

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
REGULAR MEETING AND PUBLIC HEARING
AUGUST 23, 2007**

A **Regular Meeting and Public Hearing** was held by the Planning Board on **Thursday, August 23, 2007 at 8:15p.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, Jamie Cameron, Rhoda Barr, Village Attorney Marianne Stecich, and Village Planner Angela Witkowski.

ABSENT: Boardmembers David Hutson, Eva Alligood, Bruce Dale

I. Roll Call

II. Approval of Minutes

July 19, 2007 meeting

Chairperson Speranza: Does anyone have any comments or changes to the minutes?

Boardmember Cameron: One comment. On page 19, near the bottom of that page, about seven people up, it says: "So once it's finished it would be no more than an attic." I think I said: "...it would be *more* than an attic." So the "no" should come out. It's about a quarter of the page up.

Chairperson Speranza: Okay. "So once it's finished it would be more than an attic." Got it. That's it?

Boardmember Cameron: That's the only comment I had.

Chairperson Speranza: Anyone else? I had one. This is page 7, it's at the very bottom of the page. It looks like some text got continued on from a previous page. The last sentence should be stricken. See it, Angie? Page 7? Right now it reads: "If there's anyone here wants to comment on the application we could certainly make them available to you, and we will leave the public meeting." That was something from a different page. It was not pertaining to this application of the dormer.

Village Planner Witkowski: Okay, and what page was that again?

Chairperson Speranza: Page 7, at the bottom.

Boardmember Logan: I'd just like to congratulate whoever prepared these minutes on making sure that it noted that it was a meeting on July 19th and 20th, a record meeting. It went over into an additional day.

Chairperson Speranza: Okay, and I had one other one, on page 23. It's at the bottom of the page, Mr. Agate's...it's noted that Mr. Agate is speaking. I'm not sure that that was him, if you could just take a look. It's the paragraph that starts out saying: "Just simply small retail..." and then it says, "...the vertical addition that Ms. Novak mentions." I think that's

actually the architect who had been speaking, but maybe if you could just check that.

Boardmember Cameron: I think actually it's a quote from Ned Boldman's letter.

Chairperson Speranza: Ned Baldwin.

Boardmember Cameron: It's from his letter. I don't know how it got there, but I think that's what it is.

On MOTION of Boardmember Wertz, SECONDED by Boardmember Hutson with a voice vote in favor (Barr abstains - not present for meeting) the Minutes of the Regular Meeting and Public Hearing of July 19-20, 2007 were approved as amended.

III. New Business

- 1. Public Hearing. View Preservation. Susan Holden, 17 Pinecrest Drive; Sheet 2 / Block 604 / Lots 37 -41. Construction of an in ground swimming pool at an existing single family residence in the R-10 Zone and View Preservation District.**

Chairperson Speranza: View preservation. The Planning Board makes a recommendation to the Zoning Board of Appeals, which then actually takes action to approve or disapprove. Angie, mailings?

Village Planner Witkowski: Are in order, yes. This is for view preservation. Susan Holden is the applicant, 17 Pinecrest Drive. This is to construct an in-ground swimming pool in an existing single-family residence in the R-10 and view preservation district. The property is located near the northeast end of Pinecrest Drive just west of the Aqueduct. The in-ground swimming pool is an accessory use to a single-family residence, therefore site plan approval is not required from the Planning Board. According to the Building Inspector, the plans or the pool and the fence comply with code requirements, there appears to be no obstruction to any important views as the pool will be below ground, and the 4 foot 6 inch fence with iron gate will not block views from the Aqueduct.

Required action is a recommendation to the ZBA regarding view preservation. Are you the architect?

Chairperson Speranza: Please come to the mic.

Bob Mayer, 71 Pinecrest Drive: I'm representing Susan Holden, who lives at 17 Pinecrest Drive. I have here some materials.

Chairperson Speranza: Okay, great. And if you can, we have a portable mic if you want to make reference to the plan, to your drawings.

Chairperson Speranza: If there's anyone in the audience who'd like to see...

Mr. Mayer: The best way to think about this is, it's really annoyingly simple. In this

photograph here, this is a neighbor's house, this is a neighbor's space. On the other side is Susan Holden's house. Right there would be a pool, period. Nothing else is happening. No trees are being cut down. There will be the appropriate wall that needs to be there because it's a pool that will be of the appropriate height. No view is going to be obstructed. In fact, you'll see in this that there will be more of a view because when you're walking down the Aqueduct, she is putting in something you can see through so you can actually see more of the river than you could before because right now it's just a solid wall. And that is that.

Chairperson Speranza: Okay. This is a public hearing. Is there anyone from the public that would like to speak about this application? Boardmembers, any comments, questions?

Boardmember Wertz: It looked completely unproblematic to me.

Chairperson Speranza: I don't want to open a hornet's nest, but I'm going to. Everything seems fine, as far as I'm concerned, with respect to view preservation. In our packet we received a photo that shows where there are going to be two parking spaces? Just explain to me how that works because there's a fence there now.

Mr. Mayer: That's an advanced question. I'm not sure that I can clearly answer the question. I know what you're asking. Here, let's see if I can...as I understand it, here's this wall. This is going to be moved in. Okay, are you there? That's just going to be moved in, and that's where the parking is going to be.

Chairperson Speranza: It's going to take the place of this fence?

Mr. Mayer: You're walking down the Aqueduct north, you're going north, on her property.

Chairperson Speranza: Okay. You know what? Why don't we talk about view preservation. You come along at a time when we're very sensitive to where parking is located, and the distinction between parking spaces and driveways.

Let me just say, no members of the public wish to speak about the view preservation. Okay then, Boardmembers, I'll take a motion for action on the view preservation.

On MOTION of Boardmember Cameron, SECONDED by Boardmember Wertz with a voice vote of all in favor, the Board resolved to recommend approval to the Zoning Board on view preservation.

Chairperson Speranza: Okay.

Mr. Mayer: Next.

Chairperson Speranza: That's done. Okay, parking. Technically, parking is not allowed in any of the required yards. And I did speak with the Building Inspector today. We are back to whether or not this type of an action...

Village Attorney Stecich: Except in driveways.

Chairperson Speranza: Except in driveways, right. How this would be configured as a driveway, I can't fathom. I was just down there this evening and I saw the property to the south has a garage that I can't believe those cars ever fit into.

Mr. Mayer: I don't think they do, but go ahead.

Chairperson Speranza: And the way that they're parked, but it's a paved area there. I'm just concerned, and it's a concern that we, this board, has to figure out how we're going to deal with it. Because to me, this is parking in a required yard again. You know, you're pulling off...and I realize the character of this area, with the blacktopped area as it is, but I don't know how it is not parking in a front yard if you're going to have two spaces like that. That's not a driveway on the property, I'm sorry.

Mr. Mayer: Would you like to talk to Susan? Would that be helpful?

Chairperson Speranza: Oh, no, it's not Susan. This is something we have to deal with, and maybe we can do that.

Boardmember Cameron: I don't think we should approve the portion that talks about parking.

Chairperson Speranza: We don't have an approval authority over parking.

Boardmember Barr: Well, isn't this a Zoning Board issue? In other words, if the Building Department finds that they're proposing to do something that is in violation of the zoning code, then either they don't do it or they go for a variance.

Chairperson Speranza: Right.

Boardmember Barr: I don't think it's in our jurisdiction at all.

Chairperson Speranza: It's not in our jurisdiction. I'm bringing it up because we had a similar situation for another property above Warburton Avenue. The contention was it was a driveway and it was not driving anywhere. But it's something that we would have to take action on.

Mr. Mayer: As the Zoning Board.

Chairperson Speranza: Well, we're Planning Board. Somebody else would have to. And the interpretation right now by the Building Inspector is that this could constitute a driveway. We want to take action to specify the definition of a driveway within our zoning code.

Mr. Mayer: Got it.

Boardmember Cameron: Where is this shed on the property? It doesn't show up.

Mr. Mayer: Let's see if I can help you with that.

Boardmember Cameron: That shed's got to be here someplace.

Boardmember Barr: What needs to be around a house and private property, what are the limits -- if this violates them, they have to go get a variance.

Boardmember Cameron: I don't know if that's true.

Chairperson Speranza: I wish this were cut-and-dried.

Boardmember Cameron: You think there's nothing marked.

Chairperson Speranza: What is it? We don't have a definition...

Village Attorney Stecich: We don't define the driveway, so you just use the dictionary definition of a driveway, which is actually fairly typical in codes. I checked a lot of definitions of driveways. I actually found a fairly good definition of a driveway. I think we talked about it at the meeting.

Boardmember Cameron: Well, this is the neighbor's property.

Chairperson Speranza: But anyway, you're set. You've got the view preservation approval. The future action is by us. Thank you.

Mr. Mayer: I can't do anything else for you?

Chairperson Speranza: That's it.

2. Public Hearing. View Preservation. Chunyen Teng; 586 Warburton Avenue Parkway; Sheet 11 / Block 628 / Lots 1 and 2. Enclosing existing front porch on one-story house in the CC Zone and the View Preservation District.

Chairperson Speranza: Next order of business is another public hearing for view preservation for property at 586 Warburton Avenue. I don't know why it says Parkway -- Warburton Avenue. Angie, mailings?

Village Planner Witkowski: Are in order, yes.

Chairperson Speranza: And this is really enclosing an existing front porch on a home in the CC zone, and it is within the view preservation district. Is anyone here to speak on the application?

Mr. Friedman, building code consultant: Basically, Chunyen Teng wants to enclose their porch for various reasons: as a mud room, to add additional insulation for the front room. They're not intending on making the house anything but a one-family dwelling. They tell me that the present configuration of the porch allows water to leak into their basement, and they're hoping with this enclosure that problem will stop. That's basically it.

I took pictures. I don't know if the pictures got to you.

Chairperson Speranza: Yes, we have them.

Mr. Friedman: I went to the house behind it and took a shot with my digital camera. It doesn't seem like it impinges on the view from that angle.

Chairperson Speranza: Okay, thank you. Are you in Hastings?

Mr. Friedman: Oh, I live in Dobbs Ferry, but most of my work is in New York City.

Chairperson Speranza: Okay, thank you.

Mr. Friedman: You're welcome.

Chairperson Speranza: This was done in a very interesting way. You receive the award for the most creative use of view preservation. It's very good. I mean, it's done in a very interesting way, showing the angles from the different areas around the lot.

This is a public hearing. Is there anyone from the public that wishes to speak to this application? Then we'll close the public hearing. Is there any action or discussion from the Board?

Boardmember Wertz: Well, it looks to me like the views are preserved.

Chairperson Speranza: I agree. There is no interference. Someone want to make a motion? Again, this is for recommendation to the Zoning Board of Appeals.

On MOTION of Boardmember Logan, SECONDED by Boardmember Wertz with a voice vote of all in favor, the Board resolved to “recommend to the Zoning Board of Appeals that this be approved for view preservation.”

IV. Old Business

- 1. Public Hearing. Subdivision and SEQRA. Application from Michael Foley for consideration of a single family residential subdivision. The property is referred to as Foley / Farragut Avenue (aka Parkway) Proposed Subdivision Sheet 43/ / Parcels 40, 41 and 41A. The Property includes 1.145 acres in the R-10 Zone to the west (rear) of 270 Farragut Avenue (aka Parkway). Access will be provided from Farragut Avenue.**

Chairperson Speranza: Next item of business is the subdivision and SEQRA for property on Farragut Avenue and/or Farragut Parkway. It is a proposed subdivision. Mr. Foley, I see, is here. Mr. Weinstein?

Edward Weinstein, architect and certified planner: Thank you. I have been informed tonight that the ownership is now in Benjamin Foley, so I'm representing Ben Foley.

We have, in response to your request, submitted a package that includes a transmittal letter with a narrative description of what we're proposing. You have a series of at least six drawings. Five of them are prepared by our civil engineer/surveyor, Elliott Senor, including the preliminary plat and a construction drawing and a steep slopes analysis, and a couple of shades of details mostly relating to drainage and the drywells on the property. We've also prepared an area map, which is this map here, in which the property in question is about 49,000 square feet. It currently has one house. This house that's shown in red is an existing house -- that's 270 Farragut Parkway. The two additional houses we're proposing are shown in blue. The other houses in the neighborhood are shown in yellow. And the commercial properties that are south of this property -- which is the gas station, stationery store, Amjo's -- are shown in brown. This large parcel here is Pulver's Woods, which is a Village park.

The property is entirely in the R-10 zone. It is adjacent to the 2-R district, which is a two-family district. I'll generally describe what we're proposing to do. We have created a private street, which will be a right-of-way to serve these three homes. We have met with the fire department and have incorporated all of their suggestions into our plans. Most

specifically, they requested that we provide a turnaround on the property. And that's in lieu of the cul-de-sac, or turnaround, at the end of the street. This would allow for emergency vehicles to go in and out. We've provided a fire hydrant in the new private street so that the fire department would not have to pull hose from Farragut Parkway; they would be able to address any fires with a new hydrant. The Fire Department in their letter did indicate that the homes would have to be sprinklered, but that's a code requirement. Any new single-family dwelling would be a sprinklered structure, so the two new homes would be fully sprinklered. We've also, in previous meetings, offered to allow public access -- although this is a private street -- so that the public could, from Farragut Avenue, have access to Pulver's Woods.

I guess I would open this up to see if there are any further questions based on the additional information we've provided. I should note, in your preliminary plat you'll notice that we previously had suggested that we could accommodate the 70-foot frontage by creating a large arc. The Boardmembers felt that that was sort of stretching the geometry a little bit, so we have created a straight line and are requesting that the Planning Board waive the frontage requirement.

Chairperson Speranza: Show us how.

Mr. Weinstein: I could show you that on your sheet P-1. There's a 31-foot frontage. We've kept that as a straight line at the end of the private street. We believe the Planning Board has the authority to waive the minimum 70-foot frontage. There is a lot width issue on that third lot, lot number 3, and that would require us to request a variance of the Planning Board for a lot width. All of the other requirements of lot area, after the deductions for steep slopes and yards, we believe we're accommodating.

Village Attorney Stecich: You did make the deduction for steep slopes.

Mr. Weinstein: We did. There is a calculation on the steep slopes sheet. That's your sheet SL-1, and in the upper left you'll see the gross square footage. Then you'll see on the drawing we have indicated areas that are 15 to 25% slope and areas that are greater than 25% slope, given each of those areas a parcel number, and made those deductions so that all of the lot areas after the deductions are over 10,000 square feet.

Boardmember Logan: Ed, I've just got a question. The fire department turnaround, is that an asphalted surface or is it just gravel? Will it support a 35 ton truck?

Mr. Weinstein: It would have to meet that requirement. We haven't figured out exactly what the surface would be, but it's sort of a performance spec that the Fire Department required and we will comply with that.

Boardmember Logan: Okay, because I'm just wondering. We have this sort of duplication of the driveway to the middle house and the turnaround. It seems like we could potentially eliminate some impervious surfaces if one could do double-duty. Maybe that doesn't work.

Mr. Weinstein: It doesn't work because the Fire Department wants that to be a 50-foot deep turnaround and we couldn't push the house that far back.

Boardmember Logan: Maybe side-load the house from that. But is there an issue about cars parking in a required turnaround?

Mr. Weinstein: I would guess that the turnaround would have to be kept clear; that there could be no structures there or any planting there that would impede the access to an emergency vehicle.

Boardmember Logan: Right. What was the house that we reviewed where we had a fire truck turnaround further up?

Village Attorney Stecich: Civitano.

Boardmember Logan: Civitano -- that was allowed to be just gravel, I believe, but it had adequate bearing capacity to support the truck. But it didn't have to be an impervious surface.

Mr. Weinstein: Yes, if we can do it out of gravel I think we would prefer that as well just to cut runoff, or Grasscrete.

Boardmember Logan: Grasscrete, something like that -- I just see an opportunity here in the site plan.

Mr. Weinstein: Certainly it would be something we would prefer as well. The specific requirement in the Fire Department's letter, which is in your package, was a 20-foot wide by 50-foot long...what they call a "boot." You know, it's basically a place where a vehicle could back up and then pull out front-forward.

Michael Foley, applicant: I'm aware of a product that looks something like a cinder block with holes in it, and you put them below the surface of the ground and it gives great strength and yet you can have grass growing up. I would like to keep this area in front of the two new houses -- that's quite a bit of area there, at least 12,000 or 14,000 square feet of that area, should be green -- as green as possible. We don't want to have three barbecue systems. We'll only have one. We don't want to have people blacktop areas because they want to bat a tennis ball against the barn. We want to keep it green.

Chairperson Speranza: I have to make a comment. You know, we're looking at some details on the layout. I still have an issue with the subdivision of the property into three lots. Well, it's actually into five lots. You know, given the topography, given the configuration of the parcel, and the fact that we would be waiving the subdivision standards for both lot width and for frontage, my sense is that this is one parcel too many for this overall piece of property given the other characteristics. I don't know how any of the other members feel.

Michael Foley: Actually, we had hoped to come in originally with a townhouse configuration with six units.

Chairperson Speranza: I remember.

Michael Foley: We're now down to two units, with the R-10 being respected for all three units. But as you say -- and this is partly the reason we're before you -- we need a variance as to frontage. What you may not know is that 264 Farragut, which is the next house up -- you might call it the garage, Benjamin, at 270 Farragut -- is my brother Kevin's. Our family makes a puzzle that fits together.

Chairperson Speranza: See, and that's part of the problem, too, is that you end up in a situation where should something -- the subdivision to this extent be considered -- then what happens with some of these other properties that are very deep. Where you then end up in a situation where you've got a lot of homes behind homes with no frontage on a public street. And that's one of the things that's of concern to me.

Michael Foley: The mouth of the driveway, or private road, that would be constructed could go down as far as 264 Farragut if necessary. I don't think it's necessary, but that's a possibility also.

Chairperson Speranza: I want to hear from other members of the Planning Board.

Boardmember Cameron: Actually, I have to agree with you, Pat, I think particularly the last house is very cramped. I sort of asked whether you've explored the idea of talking to the owner of 250 Farragut about trying to buy some of their back acreage, which would actually make it easier. It wouldn't get a wider public street, but it would make it easier to build a more generous, or even two more generous, houses.

Chairperson Speranza: That's it. And the characteristics of the slope, as well.

Boardmember Wertz: Yes, I have the same concern. It looks like it's stretched to go to that third lot -- and particularly with the variances needed, the narrowness of the lot, the way it kind of maxes out its surroundings in the yard. And then other issues are the traffic there. It is a busy area with many people walking back and forth. And the drainage. I know you addressed that to some extent, but I know that area is very wet when it rains and the impervious surfaces are bound to put more pressure on the drainage.

Boardmember Barr: I'm going to look at it in a slightly different way. If you looked at this without looking at the property lines there's a fair amount of space in back of this house. One of the questions I would ask is whether you could purchase some of the land that belongs to 250, which, a) would head off building on that piece of property, and b) would give you a larger piece of land next to the house. I don't know if that's even remotely possible. As I said, if you look at it without lines but just in terms of sheer land area, there is space around the house. It's a question of property lines.

Mr. Weinstein: I'd like to point out, the property is 49,000 square feet. So in terms of density, even after you deduct the portion that's the road, we're certainly compliant with the intent of zoning in this area in that we're certainly less dense than it could be. Even if you look across the street, you'll see that many, if not most, of the homes in this area are substandard. Just look at the houses on the east side of Farragut Parkway; we're consistent with the character of this neighborhood. In fact, we're far more sort of green and open. All of those parcels are less than 10,000 square feet. And that's sort of the nature of Hastings.

I mean, we are, I think, complying with the intent of the zoning in terms of the character of the neighborhood. It's only two homes. Fred, to suggest traffic is an issue, based on standard references the peak-hour additional traffic is two cars. Under any measure, one could not consider two additional cars to be a significant traffic impact. And that's right in

your environmental assessment statement, with the reference noted on it.

As far as the drainage goes, the calculations have been done. Drainage will be kept on the property with a series of drywells. It's been based on the appropriate measures of storms and 2 inches of rain. So we're comfortable that we will comply. Certainly the Village can have its engineer confirm that, but our engineer is comfortable that we've addressed the drainage issue.

And the fact that we're sitting with this awkward piece of property -- the geometry is a little unusual -- we feel that we could put it to good use, provide two additional homes in a community that certainly could use housing, and it would be taxable. The fact that that site is a little tight, I mean it's also adjacent to a large park. So there's not a risk of somebody coming in on the south side of that parcel and building anything. It's side yard is going to be a rather large park. So I would suggest -- and we'd still like to request -- that two additional parcels be approved in this proposed plat.

Boardmember Logan: I kind of agree with Rhoda here. A lot of these boundaries are just accidents of history and gerrymandering to get the required square footage of lots. If 264 came into play and a piece of that was added to one of these lots, or you swapped a piece of the corner for the other parcel you're giving to Pulver's Woods, does that help the situation? Is it a matter of reshaping this somehow so they're all more comfortable? I don't think we're talking about too high a density here. I think it's just awkward property lines.

Michael Foley: It's our 10,000. Our 10,000 is the zoning. I'm providing our 13,300. Now, how much more should I have my lots bigger than anybody else's in Hastings?

Chairperson Speranza: It's not a question of the size of the lot, it's the configuration. When we approve the subdivision of a piece of property we're supposed to make it so that the lots can be as conforming to the zoning as they can. There's two instances now because of this third lot that, for me, just stretches the envelope too much in terms of approving a third lot here.

You know, what I'd like to do...you've heard comments from the Board. This is a public hearing, are people here who would like to speak?

Ted Chayko, 250 Farragut Avenue: I was notified by a neighbor, by Cynthia Alligood, this evening that the meeting will be on Foley's property -- on such a short notice that I wasn't even prepared to bring anything with me. Andy Hayden, who also has information, a lot of information, has not been here either. He's in school. He told me that he has asked Angie for what's called freedom of information already two months ago, and he has not received any information on his development.

Andy's not ready to present his information against it either, and he's not here at present to represent himself.

Chairperson Speranza: We do not require the applicant to send notice every time there is a meeting on a application.

Mr. Chayko: How am I supposed to be informed?

Chairperson Speranza: The agendas are published on the Website. There's notification of the meeting.

Mr. Chayko: I don't look at the Website. I didn't even have a computer up until last year.

Chairperson Speranza: There's notification of the meeting that's carried in the paper. The public meetings are noticed. This is something which has been before us, as you know, several times now.

Mr. Chayko: Yes, it's been presented twice.

Chairperson Speranza: Now, you've heard some of the revisions to the plan. Is there any comment other than on the process?

Mr. Chayko: As far as from the last meeting? Mike Foley has called me up and offered to purchase parcels from me. I have not really thought about it seriously as far as for doing that. And somewhat as far as I grew up in the neighborhood, I like the freedom, I like looking out into the woods, and I don't like looking at houses behind my house. When they developed at the end of Saunders Street, the two houses in the back there, I wasn't thrilled about having those houses built.

I like country. My parents lived here. I've been in the house for 53 years. As far as greenspace, it is more important to me than money. I'd rather live in a wilderness and have no neighbors around me at all than to live and look at neighbors as far as seeing houses behind me. I mean, the houses are going to be above any fence or above any brush that you grow, and you're going to see it. You're going to see the roof of that house, you're going to be seeing lights. Andy Hayden has mentioned that the lots are tight. He brought up this issue that it would be Queens as far as the neighborhood; where house upon house and house, and it's tighter and tighter. You see it everywhere in Hastings. They're building everywhere on a postage stamp. On a lot that's 100 by 100 they'll build a house that only has 15 feet on a side of it, both sides, and maybe 20 feet in back -- according to what the code is. And they'll build the largest house there is available to build. Because the issue is how much money can you get back on it.

Everybody's into earning money. This area is very expensive to live in, taxes are high. Revenue, as far as for Hastings, will be great for taxes. I mean, houses...as far as Cecollini's property, which is now Andy Hayden's, that was one property. Andy's paying the same taxes now that three houses were on. So now you have two new houses that are paying \$30,000, each one of them. That's \$60,000 revenue into Hastings for taxes, which is of interest to Hastings in general.

Chairperson Speranza: Right. Okay, is there anyone else who wishes to speak on this?

Mr. Chayko: I would just like the chance as far as where if Angie would get him the freedom of information so he can present it. Because Andy told me it was unlawful, to where he asked her for freedom of information on this.

Village Planner Witkowski: Excuse me, but I've spoken with Andy about that, and he said he was going to get me a list of everything that he needed. I've asked him for it several times.

Mr. Chayko: Freedom of information, anybody who comes in -- not even myself, anybody -- can get that freedom of information.

Village Planner Witkowski: I understand that, but I'll talk to Andy tomorrow, all right?

Chairperson Speranza: Yes, that's a separate process than the hearing tonight, than the meeting tonight.

Mr. Chayko: Well, that's about the only thing I can say as far as this.

Chairperson Speranza: Okay, thank you.

Benjamin Foley, owner of property: Thanks for reviewing our application. We've been working on this for about three or three-and-a-half years now with Ed and you guys.

Throughout the whole process we've been trying to do our best to work with the town and provide the most logical, rational way of doing this as far as access to Pulver's Woods. We feel like we've always been willing to entertain any idea as far as the best way to fit in with Hastings as well as possible.

Right now we have about 49,000 feet, three properties. We feel like the first two are pretty much clearly conforming. The third one is big enough, and complies with most of the standards required by the town. We're just asking that you guys look at the property, look at the way we've done it. We think that it fits with the neighborhood. And we're asking that you see that the third property be given a little bit of special treatment just in the fact that it doesn't fit perfectly. But we feel like if you were only to allow us the one additional lot it'd be a significant burden for us to have one lot that's 40,000 square feet, whereas we're surrounded by lots that are significantly smaller -- far less than half of that size.

So if you guys could look at this in our light, or try to see it the way we see it, it would be appreciated. Thank you.

Chairperson Speranza: Thank you.

Village Attorney Stecich: Patty, I just wanted to respond to one thing on the zoning that Mr. Weinstein and Mr. Foley said because I think this is important to be understood. The intent of zoning is not only reflected in minimum lot size. That is just the bottom line. There's a lot of provisions in it that are minimums, and 100 feet minimum width is just as important. Not the be-all and the end-all, but just as an important consideration is minimum lot size. There are many minimum requirements, so you just can't look at lot size.

Width is important, and so is the intent of the zoning not to permit flag lots. I remember I

was involved in the rezoning -- I think you were, too, Rhoda -- when we were rewriting the zoning code. That was a new provision that was put in to avoid flag lots. Just so people understand that the intent of the zoning code...just so the applicants really also understand that there are other intents in the zoning code.

Chairperson Speranza: Okay. So what do we want to do with this? There are a couple of ways that we can go. I don't know in terms of the sense of the Board right now, the third lot is the most problematic. We can make a motion on the subdivision proposal as it stands now, and that's the vote and that's the application -- or if there is another alternative, if the applicant even wants to consider two lots rather than three lots.

Boardmember Logan: I think we have to weigh the costs and the benefits to the Village in several different ways. One is the benefit that the third lot would also be to tax revenue. The benefit would be perhaps an increase in Pulver's Woods, getting access to that, as part of Village property. I understand they're willing to donate that to the Village -- maybe that's not the correct word -- under certain scenarios. If it's really about the 100-foot lot width, can we leave some time to study this further, then come back with a swap, a land swap, of one corner of Pulver's Woods for another, for example? Is there a way to shape this thing? I would hate to kill this at this point, but I guess there's a procedural issue here.

Village Attorney Stecich: Just so you know, on the swapping Pulver's Woods, that really couldn't be done without an act of the legislature in any event, even if anybody was disposed to do it. A village can't give up parkland without approval of the legislature.

Boardmember Logan: Well, on the other piece that Mr. Foley alluded to, you said your brother owns 264. I mean, if there's a way that the corner of that can be reconfigured as part of this big puzzle that mitigates this lack of 100-foot width.

Michael Foley: 264 Farragut is exactly 10,000.

Boardmember Logan: Oh, it is 10,000 now.

Michael Foley: [off-mic] we could persuade brother Kevin to give us an easement over the last 19 feet on the end of his property, or something like that. We could definitely get an easement from Kevin.

Chairperson Speranza: Yes, I don't know that we can...

Michael Foley: [off-mic] buildable portion of a legal lot to a forever-green patch.

Chairperson Speranza: See, in my mind it goes even beyond squaring it off. I mean, the roadway -- bringing the roadway back and around and quite a distance from Farragut Avenue -- I have a problem with that also. But Bill, I think you're right, see, if you still want to keep trying. But I have a problem with three lots.

Mr. Weinstein: This is sort of the hand that we're dealing with.

Chairperson Speranza: I realize that.

Mr. Weinstein: We've tried to modify the property, we've spoken to neighbors. What we have on the table is something we think, although it's not 100% compliant, does offer the Village certain tradeoffs in terms of additional land for Pulver's Woods and access to Pulver's Woods -- which is probably as important, if not more important -- than the actual

additional 9,000 square feet. This is something that we feel we need. If we could do these two homes they would be probably of a modest size consistent with the neighborhood. If it had to be one home, first of all I don't know that the applicant would consider that. And it could be a house that's twice the size, or equal to the size, of the two individual homes in order to generate the revenue. Because the zoning certainly would allow that.

Boardmember Barr: You know, I think the point that was just made about access to Pulver's Woods...I've lived right near there for almost 50 years and I've never been into Pulver's Woods because I never knew how to get into it.

Boardmember Cameron: Well, you can also go in through the O'Reilly's. There's a trail head there, right?

Boardmember Barr: Another question is, would we want to see a McMansion there. That's another possibility. It would generate as much revenue, probably, but wouldn't be in keeping with the rest.

Chairperson Speranza: Jamie, Fred, anybody?

Boardmember Cameron: Well, I would volunteer them a chance to come back with something else if they want to, but that's really up to them. I mean, I still like the idea, in spite of the fact the gentleman wants to see deer in the back yard. He could get some of 250's land.

Chairperson Speranza: That's his land.

Boardmember Cameron: I know. It's up to him. I mean, the man is in charge of his own land. But I just find those strips of land otherwise are so narrow. That's one of the problems, as our legal counsel said. Narrow strips of land don't generate houses. Then you may not get a house. They're cheaper to buy for that reason, because they really can't generate houses. That's just the problem.

But I think one of the reasons I'd like to leave it open is that part of our job, I think, on the Planning Board is to try to rationate pieces of land. And that piece behind 250, for all we know another 20 years it's going to come up and someone wants to build a house back there, and we have another flag lot.

Chairperson Speranza: Exactly. That's my concern.

Boardmember Cameron: And if we can get rid of the problem now, somehow that would be planning in its finest sense. So I'd like to leave that open.

Benjamin Foley: I guess it would probably be our prerogative to leave it open just because there's so many questions that you guys are still uncertain about. But just to be persuasive about it, I realize that there's definitely a benefit of having a 100-foot frontage, and it's something that, obviously, the code says and there's a reason for it. But I think when you weigh the fact that we're going to build two homes, and everything on the properties is going to be consistent with the neighborhood, and it's first-class landscaping, and everything's going to be done -- all the road that we build will be done in a way that may not be the cheapest way, but it's going to be the way that fits in best -- when you weigh that, and the

fact that it's going to be housing that's more consistent with what Hastings probably needs, and the access to Pulver's Woods, and take those factors versus a McMansion, and you weigh that against the benefit of 100-foot frontage, it seems to me to be a lopsided see-saw. But that's the crux of what you're weighing. It seems like many neighborhoods, you've seen these McMansions go up and you see the other houses that are built that are similar in the neighborhood, and maybe the lot's a little oddly shaped -- but it seems like generally the latter is a better fit. But it's up to you.

Chairperson Speranza: So did I hear you that you would like to keep it...

Benjamin Foley: [off-mic]

Village Attorney Stecich: I'm just concerned because there is a default approval provision for subdivision. I want to make sure we don't get trapped by it. Make it clear that the public hearing is still open on this, then we shouldn't get caught. Because once you close the public hearing, unless the other side expressly consents to extend the time in which you make your decision, it's approved within 62 days unless you vote against it. So I want to make sure we don't get caught in that. As long as we make it clear that the public hearing is kept open, and also say it's going to be on for the next meeting so that there's no notice issues.

Chairperson Speranza: Okay, September. There was one thing that I was curious about with respect to the property. At the last meeting there was discussion, and I think it was either Mr. Chayko or Mr. Hayden who mentioned something, about a stream on the property. I don't see any mention, nothing. I'm just asking the applicant right now. Because I went through your engineer's report with respect to stormwater, and there was a strange sentence in here, something I had never read before: "There should be no foundation or other structural problems which would have any adverse effects on the natural watershed or cause any adverse soil or erosion conditions." You know, I've seen a lot of these and I just wanted to make sure that the natural watershed didn't include this underground stream that we had heard about.

Mr. Weinstein: We didn't find that on any survey or any reference material. If there is documentation of it we certainly would take a look at it. But the surveyor researched it and didn't find anything about an underground stream.

Village Attorney Stecich: I had one other thought. Before it comes back, that it be reviewed by the Building Inspector for zoning compliance. Only because these numbers are so close -- you're just over 10,000 square feet -- and it's impossible for us to look at this and measure because of the odd shape of the lot. So I think that would have to be done.

Mr. Weinstein: I will make a submission to Mr. Sharma reiterating the Planning Board's request that he review the zoning analysis.

Chairperson Speranza: Okay. And this, okay? Because it matches.

Village Attorney Stecich: No, it's not under seal.

Chairperson Speranza: Oh, I'm sorry. The letter...

Village Attorney Stecich: ...from the engineer on steep slopes.

Chairperson Speranza: The letter that's signed by Elliott Senior needs to be under seal. I see the plans are sealed.

Village Attorney Stecich: No, but the plans are not sealed by...but the letter has to be also.

Mr. Weinstein: Okay. We will get you another copy of that with Elliott's signature.

Chairperson Speranza: Yes, sir.

Mr. Chayko: In reference to the underground water streams, not many people know about it. I played in it in back of the gas station. There used to be, in the corner of 270, like a pit that was laid out with just rock and you saw the water flowing in. It was put into the pipe that went behind the gas station. That pipe comes out on Green Street into the storm drain. That's one of the flows of the natural water. It flows right through from 250 to 256 to 264 to 270, and behind the gas station. That's going back. Those houses on a dead-end street of Rose Street, when they were filled they were built. The fill was put in, the pits were filled with rock, the terrain was disturbed. And it actually created more of a water problem back upstream because someone destroyed it as far as the natural water flow. It may not be on the maps, but you ask Robin Castaldo, for example, played back there. If I can get him in here with me he will testify also that there were streams there.

Chairperson Speranza: Okay. The question is, is there something on the property now.

Mr. Chayko: Not necessarily, but you mentioned earlier as far as with the fire truck going over it. There was a fire in the woods many years ago. I offered my property to be used for access to get closer into the area to extinguish the fire. They came up my driveway. The soil has collapsed. I had to build the soil back up again because of the weight of the fire truck. The well, as far as the water table comes to the well at times when we have heavy, heavy rain 5 feet below grade. The neighboring lot, which is Marion Manchester, she has two wells on her property. One she knows of. Also the same thing in the wells: that stream ends up flowing and it comes above grade down on Farragut Parkway in the woods across the street from High Street, and it flows above ground there like a trench. And it comes into the Saw Mill -- it was called a creek.

Chairperson Speranza: Okay, we'll do some more research on that.

Mr. Chayko: I can try to do more research on my own as far as to see what it is. But people know who have been here for many, many years...

Boardmember Cameron: The creek down below High Street, I know about that. I've been down there.

Mr. Chayko: That creek actually shows on old maps as a pencil line, and it crosses Farragut Parkway. But it runs down Prince Street. It runs along diagonally from Green Street, from approximately the property line of the houses that are on Rose that border the gas station. Behind the gas station there's an empty lot there. Right in there, there was a concrete pipe that's probably about 3 feet in diameter. It flows in. You can see where a storm drain is on Green Street; it crosses Green Street, there's another storm drain on the opposite side. That's the storm drain, and the water that's flowing off the whole hillside up from Hall Place. When they built Hall Place it even disturbed the water down below. You have water sitting,

and I couldn't cut my grass until the end of June. You were just sloshing around.

Chairperson Speranza: One of the reasons that I was asking about that is because we did receive from the applicant the environmental assessment form for the subdivision. So rather than go through it at this point, I think it would make more sense to go through it once we determine whether or not we will take action. I did take a look through it. I didn't have any questions or issues -- I don't know if anybody else has looked at it -- except for the stream because I remember that having come up the last time. Okay, so we will leave that. The public hearing will remain open, okay. Thank you.

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

Chairperson Speranza: The next item on our agenda is site plan approval for Saw Mill Lofts. I see Mr. Normoyle in the back there. You did submit some things to us, to call to our attention. And you're coming up with a box. That's not necessarily good.

Patrick Normoyle, community development specialist - GDC: No, no, no.

Chairperson Speranza: Wow, we have been looking forward to seeing those, haven't we?

Mr. Normoyle: Yes, we're moving forward. Nice to be here again. I would like to basically walk through the transmittal letter. It was suggested that there were a number of open items from even our last meeting. So the items that we could come back in and address tonight, at least to some extent, would be beneficial; so that hopefully by the September meeting we can have complete answers to all the issues raised to date. But at least the ones we could discuss and move forward with tonight, we could get out of the way and spare the September meeting that discussion.

We probably do want to jump down to the last item on my transmittal letter, number 8, pertaining to the Architectural Review Board. The chair is here tonight. I wanted to just show to the Planning Board to see where we're moving, as far as the elevation goes, essentially a revised elevation called a perspective. This shows a little bit of the three-dimensional space, or the building in three-dimensional space. We've gotten very good comments from the Architectural Review Board. We first presented to them in July, then again at their August meeting. We're going to go back in for their September 10th meeting, so we're working on a resubmission.

This is something I got from the architect just a day or two ago and I did forward over to Bennett maybe a day or two ago. Essentially, it shows a lot of the elements you had seen before in the previous elevation. It does show the balconies, as you can see, kind of to the

left in that drawing. Up towards the top -- this was definitely one question I know some of the members of the ARB had -- about the louvers that are actually coming out at the top of the third floor -- that does show exactly what kind of projection out from the building that element makes.

Chairperson Speranza: Do they have a purpose, or are they simply decorative?

Mr. Normoyle: I think it's primarily an aesthetic. Bennett, I think more than any other ARB member, definitely had questions about what was that element doing. When we first presented the plans to your board, as well as to the ARB, those louvers were actually one solid piece across banks of windows. One of the suggestions, I think, from the ARB or perhaps Martin Ginsburg was actually to break them up. So on this drawing you can see that the louvers actually go over the individual banks of windows. I think we presented that back to the ARB at their August meeting. They thought that was an improvement. I think we still need to address what their function is, but I think primarily it is aesthetic; it is a way to top out the building. I think Bennett, again, if he wants to get up at some point, I think he wasn't sure if this element was working or not. So this at least, he had asked previously for, some 3-D representation of what that would look like. This is one of the pieces of information we're going to resubmit to the ARB.

Boardmember Dale: You're going to have the louvers on the other side of the building, the same way?

Mr. Normoyle: You know, I could probably check the plans right here, but I'm not sure. I'm actually not sure.

Chairperson Speranza: Would that be a good thing or a bad thing, Jamie? Because this is clearly the back of the building.

Mr. Normoyle: This is the east side of the building -- the road side -- which would be the front.

Chairperson Speranza: I thought there were no balconies on the road side.

Mr. Normoyle: There aren't for the affordable units, which are on the road side, the Saw Mill River side of the building. But there are patios for all units on the first floor, then balconies for all units on the second and third floor except the two affordable units in each building.

Boardmember Cameron: I thought maybe they were sunshades, which was what I was wondering.

Mr. Normoyle: You can comment. Essentially, I don't think they really would function as a sunshade. Is that correct?

ARB Chairman Bennett Fradkin: On the east side of the building it doesn't make sense. If it was south it would make sense.

Mr. Normoyle: Correct. And I think that was one of the things Bennett did bring up in terms of what is their function. But I think, primarily, Patty, back to your question, I think it is an aesthetic. Another thing the ARB had suggested after the July meeting was that the parapet wall was a bit high -- they thought too high -- so we did reduce that in the

resubmission that we presented back to them in August.

Another piece that we've been struggling with a bit has been the center module where people enter the building. I think the ARB had some questions of how did that relate to the wings of the building. I think at the August meeting we tried to bring back in a revised plan to try and pick up some of the elements along the wings. I think we got a mixed reaction from the Board in terms of whether or not that was working. One of the requests they did have to us was actually come back in with more complete information. Unfortunately, at the time of the meeting we did have colored elevations, but the colors were horrendous so we actually did not present those boards. It made tan colors look like a mustard yellow, so we didn't even show it to the Board. By the time of their next meeting, which is September 10th, we're going to provide them with more complete information, enlarged elevation, so that they can have a better sense of how it works.

For tonight we just wanted to show you...this came through. You had seen previous elevations in one plane. This gives you a little better sense of what the building will look like from the front side of the building. So we will be going back to them September 10th and, hopefully, we'll have more to report back to you at your September Planning Board meeting.

Chairperson Speranza: Can I ask a question about the light? You provided us with lighting fixture detail. Anything, our lighting expert Bill?

Boardmember Logan: The description and the product sounds good. It's minimal uplighting, designated as a fully cut-off fixture and eliminates the uplight for dark sky compliance and absence of glare. These were all things we were interested in. I was a little unclear whether there's any side glass. Apparently this is just completely open, is that correct? So that no lenses that glow create a glare.

Mr. Normoyle: Yes, that's correct.

Boardmember Logan: It's a bright fixture at the top, which reflects off a reflector here and then bounces back.

Mr. Normoyle: I think there are actually two models: one that can light from below and one that could light from above. Because on probably page seven, down at the bottom -- this shows the light at the bottom shining up, and then it reflects off of the reflector that's actually at the top of the lamp. But I was looking through this brochure, and I think there's an option to do it both ways. We were proposing to do it where the light shines from below and reflects off of the upper element, and then cascades back down.

Boardmember Logan: Okay. Well, I think as long as there's no glare and that there's a full cutoff...but I think one thing that's a little unclear is that there's no glass in the side of this fixture, which is going to glow like the street lights we have here. It's a low-brightness fitting, if I could use that term.

Mr. Normoyle: Yes.

Boardmember Logan: Is that correct? There's no glass on the side.

Mr. Normoyle: No, there's no glass on the side. It's open.

Boardmember Logan: And what about the pole height? I don't have the drawing in front of me. On the back sheet there's all sorts of different sizes here -- 21 feet down to 14 feet. Do you know which one you're using?

Mr. Normoyle: No. We did submit a cut in our lighting plan.

Boardmember Logan: It affects, I think, the lumen level. But it also affects, architecturally, the appearance of the thing. I think a low-impact lighting arrangement.

Mr. Normoyle: Yes, do you want me to see? I think we have it in the May submission.

Boardmember Logan: If it's on the drawings...I don't think we're at the point of reviewing...we're not formally approving the site plan at this point. We're gathering information.

Chairperson Speranza: Not tonight.

Mr. Normoyle: No, so that's something...I think that was specifically included in the May submission, but I just don't know it off-hand. I have it there, so maybe before I leave.

Chairperson Speranza: Yes, that might be a good idea, Bill. Especially if you have questions about what is included.

Boardmember Logan: Well, I would just like a clarification.

Mr. Normoyle: Yes, the pole and the size.

Boardmember Logan: The height, and the fact that there is no side glass on this.

Mr. Normoyle: Yes, we'll confirm that.

Boardmember Logan: All the ones you're proposing are no-glare and minimal upright -- less than 1% upright.

Mr. Normoyle: Correct.

Chairperson Speranza: Bill, not having glass on the side of the fixtures is a good thing?

Boardmember Logan: I believe it's a good thing. Like the Village fixtures have got a nice scale to them, and they are not extraordinarily bright but they kind of glow. You can imagine if that extended so...like the A&P parking lot, those lights really glow and they shine in the adjacent apartment building, Hastings Terrace. So what we want is light on the ground, light to where it's useful and not light in the eyes of drivers going down 9-A and, obviously, not in the eyes of people living in the apartments. So that's what defines low-glare.

I mean, some of the good examples we see are, I guess it's the Greenburgh multiplex cinema. As much as I hate those places, they have lighting fixtures which are not bright that illuminate. They're fully cut off; you don't see the source. Like these fixtures, for example, glow a lot. They're designed to disperse light. But this is a different type of lighting requirement.

Mr. Normoyle: Yes, it says 14 feet, but it does show a slightly different fixture, which is what you had brought up previously. So we'll confirm that for the next meeting, given the sizes available with this system.

Boardmember Logan: Your new product description will match this cut sheet that you've given us then.

Mr. Normoyle: Correct. We'll revise that plan.

Village Attorney Stecich: They'll have to do a new lighting plan.

Mr. Normoyle: We'll do a lighting plan, resubmit that, have the heights, and confirm those other specific details you were asking about, Bill.

Boardmember Logan: Thank you.

Chairperson Speranza: I'm looking. Legal covenants will all be worked out. I'm abbreviating from your letter, which was very good. That'll all be done.

Mr. Normoyle: One question, if Marianne wants to comment or not.

Village Attorney Stecich: No, I did speak this afternoon with one of the attorneys for Ginsburg. They didn't have them ready, but essentially what's got to go in the restrictive covenants are all those provisions relating to the workspace. That there can only be one employee, that certain occupations aren't allowed -- all those requirements need to be in the deed restriction. Now, what they had planned on doing was having a deed restriction that referred to the declaration of covenants and restrictions filed in the condo plan. And I said no, that that wasn't sufficient. Because what the Board's concern was is that anybody who buys one of these units realizes that they can't come in and plan on having a doctor's office with one nurse and one receptionist. They should know, and it shouldn't be just referred. So I made it clear to them that that was what we were going to insist on, and it's fine and they understand they have to do that.

Mr. Normoyle: Yes, they do.

Village Attorney Stecich: So something will be drafted to that.

Boardmember Barr: The only thing that's always concerned me about this is the question of enforcement. Are we going to have police going around and inspecting in these apartments?

Village Attorney Stecich: No, Rhoda, I don't think so. There was a lot of discussion about that, and the discussion was that it will be kind of self-enforcing. And that's not such a bad thing. That's how lots of things happen. If it's happening and they're not obeying the law, and it's not bothering anybody, no one's going to know. And the restrictive covenants say specifically that they are enforceable by the condo association, by other neighbors, and also by the Village. So I think it would only come up if all of a sudden there was all this traffic going in and out of an apartment one day. And they say, "Listen, I don't think they're following the rule." So then in that situation maybe you would look.

Chairperson Speranza: And with luck, you're right. It starts with the condo association.

Village Attorney Stecich: Yeah, I imagine that's where it's going to come up. Or the

person who lives next door, or the person who's parking space is getting used up all the time.

Mr. Normoyle: Correct.

Chairperson Speranza: All right, why don't you continue.

Mr. Normoyle: So then just one clarification here on the next point. Marianne had provided us with the draft of the flood damage prevention law which will go into effect, I believe, in September. We circulated it to our civil engineer and he certifies that the plans submitted to date in what will be the final site plan drawings do comply with the flood damage prevention law already. One clarification is, there are also provisions in that law that apply to the building design, and we haven't designed it yet. So I actually provided that to the architect, as well as our MEP and structural engineer, just so all of our design professionals had this document as well. So in terms of any building plans that we will submit, by law they need to comply with this flood damage prevention law, and they will.

Chairperson Speranza: I'm wondering if it's something that we need to just have our folks from Carpenter...

Village Attorney Stecich: Well, the flood damage prevention, that actually would probably get reviewed by the Building Inspector -- who's going to be our flood damage prevention officer -- who then will probably use outside consultants to help.

Chairperson Speranza: Right. But in this case, since we already have a consultant on board for the project, why don't we just have...

Village Attorney Stecich: Yes, that's probably a good idea. Just review it.

Chairperson Speranza: Yes, just have him take a look.

Boardmember Cameron: What I don't want to see is the fact that it's 2 or 4 feet above the 100-year floodplain and therefore it's okay. I'd like to actually hear back from the consultant what would happen if you got 4 to 6 feet of water in the basement. Because that, I think, is a bigger concern for the Village. Because given the way things are going, that could happen. And if it's going to have a bad effect...I don't expect it to get to the apartments, but if it's going to have a bad effect on how you construct your electrical system and gas system coming into the basement we ought to know about it and get a good, realistic idea of what would really happen were that to occur.

Village Attorney Stecich: Well, then, we need to clarify the question to the engineer. Because if I were going to send it to Carpenter I would say, "Do the plans, the way they have it, comply with our flood prevention law?" -- and that's what they would do. But if you want to know is it going to comply with something more than that, then I need to know what it is.

Boardmember Cameron: Well, I would say what would happen if you got 6 feet of water in the basement. I think he's just going to tell us, well, gee, they designed all the electrical systems...

Village Attorney Stecich: Okay, fine. No, I'm saying just clarify it for me. Because you said 4 or 6...

Boardmember Cameron: Well, I don't know what the number is.

Chairperson Speranza: If I can just jump ahead a little bit, my recollection is that that's why we have asked you to move ahead and prepare number six in your letter -- the garage level and mechanical room layouts.

Mr. Normoyle: Correct, and that's exactly in response..

Chairperson Speranza: Yes, so we'll be able to see that, and how those...

Mr. Normoyle: Yes.

Chairperson Speranza: And we can have Carpenter take a look at those.

Mr. Normoyle: Correct. So that's in process; that'll be ready for the September meeting. Unfortunately, they just could not...I think it's a more involved request, which we'll have ready for September. We, unfortunately, did not.

Village Attorney Stecich: Could I suggest that it be pretty far in advance of the September meeting?

Mr. Normoyle: Sure.

Village Attorney Stecich: So that we have a chance to get to Carpenter, and Carpenter has a chance to review it and get their report back to the Board. What's been happening is, we get the report from Carpenter the day of the meeting because it's in the packet. Then I send it to Carpenter, and then Carpenter looks at it and they get back to me. They're pretty prompt, but we need the stuff far enough in advance to be able to send it.

Chairperson Speranza: Why doesn't it go to Carpenter as soon as it's...

Village Attorney Stecich: That's fine.

Mr. Normoyle: Actually, Angie last time did ask that I simply FedEx the package directly to Carpenter, so we'll do that. Typically it's 15 days before the meeting, a submission date. This last time we didn't do that. Sorry about that. We were still trying, hoping, to get more info. But for the next meeting we'll definitely submit to the Board 15 days in advance and directly submit to Carpenter those revised plans. And that's a good amount of time.

Then going back to number 4 on this list, again, this was an issue Eva had brought up. I'm here tonight to confirm I did speak directly with David Ferris Miller. We had talked about this at the last meeting. Instead of issuing a letter he actually wants to include statements directly on his landscape plans, which will be signed and sealed. He thought that was a better way to go. But specifically certifying the points that are in the conditions about the plantings being fruit-bearing and being sources of food for mammals and songbirds -- and I love repeating that condition to my friends who want to know what I do. So anyway, that'll be on the revised landscaping plans next time. But just to confirm that the plans, as submitted to you previously, complied.

A more challenging request has been number five: coming up with a planting plan along the Saw Mill River embankment. That's in the works. There is a challenge with the existing Saw Mill River embankment in terms of how we stabilize that, and there are a number of options we're considering. So we'll have something completed for the September meeting.

But David has been out to the site to evaluate the existing conditions. Like I had said previously, the vines basically overgrew everything that was native there that existed a few years ago so, unfortunately, I think it's going to be a little tougher for us to properly stabilize the embankment with vegetation. We're going to do it, but it's, I think, going to be a more difficult chore than we had hoped previously. So we'll be back to you in September with that.

We already talked about number six. Then number seven, the tree preservation permit. I have that here tonight, which I'm going to submit to the Building Inspector. I spoke with Marie Oelkers today, so they're going to have that in their hands. I did also e-mail Dr. Fred Hubbard just to give him a heads-up that it's being submitted, so it'll be in their hands. We also have to do a mailing to the neighboring property owners. Basically any property owner within 50 yards of a tree that's coming down, essentially we're defining that as the entire project site. So we'll do that mailing tomorrow. And I would expect that the Board would review, and make their decision, before your September meeting.

Then the last thing I'd like to bring up, at the July meeting I did hand out the conditions as well as the status. So again, that's something we could discuss now or hold off to the September meeting. At the last meeting you did ask was there any condition that was problematic in terms of our compliance. I had mentioned that one condition that referred to traffic improvements at the Saw Mill Parkway and Lawrence Street, which I think was simply an error. Other than that, I think we've either complied with the conditions or are in the process. So I actually don't see any problems with complying with all of those conditions.

Chairperson Speranza: You mentioned the road improvements, or the road conditions, and you're correct. How Lawrence Street and the Saw Mill Parkway ended up in there, I'm not quite sure. But at the meeting before that -- I believe his name is Mr. Porcino from Ardsley was here and asked about the coordination of improvements: Village of Ardsley, Town of Greenburgh, state DOT: there seemed to be some confusion over exactly now who was doing what. And I'm wondering if you have had an opportunity to speak with anybody from Ardsley or Greenburgh or the state DOT, particularly with respect to Lawrence Street and 9-A, and Jackson Avenue/ Ravensdale and 9-A.

Mr. Normoyle: Well, after that meeting I did speak with our traffic consultant, Phil Greeley from John Collins Engineering. His firm had been hired by Yonkers to do some minimal amount of work in connection with the Ridge Hill development, so he knew a little bit about that. He had no specific information as far as the traffic improvements, perhaps even the road widening at the intersection of Jackson and Saw Mill River Road. He knows it was proposed, but beyond that he had no specific info. I asked him about the Ardsley projects, and he's just unaware. We did file our highway permit application, which covers all of the traffic-related improvements -- the timing modifications at Jackson, the site improvements at

Lawrence, the additional work of the berm along 9-A -- so all of that was included in our application to the DOT. That being said, you know, we're happy to follow up with whoever. I'm not sure who the best person, or entity, is to kind of address that.

Chairperson Speranza: So you've filed an application with the state DOT.

Mr. Normoyle: DOT, correct.

Chairperson Speranza: Do you know -- and this may be a little unfair to ask you this -- what's the next step in that process? Do you get an approval from the state DOT? My concern is the timing of everything. I want to make sure that we don't find ourselves in a situation a year or a year-and-a-half from now, whenever, this intersection improvement didn't go forward because the Town of Greenburgh said that they were going to be doing this as part of Ridge Hill, or the City of Yonkers was going to do this. I want to make sure that this project, and the responsibilities that it has for the roadway improvements, stays on target in the absence of any kind of cohesive planning effort by all of the highway entities.

Mr. Normoyle: Yes, correct. Just in answer, before the July meeting I had asked Phil Greeley for an update before this meeting. He said that essentially since even before, you knew, I was here -- first time I appeared here was in May -- even before that, his office and the DOT were going back and forth in terms of the signal improvements regarding Jackson Avenue. Prior to that they had already talked about the curb cuts that are needed for the entrances and exits from our property. So there's been ongoing dialogue and kind of informal review of plans. We formally submitted our permit application in July. Phil said that essentially within 60 days he would expect the DOT to contact him to basically have a meeting. When that would happen, I think, we were going to get in touch with your traffic consultant and invite them to the meeting just to make sure that all the issues were addressed. We submitted sometime before July 15th, so we would expect response from the DOT beginning of September, then actually a sit-down to review the plans.

Chairperson Speranza: That's right. You mentioned July, which isn't that long ago really.

Mr. Normoyle: Right, correct. So I think we're still within that. You know, Phil thought it was a 60-day window by the time he would hear back. He expects to be approved: maybe either some minor modification to the berm, maybe there's some site distance there; or, again, I don't think anything of an engineering matter, but maybe just some slight tweaking of the plans.

Chairperson Speranza: As I said, I just want to make sure that the timing doesn't get off-kilter in terms of other projects.

Mr. Normoyle: Correct. So we should hear back. By the time of the September meeting we should have already heard back. I'll be coordinating with Angie as far as getting -- was it STV?

Village Attorney Stecich: I had one other thing. I went through the minutes to make sure that everything the Board had asked for at the last meeting was submitted. And the one other thing -- they had asked for another letter from Jim Drumm, because there had been so many changes, to make sure that it still worked for the Fire Department.

Boardmember Cameron: Right.

Mr. Normoyle: You had e-mailed me that. Was it pertaining to the building itself, or the site plan?

Village Attorney Stecich: No. Now you've changed it. They were going to do it a different way. Now you have it flatter around the building than you did before, and the access for the fire trucks. Just ask him.

Mr. Normoyle: Certainly. And I had followed up with him previously, probably after we had made that first change, and he basically said, yes, sure, we can meet again -- but, I guess, not immediately at that time. So we'll arrange that before September.

Chairperson Speranza: You know, we got a letter from the Fire Department that they've looked at the plans and everything seems fine, the recommendations have been made with respect to the accessibility of the vehicles. I remember you changed the garage and everything. Just a sign-off.

Mr. Normoyle: Fine. One other thing that we had proposed previously, and worked out with Jim was, essentially, in each garage there is this Fire Department closet where we were basically -- "we," GDC -- would pay for whatever equipment the Fire Department needed in that space, whether it was ladders or hoses or other types of firefighting equipment. One of the things he mentioned even back as early as May was, actually, what they thought would be most useful was some kind of water-pumping equipment. So we said, "Whatever you want in there we will pay for." So that's something we can clarify as well. But obviously, given the flooding that has happened over the past few months, that was also on his mind.

Chairperson Speranza: Okay. I think we're set. We'll see you in September.

Mr. Normoyle: See you in September with more info.

Chairperson Speranza: And we will all go back through our checklists and make sure we're all set on this. And then a meeting or two just to firm things up and make sure we're all comfortable.

Mr. Normoyle: We still have to satisfy the Architectural Review Board, and they're real tough. Just kidding. So thanks, we'll see you next month.

Chairperson Speranza: Okay, thank you Mr. Normoyle.

V. Discussion Items.

1. Michael Agate, 493 Warburton Avenue, ARB issues.

Chairperson Speranza: I recognize some of the people who are still here in the audience. I'm going to jump the agenda down to cover the item that I believe you're all here for, which has to do with Mr. Agate. Am I saying that name right? He was before us last month, you remember, for view preservation. He owns the property at 495 Warburton Avenue that was the location of a fire some number of years ago. When he made application to us last month, in July, he had originally come in with a proposal for a building that was 40 feet high. We,

the Planning Board, voted to approve, or to recommend, view preservation approval by the Zoning Board only if the building were back to its original height. That's what we had said.

Mr. Agate then went to the Architectural Review Board, and there seems to be some confusion -- which Mr. Agate expressed, which Angie expressed -- in terms of what it is we were requesting, or what we were recommending, and what the Architectural Review Board was requesting. I'm wondering if you would mind coming up and explaining this to us. I'm looking at Bennett. Just take us through this because the only view preservation recommendation we made was for the building at the existing height. And now there's some confusion; you wanted it lower than the existing buildings, and that's why you're here -- and I'm assuming that's why the other people are here, too -- to hear about this. And I know we exchanged some e-mails.

ARB Chairman Fradkin: Okay, I'll explain it. The project was before the Architectural Review Board before I was even on the Board. It was a long time. There were many meetings.

At some point, the only presentations that I saw before the August meeting was for a façade that was 40 feet high which, apparently, meets the zoning. But that's higher than the existing building which, I believe, was 36 feet high. So for some reason he was presenting a maximum height of 40 feet. I don't know whether it was cleared or not by the other boards. I just don't know. I just know that that's what he came with and that's what was reviewed multiple times. There was a lot of fine-tuning of what he was trying to do because, obviously, that was quite a bit higher. So I think the details of that are irrelevant. But at a certain point we worked out a scheme that we felt comfortable with, on the street, with the 40-foot height.

Then it came back, he appeared. He was not on the agenda, but he showed up at the August meeting with a drawing showing the building at 36 feet high, which was presented -- I don't have the documentation -- but it was presented as being the original building height. Which happens to be, just for reference, 2 feet higher than the adjacent buildings. So the adjacent buildings are at 34 feet. He was going to 40, now he's going back to 36, which is still higher than the adjacent buildings.

The drawing that was presented -- sort of ad hoc, that he brought -- was, I would say, not a very convincing drawing of the 36-foot height. So we felt...we didn't like it, basically. We were not ready to say, This is good. It just had some strange panels at the top above the windows. Filling in with the height, it just didn't seem to be a uniform and consistent design. Which we thought was a shame because we thought that the bottom couple of stories of the building -- the way the storefront level was worked out and the way some of the other windows were worked out, which had gone through a lot of effort -- were nice and were

consistent with what we'd like to see on the street there. But the top looked like something that was just dashed off in a second, and it just didn't seem right to approve it.

There seemed to be an urgency to come to a resolution. Again, I don't even have a copy of the drawing because it was never submitted. He wasn't on the agenda, so I don't even have that. He came by himself without his architect. I don't know whether he still has an architect. But in order to help, we made a suggestion that if he were to reduce the level by 2 feet, which would line up with the other buildings, he would eliminate the problem which he had of this extra space -- which we felt he hadn't resolved well -- above the third-floor windows. Does that make sense, without seeing a drawing?

Chairperson Speranza: Yes.

ARB Chairman Fradkin: And that would be a simpler design which we felt, with the way he was approaching it, would be easier for him to resolve and for us to come to a resolution. So that's where we left it. Now, that's not to say that -- as I was saying in the e-mail to you, Patty -- that...you know, he didn't bring a photograph of what the building used to look like. So it was very hard to really review things. It's not to say that we feel that there would be any problem with a building that was 36 feet high. I never even saw a photograph of the original building.

Chairperson Speranza: Right. I'll show you one. We just got one tonight.

ARB Chairman Fradkin: You know, if it's a great building, and somebody presented it as a replacement of a representative building on Warburton Avenue at that height, I'd probably -- I speak for myself -- but I think we would generally have the view, Well, that makes some sense, you know, there's some logic to that. But the fact is that the design of the building is...you know, even the street level has changed, the other elements of it, as far as I know, have changed significantly. You're in a new context, right? -- meaning that there are new buildings next to it. So you have to really view it in a different light. You have to say you're rebuilding a building now, and if it has some historical reference, great, explain that. But also show how it ties into the current context. And, you know, none of this has really been presented in a way that we felt was convincing.

So does that clarify it?

Chairperson Speranza: A great deal. That makes it much clearer. And we should get a copy of this because I was also of the mindset that the original building did line up with the structures on either side of it. And again, just walking past there today I said, Well, the Architectural Review Board can't be saying make it 4 feet less because I'm thinking 4 feet less than the way the other buildings are. That would just look ridiculous. They couldn't possibly be thinking that. So I'm glad to hear you're not.

But the photo that we just received does show that the building was actually higher. And Jamie, you had pointed out that the roofline was different. So what's the issue, I guess, is the

problem. There's a procedural thing with respect to our vote at the last meeting: we said the existing roofline, the existing height.

Village Attorney Stecich: No higher than it was before. It wasn't existing. So the question is, how high was it before.

Chairperson Speranza: Well, it was higher than the roofline.

Village Attorney Stecich: Yes, that's what it appears to be. Although I have to say, I think it was at the Zoning Board somebody else had some other pictures that showed them all in one line.

Chairperson Speranza: Did the Zoning Board act on this?

Village Attorney Stecich: No, the Zoning Board met. But they wouldn't give view preservation approval because there were no plans before them of what the height of the building was going to be. I did explain to them why it was that this board had, and that there was a certain urgency to getting the thing done, but they still did not feel comfortable. They didn't have any particular issue with it, but did not want to approve it before they had plans. I think Mr. Agate had been told before the meeting that he should try to get some plans for the Zoning Board, but he didn't. So he just had the same plans that he had.

Boardmember Cameron: But the new buildings next to him that were put up were actually lower than they used to be, right?

Village Attorney Stecich: Oh, maybe that's how it happened then.

Chairperson Speranza: But they all line up.

ARB Chairman Fradkin: It seems like it, but I don't really know that.

Boardmember Cameron: Someone said that they built the new buildings actually lower.

Village Attorney Stecich: I think Ned Baldwin said that.

Chairperson Speranza: But if you look at the roofline today...

Boardmember Wertz: They're all the same.

Chairperson Speranza: But you've got the one on the corner, too.

Boardmember Logan: Is the subtext of this somehow we have to make a decision about whether they all have to line up or not?

Chairperson Speranza: No, the only issue is do we, this board, have an issue with respect to view preservation. And I'm looking back through the text to see exactly what...

Boardmember Barr: But this blueprint, he doesn't want to take down the existing building.

Boardmember Logan: It wasn't higher than what it was before, there's no issue.

Chairperson Speranza: Okay, this is what we have. "The Board resolved to recommend view preservation on the condition that the building is no higher than it was previously, and that the roofline remains the same as it was before the fire."

Boardmember Barr: But could you explain, if the north wall still exists and he's protesting its removal -- if it's the original building, what are we talking about?

Chairperson Speranza: That stuff got me more confused.

Boardmember Logan: Well, there must be fragments of the original wall.

Chairperson Speranza: You know what? Based on this, our recommendation still stands.

Village Attorney Stecich: So if it's lower, it's lower.

Chairperson Speranza: So if it's lower...

Village Attorney Stecich: That's okay.

Chairperson Speranza: If it's lower than what was existing, we're okay.

Village Attorney Stecich: That's okay.

Boardmember Cameron: That's okay.

Chairperson Speranza: I just wanted to reconfirm this.

Boardmember Logan: We're not saying it has to be lower.

ARB Chairman Fradkin: I believe what's represented -- and I really haven't seen factual information -- is what we're calling the existing building, as it was, is now, let's say, 2 feet higher than the adjacent building.

Boardmember Logan: Yes. I don't think that's an issue for us.

ARB Chairman Fradkin: I know.

Chairperson Speranza: We did not feel comfortable with 40 feet.

ARB Chairman Fradkin: And just also make sure that it's clear. Because when he was before us he said, "Well -- and Deven was at the meeting -- he said, "Well, maybe in the back half they said I could go higher." Deven said, "No, you can't go" -- meaning 40 feet, like the rear half of the building. And Deven's saying, "No, no. You can't do that." But he was unclear. We only can move forward. But for everyone's sake, including his, I want it to be clear so he doesn't come back with some schemes that...

Village Planner Witkowski: I spoke with him today, and he's working on plans to bring to the ARB for the September meeting. And I did explain to him that you wanted to also see the pictures of it before. He does have a board, that shows that because I had it here.

ARB Chairman Fradkin: I know he had something he was talking about putting something on and that's why it had to be a certain way.

Village Planner Witkowski: He said the windows weren't going to work.

Chairperson Speranza: I wanted to make sure that we did not have to go through the process whereby we had to do something else with respect to view preservation, change our recommendation, and then it's got to go back to the Zoning Board and now we're three or four more months down the line.

ARB Chairman Fradkin: I've stated some numbers here which I believe are the case, but how do we determine? Is there a piece of the building there that's physically there, the sidewalk or something? That's what we can use as the benchmark.

Boardmember Logan: The north wall still exists.

Village Planner Witkowski: Yes, but it has the roofline of what was there before.

Chairperson Speranza: Yes, sure.

Amy Listerman, 491 Warburton Avenue: I'm a neighbor, and I was here last week. I would just like to second what you do. The plans kind of change, and they're not exact. Again, we're incented to have him get this done. But I would really recommend that who

decides the old building was X that we're very, very clear about it. I'm a little leery of saying it can be as big as it was before because I don't think anyone here knows exactly what it was before. I'm just afraid if he comes back and it's 36-1/2, well maybe it was 30. So whoever is the person who could do that, when you give him direction, if it could be just not the height it was before, but 36 feet or 35 feet or 37, whatever it was. I'm just afraid we're being a little too vague and it will cause issues, or it will cause a building that's perhaps not what we intended. That's what I wanted to say.

Boardmember Wertz: I think what happened in our last meeting was, we had reservations making a decision because we really didn't have in front of us any diagrams of what the new building would look like. There was really just a space there so we couldn't see the plans relative to the other buildings, other adjacent buildings. So we were put in a position of making a decision on height without being able to see it. I think the main message we sent was that we would really need more information in order to make a decision. On the other hand, however -- partly because of the neighbors who really wanted to get this project moving, and we saw the need and urgency to get things going -- I think we felt that we couldn't go wrong saying that you could build it back to the height that it was because it just seemed as if that would be within rights. The building had burned down, so we kind of figured that it would be fair to build it back to what it was. And I think that's why we said that.

Chairperson Speranza: But not more.

Ms. Listerman: And I totally agree.

Boardmember Wertz: But I still think we would have felt much more comfortable about the whole thing if we saw plans that really represented what the building would be and if we knew, on some objective basis, what it was in the past. Then we'd feel even better about making a decision.

Boardmember Cameron: I think we need pictures from the other building, looking probably across his roof, which we didn't have.

Boardmember Wertz: We needed that, too.

Chairperson Speranza: And we have photos from...I guess that's the official file?

Village Planner Witkowski: This fire report.

Chairperson Speranza: So it's got to be worked out in terms of what it was.

Thelma Novak, 493-A Warburton Avenue: I'm immediately adjacent to this property. Since I have all your expertise here, perhaps you could answer some concerns I have. I have a party wall. I never knew what a party wall was until I got myself in this situation. I was told that when it was put up it was good for about a year-and-a-half. Now this has been maybe two-and-a-half years or more. How is he obliged to connect to that party wall, or is there connection? Because it's just, I guess, foam covered with plastic. Is that what a party wall is? So somehow it's not siding, it's not finished.

Boardmember Logan: I would seriously doubt it's part of the structural support of your

building.

Chairperson Speranza: No, because your building is new.

Boardmember Logan: It may have exposure to the weather.

Ms. Novak: I don't know what to call it, I wish I knew better terminology -- but he has it sort of over on my ledge.

Male Voice: It's covered by tarp.

Ms. Novak: Yes, with tarp. Because when I first moved in there the tarp just covered his building, if you want to call it that. Now he's put that there because that was supposed to be protected. I know the last couple of weeks he's been doing a lot of work in the basement.

Chairperson Speranza: See, your building was constructed after the fire. So as Bill mentioned, it can't possibly be part of the structural support for your building. You can speak to Deven or the architect who was here last time. We can't answer that. I don't know.

Boardmember Logan: You have to have an architect look at it. And if your concern is getting weather or moisture through the adjacent building, then...

Ms. Novak: Yes, during the construction, if it were to be penetrated.

Boardmember Logan: It's a possibility. You just have to speak to your architect probably. There are things you can do.

Ms. Novak: I can't hardly see it.

Boardmember Logan: No, somebody would have to climb up there and look at it, and so forth.

Male Voice: I just can say unofficially -- I mean, I've never inspected it, I really don't know what it is -- it sounds like it was some kind of provision to protect the wall from the weather. Because when the building is up that wall wouldn't be exposed to the weather, right? So it's a temporary measure to keep the rain off. But it's reasonable to make sure that it's been a longer time that, in fact, he's doing that. Somebody should inspect it.

Ms. Novak: Well, I don't know who is.

Chairperson Speranza: I believe that's why the Building Inspector has said that this has to be closed in. It's just got to be done.

Ms. Novak: Yes, but he needs a roof. So the height of the roof -- here we go back to that again -- how is that going to affect that party wall?

Male Voice: It wouldn't affect it.

Chairperson Speranza: If you don't mind, is there anybody else who wishes to speak on this?

Ms. Listerman: Just the next step. So he's going back to the Architectural Review Board, and then he'll have to come back to you guys one more time and then go to the Zoning Board. Is that right?

Chairperson Speranza: No. You've got to come up. Or you know what? You don't need to come up. The Planning Board is finished with this action. We brought it up again because there were some concerns raised, and obviously there was some confusion because he came with no formal plans to the Architectural Review Board. We're finished. The Zoning Board

still has to act on it. The Zoning Board hasn't acted on it.

Village Attorney Stecich: Yes, and it sounds like they'll be able to because if he has to have his drawings for the ARB meeting. When's the ARB meeting in September? I think the Zoning Board meets earlier than it usually does because it doesn't meet in August. It meets earlier in September. So if you're in touch with him, Angie, if you want the thing done quickly, what I would say is to make sure that the stuff is ready for the Zoning Board packet. Then the Zoning Board would be ready to act on it in September. And then once the ARB acts on it, then it's good to go. I mean, the Building Inspector has to approve everything, but it's done with the boards.

Chairperson Speranza: I was going to say, though, will the Zoning Board approve conditioned upon the recommendations of the ARB?

Village Attorney Stecich: Yes. But I suppose if it goes to the ARB and it changes, then they'll have to come back. There's nothing you can do about it.

Village Planner Witkowski: Should he just go to the ARB first, and then go to the October ZBA meeting?

Chairperson Speranza: Speak with him and see where he is with it. I think that's the best way to do it.

Village Attorney Stecich: You're actually losing more than a month.

Village Planner Witkowski: Yes, I know. Because it was already noticed for the September ZBA.

Boardmember Cameron: We should make sure our Building Inspector gets adequate evidence about what the height of the building used to be and the shape of the roof that used to exist.

Chairperson Speranza: With all of the photos in the Village, I've got to believe we can get it. Okay, thank you.

2. Former Hastings House, 555 Warburton Ave. Selection of Consultant for Traffic and Parking Issues.

Chairperson Speranza: There's no one here for Hastings House, which is okay. I thought we were going to have something with respect to progress for the lease.

Village Planner Witkowski: I talked to Christina today, and she said that she didn't have anything yet in writing. But as it turns out, it's not until August 31st that the lease has to be renewed.

Chairperson Speranza: Okay, this is the lease for the parking area, parking spaces, that go with the Hastings House property.

Village Planner Witkowski: Some of the details are still being worked out in the Chase bureaucracy, evidently.

Chairperson Speranza: Right. We did get in the packet, though, the RFP that Angie sent out for planning consultant services. I don't think we all need to see the responses. Does

someone -- Fred or Jamie, do you want to work with Angie to just look at what comes in?

Boardmember Cameron: Sure.

Village Planner Witkowski: Yes, I got three responses yesterday, so I'll make copies. The two of you want to take a look at it? I'll just make copies for you and get them to you tomorrow.

Boardmember Cameron: I'll give you a fax number.

Village Planner Witkowski: Okay. You know what else? I did get two of the three electronically. One was from BFJ, one from STB, and then the other was from AKRF. So what I could do is scan the AKRF one in, and then e-mail the three of them, if you want to do it that way.

Boardmember Cameron: That'd be fine.

Village Planner Witkowski: That way you don't have to print the whole thing out. You can just kind of look it over. Save some paper. So I'll do that for you.

3. Other Planning Boardmembers' items.

Chairperson Speranza: Okay. Any other issues for this evening? No? Wow, all right. That's not bad.

Boardmember Logan: Well, it was interesting to see that article you gave us about the roundabouts that have become very popular in New York State. So if this changes your opinion about how you want to prioritize things in the transportation issue, then it's something you could reflect upon.

Chairperson Speranza: You know, you are bringing up something interesting. I was listening in on the Board of Trustees meeting from Tuesday night, and there was some reference to the transportation plan. I'm glad that they were talking about it because it seems to me that they are waiting. So I do want to get it on their agenda, particularly with respect to school issues.

Village Planner Witkowski: Right. I spoke with Susan about that today because I wanted to find out what they were talking about at the meeting. Evidently Peter Swiderski had brought up something about re-striping Mount Hope. Because evidently that's on schedule, so I think Fran was going to look into that.

But Susan and I were discussing the memo that I gave to everyone to kind of go through and reprioritize, that little survey. I had got a few of them back, but I haven't gotten all of them back yet from everybody. And also the Safety Council hasn't met at all. What I'll do is, I'll make sure that I get it to the Safety Council because I want them to take a look at it as well. And I thought that what we could do is schedule maybe a joint work session with the Planning Board, Safety Council, and the Trustees maybe in October or something like that. I'll go through all the surveys when I get them back, and then we can discuss it and reach some consensus.

Chairperson Speranza: Maybe get it on the agenda for the Board of Trustees.

Village Planner Witkowski: Would you prefer doing it that way?

Chairperson Speranza: I think that's the most immediate way to determine a way to proceed to get their guidance as far as an okay.

Village Planner Witkowski: I thought the first step in getting some guidance was to try and get some consensus, and that's why I decided on doing that survey. Because BFJ's work is done, and I have to close out that grant anyway because it's way beyond.

Boardmember Cameron: There was some implication, I thought, from that article that since the state of New York is planning to put in thousands of them, as the article stated, that maybe they were going to pay for them. I think we should really resolve that issue because what scares people off is, among other things, the fact it would cost so much money. And having spent over two weeks driving in New Zealand this year, and also two weeks driving in England the year before, I can speak very highly about roundabouts -- even when you're driving on what we would call the wrong side of the road. You learn very quickly, and they transport traffic around just marvelously.

Boardmember Logan: And also the costs weren't like orders of magnitude different from some of the other projects. I think it was like a half a million, 400 thousand, something like that.

Village Planner Witkowski: Half a million, yes.

Boardmember Logan: And a lot of these other -- median down Broadway, etc., widening -- was also in that same ball park. But I think this is actually very compelling and interesting information. I think a big piece of this is how it could affect the visual character of the Village as well, and I think there's potentially a very rich enhancement possible. If we could have a visual that could describe...and I agree that there are issues. This is a roundabout which is tilted, which is not the same thing as a flat roundabout. There may be special issues, but Buckhurst Fish have done some modeling of this in terms of the behavior and dimensioning it. George Jacquemart is an expert in this, and if he believes that this is a good candidate I think we ought to take that seriously. But if there's some way we could do a rendering of the landscaping changes, how that might affect this sea of asphalt we have at the center node of our Village, and how that could really change the Village experience if we could move through it. The landscape island, you know, shorter traverses for kids, widening the sidewalks, additional planting -- how that could enhance the Village.

Village Planner Witkowski: I think one of the suggestions that he made -- because people were concerned about the old trough -- was to make that more visible and to improve the landscaping there.

Boardmember Logan: But it also affects the little pocket park there -- that gets enhanced in some ways -- and the Aqueduct. So there are tradeoffs here. If we could see it or commission a rendering of it, give it to a landscape architect -- say, "What can you do for us? Give us a \$3,000 rendering" -- or something like that of what this might look like.

Village Planner Witkowski: I don't want to even tell you how much over budget they've gone.

Boardmember Logan: It drastically reduces the risk of accidents.

Boardmember Barr: I would think it would increase it.

Boardmember Logan: Well, it's all counterintuitive, literally. But there is data there.

Boardmember Cameron: The only problem would be a single lane at a time because each time you go across halfway there's a median you can stand on.

Boardmember Barr: Yes, but the point is you never have a red light.

Boardmember Cameron: But four intersections: every time I watch a kid go across that, you know a car is going to come from a different direction.

Boardmember Logan: It's scary. And the inherent safety feature about it is, everybody slows down so much because you can never dash straight across. You always have to bend around, and that's what slows it all down and keeps it moving. I agree with you, Rhoda, it's counterintuitive, but there is an awful lot of data.

Boardmember Barr: I've seen a roundabout in Montgomery, Alabama which was a nightmare.

Village Planner Witkowski: It might have been a traffic circle. There's a big difference.

Chairperson Speranza: And I think it's fine to look at a next step, but before spending any more money I think there's got to be -- at least for me -- a weighing of the other improvements. I think that a roundabout may be a nice thing to have, and it may have implications for reducing traffic conflicts or traffic versus pedestrian conflicts. But I would have to be more convinced of the need to spend the money as opposed to the need to do these other things: bumping down the roads, and the sidewalks of Rosedale and Mount Hope.

Village Planner Witkowski: That's why it's important to prioritize them. Because what I had in mind was to do a second appendix with a final prioritization and sort of like a matrix that would show what funding sources might be available. Because you can't do anything until these funding rounds come up for them. We don't know what money's going to be available.

Chairperson Speranza: Or do you look twice as hard because you have something very specific that you know you want to get.

Village Planner Witkowski: No. When the funding round comes up you already have it in a plan so you don't have to do a lot of justification. That's the reason, mainly, for putting it in there. Because right now nobody sees a need for it. But we do have the apartments going in on Warburton; we've got the condos on Main Street. So who knows? Maybe three, four years from now people will see that it would be better to have this new feature. And then if that were to happen, and we didn't have it in the plan, then you have to go back and do a little justifying for it when you do an application.

So it's better to just decide what the priority's going to be. If money came available for something that was kind of low priority, then at least you've already got the justification or

have it in the plan and the people have bought up on it. So it makes it a lot easier. You don't have to make up a whole justification for it when you're doing the application. You can just get it from an already-approved plan.

Chairperson Speranza: Yes, I think it would be important to see when we could get this on the agenda for the Board of Trustees. Because even re-reading the minutes I feel badly that I had not done what I promised Mr. Skolnik, who was here last time and then reached out to the board of education to talk to them about getting stuff done. Actually do things and stop talking about them.

Village Planner Witkowski: I did get the plans from Susan Fosnacht, an electronic version. So I made copies for him because he wanted to do some looking at different sidewalks and areas on his own.

Chairperson Speranza: He's good. He's got some good stuff. Some of these are very good and very practical. I don't know if they'll fly. I don't know what the sidewalk policies are.

Boardmember Wertz: Bill's got a point about the roundabout. It's one of those things that really polarizes people. You hear pros and cons widely apart. I think one of the problems with it -- and this was a major recommendation, so I think it's something we have to take seriously, particularly in light of the information we're getting more broadly and maybe even the availability of funding for something like that -- to be able to see it may help us understand why it is better.

Boardmember Logan: Yes, because we're missing that piece.

Boardmember Wertz: We're really missing that. That's a major piece. And I think the difference between a roundabout and a traffic circle -- and even Rhoda is asking, well, how do pedestrians really move through this thing -- even at this point, after it's recommendation, we still don't really know what it is. I think even for prioritizing it I do want to move forward fast. It would be great if we understood this concept a little more graphically, a little more concretely, so we could make judgments about it. I don't want to spend more money.

Village Planner Witkowski: We're like way over budget with them, but would it help if I found some pictures of some existing ones?

Boardmember Wertz: If we could have an inexpensive way of doing this, that would be ideal.

Boardmember Logan: You know, BFJ has produced a lot of material. Some of it's scattered. There's the digital representation of how all those things work, but I don't think we have a rendering.

Village Planner Witkowski: I'll ask George if he has anything existing that he may have done in a different area that would be similar.

Chairperson Speranza: I'll go along with this request if you will also ask him to show what the benefit is going to be in terms of the improved level of service in the area. What is the problem that this solves. That's my only question.

Boardmember Logan: Oh, I think that's an easy one. Its level of service right now.

Chairperson Speranza: Well, no. See, I disagree with you.

Boardmember Logan: Ninety seconds; it's a 90-second wait.

Village Attorney Stecich: Such long waits there.

Village Planner Witkowski: Oh, it's a very long wait. I can't stand that wait.

Boardmember Logan: Going up Main Street, we reviewed this way back when we went over 45 Main Street. It's level of service F.

Boardmember Barr: They'd come in all directions.

Chairperson Speranza: So talk to George, see if he's got anything.

Village Planner Witkowski: Yes, I'll ask. I'm sure he's got so much of that stuff. Let's get this underway so the Board of Trustees can start to talk about some of this.

Boardmember Cameron: One of the problems -- and you can see it any day you want to, the cars just past the high school -- when it's just turned green, watch them accelerate full-speed towards that intersection. And then look on your right-hand side; you'll also see the cop sitting down there trying to pick up speeders going through the intersection. And that's what a traffic light does. It causes people to speed up. If you have a circle you never get your speed. You just head towards it, and there's no reason to get there any particular time. That's one of the most dangerous things about that intersection. Cars just accelerate up front.

Boardmember Logan: You can see the light in the distance going north or south on Broadway.

Boardmember Cameron: When you hit that stop sign in front of the high school and it's green, just turned green, you just watch people accelerate.

Village Planner Witkowski: And there's no safe waiting area for pedestrians. I've seen people trying to cross there.

Boardmember Logan: Try to cross Main Street -- what is it, 120 feet or something to get across there.

Village Planner Witkowski: Yes, I think it's dangerous. The only reason it's not real dangerous is because there's not a lot of traffic volume there right now. That may be one of the reasons. Maybe people are trying to avoid that long light.

Boardmember Barr: Certainly, it hasn't been a record of a major problem, but I'm willing to learn.

Boardmember Logan: A couple of fire trucks collided 20, 30 years ago. A number of people were killed.

Boardmember Barr: That's not what I would call a major problem if something happened 20 or 30 years ago. In all the time I've lived here I don't remember any major situations here.

Boardmember Logan: We have data on it anyway.

Boardmember Barr: I'm sure there were some things in terms of any situation, but I think there's a big learning question. I'm not the only one that's got these questions.

Chairperson Speranza: Anything else for this evening?

VI. Adjournment

On MOTION of Boardmember Wertz, SECONDED by Boardmember Logan with a voice vote of all in favor, Chairperson Speranza adjourned the Regular Meeting at XXX.