building is.

Ms. Newman: We will obviously meet all the required codes on this.

Boardmember Cameron: In this one diagram here on the front elevation, there's a little line that says "line of proposed fence."

Ms. Newman: Let me pull out the...I have a large-scale set of plans. Just as I'm going through the plans, there is a garage parking plan included in everyone's packet. This was at the suggestion of the Village Planner, who felt like you might want to all see how the parking is handled below grade. You'll notice that there's a count-off to 61 spaces. I've only tallied

to 60 because inevitably we always lose a space for a garbage dumpster or something, so I didn't want to overcommit in terms of that extra parking space per garage.

There is a fence line there. It shows -- and I'm going to guess -- at about 5 or 6 feet; high enough to be above the roof of a car. As I mentioned before, we don't have this fence designed. I will try, in anticipation of the next meeting, to work out that architectural detail.

Boardmember Cameron: It seems to be more than adequate to stop headlights from shining in.

Ms. Newman: And to create privacy for the ground floor units. I think I'm done, unless there are additional questions.

Boardmember Logan: There is a lighting plan. I don't know whether you were going to introduce that or not. I just had one comment. You do show concealed light fixtures on the lighting plan, but I think we need a photometric diagram that shows the factors. Because one of the criteria is that there be no light spillage beyond the property line. Your current lighting plan shows a design in that direction, but I don't believe it's specific enough with the cutoff angles. I think we should have that as part of our review.

Ms. Newman: Is that something we can do?

Mr. Castillano: Yes.

Ms. Newman: Again, that's beyond my expertise.

Boardmember Cameron: Your plan of the second and third floors shows an amenity center. What is that?

Ms. Newman: As I said, we haven't worked out the interior plans at all. Right now it's excess, it's overflow space. A typical elevator building will often have an exercise area. In this particular building we wondered if we shouldn't also have an office center. Since this is a live/work community, it might be very nice for their to be a communal Xerox machine, a communal...you know, not to say that everyone doesn't have their own computers in their own home office, but sometimes it's a communal conference room, for example. You want to have more than one client come at the same time, you want to meet in the conference room. So we're working on what that space...how we would actually program that space. There is a possibility that we will decide, from a marketing point of view, we don't need that much -- in which case we'll capture it into the individual unit.

Boardmember Cameron: And the other thing, just to comment on it, on the third floor you quite correctly you have these things called balconies. On the second floor they're described as walk-out patios, the same way they are on the ground floor. I'm not sure you can walk out on the second floor.

Ms. Newman: Again, that's a detail that we're just now looking at from an architectural perspective. Since we're on the architecture, for those of us who were involved in this

project before I feel like we've taken an enormous step up in the direction of the architecture. We really hadn't done any detailing.

Obviously, this is still schematic, but you can see the direction that we would like to go in, with large loft-size windows that create a lot of light for the users. Even though it's a horizontal building, we've tried to create bays so it feels that it's been broken up in a kind of verticality. The center feature becomes a strong architectural element that then allows the building to be symmetrical. As I say, it's not there, but it's the direction we're moving in.

Boardmember Hutson: Another thing, Susan, in regard to how many of these traffic improvements. You know, so much of what is here is to discuss with the DOT and get the signaling and so on and so forth. I mentioned this the last time around, too, so I'm not going to be too repetitive. But I think it's really important that we know up front what we're going to get in the way of mitigations on the traffic issues at the corner of Ravensdale, particularly.

Ms. Newman: As I understand it, we have to deliver what the condition is. We have to improve the signalization at that location, as it's been described.

Boardmember Hutson: Right. The DOT has to go along with these things.

Ms. Newman: We have every reason to believe that they will go along with this. They will not give us a formal answer on this. We don't want to play a cat-and-mouse game. We can come back to you after the site plan is approved and after we go to the DOT to show you that they, in fact, agreed to what has been prescribed. They don't want to take an action until the Village has said, This is our project -- We need you, DOT, now to act. They just don't do it that way. So once we're done here, and you say yes this is the road structure we like, yes these are the entrances we like, yes, if possible we really do want a vegetated berm -- and I'll try to get at least a conceptual feeling on that -- they won't commit until we're done.

Boardmember Hutson: I understand that, but when we last discussed this there was to be discussion, and I think there was discussion, that involved our consultant and someone from your firm or your consultants. Do you recall what the level of response was at the DOT? The idea was to see how amenable they were to these various things.

Ms. Newman: As far as I know, everything that we suggested they thought was appropriate.

Chairperson Speranza: Right. And I remember specifically, I don't remember any discussion with the state DOT about the berming.

Boardmember Hutson: No, I agree.

Chairperson Speranza: But certainly the intersection improvements.

Ms. Newman: Unfortunately, I don't think the berm issue came up until after we had had that other meeting, which is why we still have not had the discussion with them. Because we really need to cull out... I just hate to call them every other day, say, What do you think about this? We want to know the direction we're going in for the most part, so that when we sit

down with them we can say, Look, this is the plan, or, This is what we'd like to do, This is the feedback and the decision of the Board, and then force their hand.

Chairperson Speranza: Yes, but with respect to the signalization, it was confirmed that people from the state DOT had said this is doable and there is no reason why they wouldn't permit it, especially if they weren't paying for it.

Boardmember Hutson: The other thing I wanted to ask about, in regard to the use of the acreage to be donated to the Village, has there been any discussion with recreation or any thought as to what we would do with that piece of property? The reason I ask, keep in mind, this is something that was added to the MUPDD after our recommendations as a Planning Board that such a donation would result in a one-third unit bonus, or density bonus, if you will. In other words, the original MUPDD was six units per acre, two-bedroom average max, and that was increased by a third as a result of that donation. Now, I'm just hoping that...and that's a pretty big bonus. It's another reason why I'm particularly anxious that the affordable units be more equivalent to the market units, because I think you got a tremendous bonus. I just want to see if there is some planning in regard to the use of that property that may impact...because you were talking about no-mow grass. Well, I don't know if you can do what they want to do on no-mow grass.

Ms. Newman: No, but we were just asked to deliver it without the impervious surface and we were asked to see it, so that's what we're recommending as our initial action. Once you pull up the impervious surface you don't want to just let the weeds grow.

Boardmember Hutson: Yes, of course. I understand.

Ms. Newman: So that's what our obligation is in terms of our delivery to the Village.

Boardmember Hutson: Right, but maybe there's something that would be the same cost that would be more in line with what the Village might use it for.

Ms. Newman: I would like to ask that we as a company be kept out of this discussion. I see it as a no-win situation. Here the Village is getting this wonderful, almost 2-acre piece of land, and since I live in this village I know how wonderful things can turn into contested issues. I feel like the Village -- and I don't know who the Village is, whether it's the Board of Trustees or the Planning Board or the Rec Department -- I feel like we will give the land as agreed upon. I guess actually that's something to discuss because I actually did have a conversation with our construction folks in terms of the timing of this donation. We will need to use this area to build our building because of the physical constraint against the Saw Mill River Road. We have no ability to work frontwards or backwards. We don't want to work backwards because we don't want to impact the river; we can't work frontwards because we don't want to be in the roadway. So the way for us to work is to be able to stage from this location.

Boardmember Hutson: Right, well, we would probably prefer that as well, I think.

Ms. Newman: I think it's a safer solution for everyone. So the donation will occur when the buildings are complete, which is an easy two or three years from now. By the time we get all of our approvals and get into the ground and get our C of Os we're a couple of years out on this. And I would suggest -- I don't know who wants to take the lead on this, but I really don't want it to be us -- to figure out as a village what they would like to do with this.

Boardmember Cameron: The one comment, though, I would think you, as seller of the units, would like to see the area to be as far along developed as possible when you get around to selling them because it'll make them more attractive and interesting to the buyers.

Ms. Newman: As far as we're concerned it can remain open space. We don't feel like it necessarily has to be active parkland. So I think that's really a Village discretionary item.

Village Attorney Stecich: If I could just say on that issue, irrespective of whether Ginsburg wants to get involved in it or not, I have to say in all of the months that I sat with the Board of Trustees with this application I don't think it ever came up on how it would be used. There wasn't any question of will it be tennis courts or ball fields or open space or anything else. So it isn't like they had a direction they were going in. I don't think it even came up.

Boardmember Hutson: Right. No, I know. I just thought of it tonight myself. And it's not really a donation. It's an exchange.

Ms. Newman: Well, if you're going to bring that up, let's revisit history fairly. Stu Turner, who is your consultant on this, thought this land should be zoned at 10 to 12 units per acre. This board initially had a conversation of eight to 10 units per acre. At your urging, the written recommendation went to the Board of Trustees as six to eight units per acre. They opted to with the lower range that was recommended as a range, with the caveat that if we could create this open space there would be a density bonus. So from our perspective, this went from 10 to 12 units recommended from a planning consultant down to six to eight for no obvious reasons other than a perceived sense that fewer units were somehow better.

Boardmember Hutson: Well, let me correct you. It was not simply a perceived unit. My thinking on it, and I think the discussion that ensued after that, was that we took what was the kind of densities that were some distance from the center of the Village...because, if you remember, the planning principles in our whole discussion was to concentrate more dense development near the center of the Village, near the downtown, near the transportation hubs and so, and the outlying areas more in line with kind of zoning that was out there. Not necessarily R-10, but something that was not as dense as this. So we came to that judgment that way. Now, you may still think, given the fact that because your point at the time was that it's on a state highway, it's on a road with a lot of access and so on, therefore it could handle somewhat more dense development. But we arrived at it with some thinking. It

wasn't an arbitrary or capricious kind of position. And I think that when we made the recommendation to the Trustees at six, we felt that that was a reasonable position. Subsequently, they saw it a little differently. They thought if there's something to be gained for the Village in terms of the open space recreational area that it could be enhanced.

So I'm just saying, it was that exchange that was made, it was after full discussion and everything, and it wasn't something that even though Turner Associates came to us with the recommendation that he did, they were advising us. We accepted some of the things they had to say, and not others. But I'm saying, this is where we are now and it's okay, but it's not like this is some gift that fell from the sky. I mean, it was exchanged for a real benefit, a third over what we had recommended.

Chairperson Speranza: Okay, and history's great. We could do this all night. The point, I think, with respect to the open space...and I've got two questions. Particularly, Susan, since you mentioned that you need the space for staging. I can certainly understand that, given constraints on the site. It makes good sense to me to have the construction someplace else. If the Village then takes title to that land in two years, my question is, When does the subdivision action take place? Does the subdivision occur now, and there's an easement?

Ms. Newman: I think we can subdivide it and not transfer title. That's my understanding.

Village Attorney Stecich: Right.

Ms. Newman: We would subdivide it as part of the overall thing, and then transfer title at the point of project completion.

Village Attorney Stecich: It'll be a separate parcel. They'll own it until the point at which they turn it over, and at that point they can [convey] it without needing to subdivide it. It will already have been subdivided.

Chairperson Speranza: To go along with what David said with respect to what the Village would like to see, I haven't heard anything except at one point there was discussion of a ball field. If that were to be the case, certainly what happens on that property could be impacted, if there's going to be a ball field, how would you situate the ball field so that your public parking spaces don't get slammed with the ball?

Ms. Newman: If it's a ball field, we'll ask you to put up a high enough fence so that your balls won't hit our cars. I don't see it as a big issue for us. You know, it's a big enough piece of land for the Village to work that out. You could bat this way, and the balls would go that way, rather than batting this way and the balls going this way.

Boardmember Hutson: I just thought, we're in the site plan development portion of this. It would be good, I think, if the recreation commission at least was aware of this space and gave some thought. Because it might make a little difference as to what we do. Probably not much, but in terms of the site plan. I think they should at least be informed about it. Not that you have to go to 16 more meetings with them.

Ms. Newman: And I don't want to be in the hot seat of proposing one thing or another. Because as the private developer, not as the Hastings resident, our comment is, it's your land, you can do with as you wish.

Boardmember Hutson: Right. You're going to be taking the macadam off of it and so on, so the way in which that's done, the grading that occurs, may make a difference to the Village, I don't know.

Chairperson Speranza: Right. That was not the intent of this discussion: that you decide if it's a tennis court or a ball field or a kiddie pool or something. That was not the intent, but maybe it's something we ask Mr. Gomes one more time. If the answer is no, nobody's thought about it...

Village Attorney Stecich: I'm not sure that it would be Mr. Gomes.

Chairperson Speranza: Or the Board, okay.

Village Attorney Stecich: Yes. The Board of Trustees wanted this to be Village property, so they decide what they want to do with it. They may ask the rec department.

Boardmember Hutson: That's what I mean.

Village Attorney Stecich: But probably a good question to put to the Board of Trustees is what do you have in mind for it because it could affect things.

Chairperson Speranza: And the answer could be, nothing.

Okay, I want to try to give some structure. Can we go down through the Boardmembers so that we can make sure everybody gets their questions answered?

Boardmember Dale: I had a question for David. The question of the affordable units not having the workspace, you said that that was...

Boardmember Hutson: Well, it's just that nothing in our affordable housing provision in our code speaks to that question, so in the discussion of it I think we didn't feel that we were in a position to...and because the affordable housing thing is toward a residential provision, not toward any work provision, affordable work provision. So we didn't think we had grounds to really pursue that. But just to me, the fact that we didn't pursue it, it gave some credence to the fact that we were saying, well, at least then the residential portion should average the same as the average in the other residential.

Boardmember Dale: Not having lived through the six years of history that this project has gone through, when I read the summary and saw that the affordable units did not have a workspace and are, in fact, among the smallest, it just seemed to me that they were discriminated against in some way, or would be. They would stand out as not being the same as everybody in the building. I just raise that question.

Boardmember Hutson: And it's true.

Boardmember Wertz: That concern is one we've all expressed and tried to move as much as we could in the direction of making them equivalent. But in some ways, the Village's way of phrasing the regulation didn't support us in doing that as much as we wanted to.

Boardmember Cameron: I would point out, they also don't have a balcony, while you're looking at comparability, and they also, if you were comparing them facing the street versus the unit you're comparing to is facing the back, which may or may not be better, I don't know. Just two more points.

Chairperson Speranza: Did you have any other...

Boardmember Dale: The other question I had was, it wasn't clear to me where the 100-year Flood plain line would be. I'm new to Westchester. I was told any time that it rains, stay off of any parkway that has a river in its name. The Saw Mill River is running right past this property, and I was concerned what is its' protection. Because it's awfully close.

Ms. Newman: The buildings are above the flood elevation. They will absolutely be more than above the flood elevation, since we're going to institute a 2-foot height increase in the absence of the FEMA maps being changed. We have monitored this site every time it's rained to make sure, from a practical point of view, that the flood maps are accurate. And, in fact, we've had some very heavy rains over the past few years and we're satisfied that the buildings are out of the 100-year.

Boardmember Dale: When you say you're raising them, are you going to raise the grade level?

Ms. Newman: Well, when we start construction the elevation in the building, instead of being at elevation 122 will be the elevation 124. So you just don't put the foundation in as deep when you start the elevation of the building.

Village Attorney Stecich: Bruce, of all issues that was probably the issue that was most exhaustively considered by the Planning Board and by the Village experts, and over and over. Because to their credit, people from the public kept coming in and looking at it from different perspectives. Each time, the Planning Board asked the Village's consultants to look at it and to make sure that there wouldn't be any impacts. There really was never, from the consultant's point of view, any issue at all. I don't know if you got all the volumes of the studies. If you want, rather than having to go through them, I could point you to the parts.

Boardmember Hutson: I think perhaps the most practical concern was not filling in. This is where it came up before with the retaining wall because of the problems on the Saw Mill River with so many places, and all rivers that have been filled in, therefore no place for the water to expand and cause flooding. More concern that that cutout area not have the fill. But now it leads to the problem of the retaining wall and the trees. You try and solve one problem and it can bring you another.

Boardmember Logan: I think I've spoken about most of the issues that concern me. One is the light, the other is the 60-inch elm. The final one would be on the elevation drawings. I know you've just gotten started with those, and I don't know how far you've gotten with your mechanical systems.

Ms. Newman: We haven't looked at them at all.

Boardmember Logan: You probably haven't started yet. But if there is mechanical equipment on the roof we'd like to know about that and how it affects the appearance. At least the ARB might.

Ms. Newman: The expectation is that the mechanical equipment will be on the roof, however we have not hired any [Mechanical Engineering Plans] because we don't even have unit layouts yet. So there's nothing for them to example just yet.

Boardmember Hutson: The ARB thing, I don't know, do we need a formal kind of thing there? There's nothing to give them yet.

Chairperson Speranza: We're not ready yet. I had a couple of things. The pedestrian bridge being moved: you know, it's just moved a bit, but looking at the conceptual landscape plan...

Ms. Newman: That actually is wrong.

Chairperson Speranza: It's wrong!

Ms. Newman: The conceptual landscape plan, as I mentioned before, had as its base the former site plan and didn't incorporate the changes. We will do it for next time, the new road alignment and the building shifting slightly and the movement of the bridge; those three changes that were put in place as part of the revised final site plan.

Chairperson Speranza: Okay, because I see right next to it, and it may not make a difference, wetlands. And I remember that this was something: that the anchors for the bridge would have an impact to some degree on the wetland area.

Ms. Newman: Right. As we understand it, and we're getting clarification on this issue, there are scattered wetlands along the stream bank, which is the only place they are in this area. The footings of the bridge might, depending on our ultimate location -- and I think it's going to be hard to site it without possibly touching some of these wetlands -- could possibly touch the stream bank wetlands. However, the Army Corps of Engineers, as I understand it, doesn't require any kind of permitting if your impact is less than 1/10 of an acre. It's called the nationwide permitting. I have a call in to our wetland specialist to make sure that that regulation hasn't changed, isn't expected to change, and is as it was when we went through the environmental review process, because that's what we disclosed in the SEQRA document as our understanding. So we'll verify that that's still the case.

Chairperson Speranza: Okay, and the ultimate design and configuration, of course, would be to try to avoid as much of it as you can, realizing that you're going to hit somewhere along the stream bank, the riverbank.

Ms. Newman: I think given that the footings are this big, it's not, under any set of circumstances, considered a significant impact.

Boardmember Cameron: On the bridge, it was actually unclear to me why we're moving the bridge over to what I would call our property from their property. First of all, I don't know who's responsible for maintaining the bridge, but it'd be nice if the development maintained the bridge rather than the Village having to go back and rebuild the bridge 30 or 40 years from now. Also, it's using part of our parkland to put the bridge on it, and it could just as easily be on their side of the property and have a little pathway coming from our property onto that bridge or off that bridge. So I wasn't quite clear why the bridge needed to be moved from your land to our land. To those of you that have been around on this issue, I'd just rather leave it on their land.

Ms. Newman: The condominium association will not be able to arrange for insurance where there's public access. So if it remains as condominium property on condominium land, then there cannot be public access. The Village was very specific in wanting public access on this feature.

Boardmember Cameron: We could just get an easement and use the bridge.

Ms. Newman: But the condominium can't insure for that easement. The insurance is so onerous for the condominium association. As part of our concept plan when we submitted it, we said for public access. That we would assume there would be public ownership. That was always our expectation.

Chairperson Speranza: What happens then with the parking spaces?

Ms. Newman: Parking spaces are less of an issue because there's public parking on the entire site. There are public visitors to the live/work. That doesn't have the same level of concern to an insurance company as public using a pedestrian bridge. So having public access on a road than having public access on what would otherwise be a private amenity.

Boardmember Cameron: I think we need to discuss this afterwards because I'm not sure the insurance is such a big issue I used to be an insurance lawyer, so I actually know something about it.

Chairperson Speranza: Okay, yes, let's think about that. I've been looking at this plan. So the bridge itself is located on the public property.

Boardmember Cameron: If you look at the first of the big ones they handed out, they moved it across to our land.

Chairperson Speranza: Okay, I'm looking at that one. Okay.

Boardmember Dale: It shows here where it's seemingly a pathway from the parking lot to the bridge.

Chairperson Speranza: Right. And it's the public access that drove it. It's not that the Board of Trustees said we want it on our land. It was just we want public access.

Ms. Newman: As I understand it, it was at our initiation where we felt that there was going to be public it had to be publicly owned, which is how it was presented in the original concept plan application.

Chairperson Speranza: I know you put together the grant application, and I know that Westchester County, I don't know exactly what their role was in terms of the grant. What was their role? And the reason I ask is, is it a potential amenity that becomes the responsibility of the county because it's part of the trailway. I'm wondering about the role of the county in the grant application. What did they say that they were going to be doing?

Village Planner Witkowski: They're the sponsor.

Chairperson Speranza: Westchester County is sponsoring this.

Village Planner Witkowski: Because they want to do the parking area. The parking area would be down there, yes.

Chairperson Speranza: Okay, I think we need to talk about this more, just in terms of what role...because I think Jamie's right, I mean, in terms of the maintenance aspects of this. Westchester County can maintain it.

Ms. Newman: I've spoken to Dave Delucia of the county parks department. They will give us permission to put the bridge in and to create the access to the trail, which is a routine procedure for them. They will not assume ownership of any other bridges other than the ones that they constructed on the trailway. He was quite clear about that.

Chairperson Speranza: All right, that's something we have to talk and think about more.

Okay, the retaining wall. Again, it's a technical thing. I need to understand what the function is. I looked in the details on the plans. The detail for the retaining wall says the height varies, which I couldn't get a sense of. What is this: is it massive, is it just kind of the brick thing that you see on somebody's sloping front lawn? What are we talking about here?

Mr. Castillo: The retaining walls haven't been fully designed at this point, but the intent at this point on the plan is to construct a block retaining wall. The height would vary because as you proceed in a southerly direction that grade does drop down as the contours come back up. That's what "the height varies" means. But again, the need for the wall is because we're trying to minimize the amount of fill in the flood plain. At this point, again, we're going with a block wall. The full design has not completed as of yet.

Boardmember Logan: Is there any chance that that retaining wall could be incorporated as part of the actual building? It seems the reason you need the retaining wall is just to have a walkable or a maintainable zone around the building. But couldn't the building itself just have the grade go up at varying points, especially since you have below grade parking?

Mr. Castillp: There are a number of other architectural issues. I personally am not a structural engineer, so I really can't comment on the integration of the wall with the building. But I know there were other architectural elements that were involved with that decision, and I don't really know the full answer to that.

Ms. Newman: We'll take a close look at this because Martin Ginsburg, the principal of the company, saw this retaining wall and the fact that we were losing a tree, and had a couple of unkind words to say to me as well. So we'll see what we can do. The guiding principle here was not to grade into the flood area. If we can somehow accomplish this differently to the satisfaction of your engineers and our engineers, we will try to do that.

Boardmember Logan: If you eliminate it, you'd effectively grade less into the flood area.

Ms. Newman: I have to defer to our consultant. I don't know.

Mr. Castillo: If you remove the grade, then...

Boardmember Logan: Just the edge of your building becomes the retaining wall, and the existing grade just goes right up to it. What that would not allow you to do would be to have a walkable zone all the way around the building. So you can get rid of that and, I think the trees are whatever; save yourself some money, too.

Ms. Newman: We'll take a look at it.

Chairperson Speranza: The overall height, there's rules with respect to that also.

Boardmember Logan: As I see it, the top of the retaining wall is a constant at about 134. So the grade that varies, or that intersects it, goes down to about 125. So at one point I guess it's 9 feet tall.

Chairperson Speranza: A 9-foot high retaining wall.

Boardmember Logan: You're stuck with the grade. That needs further examination, and from our consultant also, please, okay?

Ms. Newman: We'll study it and maybe we can come up with alternative solutions. Again, the issue being to avoid grading into the flood zone. But if, as Mr. Logan suggests, there's a way to somehow integrate it into the building we're happy to try to figure out that solution.

Chairperson Speranza: Okay, great. Access drives, the left-turns there. I had just a couple of very, very small things. You show signs for no left turns. Put them across the street? I'm sure the state DOT might have the same comments for you, where you're not going to be permitting people to make...

Ms. Newman: As I understand, with this plan we are now permitted to turn right or left.

Chairperson Speranza: Through both? Okay. I thought the north one you couldn't turn.

Ms. Newman: I'll confirm this with our traffic consultants. Because now that you mention it, there was one place where there was restricted turning because of visibility on the road, and it may have been this location. But I think that may have been an old plan, where we had an exit as well. Now that it's only an entrance we may have solved that problem. This is the point in the road where, because of the way the road peaks, it's hard to see oncoming traffic. I think we solved that by creating this one-way road. But let me confirm.

Chairperson Speranza: Yes, because the way that that road is designed, the northern driveway, it looks like it would be a very, very tough left turn.

Ms. Newman: I don't recall. Let me verify whether we have all turning lanes at all exits. My sense is that we do, but I want to be 100% sure.

Village Attorney Stecich: Isn't that the old plan? I think you have the wrong one up there.

Ms. Newman: This is the concept plan. It shows the correct in-and-outs on the driveways.

Chairperson Speranza: One other thing, in your legend on the access to the driveway plan you reference New Jersey DOT standards. So change it before you take to the state.

Ms. Newman: You know our engineers now work in the tri-state area. Our apology.

Chairperson Speranza: That's all I have. Fred, do you have something?

Boardmember Wertz: Just a couple things. One, when the asphalt is removed from the part that's going to go to the Village, what kind of provisions are there to look at that and look at what we find under there?

Ms. Newman: GDC is obligated to make sure there are no environmental problems. And to the extent that there is any environmental problem, we have to take responsibility and remediate.

Boardmember Wertz: Have you planned any kind of tests for that yet?

Ms. Newman: We've done numerous tests to date and we don't expect to find anything. The kinds of things that sometimes you find when you pull up asphalt might be an underground storage tank or something of that nature. Because this land was never developed, it's always been a parking lot, we are truly not expecting to rip up the asphalt and see anything there.

Village Attorney Stecich: That was one of the later issues that actually the Board of Trustees spent a lot of time on. They had Mark Chertok look to see whether the previous studies that AKRF had done of that covered it. He thought they did, then I called the guy from AKRF and asked him to pull out where they had done all the test borings and stuff.

Boardmember Wertz: I know they've had samples done around the area. I was just wondering, if you pull the whole thing up...

Village Attorney Stecich: Right. So it was pretty exhaustive, and the Board was generally satisfied. But that was one of the new conditions they added, was that if there turns out to be any contamination GDC has to clean it up.

Boardmember Wertz: One other thing that may be a question from my own ignorance, but some of the stipulations about having only one employee in each business work area there, and the uses that are permitted and not permitted and so on, the number of visitors per hour. Is there any way of regulating that, or how would that work?

Ms. Newman: This was derived from our six-month discussion with the ZBA in trying to determine how much parking would be appropriate on-site. The conclusion and sentiment of that board was, it becomes self-regulating. They've had difficulty in the past where people have run a chiropractor business or a massage business or whatever from their home and have had complaints from the neighbors. I do think it puts people on notice, our potential buyers on notice, then they buy they don't want to later find that they were planning to run a business here, where they were making gift cards and they needed to sell on a regular basis and they had so much traffic that it upset the neighbors, they will unlikely self-select not to purchase here knowing that they would be self-regulated by the condominium association. I think that's the way, on a practical answer, it gets regulated.

Boardmember Wertz: Those are regulations out there. Condominium association, they're laid out in some form of...

Ms. Newman: It's actually a deed restriction on the property. I think it's a homeowners restriction, but I also understand that it runs as a deed restriction.

Village Attorney Stecich: And then I think at the Zoning Board's suggestion, I lost track, but I'm pretty sure that one of the conditions that it also had to be made a condition of the certificate of occupancy, which meant then that the Village could enforce it. Because it was just a condition on the deed restriction it would just be up to the condominium association to enforce it. But if we made it part of the certificate of occupancy so the Village could enforce it. Nobody envisioned the Building Inspector going in and taking counts or checking. But the way most of these things to come up is, when there's an issue you hear about it. When there's not an issue, it's not an issue, by definition.

Boardmember Wertz: Okay, that's all I have in addition to the topics that were raised.

Boardmember Allgood: You pretty much covered my questions and concerns earlier. The only other one is that I just want some assurance that it's very clear to the buyers of these units that this is the publicly accessed area of the site is available to the public, and that not sort of over time get eroded, which often happens with these kinds of developments. I wouldn't want residents eventually to start making the public uncomfortable in using the parts that have been stated that would be publicly accessible.

Ms. Newman: Our condominium declaration and our plan will have to take the terms of the approval, and that will be stated.

Chairperson Speranza: I just had one other thought, because I know it's been an issue on one street in Hastings where someone is running a home occupation. Loading trucks. You can't get around the back, there may not be tractor trailer trucks making supply deliveries to some of the units. But there may be something that's bigger than a car, bigger than a FedEx truck, that's dropping off supplies to a business. And I'm just wondering if you've given thought to where that might be located.

Ms. Newman: I haven't, given that traffic and parking and turning radiuses are not my expertise. I'll talk with our traffic engineer and see what he would envision. My sense of what he would describe to me is, because of the fact that we have this kind of road structure the easiest thing will be for the driver of the truck to be able to pull over, deliver the packages, and continue on. I don't know for sure that that's the answer, so let me consult with our traffic engineer on that.

Boardmember Cameron: Maybe you need a wider spot that says deliveries only.

Chairperson Speranza: Yes, and especially for turning radiuses to get and out of the site.

Ms. Newman: But the fact that it's this kind of road would make it very easy because you don't actually have to turn. You just need a place to park.

Chairperson Speranza: Okay, anyone else? Jim, you've been very patient tonight.

Jim Metzger, 427 Warburton Avenue: Boy, there were a lot of thorough questions being asked tonight but I, of course, have a few more. My first question, which is, again, something that's been discussed over and over, has to do with the affordable housing component. My question is, why are they all two-bedroom? Who came up with that idea? If you are a couple and you have a boy and a girl, you are pretty much excluded from moving in here because you don't have the possibility of a third bedroom so each of those kids could have their own bedroom. I'm not sure that was a wise move in setting up that stipulation.

The other question is having to do with the location and siting of the affordable units within the complex, an issue that I brought up in an earlier meeting and I don't know if anyone has investigated it. I believe that a lawsuit was brought against Ginsburg in Yonkers because affordable housing units in a high-rise building that they were designing were being clustered in a less desirable part of the building. They, I believe, were successfully sued to distribute those units not only throughout the building in terms of size but in terms of view, etc. So there shouldn't be even the hint of a perception that somebody is getting less than they're entitled to because of their financial situation. I'm also a strong proponent that the workspace should be part of the affordable housing. I think it would be a great benefit for somebody to be able to start their own business out of their house, not have to pay additional rent, and keep that cost down. But that's an issue for the Board to decide.

You were bringing up the issue of delivering supplies, but there's something that's even more pressing. And that is, where's the garbage going to be stored? I want to make sure that there aren't a group of dumpsters sitting adjacent to our public park where you go to play ball on a nice summer afternoon. So we need to take a look at that as part of the site planning process.

I had a question from awhile back, and I don't know if this is something that you can answer. I was curious to know if there's a state review component of this process, given the proximity to the Saw Mill River and the state property that runs adjacent to it. I don't know if somebody needs to look into that, or if that's being folded into the process. Just an issue I don't know about.

The site lighting. One of the things that's come up recently is a dark skies initiative. It's a series of proscriptive design elements for setting lighting up so that it doesn't affect your neighbors, it doesn't affect adjacent roadways. Primarily, I think it would be nice when you're driving the Saw Mill. I kind of like the idea that you feel like you're out in the country. It'd be nice to not have a wash of light coming out there. So that's something that possibly the developer could look into.

In terms of staging on the open space, there's also a problem with compaction of soil with heavy machinery and then going and trying to plant on that afterwards. I want to make sure that the property is left for us, if we decide to put a ball field or put in a grove of trees, that the soil is prepared appropriately for whatever use we may want to use after their heavy equipment moves out.

I guess the last question I have is, on the retaining wall -- and this again is something I'm not an expert on. I want to know if that was taken into account when they were looking at the water runoff from the site and does the retaining wall affect that and redirect water, possibly, to areas where it may be overloading the river in some sensitive spot. Just something I want to make sure gets looked at. Thank you.

Chairperson Speranza: Garbage storage, that's a good point. Have you guys thought about that?, because we don't want the garbage dumpsters next to our park.

Ms. Newman: We have not studied how the garbage would be handled.

Boardmember Cameron: You mentioned putting a dumpster in the basement, but the garbage truck couldn't get in there to get the dumpster.

Ms. Newman: Typically what happens in a multi-family unit is you do have this designated interior space, and then on garbage days you have some kind of vehicle that pulls the dumpster out to make garbage truck access possible. But this is a detail that, for us, is very far advanced when we don't even have our unit layouts completed.

Chairperson Speranza: And Jim, the state reviews. I know this proposal has been to the county planning board, which handles properties which are adjacent to state roads and state parks, and they've given their signoff. Okay, does anyone have anything else for this project? Next steps. So you're going to keep going?

Ms. Newman: We're going to keep evolving the design. We will not be ready to present to the ARB for their October meeting. We expect to be ready for their November meeting. And we will try to answer as many questions as we can for this board's next meeting. We still have items like signage, which is one of those items that I think we'd like to reserve to come back to you on before we put our signs up. Because for us, this is a marketing issue and it's very hard to anticipate what our marketing company would want. But we can point out locations for that. So we'll progress the site plan details for the next meeting.

Chairperson Speranza: Okay, thank you.

V. Discussion Items

Chairperson Speranza: Okay, that's it on our agenda except for any other Board items or updates. Oh, yes. On Tuesday the Board of Trustees had a meeting. You can watch it on TV. They're going to be discussing and have asked for comments that people might have on the LWRP by October 13th. They're going to be meeting to go over and present their comments. Is that their work session?

Village Planner Witkowski: It's a regular meeting, and it's for public comment soliciting.

Chairperson Speranza: So Boardmembers, if you have comments on the document you can send them over to who?

Village Planner Witkowski: Just send them to me, and then I'll forward them on.

Chairperson Speranza: Send them e-mails, however you want to do it.

Village Planner Witkowski: And I put a couple of extra copies in the library.

Chairperson Speranza: The LWRP? Okay.

Village Planner Witkowski: I don't think I got copies to the new Boardmembers yet. Did I give you one, Jamie? I gave you one, Bruce? I couldn't remember if I got those to you, okay. But there are two more copies in the library that will be available for like a three-day circulation, if anybody wants to take it out and read it. And then it's on the Website.

Chairperson Speranza: Anything else?

Village Planner Witkowski: And this is not going to be the last opportunity for public comment on it.

Chairperson Speranza: Right, this is an immediate review. In case anybody does watch the Board of Trustees meeting, there's actually two things. I had told them that I wanted to talk to the Board of Trustees about the large tracts project at their meeting on Tuesday. I learned that even though I usually have nothing to do on Tuesdays, this Tuesday I do have something to do and I can't be there for that meeting. But I do want to get it to them and I do want to talk about it. So if it's the following meeting -- I have to check as far as the agenda is -- I do want to go, and I do want to brief them on the report that was done, and give them copies of reports.

The other item that came up at the meeting was steep slopes. The way in which the current steep slopes ordinance is crafted. I mentioned to them that it was something that we had discussed many times in the past, and that we do want to take up again. Trustee Quinlan had some suggestions in terms of he had marked up the present steep slopes ordinance. We can certainly look at that, and we should also dig out the old versions of steep slopes. Recently something came across my desk about the Town of North Castle, the Armonk area, that's doing a complete revision of their zoning codes. Their steep slopes ordinance is one of the things that they're really focusing on. So there are plenty of things that we can take a look at and see what potentially could work in the Village if we want to look at them again.

Boardmember Cameron: Could we get circulated the prior ones you have? Would you think about circulating to us?

Chairperson Speranza: Oh, absolutely. We can put it in the packets for our next meeting.

Village Attorney Stecich: Patty, I'm confused. What do mean about the prior one? We only have one.

Chairperson Speranza: We have spoken in the past about changing it, and I think you had pulled up...maybe it was Meg.

Boardmember Hutson: It might have been on fence issues.

Chairperson Speranza: No, it was steep slopes.

Village Attorney Stecich: No, because I found this stuff and there was this big discussion. And I gave a bunch of stuff, and we were going to talk about it in June. It was a May meeting. I have the minutes. Those minutes I can get you. And those minutes, we were going to raise it at the June meeting and then it didn't happen, and it never happened again. It was about four or five years ago, but it's still here.

Chairperson Speranza: I think it was probably, then, Meg that had distributed samples of the Steep Slopes Ordinance. So we'll pull them out and we'll find them.

Village Attorney Stecich: If you're looking at the steep slopes, what has been the main problem, the sticking point, the law the way it is now, was kind of a compromise. The question for the Board -- well, this is when it was enacted 15 years ago -- was, do you want just essentially performance standards so that you can build on steep slopes but you just have to do it in such a way that it won't endanger your neighbor's property, it won't cause water runoff or rock runoff or anything like that, and/or do you want to also limit how much building there can be on steep slopes. The Planning Board was back and forth. You were still on, Bill. You came on at the end of it. Bill Logan is the only one who was on when we were considering it. It eventually was a compromise, and said, okay, we'll only limit development on steep slopes in subdivisions. So it's only in subdivisions that you say only 25% of the steep slopes can be disturbed. However, all through the Village you have to meet these performance standards, and that's really been what the sticking point is. And that's also the direction that the amendments that people are thinking of now, which will make that restriction apply everywhere. But would probably be kind of helpful is to read the minutes back from '91 when there was actually a pretty healthy debate on it, ranging from Abba Tor from an architectural perspective saying you can have really very beautiful development on steep slopes. Anyway, Louise Leaf was on the other side. There was a big range. But the minutes discussion is pretty helpful, I think.

Boardmember Cameron: I think it would be really useful to see what other people have done, as well. Because we may end up with a political compromise which, in the long run, may or may not really work that well for us.

Chairperson Speranza: So we'll have that on the agenda for the October meeting.

Village Attorney Stecich: Well, maybe Angie and I will put together stuff.

Village Planner Witkowski: I'm looking at other communities, too, on their Websites.

Chairperson Speranza: Yes, see what North Castle's doing. Because, again, it's part of a whole big change in the way they're approaching land issues up there -- some of which I hear is good, and some of which I hear is questionable. But I did notice that they're dealing with steep slopes.

Boardmember Dale: Did the Board of Trustees talk about the comprehensive plan and its relationship to the LWRP?

Chairperson Speranza: Yes. David, do you want to talk about that?

Boardmember Hutson: I think, apparently -- I say apparently because I just kind of came into this discussion the last couple of weeks -- but apparently there is a thought that the LWRP may be moving too quickly to establish what would be at the waterfront. I mean, it's the first time it's come that way. Normally, people have said, When are you going to get something done?

So the last few years, if we got something done, apparently the thought is now that what goes on on the waterfront should be taken into consideration only when you look at what should go on the whole of the Village in a development sense. So there is concern that the LWRP would establish something that might not be compatible with the larger guidelines for the whole Village in the comprehensive plan.

Now, one of the things, of course, is those of us who worked on the development of what we consider to be the current comprehensive plan understand that there is something that we have used, we used in regard to Andrus, we used in regard to ShopRite, we used in regard to Harvest on Hudson, we used in regard to everything over, certainly, the past five or six years. And it has been used in some of our documents that have been prepared for court and for legal standing, and it has served us pretty well. I think the thought is that that it is not detailed or specific enough in certain areas. Because the area that is most fully, obviously, is that which is in the form of the LWRP draft at this point, which ties in. It was interesting, in *The Enterprise* there was this dichotomy that was presented about should it be something on its own, or should it just be a chapter in the larger thing. As it's been developed, it's really, in effect, a chapter in the larger thing now. Because within the current plan for the Village, the Vision Plan, there's a section on the waterfront. And the LWRP is very much connected, and grew out of, that section. Moreover, it also takes into consideration other sections of the comprehensive plan, as it exists now. For example, the Village core. I mean, obviously, the relationship between those two will have a lot to do with the development of that. So this LWRP looks at the Village core issue, and looks at the large tract issues, and looks at the railway issues. But it is also true that those other things, part of the design of the plan that was approved in 1999, I guess it was, or 2000, by the Trustees was to be revisited. It was to be updated, and that really hasn't taken place very much.

Chairperson Speranza: Right, we started that, too.

Boardmember Hutson: Right. The committee should come together, and various boards should come together, periodically and it should be updated. Because a lot of people have a lot of things to do, or whatever reason, it hasn't happened. So I think it's good that it is being looked at. I think it would be more helpful if it's looked at in the context of really what we have and how useful that has been as opposed to its' starting fresh out here somewhere in left field. But yes, it was talked about at some length, and it's going to be talked about much more, I'm sure. And as you probably know, there is a committee that's been appointed by the Trustees the pursue it.

Boardmember Dale: Yes, but not as an actual plan.

Boardmember Hutson: Well, the idea at this juncture is to take a look at what is available, what else is going on in other places, just as you were talking about in regard to steep slopes; to look at what others have done. Back in 1990, when the master plan committee was first appointed I happened to be a member of that.

That's one of the things we did, went out and looked at what other people have done. But over the many years that have passed, I'm sure much more has happened in other places. So it's certainly worth looking at. And also, probably if you look at the population of the Village here in the last 10 years, 15 years, you've got a lot of new folks in town. So it's time for more ideas to come in and develop.

Chairperson Speranza: And of course one of the biggest things, I think, is, they serve different purposes. The comprehensive plan is the Village's document, and while it does have some standing with respect to outside agencies -- and it's something to work off of if you're going to be applying for funding, to promote the goals and the preservation or development of your community -- that the LWRP, and I think this is one of the hugest roles that it has, gives you an element of protection from anything else, any step that anyone else might want to take. I mean, the railroad could come in and say, We want to do this. Well, they have to show that what it is that they're proposing is not inconsistent with our waterfront revitalization program. It's got real standing in the state because the state approves it, and even with federal agency action. So I think it's important in a bit of a different way than the comprehensive plan, but they certainly should never be at odds with each other.

Boardmember Hutson: Yes. The coastal zone legislation is something that exists on a national level, on a state, and so on. As Patty says, it's interesting that once you are approved in your local LWRP it carries weight all the way up and can not be overridden easily.

Boardmember Wertz: I think some of the thinking about looking at the Village in even greater scope is to protect the Village as a whole in the same manner that the LWRP would protect the waterfront.

Chairperson Speranza: That's right, it's just got a different jurisdictional standing.

Boardmember Wertz: Right, right. Now I remember there was a debate when the LWRP started as to how large its scope would be. And I think it could have been much larger than it was, and the thinking was that it would be much more manageable to really focus in on the waterfront. And it would be quicker, and it would get it done, which it has done. It's ironic in a way that now people are saying, Wow, maybe it went too fast, maybe it's too narrow. But I remember there were those who thought it should have been brought up from the very beginning to protect the whole Village in the manner that you're talking about.

Boardmember Hutson: And it's also true that it was expanded. As proposed, it does include the whole Village. The thing about it is you can also bring in subsequently, as things develop in other parts of the Village that need to be incorporated in the LWRP, they can subsequently be incorporated into the LWRP. In other words, it's not established once and then you can never make any change in it.

That's why I think those of us who have been close to it feel that it should proceed and be established, and then be added to as indicated. Well, let's just see how it evolves in terms of how much time it takes to develop these plans.

You know, the big challenge in our village, to me, has been developing good planning. But the bigger challenge has been implementation. I mean, it's really hard to get things done. Because by the time you get a consensus developed and you have a pretty good plan, enough time passes and the cast of characters changes and all of a sudden you have to start again.

Boardmember Dale: Yes, there is no context.

Boardmember Hutson: It's an interesting, and I think exciting, thing that can happen.

Mr. Metzger: I just wanted to make up a bunch...because I was at the Board of Trustees meetings when Phil Karmel introduced the draft. It's really a remarkable document. But he did make a specific point of saying, because he was asked this question specifically, the focus of the LWRP as presented in the draft is everything west of the railroad tracks. So that even though technically the LWRP could encompass the greater portion of the Village, what they were focusing on did start at the railroad tracks and go to the river. And that's one of the reasons why I, among many others, felt that a comprehensive plan was critical to address not only the other side of the tracks, but to make sure both of these issues came together in one large document.

The other thing is, I'm not sure it's fair to characterize that people want to slow down the LWRP as much as they want to make sure that it doesn't set up a road block in the future to something that we may feel is important as part of the comprehensive plan. An issue that I brought up, for example, was access to the waterfront. The LWRP may have proposed a certain access based upon what's going on now, but the comprehensive plan may find a better way to access the waterfront that wouldn't bring all of the traffic up on Spring Street.

So we need to look at both of these things together, and we want to make sure that the dovetail as opposed to end up being at odds with each other.

Boardmember Hutson: Let me just pick up on that point. If you read the section that has to do with the inventory, there is a discussion about the feasibility study having to do with access beyond the Zinsser Bridge up that steep slope. Now, it had all kinds of difficulties, but looking at that, that is one of the things in the LWRP that is proposed as something to be reviewed. Because it is true that all of the projects and so on -- well, I shouldn't say all of them -- most of the projects proposed in the document are down at the waterfront because we think that's our greatest opportunity, first of all. But also everything that was proposed down there, as best we could with the information we had at the time and leaning on the vision plan, looked at what connection that would have to the whole rest of the Village. But it's true we didn't have as much time.

Well, for example, the large tract study now really feeds in and provides a foundation for looking more thoroughly at that, and that may shed some light on what the LWRP would have to say. So you're not wrong. And when I say slowing it down, that's what some folks did suggest and that's what...not large numbers, but that's the concern that people had, that it's going to get too far ahead. And the other thing is, we have so far to go with the implementation of it. This is a draft document. We just want to get this draft document on the board and get it to the state, and get people in the Village to really start talking about it, looking at it. It's not that it's going to dictate anything in the real near future. So I think we have time, but you have to keep going. Because the other thing that Phil mentioned, too, at the meeting was that even as we've had discussions -- the LWRP committee had been meeting with the folks who were planning the remediation and the work down on the waterfront from BP -- that whole discussion dovetails. Because, as they say, This is how we're going to do it. But we say, Hey, but this is what people are thinking about that we need down there so that may make a difference as to the result. Just like we're talking about with this little ball field, what you leave for us may make it easier or harder for us to do something we want in the way of a park or in the way of an area that would really connect to the core of the Village.

Mr. Metzger: The good news is that what we're looking at here satisfies what a number of us, people that show up at these meetings all the time, have felt has been a problem -- which is, looking at the Village as a whole, so that what happens over there doesn't adversely affect what's going on over here without it having been studied. It's very hard to look at individual projects and try and project out how they're going to affect the rest of the Village. Hopefully, between the LWRP and the comprehensive plan it'll make that job a little bit easier for all of us. Thank you.

Chairperson Speranza: Anything else?

VI. Adjournment

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