

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
REGULAR MEETING AND PUBLIC HEARING
SEPTEMBER 7, 2006**

A **Regular Meeting and Public Hearing** was held by the Planning Board on **Thursday, September 7, 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, David Hutson, Jamie Cameron, Eva Alligood, Bruce Dale, Village Attorney Marianne Stecich, and Village Director of Planning Angela Witkowski.

I. Roll Call

II. Approval of Minutes - July 20, 2006 meeting

Chairperson Speranza: The first item on our agenda this evening is the approval of minutes from our meeting in July. For the first time in as long as I can remember we did not meet in August and it was kind of nice, I have to say. Do I have any questions or comments or changes to the minutes from the July 20th meeting?

On MOTION of Boardmember Cameron, SECONDED by Boardmember Wertz with a voice vote of all in favor, the Minutes of the Meeting of July 20, 2006 were approved as presented.

III. New Business

Proposed Acquisition of Village Property: Recommendation to Board of Trustees. Village-owned property adjacent to the north of Edward and Marjorie Small house at 75 Cliff Street. - Sheet 31, Block 702, Lot 25.

Chairperson Speranza: The next item on our agenda is the disposition of a piece of Village property. Our role in this, and Marianne, correct me if I'm wrong, is to make a recommendation to the Board of Trustees as to whether or not we feel that this property is something that either we feel, as the Planning Board, should be used or that we feel is okay to dispose of. Angie, can you fill us in on the property? This is property located adjacent to 75 Cliff Street.

Village Planner Witkowski: The Affordable Housing Committee had looked at several different properties in putting together a scattered-site project that they've been working on. Mr. and Mrs. Small had sent in a request asking to be able to acquire a Village-owned vacant lot that's adjacent to the north of their property in order to provide a driveway, or expand their driveway, just for their use. The Affordable Housing Committee, whenever the Village is looking at potentially selling off surplus property, has an opportunity to look and see if that would be an appropriate site. So they did look at it, and felt that it would not be appropriate because of the slope and the location right at that corner with the street being as narrow as it is. So they decided that the Village should do what they wish: to just go ahead and sell it, then that would be fine with them.

Chairperson Speranza: So at this point, though, to your knowledge is that the only entity that has looked at, or reviewed, the proposal to dispose of this property? I mean, it's one thing for the Affordable Housing Committee to say that they don't need it, but is there any other reason to keep this property as Village property other than affordable housing? There *is* something to having open space.

Village Planner Witkowski: Yes, that was the only one that looked at it. Maybe the Planning Board might feel that it would be a good idea for the Conservation Commission or for the Parks and Recreation Commission to take a look at it [for open space]. In terms of affordable housing it wasn't going to be appropriate.

Chairperson Speranza: Okay, thank you. Are Mr. and Mrs. Small here? Is anyone here to represent them? No. Okay, Boardmember comments on this.

Boardmember Wertz: Well, my thoughts are similar to yours, Patty, in trusting whether this parcel has been considered for any use other than affordable housing; what kind of value it might have to the Village as open space, whether it would make any sense to make it a park. You know, I'd like to see all the various alternatives and then kind of check them off one at a time. And if there is no other use, then it would make sense for the Village to sell it. But I'd like to be sure that we've comprehensively looked at the alternatives before making a decision.

Boardmember Alligood: The other comment I have is that I want to make sure that it's not used as a public walkway. We slowly see a trend towards getting rid of those on the paper streets, and I want to make sure we're not doing that in this case. I doubt we are, but I want to make sure that it's not used by other neighborhood residents as a way to get...

Chairperson Speranza: Yes, one of the things that I noticed -- I was up there -- it's very steep. The back of the property is very, very steep. But there are some interesting trees there that I noticed, too. I have no idea whether they are worth saving, or what. That's not my expertise.

Village Planner Witkowski: The other thing I might mention is one of the suggestions made in this letter from Sue Smith.

Chairperson Speranza: What the money is used for, I think, becomes irrelevant until there's...

Village Planner Witkowski: Until the others have a chance to look at it and make a determination.

Boardmember Cameron: There was an implication in the cover memo that this site was unfit for building a house on, and they want to put a driveway on it. I think as a Planning Board we should make a decision whether we think it's fit to have a house on it or not, from a planning point of view. Then if it were to be sold to the next door neighbor, to put some restriction on it so it can't reappear as a house. Because I think it's pretty nuts to have a house. We had that once before, as you know, and I don't think we should build that again.

Boardmember Dale: It also seems that it's actually five lots. And do they need all five lots to make a driveway, or could the [village] consider [selling] a small piece and preserving the rest as open space or some other use?

Boardmember Hutson: I don't know on the lot. As those tax lots, it gets a little confusing. I mean, it's really one lot we're talking about, but there are multiple...

Village Planner Witkowski: Five small...they're from the old plat.

Boardmember Hutson: In order to just sell off one tax lot it would require subdivision? No? Yes?

Village Planner Witkowski: Yes, it would.

Village Attorney Stecich: It's a Village piece of property, but I guess to make it part of theirs it would have to be resubdivided.

Village Planner Witkowski: Right, because that piece of it wouldn't be exempt anymore.

Boardmember Hutson: I had the impression that it's not a buildable lot, as such. Is that true, or is that not true?

Chairperson Speranza: It may be buildable.

Boardmember Hutson: Wait a second. "May be?" We don't know if it's a buildable lot or not?

Village Planner Witkowski: We didn't have a topo that had enough detail to be able to determine the..

Boardmember Hutson: Well, that would be important, I think.

Chairperson Speranza: Right, and that goes to James' point.

Boardmember Cameron: It's got enough land, but it's pretty steep in the back. Even though the house next to it seems to be sitting on a [slope].

Boardmember Hutson: Or the new one down the street, which is a pretty major house.

Chairperson Speranza: Okay, from the Board's perspective I think there's still more homework that needs to be done by the Village in terms of checking with other agencies and getting us more information with respect to the lot itself.

Village Planner Witkowski: Okay.

Boardmember Hutson: Could I just say one other thing, and it kind of takes off from Jamie's point? It may be that if, in fact, it's decided that it's not really something the Village had use for, in addition to putting this restriction on it maybe there's a way to sell an easement. If the driveway is really an important issue there to provide an easement on it -- which would also restrict his future sale and so one -- and if there is any walking advantage to it, it would keep that so.

Chairperson Speranza: That's a very good point.

Village Planner Witkowski: Yes, it is a good point.

Chairperson Speranza: Any comments from the public on this item?

Karen Keleher, 19 Maple Avenue: I'm just curious to know how big the lot is, and are there restrictions on what is considered a buildable lot in Hastings? You know, what's the minimum amount of land you have to have to have a buildable lot.

Chairperson Speranza: Well, it depends on the zoning district, and that's what we want to find out specifically.

Ms. Keleher: Because I would imagine trees will come down if a driveway goes through, and on and on and on. So that would be a consideration?

Chairperson Speranza: Oh, definitely, and there's more to come on this. And one of them is an analysis under zoning because there is a rock outcropping, there also. So we know you can build on things, but whether or not that's something that would be allowed under zoning, to what extent, we would have to determine. As well as the rear lot line setbacks and side yard setbacks, too.

Ms. Keleher: Okay. Because it just seems like trees keep coming down, and this is the tragedy of when these towns start building too much.

Village Planner Witkowski: What I could do is forward the information on to the Conservation Commission and to the Parks and Recreation Commission. Are there any others that you think would be...

Chairperson Speranza: I think we need a site profile. You know, kind of a profile of the site: how big is it, what is the topography there.

Village Planner Witkowski: More detail.

Chairperson Speranza: You know, how far back do you go before you hit the rock. Those kinds of things. And I don't know if someone could take a look at...maybe someone from the Conservation Commission could go out and take a look at some of the trees that are there.

Boardmember Wertz: Would it appropriate to have Deven take a look at it and assess its potential for various kinds of building?

Chairperson Speranza: Yes, sure. Deven or whoever the Village..

Village Planner Witkowski: Okay.

IV. Old Business

Continued Public Hearing. A & F Commercial Builders, 10 West Main; Sheet 9, Block 621, Lots 13C and 24. SEQRA, View Preservation, Site Plan and Steep Slopes

Chairperson Speranza: The next item on our agenda is the hearing on a development proposed at 10 West Main Street. This is a project which has been going on for a long time, a number of years. We received additional information from Urban Green with respect to the submittal. We received a new Environmental Assessment Form. At our last meeting, in July, we did decide that we would take the next step in the SEQRA process. We had designated ourselves lead agency some time ago. We have not yet issued a determination as to whether or not this is a project for which we should issue a positive declaration and ask the developer to begin the preparation of an Environmental Impact Statement, or whether we are satisfied that there will be no significant environmental impacts from this project.

The way that I want to handle this tonight, and of course I'm open to suggestions from the Boardmembers, is to first of all ask Eric Anderson or his representative from Urban Green to go through the changes in the documents we have received. When he is done, of course, if there are questions from the Board, we will respond to any questions. And then I do want to go through the Environmental Assessment Form. So, Mr. Anderson?

Eric Anderson, Urban Green: Good evening. Thank you for your time this evening. We are setting up some boards here that I hope will provide the public some opportunity to follow along with the conversation about the changes that we've made. But suffice to say that as we moved through this process the last year, or the last year of this multi-year process, we've been focused almost exclusively on the issue of the view from the south and west; having, I think, essentially knocked down, if you will -- or the Village's consultants having, I think, resolved -- many of the issues that had otherwise been presented as controversies for the project, such as parking and circulation, buildability. The upshot of that process in this iteration is, where the building had essentially been three pieces before -- three pieces, roughly one on the west side of the site, or west of this view corridor, and then two on the east side of the corridor, one kind of on the southern part and one on the northern part, with those southern and northern pieces being separated by some courtyard -- in order to reduce the sense of the building from below, in yet a further attempt to mitigate the sense of the building's size from below, we have collapsed the eastern part of the building into a single grouping and have removed the courtyard that separated the northern and the southern parts of the eastern half of the building. In doing so, we've moved the building back up the slope at each level -- and each level's different, but at 5, 7, 8 feet -- and as we moved it up the slope we are, of course, constrained by the parking garage which is an immovable object per the requirements of circulation for cars. But by squeezing the size of the apartments down on that lower level we've pushed the building back about 5 or 6 feet. And by doing so, we've actually made it less tall by a similar amount -- 5, 6, 7 feet -- which is a mitigation of that sense of that wall coming down on the slope. And then each of the floors above that have been pushed back, I think, 6 or 7 or 8 feet. Again, the idea, the initial motivation, is, by breaking up the facade and sort of stacking, wedding-caking, the building we are softening the perspective on this downhill slope. And frankly, by moving the building in and out we're also softening the building from every vantage.

One of the things that's also happened as a result of the eastern part of the building being collapsed -- and very much, I think in my own mind, is a response to a comment that Mr. Cameron had made in an earlier meeting -- was opening up the view corridor from the public right-of-way through to the southwest, i.e. towards the Hudson and towards the Palisades. I think the minimum dimension there now is 12 or 13 or 14 feet. We think it's actually quite a nice gesture, and felt good enough about it that the architects would actually represent it here for the first time to give folks a sense that this building actually opens up the site to the south as opposed to closing it down.

The other elements that we've incorporated into the design that remain: the use of materials on the building cladding alternating between masonry and recycled wood, which has been historically the case. So I don't think the palette has changed particularly. The architects may disagree slightly. I don't think that the roofline has changed particularly, although it has changed somewhat on the south side and the west side. But every opportunity that we could figure in giving the public viewer a sense that the building is moving, is differentiated, we've taken. And again, I think that we are successful in this endeavor.

I think there's some sentiment that the building could be made smaller by reducing the number of units. The long history of this process is, of course, I've seen it go from the high teens down to nine. And we decided finally for ourselves that to go lower than nine is not a possibility because the reality of nine versus some number less than nine doesn't change the fact that we have a baseline amount of dollars that we have to spend for the building's infrastructure, specifically the parking garage and circulation up and down, i.e. the elevators. So spreading this significant cost over nine units, as opposed to over eight units, as opposed to over 18 units when we first started this conversation, we've reached a position where it would not be possible for us to go to a smaller number. So instead, we've tried to respond differently; maintaining the unit count, maintaining the integrity of the units themselves which, I think, none of us on our side feel that we've actually done the best job of. We think the units are certainly much less appealing than they were an iteration or two ago. But the unit count itself becomes the sticking point for us, and we've tried to respond by reducing the size of the building otherwise.

Those are the high points, from my perspective.

Asaf Yogev, Architect, Cutsgeorge, Tooman & Allen: I think the only thing you didn't get until today was this perspective of the view corridor. Angie just asked me to do it yesterday, so that's why you're only getting it now. Like Eric said, we did push the building on the south and the west elevations. The west elevation, specifically to respond to comments that the building needs to step down as you go west, we did that there. And then on the south elevation, again, just to shrink the building and allow for more views for our neighbors on 8 Main Street. I have the other image that I did last time. This is the one. The building is pushed, at the parking garage, 4 feet back. But on the ground floor level it's pushed 7 feet back, which would be this line here. And then on a third-floor level we're pushed 4 foot and 9 inches. So I could bring the other image just so you could compare.

Chairperson Speranza: That's a good idea.

Mr. Yogev: I think it might be here. Yes, it's this. Right, so this is the image with the building that we had last time, and this is the building right now. You could see the differences. You could see more, unfortunately, of the...I think it's the storage. I'm not sure what this building is right here. Originally the building line was here at this level. We did change the material. That came up from the change in massing that...we try to change the material when we turn corners, and we changed the material because of the way the new massing allowed us to turn the corners. But I guess if we needed to change this back to what it used to be before, which is the wood, we could probably do that, too.

Chairperson Speranza: And just to clarify, this space savings that you got was by eliminating an internal courtyard that existed between the buildings in previous versions.

Mr. Yogev: Right, between the two buildings on the east side; between the northeast and the southeast building. Well, actually, this is probably a little more telling of the massing. I mean, people might not remember the tower that used to be here on this corner, people that are new to the Planning Board. Right now the building steps back about 12 feet on that corner. This goes back, actually, to what we originally talked about, making the building sort of follow the lines of the hill and slope down towards the southwest end. This is actually doing it because of the setbacks that we have. If you look at the building in elevation, on the northwest side, in the drawings -- the elevation drawings that you have -- I actually left the dash line of the previous elevation so you could see the difference there between sort of the tower that existed here and, right now, the two setbacks that are happening on that side. I think it's drawing A-200.

Chairperson Speranza: Yes, I think it's the first one. It's the first one in our packets.

James Surdoval, Urban Green consultant: A-201 also shows the setback.

Mr. Yogev: A-201, right. One is from the south and one is from the north. The north one actually has the dimensions of the setbacks. So the top floor, which is the third floor where the tower used to be, is now set back almost 15 feet at this corner. And then there's another setback on the floor below that.

Boardmember Dale: Did the setting back, or pushing back, of the apartments change the interiors of the apartments?

Mr. Yogev: A lot, yes.

Boardmember Dale: The square footage?

Mr. Yogev: Yes, originally we used to have, at this building -- the northwest building -- a duplex unit right here. We had to eliminate the duplex, and now it's a one-bedroom. Because the top floor got so small, it now only has one apartment there. So there's only one apartment on the top floor, and this apartment that used to be a three-bedroom duplex is only a one-bedroom unit.

Boardmember Dale: So the average square footage of the apartments at this point?

Mr. Yogev: The average square footage, I got it somewhere.

Mr. Anderson: There's nine apartments, and the total residential area is about 18,000 feet, 17,000 feet.

Boardmember Cameron: That's on the summary page.

Boardmember Dale: Yes, 19,520.

Mr. Anderson: That includes exterior, too, I think, doesn't it?

Mr. Yogev: No, no, no, no -- wait.

Boardmember Dale: Well, it says accessory uses.

Mr. Anderson: It's 1,953 square foot average. And then on top of that, the commercial spaces also got a little bit smaller; the two commercial spaces that we have on the frontage -- this one here, and then this one right here. So the average apartment is 1,953 square feet.

Boardmember Hutson: Let me ask one thing before you leave that. The viewing platform area, is that the same size, or that is also smaller?

Mr. Yogev: It's actually bigger now. We did open up the view corridor. At the narrowest point it used to be ... 8 foot 6, and now I think the narrowest point is almost 13 feet. And at the widest point, which opens as you go to the southwest, it's now a little over 17 feet. And then the viewing platform actually got bigger.

Mr. Anderson: So in perspective, each of the modules on the north facade is about 20 feet?

Mr. Yogev: On the north facade is 20 to 22 feet.

Boardmember Hutson: One of the things on that step-down. Again, I always hear Bob Lee whispering in my ear not to try to design something when you're not trained in design.

Mr. Anderson: Let's give it a go.

Boardmember Hutson: The effort that you've made on stepping it back, I think that's an important thing and I think it is very helpful. It just seems like it's too little. You know what I mean? In other words, if you put that board back up that has the neighboring houses.

Mr. Anderson: Oh, this you mean?

Boardmember Hutson: In other words, you can kind of see that relative difference between the neighboring houses; not so much only in height, but in the nature of the roof and so on and so forth. So to try and accomplish something like that with your building, it's almost like it needs to involve whole units. I mean, we have these four or five sections -- I mean a whole section or so -- instead of just the little terraced kind of setback. I mean, it gives you a taste of what, I think, makes a difference. But it's almost that it's too modest an effort. Now, it may just be that from your perspective, on this point that you made, that you can't go below nine and you don't want to go below 1,950 whatever per unit that you find it hard to do. But I guess it's more of a question on my part whether that wouldn't really establish the stepping-down to the river that is significant in trying to get this more river-village look and appeal. Because this looks like the terraces are stepped down as opposed to you've tried to model whole structures by changing the facade, and so between the units, with the four sections. But it seems like it would do more if a whole unit could be set down as opposed to just everything terraced that way.

Mr. Surdoval: We actually had a variation in height on that facade at one point, having had the easternmost building higher. If I recall, it was Mr. Logan who suggested we drop that.

Boardmember Hutson: No, that looks higher than the neighboring buildings.

Mr. Surdoval: Right, but if we drop the units as we go further down the slope, then we have a problem with height in the garage. So then we have to drop the whole garage, which means that we have to extend the ramp longer, which creates all kinds of problems.

Boardmember Hutson: I just raise it here, something that seems to me to be the case.

Mr. Anderson: Just to sort of put a point on it, we have elevators which are, by code, going to floors that have one apartment. Now, cost-effectively it's pretty hard to do that. So at some point, if you were starting to squash apartments and you have an elevator going up to a 900 square foot apartment, it doesn't make sense -- can't do it. So there's a reality from our perspective about what you can actually pull off, and I think we've actually done more than nibble at this problem. I think that the stepping is very significant.

Boardmember Hutson: That would help.

Mr. Anderson: It definitely helps. The west side, remember Dave, is also a side with the least...it's the most obstructed both by other buildings and by foliage, by trees. You would never see the west side of the building, say, if you were walking down the street below until you turned the corner and walked halfway up the stairs. If you're on the other side of the street, of course, you would, but not on this side of the street.

Boardmember Cameron: Just because he started out with something radical, and since I'm not an architect either, did you ever think of taking the third floor of the west building and sliding it straight so it sits above the passageway? It would only be a two-story-high passageway, but at that point we'd have our step-down and you wouldn't have lost any square footage. I understand there's a problem with windows, but did you look at that idea?

Mr. Anderson: We actually had a keyhole idea. I'm not sure if the keyhole was effectuated by sliding over, or there was an arch over the opening.

Boardmember Cameron: You get rid of one complete module by sliding it over visually, and you do have some windows on the second floor, I understand, which would be in the keyhole. You'd have to juggle it around the third. I thought it just fit so nicely sliding straight across.

Mr. Yogev: I'm just not sure how nice a space it would be if you had to work under it.

Boardmember Cameron: We're trying to balance the visual from looking at the building and stepping down.

Mr. Yogev: Essentially you're saying that what's going to happen is this.

Boardmember Cameron: Right. I'm not saying that I'm in favor of that. I'm just saying did you look at that. Because that's another way of getting the step-down on the hill and trying to get a view of this same scene less high from the parking area. Because if it slid over as you've started to do and it's a good first step, it would look less tall, and look nice, better stepped from the train platform.

Mr. Surdoval: To answer your question, we did not toy with, or think of, pulling that whole unit across. Part of the reason to make this view corridor was to have it open to the sky as well, which is something that we thought was important. I hope this is better than a first try because we've been here awhile.

Chairperson Speranza: Anything else from the Board?

I just want to make sure that people are clear, that I am clear, as far as the setbacks and the building cutaways that are shown in this silhouette that you have up there. You've got the first module, which is actually 5 feet back from the property line, 5 foot back from where the structure is now.

Mr. Yogev: Right. This is 5 feet away from this corner here, which is the property line, and then that's a 22-wide...

Chairperson Speranza: And that's the garage.

Mr. Yogev: That's the entrance to the parking garage. And then there's this opening here, which is 20 feet wide, again. And then there's this 22-foot module. These modules are set back 5 feet from the property line on West Main, so it's further back.

Mr. Anderson: Five feet back from where the building is built today.

Mr. Yogev: From where the front fence is. And then the fourth module is set back 10 feet. That's 20-foot wide, then there's another 22-foot wide, and this is actually set back 19 feet. It's really dark, but this is set back 19 feet. And then the next setback is...

Mr. Anderson: Is that 29 feet? Is it 10 plus 19?

Mr. Yogev: No, no. It's 19 feet to the first setback here, and then another 30 to this point right here.

Boardmember Logan: If you have perspective rendering it might be helpful. Have you got a larger version of that we could look at?

Mr. Yogev: Right, so this is the 22-foot, and it's set back 5 feet. Then there's the opening, another 22 feet that is set 5 feet from the front; a 20-foot module that is set back 10 feet; a 22 that is set back 5 feet. And then this one, this first wall, is 19 feet back, and then there's another 30 feet here. Right. The second point is...this point is 35 feet back, and then the next one is another 26 on top of that. So, I mean, the setbacks...once you move down the slope and to the west the building also sets back further.

Mr. Anderson: So the building's not only coming down this way, the building's also coming back around this way. That's this notion of movement on both axes.

Boardmember Hutson: Move south and moving east.

Mr. Anderson: Right.

Chairperson Speranza: Can you give me some indication, and you may have to go back to the...or no, use that lower photo there. The existing retaining wall along the stairway, I'm wondering, can you point out where that retaining wall ends now compared to what's being built out here?

Yogev: Here.

Chairperson Speranza: Okay, it is that far. Okay, thank you. That's what I wanted to make sure I was reading these correctly.

Mr. Yogev: Actually, that's the turn in the stairs. But I think the retaining wall might actually bend there. I have the photos, I can bring them.

Mr. Anderson: We would hope that wherever the retaining wall is, versus where the retaining wall is now, that it would be nicer to walk up that stair next to a café than to a parking lot.

Mr. Yogev: See, it turns here. So this point is the point somewhere here, and then it turns on a funny angle.

Chairperson Speranza: All right, thank you.

Boardmember Dale: Eric, being new to the Board, I'm not aware of all the things that you've agreed to provide with the project to benefit that area of the Village. I heard mention you were going to rebuild the stairway?

Mr. Anderson: In addition to a chicken in every pot, we will be rebuilding the stairway. Our offer is to rebuild the stairway from the parking lot down to the lower level, and we would hope to certainly dress it up. We think that there's actually some Village-owned land there that would be ripe for a little pocket park or some benches or whatnot actually at that landing, I think, which now is just a...

Mr. Yogev: Right. There's a triangular area here between the Con Ed building and this site that is Village-owned property. At some point, I think a couple of years ago, we were talking about incorporating this as a park to whatever new stair.

Chairperson Speranza: Okay, so that's interesting, that area between the retaining wall and the back of the Con Ed building. Because I noted all the trees that were taped.

Mr. Yogev: Right, because it's not on our site. It's Village land.

Mr. Anderson: And that's why I say that the west side is the most screened side because a lot of that land there is not our land and there's a lot of trees there. And I do hope that you all went to look at the number of trees that are taped off. I think you'll note that there's a lot of forest that's going to stay.

Chairperson Speranza: Okay, any questions? Boardmembers, any further clarifications? Because what I'd like to do is go through the Environmental Assessment Form which was prepared based on this new version.

Mr. Anderson: Thank you.

Chairperson Speranza: Now, just so that people are aware of what this process actually entails, there is an Environmental Assessment Form, which is actually the second piece of the SEQRA documentation that's required. This Environmental Assessment Form is actually two parts, a part A and part B. Part A is the factual information with respect to the project. It's actually part 1 and part 2. Part 1 is the information with respect to the project, the facts and figures, the size, the number of units, etc. And part 2 is what the project magnitudes are. The first part was completed by the applicant. It was reviewed by the Village Planner and by the Village Attorney. There are some things though, comments that I have with respect to some of the information in here, and what I'd like to do is go through Boardmembers and see if there are any questions about the information that has been provided by the applicant with respect to this project. So Mr. Dale, did you notice anything in here that you had questions on with respect to part 1? We'll do part 1 first.

Boardmember Dale: No, I did not.

Boardmember Logan: No.

Boardmember Hutson: On that first page, where it says "...the applicant seeks site plan approval and all necessary building permits, including the discretionary..." on page 1 of part 1..." -- I'm sorry, on page 2 of part 1 -- "...including the discretionary action of the Planning Board to allow a fourth story on the downward side of the slope to shield the parking garage from public view..." I mean, the parking garage in and of itself would be a fourth story, as I understand it. The parking garage is a fourth story, right? I mean, it's "...allow a fourth story on the downward side of the slope site to shield the parking garage from that public view..." I mean, it's just...I mean, it's irrelevant. I mean, it's just to allow a fourth story. There's a parking garage, or apartments, or all apartments.

Village Attorney Stecich: Period. Period after "site."

Boardmember Hutson: Right, yes.

Village Attorney Stecich: It doesn't make sense.

Boardmember Hutson: Yes, unless, I guess, they're suggesting that one of the rationales for allowing the fourth story is to shield the parking garage that'll be there anyway. But you could shield the parking garage by putting a facade, as far as that goes. So I just think that it's a little misleading on that.

And I don't know, in terms of this fourth story question, I think later maybe we should go back to that question as to what really is involved in our discretionary action for the fourth story. Maybe you want to go through the full document first.

Chairperson Speranza: No, I think we should do that now.

Boardmember Hutson: So Marianne, maybe you would...

Chairperson Speranza: Because I had that as one of my comments with respect to approvals and whether or not that should be listed as an approval.

Village Attorney Stecich: Yes, it should. I'll have to back up to the height question on that because Mr. Hutson had asked that. I think it's related to the question he asked at the last meeting: does this building...

Mr. Surdoval: I want the opportunity...I want to give you a comment on the story.

Chairperson Speranza: Let us finish this. We've got to get through this. You're referring to what was proposed just....

Mr. Surdoval: I just want to make a quick comment: that the parking garage under your zoning doesn't count as a story. Only if you drop residential in front of it is then zoning a story. Without the residential it's not a story.

Boardmember Hutson: In the CC district? Well, we have to talk about that.

Chairperson Speranza: Let's have our counsel go through this.

Village Attorney Stecich: The way height is defined in the CC district is different than it's defined in most of the districts in the Village. The CC and the MR-C, it's defined differently. In the rest of the Village the height kind of varies with the slope. It does not in the CC district. The way you measure height in the CC district is, you go to the front lot line, center point; center point of the front line. And you measure...and it can't be higher than 40 feet, or three stories. It really should be the end of that, and then whatever happens below happens below. This, at the front point, is three stories and roughly 36 feet. So it's okay, it meets the height requirement for the CC district. There is a provision in the code, which I don't understand because measuring this way it seems it could go down as far as it wanted to height-wise or story-wise. Because the only point you measure from is the front center lot line. But because it does have the provision that said that the Planning Board can allow a fourth story as long as it's below the street grade -- and by the street you're talking about the street that you're measuring from -- it can go down a fourth story.

I just wanted to point out that people could have been confused by the set of drawings that were submitted last time. I call them the rock drawings; although it's not really rock, it's a mound of earth. And the first picture looks like that's a story and that it's above ground. Actually, that orange thing is inside the ground. If you compare it to the previous picture, the earth was cut out and so this story is in the ground. And then if you flip over two more, and here what looks above ground is really also inside -- at least in front -- inside the ground. And then where it talks about...

Boardmember Hutson: Excuse me, Marianne. When you say the front, do you mean out on West Main?

Village Attorney Stecich: On West Main, yes. And then the next one, where it says "...a building, and three stories above West Main Street...", again, that makes it look like it's four stories. It's actually three. This whole thing is the ground level, and on West Main it's below ground. But anyway, it seems that there really isn't any issue, but it does meet the code's limits on height.

The only other question is this area that's underneath the garage and whether that's a story. The Building Inspector and I, both our interpretations are that that would not be a story. Because there's no floor, it's not space in a building. It's really the space around the stilts. I mean, if they didn't have that there they could have stilts. It's probably more attractive to have the screening. So this does meet the definition of height. But going back to whether the Planning Board has discretion to allow that fourth story underneath, the code says you do. The definition is a little incongruous, in that all you have to do is measure from the front and then it says you could allow one story. But because the code does say that specifically, I would say that the Board has discretion to permit this fourth story below grade, although it's probably not going to really affect the height of the building.

Boardmember Hutson: Right. But as I said last time, it does seem to me that intent must matter in the sense that the only reason this fourth story issue would come up, it would seem to me, is because you could end up with a very tall structure on the back. I mean, there would be no limit. So common sense tells you that that must have been what's in mind as to why there should be some discretionary room for a board to decide whether it's appropriate or not. And given that, it would seem to me that if a building could be built in such a way that it doesn't obstruct view as much -- in other words say, Look, in order to site this under our view preservation law -- that we would be able to say, Hey, there's a way to build this structure, this building, by using that fourth story down there, not using it on stilts and so on. So take one off and put it down there. We're not allowing a fourth story there; you can have three stories there, but one has to be below grade. Now, that may be a reach, but it just seems to me that that's one way where we do have some judgment to make. And it would have to be, obviously, reviewed by counsel to see whether that is, in fact, possible or not.

But the only other point I would make is, it's hard for me to see why just because you don't put something in a space it's not counted as a story. Because when we're talking about stories here, again, it must be a concern about height. I mean, stories and heights are used interchangeably in the code, so the fact that there's nothing there -- or it's a garage there, going on Jim's point -- it seems it should matter that that's there regardless of whether it's a storeroom or a garage or apartments.

Village Attorney Stecich: Right. But if it's really just stilts...your alternative is to have stilts there. It's like your space under a porch or your space under a deck. It's not a story.

Boardmember Hutson: Well, I guess it all comes into play in SEQRA. That when you're talking about visual impact, if you've got something X stories high and they're on stilts, the fact that you don't count the first two, technically, as stories you still look at the height as having a role in the visual impact. So to me it all matters. Whatever you call it, it comes out the same: what is the impact in terms of adding stories.

Chairperson Speranza: Okay, so that goes to the comment on the second page. And please, if there are questions like that, if you need clarification on any of this, this is the time to do it. Because we want to make sure that this is completed properly. Did you have anything else, Dave?

Boardmember Hutson: One other thing on the third page, where it says "site description." As I understand this, then, all of the construction is on slopes less than 10%. Is that accurate? Number 5.

Chairperson Speranza: Question 5.

Village Attorney Stecich: "...61.32% is on slopes 15% or greater..."

Boardmember Hutson: Right, that's the project site. But I'm wondering in terms of the construction. I guess my question is, does it tell me somewhere how much of the construction is on what percentage of slope. Because it says here that the slope is either less than 10 or greater than 15. There's nothing in between as far as this site is concerned. So I guess that's one thing I'd be interested in knowing. Because when it says the proposed project site it's talking about all of the land and not where the actual activity is going to take place. So that's something that I'd like to know as we go along.

Boardmember Cameron: Since it covers more than half the site, and 61% of the height is 15% or greater, it has to be on 15% or greater.

Boardmember Hutson: You're right. Because 28% of the site, almost 29% of the site, is going to be building or paved.

Chairperson Speranza: Right, and we actually do have that figure.

Boardmember Cameron: One of the consulting reports indicated what percentage was on more than 50% slope.

Boardmember Hutson: And how much was it, do you recall?

Chairperson Speranza: We can get that.

Boardmember Cameron: We have the reports.

Chairperson Speranza: Right. As far as the information that's requested in here, this is completed correctly.

Boardmember Hutson: Right.

Chairperson Speranza: That other information we have. I see you have other red marks.

Boardmember Hutson: No, they're just questions. You know: are there any unique landforms on the project site? I mean, I think by their definition they're probably right, there aren't. By my definition, as far as this being such a promontory point there, it's rather unique to our village. I'm not sure that the SEQRA definition -- they say "...cliffs, domes, or other geological formations..." -- that this is really what they have in mind. But to my mind it is a rather unique spot in land formation.

Chairperson Speranza: And I do think that this is also something that will go towards the way in which we fill out and complete the part 2 at that point. Okay, anything else?

Boardmember Hutson: Well, it says, "Does the present site include scenic views known to be important to the community?" That is checked no and, again, there are some in the community who would definitely check yes on that.

Chairperson Speranza: Yes, I think that that's something that should be yes.

Boardmember Wertz: Right, so do I.

Boardmember Hutson: That's really all I have.

Chairperson Speranza: Fred, anything?

Boardmember Wertz: Nothing, no.

Chairperson Speranza: Eva, nothing? Jamie?

Boardmember Cameron: On part 1, are we on to project description? I agree on the scenic views and on project description under zoning and planning information. I don't think they really answered question 3.

Chairperson Speranza: "Will disturbed areas be reclaimed?"

Boardmember Cameron: No, no. "What is the max potential on the site?" The answer "35 percent?"

Chairperson Speranza: Yes, that's correct.

Boardmember Hutson: Yes, I'm sure one of the things you get into there is, given the steep slope question, then how much would be. But you're right, Jamie. I mean, they answer how much they're going to do, not how much would be permitted.

Chairperson Speranza: "What is the maximum potential development of the site if developed as permitted by present zoning?" Okay, that's also something that we've heard several times from the applicant.

Boardmember Cameron: But that should be reflected here.

Chairperson Speranza: My recollection is that the applicant has said that there could be twice as much development.

Boardmember Cameron: Well, three times.

Chairperson Speranza: Or three times as more development, okay.

Boardmember Hutson: But again, I assume that doesn't take into consideration the limit that steep slopes might put on that, right?

Chairperson Speranza: Marianne, do you want to go through that?

Village Attorney Stecich: While there is no deduction for steep slopes because it's not subdivided.

Chairperson Speranza: It's not subdivided.

Village Attorney Stecich: They have to meet the steep slopes requirements.

Chairperson Speranza: As far as runoff and drainage.

Village Attorney Stecich: Right.

Chairperson Speranza: Okay, Jamie, anything else?

Boardmember Cameron: Nothing on part 1.

Chairperson Speranza: Okay, I noticed a few things. In site description, present land use, I don't think that we would classify this as urban, but rather it's more residential. Residential suburban' it is not urban.

And then under project description, the dimensions that are given for this project description number 1, item I: "Dimensions in feet or largest proposed structure" is shown as 52 feet in height. That, by my reading of information we've received now, is actually 47 feet. Unless there's a reason why it's different than what is shown on the land use analysis.

Boardmember Hutson: On the summary page you mean, or what?

Chairperson Speranza: Yes.

Boardmember Cameron: Why would it be 47? Why wouldn't it be the height across the front?

Chairperson Speranza: Thirty-six is the height, then the additional underground is 11 feet.

Boardmember Hutson: I thought this referred to just -- forget zoning code -- the highest point anywhere from ground up.

Village Attorney Stecich: From the ground up.

Boardmember Hutson: I think that's what it means. This means on the back of the building, or the highest...

Boardmember Cameron: But wouldn't it refer to the same point at the front of the building?

Boardmember Hutson: No, I don't think that SEQRA refers to that. See, SEQRA doesn't take into consideration what our zoning is. I think they're talking about simply measuring the tallest point on the structure and the widest point and the longest point. It says, "...dimensions, feet of largest..."

Village Attorney Stecich: But I think it's more than 52 then.

Boardmember Cameron: It would be, right.

Village Attorney Stecich: Because it's 47, and then if you add the stilt part it's probably closer to 50.

Chairperson Speranza: Right, we need an accurate number for that.

Boardmember Cameron: If you're measuring from the bottom of the slope where the lowest portion of the building is, and the building goes up two stories at that point and then steps back, they're really interested in what is the highest point of the building, not the highest point from a specific location on the ground. So you measure to the ground from the highest point down to the ground, which would be in this case in the front of the building.

Chairperson Speranza: Or in the back. Yes, we have to get a reading on this.

Okay, and then I had some questions with respect to approvals required. I mean, residential on the ground floor in the CC district was one. And this was noticed for steep slopes review.

Village Attorney Stecich: And approval for the fourth story.

Chairperson Speranza: Right, and approval for the fourth story.

Village Attorney Stecich: And it also has to be fixed in C-1. In that "List of approvals required," and also in C-1. There's a bunch of other stuff.

Chairperson Speranza: Okay, and that's all that I had. Angie or Marianne, do you see anything else in there?

Village Attorney Stecich: It was just those.

Chairperson Speranza: All right, our next charge is to go through the part 2. This is what will lead into our determination as to whether or not this is a project for which we issue a positive declaration or a negative declaration. Again, there are certain categories of questions, certain categories of areas, for which we determine whether or not we feel there's a small to moderate impact, a potential large impact, or it can be mitigated by a change in the project. So we'll go through the first category of impacts as impacts on land. I'll read the category, and I will hear what Planning Board members feel about it and whether or not it should be small to moderate or potentially large or something which can be mitigated. The examples that are shown, for those of you who may not be familiar with the EAF forms, are things which are in SEQRA code as things which commonly have potential for large impact.

The first one is the impact on land: "Will the proposed action result in a physical change to the project site?" Obviously, the answer is yes. How do we want to categorize this? Small to moderate, potentially large?

Boardmember Hutson: Again, the first one they have there is "construction on slopes of 15% or greater." That's where it would be a help to me if we could know specifically how much of this construction is on a slope of 15% or greater. Maybe they can tell us that.

Chairperson Speranza: Do you have the report from Susan Fasnacht?

Boardmember Dale: Steep slopes, yes. An updated memo from the site slope analyst has been prepared based on this information: 47% of slopes between 15- and 25%, and 62% of the 25%, or greatest slope will be disturbed. These values exceed the chapter 249 restriction of a maximum disturbance of steep slopes: the 35% for slopes between 15% and 25%, and 25% for those slopes in excess of 25%.”

Chairperson Speranza: Okay, and that reference to the chapter does not apply in this case. Could you, Bruce, just one more time read that first part?

Boardmember Dale: “...based on the information, 47% of the slopes between 15 and 25, and 62% of the 25%, or greater slope, will be disturbed.” It doesn’t say what percentage of the building is on slopes of a greater amount.

Boardmember Hutson: Well, it just seems to me that this should be a potential large impact. I mean, it probably can be mitigated, but I mean it would seem that...

Village Attorney Stecich: Patty, could I just say one thing at this point? When we’re looking at it, we also have to answer these questions in the context of the studies that have been done. So knowing what you know now -- and you have the traffic study, the engineering, and steep slopes studies from their consultants and the Village’s consultants -- don’t answer this as you would have answered it when you first got it, but answer it on what you know now.

Chairperson Speranza: Okay, so what I’m hearing is that this is something that was of concern to us initially, steep slopes and the amount of steep slopes disturbance. Because we went out and we hired our own consultant to do an analysis. And they came back, or the report indicated, that this project could be built with no impact on the steep slopes. That’s the way that we should be looking at this.

Boardmember Alligood: Right, but I’d like to, on that point...because I flagged that one and I read the reports. What they say is that they’re comfortable with the submissions by the applicant that show that the construction is going to be done in a manner that is not going to have a very negative impact on steep slopes. But looking at this form, I still want to say it has a potentially large impact because we’re predicating that on the construction being done in a manner that won’t have a negative impact.

Village Attorney Stecich: Okay, so what you could do is say that it’s potential large, can be mitigated. But it’s a little odd. It says “can be mitigated by project change.” It’s already incorporated into the project. You know, there’s these boxes to fill in, but you could say whatever you want to. You’re not stuck by the boxes. So if you wanted to check “potential large,” and then say whatever the Board, what the majority of the Board, and then indicate that the consultant’s report has indicated that if the project is built according to this it will reduce any impacts or eliminate any potential negative impacts. So you don’t have to feel locked in by the yes/no boxes.

Boardmember Alligood: Right, but my point is that I would check the box “potential large impact” based on the information I have.

Boardmember Hutson: Yes, but Marianne is saying that the impact that you’re looking at is after mitigation as proposed in the project. I guess I see your logic in it, but I don’t know. I agree with Eva, even though it’s not really what the form says.

Chairperson Speranza: Right, that’s the problem. It’s a form. Is there anyone who disagrees with that?

Boardmember Cameron: I think we should check “potential large impact.”

Chairperson Speranza: All right.

Boardmember Dale: That would argue that he has made every attempt to mitigate it already, and the issue is whether the contractor, during the course of building it, will respect the intent of the developer in this case. We don’t know until the construction actually takes place whether that contractor will respect it. I think the developer in his design, the architect, certainly has, and made every attempt to mitigate the harm to the slope.

Chairperson Speranza: Okay, so this ends up being one of those situations where...and I think we’re saying the same things. That it’s just the question of when are we considering mitigation.

Village Attorney Stecich: Yes, well, if I heard Eva right, if you check the box “potential large impact” and footnote it to say, “but will be mitigated if built according to proposal.”

Boardmember Dale: Yes, but didn’t you say that we should consider the proposal, or the reality after the fact?

Village Attorney Stecich: Yes, there’s two ways to do it. I think it says the same thing, Bruce. You know, it’s just a comfort level.

Boardmember Alligood: Yes, I wouldn’t be comfortable saying I don’t see any potential large impacts. Because the “if” is the contractor, whether the plans are followed. I think “the mitigation’s already in effect” doesn’t mean that there isn’t potential for it to go wrong.

Boardmember Dale: Yes, you’re judging potential.

Boardmember Alligood: Exactly. Potentials go there no matter what you put on paper.

Boardmember Hutson: Yes, with this particular site I think it’s a reasonable way to look at it.

Boardmember Logan: But it can be mitigated, so I think it’s a little unfair to include that.

Chairperson Speranza: So again, this is a forum for discussion. When we put all of this together as our declaration, this discussion will be noted.

Okay, the next section has to do with impact on water...

Boardmember Dale: Well, there's another one.

Boardmember Hutson: They've got two more checked there.

Boardmember Dale: "Construction will continue for more than one year, involve more than one phase, or state." I guess I have some question, considering the constriction of the space in front of that. Are we closing down the parking lot for 16 months, or can they really do the construction while sitting on their land? Or are they going to be sitting in our little piece of parking lot right there during construction? Because I don't see how they can do the construction. They can't come up from the other direction because they have promised not to destroy the trees and the sanitary right-of-way. So I don't know how they're going to get to the site other than from the top, and I'm sort of curious how that's actually going to happen.

Chairperson Speranza: That's something that we've never discussed.

Boardmember Cameron: So I'd like us to hold that item until we figure out what's going to happen. Because you could have that parking lot closed down for 16 months.

Boardmember Hutson: I think we actually did talk about that some time ago.

Chairperson Speranza: I don't recall the conversation.

Boardmember Hutson: I don't know whether we want to have the applicant reiterate that at some point tonight, or now, or what.

Chairperson Speranza: Would you like to come up? What your thoughts are with respect to the construction project?

Mr. Anderson: This is actually one of the biggest sites we've ever built in terms of square footage. The site's as opposed to, say, a 25-foot-wide side in the city that we would build eight or 10 stories on. The project can very reasonably be built without having to close down the parking lot at all except maybe for periods of time when a large delivery was being made, say, of steel. And that would be for a period of some minutes or maybe an hour, but not past that. The project can be staged from the site itself.

Boardmember Dale: Can trucks get to the site with cars still in the lot?

Mr. Anderson: Yes.

Boardmember Cameron: I'm curious how you can do that, since we had this turning radius study that shows that large trucks can't turn around that corner. We can't get garbage trucks to turn around at the corner at one end of the parking lot. How we can do that with cars both sides? How you can come around and come in there with a truck with steel on it when a garbage truck evidently can't make the turn?, if I understand the studies I read. I wasn't here when you guys discussed it.

Mr. Anderson: No study I've seen has suggested that a garbage truck can't make that turn, and we've certainly got lots of garbage trucks in that parking lot.

Boardmember Cameron: But they come straight across the top of the parking lot. They don't make the turn and come around down to your level, as I understand it. I mean, you guys were the ones who looked at that study. All the garbage trucks go across the top. They never turn in to the lower lot and try to come over to where your site is. So I'm a little surprised.

Jim Metzger, 427 Warburton Avenue: I have a copy of the study right here.

Chairperson Speranza: Jim, we've got one. Thanks.

Boardmember Cameron: I think somebody should take a closer look at that because I really don't know how you're going to get there. I used to drive trucks, but...

Chairperson Speranza: My recollection from the work that was done also was that while there's some maneuvering issue, deliveries get made. Deliveries get made to the businesses and it does happen. It does happen, but we'll research that. Thank you.

Marianne, let me ask you something. When I was going through this form, my thought was that we've got the impact. You know, we're doing this based on category, not necessarily based on going through every single example.

Village Attorney Stecich: That's right. And it's also possible, Patty, that they didn't check something that somebody else would check. In fact, it's not, but just because they didn't check construction in a paved parking area for 1,000 more vehicles doesn't mean it shouldn't be checked. So I don't think you have to go through each thing, but people maybe ought to look down to see whether there's anything..

Boardmember Hutson: You might want to mention each one they have checked, though, because they did check those, too.

Village Attorney Stecich: I would suggest on that one maybe we have the Building Inspector give us information on whether he thinks it's doable without affecting the parking lot and circulation in the parking lot. That might be helpful to get information from the Inspector.

Chairperson Speranza: And this is also something we already know that we want additional information. Okay, anything else for section 1, impact on land?

Impact on water. "Will the proposed action affect any body designated as protected?" There has been...

Boardmember Hutson: The answer's no.

Chairperson Speranza: Right. Over all of the items listed in here, I just want to make sure there is no...does anyone have any idea that that would be otherwise? And some of the items that are listed under here -- “..any kind of effect on a body designated as protected, surface groundwater, drainage flow, or patterns, or surface runoff.”

Boardmember Cameron: The consultant actually said they would improve the drainage situation.

Chairperson Speranza: Okay, so for impact on water nothing.

Impact on air. “Will the proposed action affect air quality? No.

Impact on plants and animals. “Will the proposed action affect any threatened or endangered species?” No.

“Will the proposed action substantially affect non-threatened or non-endangered species?” Listed here, it’s got “substantially interfere with any resident or migratory fish, shellfish, or wildlife. Require the removal of more than 10 acres of mature forest or other impacts.”

Boardmember Hutson: No, none of these on this page. No agriculture.

Chairperson Speranza: Right, no agricultural.

Impact on aesthetic resources. This has been checked as small to moderate. But again, that’s not necessarily the determination of this board.

Boardmember Hutson: I think the one above it, too, you know we talked about this in terms of the scenic views important to some people. I think that should be at least a small to moderate. You know, the one above the one checked.

Chairperson Speranza: Right. “...project components that would result in the elimination or significant screening of scenic views known to be important to the area.”

Boardmember Hutson: And I think the last one should be a potential large.

Chairperson Speranza: “..new building to be built into sloping hillside.” That’s what’s listed.

Boardmember Hutson: I don’t know if it’s just the sloping hillside part of it.

Boardmember Alligood: I also had that note that I would change the final point to potential large impact: “...any building to be built into sloping hillside.”

Boardmember Hutson: I mean, it’s much more than that. It has to do with where that sloping hillside is located. But we could expand on it, maybe.

Village Attorney Stecich: Yes, it might be helpful to expand and then get a sense of the Board, a majority finding of the Board, that’s where you’re headed.

Chairperson Speranza: Right. Well, that's why I want to hear a) if there is any disagreement with that. What we have heard over time is that it's primarily the location; as you mentioned, David, the location of where this project is proposed and the train station and a park across the way.

Boardmember Cameron: I raise a question at this point which is somewhat similar to the question that I raised earlier, at the last session, about the developer having a right to develop a property. And we're allowed to impose restrictions on what can be developed without totally taking away the profitability or the affordability or the legal rights to development, but we can mitigate them by placing restrictions on them. So definitely there will be an impact, something's going to be built. The question is, has the developer and the architect tried to mitigate those, working with us to establish a design that is acceptable, and hence mitigates the potential large impact. I mean, if you put a six- or seven-story building there we would all jump in fright.

Chairperson Speranza: Right. So am I hearing your question: how does this end up down the road? I mean, what are the implications of all of these...

Boardmember Cameron: Well, here's the question it first raised. If we're going to say that the potential impact is large, yes, building anything other than what's there now would have a major impact.

Chairperson Speranza: Right. My understanding with SEQRA right now is that it is our view towards the development that is proposed at this point.

Village Attorney Stecich: You might want to ask, in combination with that question, has it been mitigated sufficiently at this point. Has it been mitigated sufficiently so that you can say it's, at this point, not a potential large impact. That's the important question along with this question, so we know whether it's going to require an EIS or not.

Chairperson Speranza: And it's got to be as of now. And I'll be honest, I'm finding this difficult because I do believe that there would be an opportunity during site plan review, the other approvals that we have yet to give, where there could be additional mitigation. But we can't even get to that point until we make the determination about this.

Village Attorney Stecich: That's right. Exactly.

Boardmember Cameron: I think all three of the last ones are in question; not only the building one but the two above it. And I think it's too early to decide whether it has been mitigated by project change or not because I don't think we're there yet.

Boardmember Hutson: I was thinking about that, too, Jamie. But the third one up, what is that you're thinking the aesthetic resource is? A view of a village?

Boardmember Cameron: Well, a view of a nice leafy hillside, yes. I mean, I think a person has a right to build a building. But how big it is and how tall it is and how much it projects, it is certainly an aesthetic resource.

Boardmember Hutson: But it seems to me that that would be a small to moderate impact there as compared to...

Boardmember Cameron: Well, it may be in this one. I mean, obviously the example somebody gave of a six-story building I would check it as large impact.

Boardmember Hutson: But keep in mind, that one that we're talking about is the loss. It has to do with the elimination, or significantly reducing the enjoyment, of an existing aesthetic situation. And I'm just saying I'm not sure that we consider that parking lot...I mean, people have expressed that they do, but I don't think overall whether you see that as one of the great aesthetic values that's going to be tremendously reduced. It's the imposition of this new building, to me, that is the big impact.

Boardmember Wertz: But that could still reduce the enjoyment of the site.

Boardmember Hutson: Well, you know, that's a way to put it, I guess.

Boardmember Cameron: I think they overlap. I think they all apply, but it may be that the last one...

Boardmember Hutson: I think the important one in this last one is to include something that talks about the fact that structure on high ground facing our riverfront and our transportation hub, you know, that that's important to get those kinds of things together in there as where the real potential large impact is.

Boardmember Cameron: Yes, I agree with that. It's the building itself and whether or not it is the issue here. That current area of Hastings, with the parking lot and the staircase down which is worn and that's built on the site currently, is not a resource, I don't think. I mean, potentially it would be if it were developed in some way that's pleasing to the Village.

The two of you said earlier that as we look at the development on this site we cannot rely on the fact that trees will still be there. So I think it is fair to say that the putting up of this building may eliminate or kill many of the trees. And I think elimination of aesthetic resource, which will be done at that point, maybe it can be mitigated. But it does happen to be something that I have my own doubts of how well those trees will survive. I notice most people with houses that have views over the landscape have managed to cut down trees, even on any public property in sight. So I have some questions.

Boardmember Hutson: That's a common phenomenon.

Boardmember Alligood: That's a good point. I've been struggling with this issue because I think the area needs improvement. It clearly could use improvement. The vacant lot is not this beautiful gem. But I agree that disturbing the trees would be a great loss. So the main issue to me remains the visual impact of the new structure on the site. I agree with that. But I'm not sure, on the second one down -- whether we'll "eliminate or significantly reduce enjoyment of the aesthetic qualities of that resource" -- whether I would say that's small to moderate, or large.

Chairperson Speranza: Again, I don't think that we need to do this for each of the bulleted items. We know that the impact on aesthetic resources in some instances is going to have a potentially large impact, and that that was something that needs to be further addressed.

Village Attorney Stecich: Yes, those are just examples, and you can just say whatever you think. I've taken notes.

Chairperson Speranza: Right. Okay, the "impact on historic and archeological resources." No, unless someone knows something that we don't with respect to the archeology.

Boardmember Hutson: Some auto parts, some old auto parts.

Chairperson Speranza: Impact on open space and recreation. "Permanent foreclosure of future recreation opportunity, a major reduction of an open space important to the community." Clearly, it's not foreclosure of a future recreational opportunity. At this point it's not property which is owned by the Village. Major reduction of an open space important to the community." No?

Impact on critical environmental areas.

Boardmember Hutson: Is there supposed to be something filled out there where it says...

Chairperson Speranza: Yes, this was something I had. Marianne, maybe you know this one also. "Will the proposed action impact the exceptional or unique characteristics of a critical environmental area as established pursuant to the subdivision?" It's checked off as yes.

Village Attorney Stecich: I think probably because it's in the Hudson River corridor.

Chairperson Speranza: "List the environmental characteristics that caused it." Yes, I believe at some point, it was many years ago, the whole Hudson River corridor was included in the CEA. So it is, in fact, in it.

Village Attorney Stecich: So it's within the CEA.

Chairperson Speranza: But in thinking of the Hudson River corridor and whether or not this is going to be a potentially large impact to that corridor designated, I don't think so.

Impact on transportation system. Yes, there will be an effect. That's what's listed at this point: a potential increase in Metro-North rail use. We are looking at a unit count of nine units. So if there's no disagreement, we'll move on to energy.

"Will the proposed action affect the community's sources of fuel and energy supply?" Again, it's the community's sources. It's no.

Noise and odor impacts. "Will there be objectionable odors, noise, or vibration as a result of the proposed action?"

Boardmember Dale: During construction.

Chairperson Speranza: Right, during construction. This is the end product, though, this particular section.

Boardmember Alligood: Well, it says blasting.

Boardmember Hutson: But you can also include it here, if you think. Right, Marianne?

Village Attorney Stecich: Yes, you could just put it under other impacts during construction, but it's probably small to moderate. So it wouldn't affect it that much, but you could put it in there.

Boardmember Hutson: Yes, given that it's so close to other residences and businesses, I think we probably ought to put something in.

Chairperson Speranza: Impact on public health. "Will the proposed action affect public health and safety?" No?

Impact on growth and character of community or neighborhood. "Will the proposed action affect the character of the existing community?" It's yes, and our question is to determine whether or not this is something that we think is going to be a small, moderate, or potentially large impact. It certainly will not create the kind of population increase that is typically seen with a potentially large impact. And it won't impact the municipal budgets.

Boardmember Hutson: Yes, this category is interesting. Because I mean some of us would think that this is a character issue, going back to the size. However, the way this is presented in SEQRA is it combines growth and character. I mean, the examples they give seem to all relate to growth. There is this thing, "...a proposed action will set an important precedent for future projects..." that I think is worth considering.

Boardmember Cameron: That's interesting, the use of the words "the character of the existing community," yet some of the examples for capital budgets and things of that nature, which really aren't character at all.

Boardmember Hutson: Yes, that's what I say. It's not the things we would first think of.

Boardmember Cameron: But I think that part of our concern is that the building will affect the character of the existing community. Yet other than the one you mentioned, they don't list...

Chairperson Speranza: Well, that's something where we have the opportunity to express that with other impacts. And again, this is not simply the form that we have to follow.

Boardmember Alligood: And also one of their examples, I think, does apply, which is "Will it cause a change in the density of land use?"

Boardmember Cameron: That's listed as small, right?

Boardmember Alligood: Small. Okay, I agree with that.

Boardmember Cameron: And the same as with community services: there will be nine additional units, so they would moderately increase. In terms of the "...important precedent for future projects...", one side, if you argue that this is too big of a project then it becomes an issue. On the other side, he's also named as a green building and is providing some significant examples of environmental uses -- the thermal heating system, etc. So there's some positive to the precedent being set.

Boardmember Hutson: And the infill in the downtown was always part of the plan.

Boardmember Cameron: The original concept, yes.

Chairperson Speranza: The controversy related to potential environmental impacts, yes.

Boardmember Wertz: And that other check that's hanging out there on the side, I guess, is that small or large?

Chairperson Speranza: I'm sure that's probably small.

Boardmember Wertz: That might be moved over to the large column.

Chairperson Speranza: We did not fill that out. Well, I think it's important that we talk about what...the document is what actually happens next, Marianne. All of this gets summarized. Again, we're not wedded to the..

Boardmember Hutson: Well, there are certainly revisions that have to be made.

Village Attorney Stecich: But the Board could decide tonight whether you want to pos dec or neg dec it. I mean, I think the Board clearly seemed to agree that there were significant visual impacts. If you find that there's one significant impact, you have to pos dec it. You have no choice, and that would require an EIS. The only thing I could say on that -- because I know that what the Board had hoped to do with this project was to, early on, identify all the impacts, bring it to a point where they're mitigated enough that they could neg dec it. Obviously, it seems that the Board didn't get to that point. Since a lot of the studies have been done -- like on traffic and circulation, on the items that you identified in the first go-round as potentially significant impacts -- just narrow the DEIS to the significant issue. Or I guess there's really just one, the visual issues, so you could do that. Actually, I don't know whether it's too late to do it tonight or whether you would want to do it at the next meeting, kind of scope it. In a way, I feel like the Board probably has scoped it by just going through it now and identifying what they saw as the issues.

Chairperson Speranza: Obviously, you pull all our comments together, into the resolution for the Board.

Village Attorney Stecich: Right. But the Board could vote on it, and then prepare the resolution for the next meeting.

Chairperson Speranza: Right, but we vote to issue a positive declaration on this project...

Village Attorney Stecich: Right, or you could get a resolution.

Chairperson Speranza: so that we can actually scope out those items. And it would make sense to me that we do that tonight. What do we want an environmental impact statement to consist of? I mean, we've just gone through and we know that there's no impact on air; we don't need volumes of air quality analyses. We can do that at this point. We have the formal resolution done with respect to the positive declaration and specifically identify those things which are part of a scope. I'll get to the public in a few minutes.

Village Attorney Stecich: Yes, so I would say if the Board voted on that, and then I think I took enough notes and I'll see the minutes, that the resolution that you would have for the next meeting would be a formal pos dec saying that we want the DEIS to address the following issues. I think that when you get your final document you'll have your DEIS include the studies that were already done, but they don't have to be done over again. Because the notion of EIS is really very scary. The ones we've seen have been notebook after notebook after notebook. You can have an EIS that's 10 pages long. Or, depending on what the applicant does during the course of the project, you know, it could be longer or shorter.

Chairperson Speranza: Okay, so Boardmembers, are we ready to vote?

Boardmember Hutson: Yes, I think so. Because we want something on this steep slope question, the impact on land, some clarifications as to how that would really go on; some clarification regarding the impact of the construction period and location on parking and all of the other things; as well as the size vis-à-vis the aesthetic and visual impact. I mean, those are kind of the three areas in particular that we would want to have addressed. Now, the character question also we have in there. I'm not quite sure how you define that, but I think again we're talking about scale as it affects Village character as much as anything. So it kind of goes back to the aesthetic and visual.

Village Attorney Stecich: Character and visual impact, yes.

Boardmember Wertz: How about the issue of trees? People have raised that issue. It didn't come up under wildlife and natural resources. Strangely, they listed animal species and not tree species. But I know there have been questions raised about whether the construction would potentially damage some of the trees that aren't necessarily even on the site.

Boardmember Hutson: In here, that's really kind of included in our discussion under the visual and the aesthetic.

Village Attorney Stecich: Yes, but that could be pulled out as a separate question.

Boardmember Cameron: It only mentions plants and animals, but plants would include trees. But it then says that the question is are they rare species.

Boardmember Wertz: But below that there's one, I think, for non-rare species, right? Isn't there? They list animals as examples, but maybe our issue is trees so we could include them under that category. I think it is a separate category because it's not just aesthetics, it's the natural environment.

Chairperson Speranza: Again, we don't have to be wedded to these categories. We want to make sure there is a description about how trees would be preserved; what are we talking about in terms of different trees that are out there.

Boardmember Logan: The issue of trees and the protection of trees, can't that be addressed in the site plan review? Do we really have to go through an entire EIS to do this?

Chairperson Speranza: What I'm hearing is that this does not have to be the environmental impact statement that we are used to seeing in terms of volumes of information that we look through. For instance, the traffic analysis. We're satisfied with the traffic. We don't have to have a section on traffic other than to indicate that this is something that had been done and was not considered to be an issue. But we don't need to have intersection counts, etc. So in terms of what the actual document is, it can be streamlined, and tailored to the things that we believe to be important in developing the scope for the environmental review. Now, with respect to what can we handle during site plan, we can't do that yet. That's what I had been hoping -- we would be able to address some of these things during site plan review -- and we can't.

Boardmember Hutson: I think Bill's point is, when you talk about trees, I mean, in SEQRA you're really talking about the loss of trees as proposed under the project, right? When you talk about site plan, you talk about the protection of trees during construction. Really, the things we're most concerned about, I think, are not the trees where the structures's going to be built, but the trees surrounding it. And that could be handled in site plan, since we're talking about the overall aesthetics and we mention it on here.

Boardmember Dale: The preservation of trees were a concern for those on the Village property below it.

Boardmember Hutson: Right, the impact of construction on those. But I think Patty's right. We're not talking about a big deal with it. We're just talking about let's address it to make sure that everybody understands that's an important issue for us.

Boardmember Wertz: Patty, regarding the procedure, does the public comment on these categories and on the rest of this before we vote?

Chairperson Speranza: In a few minutes. Did you have anything else to add with respect to scope? You've got the trees, anything else specifically? Eva?

Boardmember Alligood: I agree with the categories we came up with.

Boardmember Cameron: I'm fine with the categories.

Chairperson Speranza: All right, we should vote that it is our intent that a positive declaration be made with respect to this application. And that an EIS be prepared, and it will be subject to the scope that we have developed. So that will be our vote for this evening.

Boardmember Logan: Could we just summarize what that scope is going to be a little bit before we take this vote?

Chairperson Speranza: We've got...

Boardmember Logan: Visual impact.

Chairperson Speranza: Right, the visual impact, community character, construction impacts, and I listed it as natural environment, and trees, vegetation.

Boardmember Alligood: I thought we had the steep slopes.

Chairperson Speranza: Steep slopes.

Village Attorney Stecich: And the clarification on the length of construction. But it may well be, once it's clarified, it may not have to be in the EIS. Because once it's clarified and we see it's a small one, then it doesn't have to be addressed.

Chairperson Speranza: Okay. Board, anything else? Okay, public.

Vanessa Merton, 111 Pinecrest Drive: I just had a couple of thoughts about your interpretation of these SEQRA categories. I was very glad to hear you bring back steep slopes into the discussion because, of course, even if this project does comply with the Village's particular steep slopes ordinance that doesn't mean that it doesn't have a negative steep slopes impact. And that distinction should be made. In other words, mere compliance with our ordinance doesn't satisfy the state standards for environmental quality with regard to taking care with steep slope developments.

Secondly, I guess a similar thought is, when you talk about the character impact -- which is another state standard -- not only size and appearance, but the type of building and the type of people living in a building is considered part of the state analysis of impact on the character of a community. So, for example, if you have a new building, a new development, that changes property values in such a way that not only can a different type of person than the people that have been living in the neighborhood live in that building, but that the surrounding buildings then become, if you will, vulnerable or susceptible to being sold off. To be, in turn, made new, fancy, contemporary buildings with people who can't afford to -- the people who were living in them no longer able to afford to -- live in that area. That is a legitimate impact on the character of a community that a board that is considering a SEQRA analysis ought to take.

And my last comment is, simply, I think it's terribly important that we not get led astray by thinking in terms of a right to develop, or that the owner of a property sort of has the right to develop the property to its maximum. That's not the law, certainly. The law is that if a property owner is by some regulatory action precluded from getting a reasonable return on that person's property, then that person has a legitimate grievance about the regulation. But they are in no way, no shape entitled to maximize their profit. I always am troubled when I hear that type of terminology come into a discussion like this. The property owner: I trust you will investigate and be clear about what the current return on the property is, and understand that any future return does not have to in any way exceed the current return or, in fact, exceed a reasonable return.

Thank you.

Mr. Metzger: We spent a lot of time talking about views tonight, and those are critically important. One of the things that I'd like to bring up, we kept talking about, well, we're looking at this building or we're looking at the trees on the site. But the state actually takes a different view. If you look at the state department of environmental conservation, and you take a look at what they require as significant views, they say: "Aesthetic impact occurs when there is a detrimental effect on the perceived beauty of a place or structure." They go on to state specifically as one of the items in New York State that is critical to be maintained is views of the Palisades and the Hudson River. So here we have a project that is going to be diminishing those views for the entire Village. And if everybody thinks that everybody that walks to the train and that uses those stairs doesn't enjoy that view in the morning, then they obviously haven't been down those stairs in the morning to enjoy that view. So this project will obviously affect that.

I'd like to talk a little bit about this...

Chairperson Speranza: Jim, is there something new with respect to the scope? Because we realize, for instance, what you've just gone through we've heard many times. And that's why we're taking the action we're taking. Is there something different beyond the things that we've already talked about?

Mr. Metzger: Yes, I actually have a question. It has to do with definition of a lot in a subdivision, and that goes toward our local code and how it defines steep slopes.

Chairperson Speranza: With respect to steep slopes.

Mr. Metzger: And the question is, when you have a single lot, if you divide it into five separate lots, that's a subdivision. If you have a single lot and you develop so that it's being sold to nine individuals, have you subdivided that lot into nine separate pieces of property? How does the tax roll work? Legally, what does that property become? And if, in fact, this is a subdivision, then all of a sudden all of that steep slope stuff that we're -- Oh, you know, we don't have to worry about it, it's not a subdivision -- all of a sudden we have to worry about it. I believe that all of the issues, and we've discussed this tonight, surrounding four stories -- the height, all of these things -- speak directly to the fact that when you build on a steep slope, as you go out the back of that slope, your building is naturally going to get taller. They are exceeding our requirements by 300%. It's not a minimal amount. We say you're allowed to build on 25% of a slope that exceeds 25% in grade. They're somewhere around 67- or 70%. So it's not a minimal thing that they're asking for, it's a maximal thing.

Thank you.

Chairperson Speranza: Okay, thanks. You do raise a good point. I don't know, Marianne, if there's anything...

Village Attorney Stecich: No, it's still one lot. I looked into that. I really twisted it every way. I thought maybe they were putting together lots, which would also be a subdivision under our code, but it's not. I went over it with Susan Maggiotto, who keeps the records, and it's one lot. It doesn't fit under the definition of subdivision.

Chairperson Speranza: Even though it's divided ownership, it doesn't matter.

Village Attorney Stecich: But the lot doesn't become nine separate tax lots. It's not a subdivision. Subdivision doesn't look at ownership, subdivision looks at breaking up a lot. And the lot's not breaking up.

Boardmember Dale: So dividing it into nine condominium units, where there is not...they're separate tax lots for individuals, but not for subdivision of the land.

Ms. Merton: Who are the owners?

Chairperson Speranza: This is something that we can look at as part of the steep slopes.

Mr. Metzger: The last item that goes to what the previous speaker was saying is that we need to remember that we're losing four affordable units of housing. We fight so hard to try and find sites for affordable housing, and boom, they're gone. Because an owner comes in...I agree, the developer has a right to make money. The question is, at what cost to the Village. We're going to lose four affordable units because of this project.

Thank you.

Ms. Keleher: One thing that I found very interesting is this piece of land that the town owns and that the developer actually suggested turning into a park, and that how that that might not alleviate some of these issues about the trees and how to preserve some kind of a park-like view from the train. And I also agree that it's terribly important for the town to make demands on developers to preserve small parks, large parks. If he's going to be building million-dollar apartments, why wouldn't you immediately consider improving the stairs as part of the project or creating a park? It could only benefit the developer. Can you imagine Donald Trump not having to renovate Columbus Circle? It's something that's so important to a town and I think that these are small things when you look at the kind of assets that you're holding. And it's already public land. I mean, coming down those stairs in the morning, actually I'm sure that is a beautiful way to go to work and a beautiful view. It's a beautiful view going home, and it's a beautiful view coming to work. So that's something that I would think would benefit the developer because his people will be walking around that area, and it will also maintain the benefit of the people who have experienced that view.

Chairperson Speranza: We haven't even been able to get to that point. The developer has offered to improve the stairway in that area, but we have not even gone beyond discussions of that because we first had to get through the environmental review process.

Ms. Keleher: But can you see how addressing that might alleviate some issues with trees?

Chairperson Speranza: It could come up as a mitigating measure, sure.

Ms. Keleher: Thanks.

Chairperson Speranza: But we're not at a point where we're negotiating anything.

Ms. Keleher: No, I understand that. But I'm just thinking that you want to preserve the character of this town. I can imagine so many problems that you're going to encounter with people worried about the trees. It's really a huge issue in this town. People move here so that they can feel like they're in a rural place that's still close to the city. It's a big issue.

Chairperson Speranza: Thank you. Yes, I see a hand back there.

Carolyn Summers, 63 Ferndale Drive: I've been sort of following along and making my own little notes in the margin, and I'd just like to share with you some corrections I think ought to be made to the first part.

Chairperson Speranza: You're talking about the Environmental Assessment Form?

Ms. Summers: Yes. I'd like to add to the discussion about unique landforms. To the extent that formation exists and has trees on it and wasn't created by humans, I think it's probably pretty unique. I think it's probably part of the original shoreline landscape that was formed by the glacier and whatever else carved out this valley, and I think it's probably pretty unique. So I would say yes to that.

This is also, by the way, in site description number 15. There are streams very close to the project site. I'm sure you're all familiar the stream that flows out of Cropsey. It goes underground in the parking lot.

Chairperson Speranza: The project information with respect to part 1, I don't know that that stream is close enough to qualify as something which is part of the site description.

Ms. Summers: That's open to discussion, but I just thought I would make sure that it was on your radar screen.

The project description, I thought that discussion was very interesting. I'm glad to see you're all taking such a hard look at this. The fact is, I think this project description and the fact that you all are having such a hard time grappling with how tall is this building, it's a simple question and it should have a simple answer. But it obviously doesn't, and I think that goes to the significance of the project and the impact that it can have. Because if you're having this much trouble simply describing and saying how tall this is, and we have obviously got a set height restriction in our law, I think that's a significant impact in itself. Obviously, the intent of our law was to have buildings that weren't so massive that they were out of character. And I think that the fact that there is so much discussion about this, whether it's on stilts or it's not on stilts, the fact is you've got a mass of building.

Chairperson Speranza: Right, and that's why we're including within the EIS a section. So is there anything that we didn't cover that you think should be covered?

Ms. Summers: The thing that you didn't cover Jim just mentioned, which is the affordable housing issue. And I think that probably belongs under character, community character. But the fact of losing any affordable housing, I think, is a potentially significant impact.

Chairperson Speranza: See, I have a problem with this being defined as affordable housing. While the rents at this time for the units that are in there may be affordable, there is nothing that guarantees that these units remain affordable. So terming this, defining this, as affordable housing I think is really a misuse of the term. And the use of the term, because it carries -- somebody describes it as affordable housing, in my mind that carries -- with it a connotation that there are restrictions in the resale value of it.

Ms. Summers: But I think you should look at the DEC directions on that subject.

Chairperson Speranza: Well, that may be something. I'm not familiar with the DEC.

Ms. Summers: I think that you are needing to look at whether it's affordable at this time and in this place and on this date.

Chairperson Speranza: Okay, that's a good point. I'm not familiar with the DEC.

Ms. Summers: Back to the actual project impacts and their magnitude. I'll just cover this by saying that you need to look at the geological formation itself as an entity.

Chairperson Speranza: I know that, yes.

Ms. Summers: All right, then also the language in the DEC is that it may be a potential large impact. At this point we have no way of knowing if the developer can even carry out what he's planning to do. I will also point out that the only thing that makes any of those renderings, or drawings, acceptable from the perspective of the parking lot is the area that's forested that's left -- that shelters the building and shelters that whole mass. If you take away the vegetation -- and in this it is disclosed that they will be removing 800 cubic feet of soil which, presumably is rock and soil -- there's no way of guaranteeing that any of those trees will remain. I think that's been addressed, but I want to emphasize the fact that if the trees are gone that's going to be one heck of an eyesore.

Chairperson Speranza: Okay, thank you.

Jenny Lee, 59 Ashley Road: I just wanted to comment specifically about the trees. My background is in landscape architecture, and I've done a lot of site construction work and things. To sort of reiterate, I think what the last speaker spoke about is the impact of development uphill of those large and magnificent -- some scrappy things and several very beautiful large old sycamore trees -- potentially quite detrimental, with changes to the way the water is running off, the amount of soil, the water in the ground, and all of those things I would hope that the Board would have looked at quite carefully in the EIS. So I just encourage that because you do see that quite clearly on the elevations. If you imagine that gone, it's a very different picture.

Chairperson Speranza: Okay, thank you. Anyone else?

Danielle Goodman, 28 Ashley Road: I'd like to thank the Board for its careful consideration and proposal to have a full environmental assessment. I thank you very much.

I just wanted to point out something that we haven't, I think, touched on. The parking lot that's below the hillside -- and I think Carolyn Summers started to touch on it -- the hillside where the project is proposed as being part of the coastline, the Metro-North parking lot was at one time a ravine and the river flowed in through there. So the hillside, there are pictures where actually there were boats going by it. One of the points on here has to do with "...proposed action will set an important precedent for future projects." If you look to the communities north of us, Sleepy Hollow -- and also south of us, Yonkers -- there is a movement to daylight creeks and streams. In Sleepy Hollow, as part of their river restoration, they're daylighting the mouth of the river that's there. I forget the name of the river that they're daylighting. But Yonkers is also daylighting the Saw Mill River, the mouth of the Saw Mill River. So if we ever wanted to do anything with the Metro-North parking, perhaps it's going to be on the other side of the tracks once you develop the riverfront. I think that we need to consider that if you allow the building to be built as proposed you're going to forever foreclose the options of doing other things with the property.

I heard a lot of discussion about the poor state of affairs of the Village property in or about the staircase and the little area that could be the park. I mean, I hear every other time I've been here, we're discussing grants, and I don't understand why the Village couldn't undertake to repair the staircase on its own and to develop the area as a park without the need of the builder. So that's just another thought. Thank you.

Chairperson Speranza: Okay, Jim?

Jim Stadler, 8 West Main: Just to further reinforce how important the characteristic of that hillside is now, I just want to quote from...this is our recently completed LWRP draft, and having to do with linkages. "Connections back to the Village are a priority. One of the most important linkages, both visual and physical, is at the ravine, where the heart of the waterfront connects both the downtown and to the Aqueduct trail." So writing this report, they saw the importance of the way it was now. They're looking at trees as a wooded hillside. When they wrote this, they weren't considering looking at a development like that.

Thank you.

Chairperson Speranza: Okay, thank you. Yes?

Cindy Travis, 427 Warburton: I think this goes to the character of the Village. I'm still not clear why putting a development that is much smaller in scale, that does not have to go down into steep slopes and disrupt it, has gotten this far. I understand this has happened all before, but it seems like a lot of this explanation is just trying to explain away why this project has gotten this oversized. I think the character of our community and that unique little street have gotten blown out of the water when you compare the street elevation with this next to the three little houses that will be completely overtaken. I think you should really think about that.

Chairperson Speranza: Thank you. Yes, sir.

Jeff Pacillo, 4 West Main Street: This is my first time here, so I'm a little nervous. We're talking a lot about character, and I actually kind of like the designs that they've brought in. I think they've made a real effort to match, at least from what I can see visually -- and I'm not an architect, I'm not a design person -- they have tried to in some way mimic, what is going on on the street from the street side. But I think the character of that street -- and I jump rope in the back yard every other morning and I apologize for that ticking sound, by the way, that you guys hear -- but I'm looking down a row of back yards. As far as I can tell, this doesn't really have any back yard. The number of people who enjoy a back yard on that street lends a lot to the character of living there. There's a lot of people who hang out on the front porch late at night. Mrs. Rapoli, who we've all had the pleasure or displeasure of dealing with, she's there and it's really great. The back yards, you may not know it, but anyone who walks on that bridge does. And I think there are a lot of people who walk on that bridge. There's a lot that goes on in those back yards. My girls play there, other people use those back yards. It's a real important part of the character of that street.

And I really feel for the people who are developing this piece of property. They're losing a lot of money as we're going through all this for them, and I'm very sympathetic to that because I just am. I think that they've made an incredible effort to try to meet the requirements of this organization. It may just be a case of the best intentions of everybody in the room are going to result in somebody, probably everybody, not being happy with the results. But I just can't see how they're going to be able to get nine units onto that piece of property with the back yards -- the character, the front porch -- the character that exists on that street and has existed, as far as I know, for about 120 years. Thank you.

Chairperson Speranza: Okay, is there anyone else who wants to speak tonight? Okay, then we need to vote. Positive resolution. Do that tonight, or wait until we get the final?

Village Attorney Stecich: Why don't you tell me, I'll just draft something. Vote on the final thing. That probably makes sense.

Chairperson Speranza: All right, so you've got what you need from us. Is there anything else from Boardmembers until we actually get the document? But we are, in fact, issuing a positive declaration on this.

On MOTION of Boardmember Hutson, SECONDED by Boardmember Wertz with a voice vote of all in favor, the Board resolved to declare a positive declaration on the application at 10 West Main Street under SEQRA subject to conditions and limitations.

Boardmember Dale: Subject to those conditions and limitations.

Chairperson Speranza: Right, and that'll be the next thing that's included -- the scope.

Village Attorney Stecich: Right. That you require an Environmental Impact Statement on these issues, and we'll spell out the issues.

Boardmember Hutson: An Environmental Impact Statement on the issues delineated.

Village Attorney Stecich: Right.

V. Other Business

Chairperson Speranza: Any other items for this evening? Our next meeting is September 28th. It is a different Thursday than normal; the last Thursday, not the third Thursday. So September 28th: if you can't make the meeting, please be sure to let Angie know so we can make sure we have a quorum. I don't have any indication of agenda items at this point.

Boardmember Cameron: Could we have the resolution circulated early so we can all take a look at it and give comments back? If you could give it to us in a week, that'd be great.

Village Attorney Stecich: In a week? No, I can't do it in a week from now. I'm sorry, I have a big brief due, but I will have it to you a week before the meeting.

Boardmember Cameron: Well, that's a week from now. The meeting's two weeks from now.

Village Attorney Stecich: No, it's the 28th.

Boardmember Cameron: Oh, 28th. A week before the meeting, I'll take that.

Chairperson Speranza: All right, and then we'll review it.

VI. Adjournment

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