

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
REGULAR MEETING
JANUARY 18, 2007

A Regular Meeting was held by the Planning Board on Thursday, January 18, 2007 at 8:15 p.m. in the Municipal Building Meeting Room, 7 Maple Avenue, Hastings-on-Hudson, New York, 10706.

PRESENT: Chairperson Patricia Speranza, Boardmembers William Logan, Fred Wertz, Jamie Cameron, Bruce Dale (8:30 p.m.), Deputy Village Attorney Marianne Stecich, and Village Planner Angela Witkowski.

ABSENT: Boardmembers Eva Alligood, David Hutson

I. Roll Call

II. Approval of Minutes:

December 21, 2006 meeting

Chairperson Speranza: The first item on our agenda is approval of the minutes of December 21st. Does anyone have any questions or comments or revisions to the meeting minutes?

Boardmember Logan: Yes, I have a comment, on page 37. I must admit, this is probably one of the most bizarre sets of minutes that I've ever read. It starts out about halfway down the page, "Village Technology Director Zaratzian. I think I can get rid of the mic. I'm going in to the water right now. Boardmember Logan: Pull up, pull up, pull up. Chairperson Speranza: There's a phrase I haven't heard in a long time: into the drink. Village Technology Director Zaratzian: For some reason it doesn't want to come back out. Here we go. Boardmember Logan: You're going to crash-land." On the second line I think I only said "pull up" twice.

Village Planner Witkowski: I left it in there for comic relief.

Chairperson Speranza: It really was neat to re-read it. We had a good time at our last meeting, or as much fun as you can have at a Planning Board meeting.

Village Planner Witkowski: It's a refreshing change.

Boardmember Cameron: Lest the papers print it, there was one typo.

Village Planner Witkowski: Do you remember about where it was?

Boardmember Cameron: Towards the back.

Chairperson Speranza: While you're looking, I'll go through mine because I had some also.

Village Planner Witkowski: Okay.

Chairperson Speranza: First page, one two, third time that I'm speaking. I said, "I think we could probably make a motion." And then for some reason it says, "If you want to stay, if we can handle it that way." I have no idea what that means. Maybe I said it.

Village Planner Witkowski: Where was that again now?

Chairperson Speranza: The first page, the third time that I was shown as speaking. Just take out the words "if you want to stay." You know what? Just leave it as "I think we could probably make a motion." Just leave it that way.

There was another line, I'll find it, where I think there are statements that are attributed to me which I know I did not state because they are definitely attorney-ish. I got it, page 19.

Village Attorney Stecich: See whether I'll lay claim to it. Depends how bad it is.

Chairperson Speranza: Yes, I wouldn't go into such detail about a temporary conforming use. You were giving the history of the Tarricone property, and I'm presuming that that's you speaking.

Village Attorney Stecich: Yes.

Village Planner Witkowski: On page 18?

Chairperson Speranza: Page 19.

Village Planner Witkowski: Page 19, where it says "no, no, because...?"

Village Attorney Stecich: Right. That's Marianne.

Chairperson Speranza: Just in case anyone should ever ask me about that, I don't want to be on the record.

Then I had one other on page 27; one, two, it's the second to the last paragraph. If you look and you find reference to the MR-C district in the paragraph where I'm speaking, what's written here, it says, "between the 2-R district and the MR-C district, in looking at the bulletin there's a characterization." Again, I don't know where that wording came from -- "in looking at the bulletin." We didn't get a bulletin. So just take that out. Again, I just don't want anybody to think there's part of the record that's missing.

Page 33, it's the paragraph right before the motion. There's a sentence that reads: "I don't think this is consistent with the view preservation that we have," and, again, we're talking about the property on Route 9-A. Take out view preservation. I believe I was talking about the neighborhood.

Village Attorney Stecich: Probably vision plan.

Chairperson Speranza: Right, vision plan. "I don't think that this is consistent with the vision plan that we have."

Village Attorney Stecich: Yes, I'm sure that's what that was.

Village Attorney Stecich: Right, instead of view preservation.

Boardmember Cameron: On page 13, everybody might look at this. The fourth comment at the end says Boardmember Cameron. I know what happened there was said by somebody, but I don't think it was me. It's something about critical area designated pursuant to article 8, what does that refer to. The answer was geographical, and the answer is yes. I don't mind it being there because someone did ask those questions. But the project use, operating noise and ambient noise levels, and the answer is yes. That was said at the meeting, but it just wasn't me.

Village Planner Witkowski: Bruce, did you say that?

Boardmember Dale: No, I did not say that.

Village Planner Witkowski: Okay, because sometimes he -- did you, Fred, maybe? Because sometimes the guy that does our minutes...it might have been because...

Chairperson Speranza: That might be. It wasn't a female.

Boardmember Wertz: Since David isn't here...

Village Planner Witkowski: ...We'll say he said it.

On MOTION of Boardmember Wertz, SECONDED by Boardmember Logan with a voice vote of all in favor, the Minutes of the Regular Meeting and Public Hearing of December 21, 2006 were approved as amended.

III. New Business

None

IV. Old Business

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

Chairperson Speranza: The next agenda item is a matter that's been before us once before. It's regarding a piece of Village-owned land on Cliff Street. It was back before us, I think it was, in September. There is an adjacent property owner who is interested in the property. The first thing that we have to do is make a recommendation to the Board of Trustees as to whether or not we feel it should be declared surplus. At that time we did not make any recommendation. Back in September, that is, we didn't make any recommendation. We were waiting for some additional information, particularly with respect to the zoning and size, and the slopes and stuff. Angie, if you would like to take us through the proposal?

Village Planner Witkowski: Why don't I just go through this, and then through the memo that I wrote to you. Then I can just point it out on what I put at your places, the maps.

September 7th, 2006 the Planning Board was presented with the following information: proposed acquisition of Village property. We were to make a recommendation to the Board of Trustees. Edward and Marjorie Small at 75 Cliff Street submitted a request to acquire a Village-owned vacant lot adjacent to the north of their property in order to provide a driveway. It's actually to expand their driveway, I believe. Their request, the tax parcel map, and aerial photos are included. The affordable housing committee did consider the possibility of using the property as a potential site for constructing a house. However, after looking at the site, its location on the curve of a very narrow street, and the steepness of the slope, the AHC decided it would not be appropriate for a building site. The AHC also requested that any proceeds from the sale of the property be allocated to the affordable housing committee to assist in the preliminary work that must be done in feasibility analysis. According to the Village Attorney, allocation of any funds for a specific public purpose requires action by the Board of Trustees, and it's advisable to consider such an action on a case-by-case basis.

The Planning Board had some additional questions about the property. Was it a buildable lot? I asked the Building Inspector to check the size and configuration of the lot to determine whether it was buildable according to the zoning code. The Planning Board was concerned about giving up the property and risking construction of a house on that lot sometime in the future. He responded with the following e-mail on September 20th, 2006:

“With regard to the property consisting of the referenced lots, please be advised the property is in the R-10 zoning district. It meets the physical size, area, and frontage requirements for a building lot in the district. The property slopes steeply from its rear toward the front on Cliff Street and, as such, would require steep slope review and approval. It’s similar in its physical characteristics to the Nager property that’s currently being developed for a single-family dwelling at 79 Cliff Street. The property consisting of the referenced lot...” -- and he added some additional information. “The area of the property is more than 16,000 square feet, with frontage of over 126 feet on Cliff Street. The property has access to public sewer and water on Cliff. The rear half of the property has steep slopes, and physical characteristics of the property are similar to another property on the street.”

Then, according to Ray Gomes -- the Planning Board had asked me to check with Parks and Recreation and also with the Conservation Commission -- Parks and Recreation is not interested in the property for a park. According to Peter Wolf, the Conservation Commission wasn’t interested in the property. If you look behind the map that shows the trails and the parks, a copy of that, you can see that there really aren’t any trails that would connect to that anyway. So it’s not really a useful site for any of those purposes. In the back of that trailway map it shows Hillside Woods and you can see more clearly where Cliff Street is in relation to Hillside Woods, and it’s not directly adjacent to it. So it really wouldn’t make sense to try and incorporate a connection with the trail there. So those were checked.

In the meantime, a new steep slopes map was prepared showing the lot lines. Comparing the subject Village-owned lots with the 79 Cliff Street indicates that the subject property has slopes over 25%, while the other does not. The new house is opposite existing houses that are on the cliff side of the street, while there are no houses across from the Village-owned lots as there is insufficient space between the east side of Cliff Street and the cliff.

In conclusion, the Planning Board may wish to recommend that the property could be sold with a deed restriction prohibiting the building of any structure on the parcel, and limiting the area for any impervious surface such as a driveway to a certain percentage in a certain area. Selling the property to the adjoining owner would put the property on the tax role, alleviate the Village of maintenance responsibilities; and if part or all of the proceeds from the sale were given to the affordable housing development fund this would assist in their efforts to find and acquire other sites to work toward achieving affordable housing goals.

I was talking to Susan Maggiotto about this. I had asked her earlier on, when we first started talking about this site, if the people next door on the other side of that property had expressed any interest. She said they hadn't, but we thought that if they were interested in buying part of that, too -- the part that's adjacent to them -- then that would eliminate the need for doing deed restriction if they're interested in doing that. She was going to give them a call if the Board of Trustees decides to advertise because there has to be a public notice on it. So she thought she'd let them know that if they do decide to sell it that they can, just to let them know. I just wanted to mention that.

Chairperson Speranza: That process is not part of the proposal.

Village Planner Witkowski: I just wanted to mention that because we just happened to talk about it today.

Chairperson Speranza: You know our job is just to recommend whether or not we think it should be declared surplus.

Village Planner Witkowski: Right.

Chairperson Speranza: Angie, while you're standing there, you gave us the aerial. The way that it's marked here, there are actually two Village-owned properties along Cliff Street?

Village Planner Witkowski: Yes, there's one. I have it marked here. And the one on the curve to the Small's property is a little farther up. That's why I said "subject." That's the subject Village property. Yes, I was surprised.

Chairperson Speranza: Then there's another one down the street.

Boardmember Cameron: The other seems to be on both Overlook and Cliff.

Village Planner Witkowski: Yes, it goes through. The other thing I was noticing is the Nager's lot, the other difference. See, there are houses that are directly across the street from it, so that's another difference between the two. On this Village-owned subject property there's a house directly behind it, so I thought that would be another reason that it really wouldn't be a good idea to build anything there. Because there's a house directly behind it on Overlook.

Boardmember Cameron: Is that walk that's marked on our map still open? The new house being built, on our map, is marked. It shows up on this map here.

Village Planner Witkowski: Oh, on the tax map.

Chairperson Speranza: Oh, yes. You're right.

Village Planner Witkowski: I'm not sure if that is or not. It's hard to tell from the aerial.

Chairperson Speranza: Well, the lot line on the aerial shows it.

Village Planner Witkowski: Yes, it shows it's there. So it might just be for the neighbors to kind of cross.

Boardmember Cameron: Actually, it doesn't show it all the way through to Overlook.

Village Planner Witkowski: And then if you look on the steep slopes here, the red covers most of that Village-owned property. The red is the slopes 25% and over. And then the one with the new house, there are slopes 10- to 15%, and 15- to 25%.

Chairperson Speranza: Okay, our job is to determine whether or not we want to recommend to the Board of Trustees that the property be declared surplus, and then leave it up to them to decide whether or not it goes for sale. Questions?

Boardmember Cameron: I have two things. One is whether or not we think its surplus, and also whether or not, as the Planning Board, we think a house should be built on it.

Chairperson Speranza: Yes, agreed.

Boardmember Cameron: There are two conclusions to be made at one time.

Chairperson Speranza: Marianne, you can help with this as well. My understanding is that we can say yes, Board of Trustees, there clearly is no Village need for this piece of property. However, should the property be put up for auction or sold we recommend that it be deed restricted so that no permanent structures could be built on it, or something to prevent a house from being constructed there. We can do that. Maybe you could talk about what the limits are of what we can do.

Village Attorney Stecich: Well, I don't think there are too many limits on what deed restrictions you can put on it because you own it, and if they don't like your deed restrictions they just don't have to buy it. But you might want to be a little bit more specific. Because if it's just a deed restriction that says no new structure can be built there, the question would come up, well, could they expand the Small's house so that it goes onto that property. I don't know if you'd want to put that, whether that's the intention of not building on it. I mean, I would argue that's a new structure, but I think you might want to make the intent clear whether you would want to let them expand. It seems that right now, on the north end, it looks like they're very close to the property line. They probably don't even need the setbacks. This would enable them to meet the setbacks and have bigger setbacks if they wanted to expand the existing house.

Chairperson Speranza: Okay, so we do have some leeway with respect to the conditions that we might want to put on it.

Boardmember Cameron: Well, they can put a garage on.

Village Attorney Stecich: That's a structure.

Boardmember Dale: We might have some discussion about whether or not a house is appropriate or not. Because if there are houses, the question is, based on the steep slope map, it's pretty intensely sloped compared to some of the other lots. But there's certainly room to put a house on that lot, so the question is do we want to prohibit or not. I would argue that it is not sizable for everybody. Somebody could buy it for affordable housing. It would be expensive to build on. That doesn't necessarily mean that somebody's not willing to make the Village a good dollar and build a house who's willing to pay the cost of building there in that circumstance. There would be additional tax revenue, as well as income for the Village.

Boardmember Wertz: Interesting enough, there are a number of smaller houses on the street. It could very easily fit on that lot. The tendency nowadays is to build a great big house when you get a lot.

Boardmember Dale: But our zoning would sort of restrict that to some extent.

Village Planner Witkowski: I just wanted to correct myself. On the other map, the colors didn't show up as well. The major difference that I noticed, and it didn't show up very well, the purple is the 25% or over. There's no purple on the Nager's, and most of theirs is 10- to 15%. And most of the Village-owned one is 15- to 25%, with a little bit of the 25 and over right at the front of the lot.

Boardmember Wertz: Actually, the one with the purple has a house built on it. That would be the other portion.

Village Planner Witkowski: That other purple one, yes.

Boardmember Wertz: It does make it more difficult to build, but I think we've sometimes been surprised at the ideas people get and what can be done. So I think it's quite right to say that it may be a possibility and it's one we ought to consider.

Boardmember Dale: In architect school they taught us anything can be built, but is it affordable.

Village Planner Witkowski: And is it a good idea. The other, Bruce, is on the one that's already there. That's just one house, and it goes back through to Overlook. So I think that the frontage would be on Overlook, so that's probably why. But this Village-owned one, there's a house directly behind it that's already there.

Boardmember Logan: I think the other thing you've got to balance, though, is that if the Village can get a better price for it and have additional revenue to spend elsewhere, such as affordable housing on a different site, I think we ought to balance how many restrictions we put on it versus what benefit the Village can realistically get from it. If we over-encumber it we're not going to get a decent price. That's just one side of the scale.

Boardmember Cameron: I agree.

Village Planner Witkowski: But even if they couldn't build anything it still makes their lot bigger and more valuable than it is now.

Boardmember Cameron: They have different options, though. One is whether we are going to restrict the value of the land so we can buy it for the Village cheaply, or are they going to have full development rights and have the lot sell for whatever the value is.

Chairperson Speranza: Or can we consider also that maybe there is Village value to having this greenspace there, and having it not built and not having the slope impacted and there being nothing there?

Boardmember Wertz: The first choice is whether the Village wants to actually do anything with it, and from what I'm hearing from Angie's report the answer is no. So given that the Village doesn't want to do anything with the land...

Chairperson Speranza: ...now.

Boardmember Wertz: Now. Oh, I see. So you're thinking that could change, and I guess we have to judge how likely it is to change. But so far, I haven't heard any arguments that it might change.

Chairperson Speranza: That's true.

Boardmember Wertz: We may want to come back to that, and unless we want to come back to that I think the next question is, if the value to the Village is as greenspace that might be able to be preserved, at the very least, by restrictions placed on it -- on impervious surface and building - - and yet have the Village gain some return to the tax roles and then revenue of selling it. So there's benefit to the Village to selling it, assuming that the Village doesn't want to do anything with it in the future. Then the question becomes how valuable is it as greenspace versus how much more can the Village make in terms of revenue and taxes, and how we weigh that against the value of the greenspace. Is that a summary?

Boardmember Logan: I think somebody should do that analysis, and I don't think it's going to be us. I think we divide this into two parts and say we could recommend that the Village consider selling it, but recommend that they do a study of several scenarios to see what it's worth before they make their final decisions about what sort of restrictions to put on it.

Village Planner Witkowski: I think Bob Baylog would do that, the assessor. I think the assessor would be doing a study of what the value is.

Boardmember Logan: But we have to give him two scenarios. If the area was a restricted area; and the other scenario is build whatever you can with the existing zoning, with the steep slopes.

Boardmember Wertz: And the third would be if the two residences on either side both wanted to buy part of it -- and doing so would not allow anything to be built on it -- then you don't need that restriction. And we might still need to consider the question of extensions of those other residences and also impervious surfaces. But that is a third alternative.

Boardmember Cameron: If it had the value to the Village it would be two sales.

Boardmember Wertz: A bidding war.

Boardmember Logan: Why not?

Boardmember Cameron: Maybe I'm wrong, but I'm not sure the house on Overlook that sits behind it, although it does sit behind it, wouldn't be straight over to the house if it was built below because it's so far down. If you look at the other house, it's so far below that cliff up there that I don't think you could build a house on the Village-owned land and interfere with the people's house. I'm not in favor of that one way or the other, but I'm just thinking I don't think you could possibly build a house big enough to interfere with the lot behind. I think it's about 50 feet going up there, vertical feet. So I don't think you could get a house in there which would have a roofline at all interfering with the house behind it.

Village Planner Witkowski: Right. But still, if you get into erosion problems and things like that, that's what I was kind of thinking. If the land is disturbed, that might be a problem.

Boardmember Cameron: Should we hear from the public?

Chairperson Speranza: Yes, that's exactly what I was going to suggest. Are there people here who want to speak about this?

Ed Small, 75 Cliff Street: I'm one of the two people that -- that's the other one -- that wants to get a piece of that property because we have a ridiculously steep driveway and we'd like to straighten it out. That's basically the long and the short of it. There are, obviously, a whole lot of issues involved which we don't know all that much about, but if it was a fair price we don't care about building another house or anything of that nature. But if you'd ever seen us trying to clear snow off that driveway you would probably have a different perspective on what it's about. I've kind of taken Hastings sleigh ride down that hill backwards many times and taken quite a few falls because I can't get anybody to clear it but myself.

Chairperson Speranza: So are you interested in purchasing the entire lot, or do you just want a portion of it?

Mr. Small: We haven't even really seen...

Chairperson Speranza: So you're just looking to fix your driveway problem.

Mr. Small: Exactly. And it probably wouldn't have much of an effect on anything I do a lot of stone work on the front of my property. I kind of build stone bulkheads out of the granite up there. I should have maybe brought a picture of the property or something. But what I would do would be, just where the driveway comes now, I would build another stone wall and just straighten the driveway out and grade it much more gradually so I could have somebody come in and plow it, and that would be it.

Boardmember Cameron: Do you have an estimate of how much additional space you'd need in order to make it a graceful turn?

Mr. Small: Yes, I don't know if I can tell you on these maps.

Boardmember Cameron: Well, the whole project is, what, 125 feet wide?

Mr. Small: Yes, I would probably need about 50 feet of it, and that would be enough it depends. I can go up higher. If I go up a little higher it's probably going to be less visible from the road. If I go a little bit lower it's probably going to have a more visible profile to the road.

Village Planner Witkowski: If you look at the tax map that's folded up in there it'll show it.

Mr. Small: Right. This is our house here?

Village Planner Witkowski: Yes, that's your house.

Mr. Small: I probably want to go through three of those -- I don't know what they're called -- sections?

Village Planner Witkowski: They're lots. It's an old subdivision.

Mr. Small: Just to get down to the street at maybe a 10-degree angle as opposed to what I have now, which is probably about 16 or 18.

Boardmember Cameron: It's about 75 feet down there.

Village Planner Witkowski: Yes, they're 25-foot lots.

Mr. Small: So that would allow us to have somebody come in early in the morning and just plow it rather than my getting up before the sun and shoveling it. She's actually been injured by shoveling that thing. We're actually a mess from falling down on that hill.

Boardmember Dale: Have you had any discussions with the neighbor on the other side of the lot?

Mr. Small: Donna Russo?

Boardmember Dale: In terms of their interest.

Mr. Small: I don't think she's at all interested in buying the lot, but she could be asked, I'm sure. I mean, it's a good question. I don't have that much to say. That's the long and the short of it. I'm just having a lot of trouble with the snow.

Boardmember Cameron: When you go and look at the property, there's your present driveway, which goes right down which, I guess, is the one you've been slipping on. That's yours, and then there's another one that looks like a tentative driveway going across the property?

Mr. Small: Yes, I think that's on your property. I don't even know where my property line is. But the guy that built the house evidently went in there and bulldozed it out, and so we're parking on it.

Boardmember Cameron: So you think the piece going straight down to your driveway with a piece slanting up is probably on the property line.

Mr. Small: The short curve certainly is my driveway. I know that's my property. And the other one I'm pretty sure is your property.

Boardmember Cameron: Yes, I think so.

Mr. Small: But I don't think I would use that footprint. I think I would go up the other side of that big tree to get down because that would be much more gradual and it wouldn't visually be as...I think the other way would look kind of ugly. I don't know if you've seen the property.

Boardmember Cameron: Oh, I have. I've been there several times.

Mr. Small: You see the wall that I put up there, that stone wall? Because I would just expand that.

Chairperson Speranza: Okay, does anyone else want to speak?

Arnold Nager, 83 Cliff Street: We're also building on the adjoining lot to our home at 79 Cliff Street. The lot we're building on is 150 feet wide and very, very deep -- much deeper than this property you're considering. The house the Smalls live in was originally owned by a gentleman named Broccoli who owned the house on Overlook, and he kind of built this on a rock pile in his back yard. It's really up high and very, very steep. I was amazed that it was built at all because I guess there was no consideration about steep slopes in those days. It would make things a lot easier for the Smalls if they had a gradual path down to the street. That's what we have in our new house. The reason we're moving to the new house is we just have too many steps and our driveway's much too steep. And we're getting of an age where Ina XXX has problems with her knees and can't walk up and down the stairs.

There is a parking space that was used by the Russos' predecessor, who had an upholstery business on the other side. I don't know what the house number is, but it's to the north of this subject property. It's a fairly good-sized spot. I guess you could park two cars in it, and it's graveled. Over the years, I guess whoever wanted to use it because it's on Village property, just as the extension of the Smalls' driveway is also on Village property. I have no objection to the Smalls having the property, or Miss Russo if she wants to subdivide on the other side. But I'd like to point out that even if you divide the two lots, there's nothing to stop someone down the road from purchasing the two lots and putting it back together into a buildable piece of property.

I actually bought the lot adjoining ours and the two were combined to make a buildable piece of property because the zoning there used to be 75 by 100 and it was changed in 1979 to 100 X 100, R-10. I just think that there should be some kind of restrictive covenant if you're going to divide it. Because you're going to be selling it at a discounted price if you're going to sell it to two adjoining property owners. I think the Village should get value for what they're giving away, or it should be sold as one parcel. I have no idea what it's worth. The guy who was doing the bulldozing on our property said if he got this property free it's worth it because of what it costs to get it ready for development.

Chairperson Speranza: To develop it, sure.

Mr. Nager: Anyway, I don't have a problem with it.

Chairperson Speranza: Okay, thank you.

So how should we proceed here? I'm hearing a spectrum of views. Marianne, I do have a question for you. The process for sale, I'm just curious because I think it would certainly impact my sense of what the recommendation would be. Does the property have to go out for public auction? Because if we're auctioning off a buildable lot, no matter what people may think about how you can really build on this slope I think it's going to generate a different kind of interest if it's a public auction. Or can it just be a sale?

Village Attorney Stecich: It could be just a sale. It's not legally required that it go out for public auction or bid. That, however, is the best way to establish that the Village is getting a fair price for it. So I think the Village's practice isn't always to put it up, but to contact other people who might be interested. But generally, the parcels I've seen that have been for sale have not been buildable lots. They've been little pieces, or a piece of a trailway that somebody said, Well, we'll take it and then we'll maintain it. But I don't remember a buildable lot coming before. Now, like I said, legally it's not required that it go up for bid. The only two legal requirements to selling Village property are 1) that the Village not need it for any reason, and 2) that it get a fair price. And I would think a fair price is the best price you can get. Maybe there is another way to determine the best price you can get by having different real estate agents take a look at it.

Chairperson Speranza: Right, an appraisal.

Village Attorney Stecich: Yes, but that's actually up to the Village Board to decide what it wants to do on that. It's not required to, it may decide to.

Boardmember Cameron: But the problem is, though, a real estate agent would look at it and say, "Well, I'd build a house here. Here's the price."

Village Attorney Stecich: Exactly.

Boardmember Cameron: Right, "And here's the other price." One price is going to be better than the other. We can all guess which one it is. So somebody should figure out whether you can do a private sale and not be getting the best price. Or maybe the Village has to make a determination that this cannot be built on, that it's not desirable to be built on.

Village Attorney Stecich: But I'm not saying that the Village -- if you can't build on it and there's deed restrictions and then it's going to be worth \$50,000, but as a buildable lot it's going to be worth \$100,000 -- that they have to sell it for the \$100,000. Because there's value to not building on it.

Boardmember Cameron: And have it somewhat open space.

Village Attorney Stecich: Right. But I'm just saying, if you make that determination that we're going to sell it with or without deed restrictions, however you've decided you're going to sell it, at that point you would have to get a fair price. And I assume, from the Village's perspective, they'd want to get the best price. And it may be that they would, or this board would, or the Board of Trustees, would want to find out, well, maybe it depends how much money it is. If the

difference is between \$50,000 and \$100,000 maybe not, but if the difference is between \$30,000 and \$300,000, well...so I think the dollar amounts are an important factor.

Boardmember Cameron: Because you're really weighing the value of the lot that you can develop against a restricted value, which is you sell off a piece of land the smallest that can fix your driveway. Then you have open space, which has not a monetary value.

Village Attorney Stecich: But other value.

Boardmember Dale: Another kind of value. So I think we really do need an appraisal to see the scale of what it is that we're talking about.

Boardmember Cameron: Maybe what we're saying is that the property, in perhaps our view, is of marginal value as a building lot, and the Village can get it kept as somewhat open space for a reasonable price and have a deed restriction on it; that that would be a good option. But if they can't get a reasonable price for it, they should consider either not selling it or selling it as a lot. That's really what I think we're saying.

Chairperson Speranza: Either not selling it...yes, you had me until your last sentence.

Boardmember Cameron: Not selling it.

Chairperson Speranza: Either not selling it, or selling it as a lot?

Boardmember Dale: As a developable lot.

Boardmember Cameron: I mean, if the answer was that this gentleman was only willing to pay \$5 for the property and we could get \$200,000 as a lot, you might say, all right, we're going to hang on to this thing for awhile and figure out what we're going to do or we're going to sell it for \$200,000. I mean, I'm just making a ridiculous example to show you that you can't decide it...that you're going to restrict it and sell it because there's only one person you could sell it to, or two -- we've come up with two now -- but one's more eager than the other, so I can't tell you.

Chairperson Speranza: That are interested in buying the piece of it.

Boardmember Wertz: If you sell it as a whole, and somebody wants to build on it despite the cost, that would be another...

Chairperson Speranza: Right. So what am I hearing? We have a recommendation to the Board of Trustees. It's not within our purview.

Boardmember Dale: In the logic I was thinking before, our first choice is whether the Village could have any future use for this property. You had suggested that maybe at some point there could be something the Village would want to do with it, and I wonder if anybody had any particular ideas that would make that a compelling reason to leave things just as they are. And I haven't heard it yet.

Chairperson Speranza: No, I don't have any compelling reason to leave things just as they are, except that I'm intrigued that there is another Village property along the street. You know, I do believe that in instances where you do have development, you have development on this ridge, it is a property with steep slopes, with vegetation. I saw this humongous tree there, I don't know what kind of tree. And I think there is value to relief of home after home after home, to give it a break even if it is 126 feet, whatever it is, the frontage. I think that's nice. There is a walkway here, there is the other Village parcel. I tend to think these are probably remnants from when there was the Mount Hope station and that walkway was a way to bring people down from the hill to the Mount Hope station on the Putnam Right of Way.

Boardmember Cameron: Probably was.

Chairperson Speranza: \So there's that part of me, too, that says, well, maybe we should...there is something to maintain here, it's value. It's not physical value and it's not money, but it's green. I'm just hesitant to sell something like this property for development of another house, particularly given the discussion we're going to have later with respect to steep slopes. And what do we keep doing to the steep slopes?

So I would rather see a piece of it sold for use to an immediate neighbor and keep the rest as relief, as greenspace. Because, in my view, that does have intrinsic value.

Boardmember Wertz: Well, we could assure that, without the Village maintaining ownership, through restrictions.

Boardmember Cameron: Another thing we could do is straighten that curve. We could straighten that curve in the road and make it wider.

Boardmember Logan: Yes, well, there are up sides and down sides to that, too. When you straighten roads, people tend to drive faster. So this is a natural traffic calming device, if you will, and maybe it has some benefits in that.

It seems like, okay, we like green open space, it has a certain value to us. But we also have needs for money and for directing funds in other directions. I think we just have to have a good basis for weighing what those are. So if it's worth a whole lot of money, and we can give this to the Affordable Housing Committee, I think that's a real benefit, it's a real tangible thing. Greenspace, I love greenspace, but is this the right place for greenspace? Is it along a string of trails? It doesn't appear to be. It's not optimal grade space. We can't use it for public use. So I don't know the answer, but I think we should evaluate what its potential worth is and then do a couple of scenarios. If it's 16,000 square feet, conceivably we could have a 10,000 square foot buildable lot and have 6,000 feet left over that we could sell to somebody to extend their driveway, and do both. I think it just needs a little bit more analysis, but I don't think we should say we shouldn't sell it. I'm not quite at that point yet.

I'd be inclined to say we have statements from various agencies in the Village that say they don't want it, they don't want to have to maintain it, they see no use for it. So I say consider getting rid of it, and weigh the economic advantages of different scenarios. But that's something we have to study in phase 2.

Boardmember Dale: I agree, I agree strongly. I see this as a residential block with the housing development. I think the idea of splitting the lots and leaving a buildable lot and cutting off a piece that could benefit the neighbors makes a fair amount of sense, if that is feasible and whether it's economic. I've said this before. I think the Village has sort of an unspoken no-growth policy, and that's going to cause financial problems within the Village over the long term since our taxes keep going up. And this is a residential block that could be developed that could 1) generate income through the sale of the lot, and 2) generate taxes going forward. It's on

what's an existing residential block. I'm not recommending across the street where it is solidly green and makes a nice buffer with the parkway and is probably reasonable.

So it seems to me this has already been decided to start this is a reasonable place for a residential development. The question is, can we take advantage of that and still benefit the neighbor by allowing the Smalls to improve their driveway I like the idea of studying whether we can break it into those two lots, having them appraised and then see what the value to the Village is, and compare that to the future income.

Chairperson Speranza: Well, that could be our recommendation to the Board of Trustees.

Boardmember Wertz: That sounds right to me. Yes, I agree with Bill.

Village Attorney Stecich: That was very good.

Boardmember Cameron: My feeling is that except for the straightening of the road, which may not be necessary, I would be in favor of selling it, assuming the Village can get a reasonable price. If that can come from the next door neighbor, so be it. If it can't, I think it's up to the town to figure out what they're going to do to it. So I agree.

Boardmember Wertz: It may be that the issue will come back to us, once that analysis comes in, to evaluate these alternatives and to see whether the Board may want another recommendation from us concerning whether it has value as greenspace versus the value as developed. So we may not be quite able to pass it off to them and say, Analyze it, decide it for yourself. We may not all agree on that value of where this greenspace is. It's nice to have greenspace, but the question is, is it usable greenspace here or does it have some other value to the Village.

Boardmember Wertz: That much is true. I guess the question is are we ready to make a recommendation to the Board, or should we have the analysis done and then reconsider ourselves and make the recommendation based on our judgment with the analysis in view.

Chairperson Speranza: What kind of an analysis, though? I mean, we can't do an appraisal. We can't do a market study of it. I mean, that's something that the Board of Trustees really does. Now, we can say that we -- and this may be the way that our recommendation to the Board of Trustees becomes structured -- that we do not see any immediate need for this property. We do, however, recommend that consideration be given to subdividing the property in such a way that there is a 10,000 square foot buildable lot and then sufficient space for the neighbors to be able to improve their access to their home. But that the creation of the 10,000 buildable lot, whether or not to put that up for auction, be delayed.

Boardmember Cameron: Yes, I would strike the 10,000 because I think there are going to be more than 10 out of the 16 to build a house on that steep slope.

Village Attorney Stecich: That's a good point.

Boardmember Dale: Then it will remain greenspace, and Patty will be happy.

Chairperson Speranza: There's ability to compromise many things. And they may say, No, we're selling everything, or they may say, We're not selling anything.

Boardmember Dale: There are really two issues here. The first issue, which I feel fairly strongly that the Village needs a piece of property or not anymore. And my answer to that is, I don't think so, and that's okay. And the second issue is, should we build a house on that piece of

property, or should we allow someone to build a house on that piece of property or not. I used the word “marginal” earlier, and it is a marginal lot. I’m not an architect, I haven’t studied it well enough to figure out whether you can get a house in there. But if you could, I think the town wants more houses in here and we should allow the Village Trustees to consider that in light of the funds they’ll get from it. But I agree with you on trying to do something for the neighbor to help on their driveway, other than heating it and sanding it every night.

Chairperson Speranza: Okay, do we have some sort of an agreement at this point that our recommendation to the Board would be to consider the subdivision of the property to allow the neighbors to purchase that portion of the lot? Maybe that’s the way that this gets handled. That you were to do some more homework with respect to how much of the land you would need for the driveway, and then the balance stays as Village property or is subsequently put up for sale.

Boardmember Logan: It seems like there’s three pieces to that: 1) yes, sell it, 2) consider subdivision, and 3) do a study to optimize revenue from the sale.

Boardmember Wertz: Well put.

Boardmember Cameron: And 4) if you choose to sell to the neighbor for a less than full price, put restrictions on it so it can’t be later developed. Don’t sell it for nothing and end up with a house on it.

Village Attorney Stecich: I didn’t think that was an option.

Boardmember Dale: It says the neighbor was considering selling only a small piece of it, leaving a buildable site.

Boardmember Cameron: But I think we left her the option of selling the whole thing to the neighbor, and I was thinking if they choose to do that they should make sure it doesn’t come back on the market.

Village Attorney Stecich: Was that part of it?

Chairperson Speranza: No.

Boardmember Logan: Along this third category of optimizing the way that it’s subdivided to this maximum revenue and benefit. Revenues on everything.

Chairperson Speranza: So is that understood?

Mr. Small: But what do you need from us?

Chairperson Speranza: We don’t need anything.

Mr. Small: I can tell you all that what we would need would be the first two sections.

Boardmember Wertz: We don’t need anything. We were just going to make this recommendation to the Board of Trustees, and then as they consider our recommendation and make their decisions they may want to inquire with you about how much you need. Then the ball would be in their court.

Boardmember Dale: You might ask a contractor to give you an estimate of how much land they actually need and what the shape would be. You may not even need two full sections.

Mr. Small: I’m actually very intimate with the property. I know what I need. It’s the first two pieces, just the front of it actually.

Boardmember Dale: If you could walk that off on the site, and measure it so that you made a clear recommendation of what it is you wanted to buy, it would be helpful to the Board of Trustees.

Chairperson Speranza: Right, and then it would also give some indication as to how much of the land would be left.

Mr. Small: Probably about 50 feet deep, but it's obviously much deeper than that. But that's all I need because I just want to get down to the road.

Ms. Small: If we did purchase the lots, the two lots or the three lots, will we be able to put a hard top on it? Because I heard impervious surface a couple of times.

Village Attorney Stecich: For selling it for purposes of a driveway, yes. Then you might want to clarify in the recommendation to the Board of Trustees that the land be used only for this driveway if that's what your intention is. That there be a deed restriction that it can be used only for a driveway, maybe put some limitations.

Mr. Small: Basically, to simplify, we would be taking a piece of black diamond ski slope and turning it into a bunny slope.

Boardmember Logan: Intermediate. I think from your perspective, though, if you just do a study of the approximate dimensions of what you need, draw it out, a simple sketch, make him an offer and just get the ball rolling, maybe they'll accept it and maybe they won't. But at least they'll know where you stand.

Mr. Small: How would you get some perspective on what to offer?

Boardmember Logan: Perspective on what?

Mr. Small: What to offer without looking foolish.

Boardmember Logan: Well, you could ask a real estate agent. But I think maybe you want to keep in mind that if there is some value to the Village to them to have 10,000 square feet left over, if you can do what you're doing within 6,000 square feet or less, then maybe that's going to be more appealing.

Mr. Small: I need 1,000 square feet or 1,500.

Boardmember Logan: Then it's no more than you need, and then presumably that'll lower your price.

Mr. Small: Wouldn't they want to sell a whole section?

Chairperson Speranza: But it'll still be a buildable lot if you take that much land. There will still be enough.

Village Attorney Stecich: No, you're not bound by those lot lines, although you don't want to do it in some crazy way because you don't want to create really strangely-shaped lots. It's just not a good idea. So it shouldn't be like the shape of your driveway, but a reasonably shaped lot that doesn't have more than you really need.

Mr. Small: I'm told we have an issue on how much road cut-in we need to have for a buildable lot. I forget how much you need.

Village Attorney Stecich: I think it's 70% of the required frontage. So it would be 70 feet, I think. I'm pretty sure it's 70% of the required frontage. The required width is 100 feet, so it'd be 70 feet of frontage.

Mr. Small: That's what you would have if I pick the first two quadrants.

Boardmember Logan: I don't think you have to stick strictly to those quadrants.

Mr. Small: You wouldn't have it because there's only five. I thought there was six.

Village Attorney Stecich: Let me just double-check the frontage.

Boardmember Cameron: Seventy-five feet.

Mr. Small: Is that enough?

Boardmember Dale: Seventy-six point nine.

Chairperson Speranza: I'm sure you could go out there with the Building Inspector and just walk it off. Because ultimately, with respect to how much land would be left and whether or not it would be a conforming lot, that would remain.

Mr. Small: He's probably the guy that can give the best recommendation, the Building Inspector. I think he's the guy that's going to know exactly what works.

Boardmember Logan: But he's not for hire. He could give you an opinion.

Mr. Small: But if I'm looking at it, and I say the driveway should be here or it should be here...

Village Attorney Stecich: And in terms of value, wouldn't a way to determine the value of the portion you're giving him be what the difference is between the value of the property if it were 16,000 square feet and what the value of the property is if it was less? That's one way to do it.

Boardmember Dale: Right. That would be the market value of the property. But there's a use value to property, and you have to determine in your own mind what the use value to you is. In other words, we could say that the real estate is worth -- just to make up a number -- \$100 a square foot. But you may be willing to pay more for a small piece because clearly it's a nuisance value here. So you need to make a judgment of what the property's worth to be able to fix your driveway.

Mr. Small: Now, who would we present this to?

Village Attorney Stecich: No, the Board of Trustees.

Chairperson Speranza: Right. Going from us now to the Board of Trustees, so that's the next step is to get this on the calendar for the Board of Trustees.

Village Attorney Stecich: Were you before the Board of Trustees at all?

Village Planner Witkowski: Not yet, no.

Village Attorney Stecich: But it came to your office?

Village Planner Witkowski: To Susan's office, the Village Clerk.

Village Attorney Stecich: Yes, because I didn't remember this.

Village Planner Witkowski: Then she gave it to me to give it to you because in order for them to make a decision they would need a recommendation.

Chairperson Speranza: Right. So you'll let Susan know that it should go on the agenda for the Board.

Village Planner Witkowski: In terms of the what the value might be, one way would be to check with the assessor. He has an idea, he would know what recent sales were. I know of a couple of recent sales. I could find out and let you know what those were, if you wanted to just get a couple of comparable that were just portions of lots that were sold. So if you want to give me a call next week I can find out.

Ms. Small: What's your name?

Village Planner Witkowski: I'm Angie Witkowski. I'm the Planning Director. Just call Village Hall, and I'm extension 630. I'm here full time.

Village Attorney Stecich: I'll write something up.

V. Discussion

1. Transportation Plan & Pedestrian Enhancements

Chairperson Speranza: I'm going to take it slightly out of order here. Not that everybody's not interested in steep slopes and stormwater management, but I do see there are some folks here who, based on previous meetings, I know are here about the transportation plan. Yes? Okay. So Angie, why don't you give us an update on that.

Village Planner Witkowski: I had a call in to Susan Vosnacht XXX, and they are still trying to set up a time to meet with the DOT and with the county. So I told her just to let me know as soon as that happens. I'm hoping it'll be in the next week or so. But with the holidays and everything it's been difficult to coordinate something. When she sets up that meeting, then I'll go with her so that I'll know first-hand what they said. George Jacquemart has the plan that's out pretty much finished up. He's just been kind of waiting. They haven't really done anything because they have to wait for us to run the proposed projects by the county and the state. So there's nothing right now.

Chairperson Speranza: We've talked a couple of times about when this would be going out, being made available, to the public and on the Website.

Village Planner Witkowski: Yes, it'll be as soon as we get the input from the state and from the county on those projects.

Chairperson Speranza: So that's all going to come first, before the plan gets finalized?

Village Planner Witkowski: Yes, that was what we had talked about before, was that we wanted to make sure that they were agreeable to the proposals that affected their roads. So as soon as we have that done, then we can finish up putting the whole plan together and they can finish up on the designs they've been working on. And then what we'll do is get the revised draft to you and to the Board of Trustees, and then have a joint meeting, with the public invited for input. So as soon as we get the next draft to you and the Trustees, then we'll put that on the Website.

Chairperson Speranza: Okay. Can I suggest you really ride hard on your consultants to work on this?

Village Planner Witkowski: I have been. Trust me, I have been.

Chairperson Speranza: Because this has been a long time.

Village Planner Witkowski: Yes, I know, but with the holidays and stuff it was hard.

Chairperson Speranza: They must have an end to their contract. I mean, their contract must be expiring at some point. You know, I'm just concerned because -- nothing against anyone who's a consultant -- when 95% of their work is done, completing the next 5% when they're already on to the next projects can become trying.

Village Planner Witkowski: But that's really the last thing that has to be done. So we should be able to have it finished by...

Chairperson Speranza: Well, I don't see anything happening now until the spring.

Village Planner Witkowski: Yes, it'll be the spring.

Chairperson Speranza: Okay. Well, it just seems we've been waiting a long time.

Boardmember Logan: Is there some way we can put a hard date on that, or are we just waiting on the DOT?

Village Planner Witkowski: We're just waiting to get some input from the DOT and the county. That's the only thing, really, that has to be done in terms of getting the final draft done. And then there were some appendices that we wanted to put in. I'm going to take care of those. I have a planning intern now, and I'll have him do that just to keep the costs down. We wanted some more data in there and I have all of that data, so I'll do appendices. My planning intern can help with that.

Chairperson Speranza: Okay. Comments, questions?

David Skolnik, 47 Hillside: First of all, I don't know if you all received copies of a letter that I submitted. I distributed them today. The letter itself is to the Safety Council, but I distributed it fairly widely, copies to a number of different bodies, this being one of them.

Chairperson Speranza: Today?

Mr. Skolnik: Yes. I don't know if you get your mail when you come in here. I'm not bringing it up expecting that you'd address it, but I'm just letting you know that when it comes across your desk it was basically for your information, just so you know. And to the extent that there is some relationship to what you're doing, then maybe it would be of some use. But just to let you know that the copies also went to the board of ed and fairly widely distributed.

Chairperson Speranza: Do you want to tell us what it's about?

Mr. Skolnik: I want it to be a surprise. To the Safety Council, I had gone to a lot of their meetings and it was clear that rather than speak in generalities they were looking for some specific suggestions that they could respond to. I have spoken all along with Angie about coming out of this, the plan. Basically, in short, it was focusing specifically on the area around the Farragut complex. Going forward from the last form of the plan that we saw, the sense was that there wasn't really enough detailed attention to that area. But also, especially in the process, that my own feeling -- I won't speak for anybody else -- that something should be able to happen faster. I ultimately had to make it just almost specific proposals. I didn't go into concepts in this letter with them. But I think that a lot of the issues are really beyond, or may be underneath, the radar of the transportation plan. Basically its mandate was to be taking a much larger picture.

So I'm hoping that within the next period of time, the next month between the Safety Council having a look at it and the safety and health committee at school -- which is George Foster and a number of others, and the board of ed -- I have a sense, and I guess this is what I would be presenting. And the question I'm asking, I guess, is whether it's possible that something can be happening in the meantime while were waiting for the DOT. Because my concern is that once we have this...I want to ask the right question here. If the plan gets approved and is finally presented to the public for comment, and at that point there seems to be, if it happens that there is a good deal of dissatisfaction, if there's a certain amount of public rejection of it, I'm wondering where we might be both in terms of the relationship with, as you pointed out, the consultant to be able to respond to that in any way, or where we are in the whole process.

Village Planner Witkowski: I sent your letter to George Jacquemart and to Susan Fosnach XXX, I scanned it and e-mailed it to both of them, so they have that. And they've been considering all of your suggestions, and any other suggestions that came up. So he'll have that to consider in doing the final draft.

Mr. Skolnik: What I'm saying, though, is that normally if any citizen comes with one or more proposals to the Safety Council then there's a process, as I've been discovering, where if there's some merit to them, the Safety Council then...there are certain actions that I think the Safety Council can take on their own. But what I learned is that almost anything that would get done along these lines -- traffic remediation, signage -- it all basically has to go through the council, it has to be voted on, it has to become law.

Boardmember Wertz: The Village Board.

Mr. Skolnik: The Village Board, right, and it has to become part of the Village code. It has to be law. You can't just decide let's have a no-parking area there.

Chairperson Speranza: That's right.

Mr. Skolnik: So even without the process that we're talking about of the larger plan there's, of necessity, a certain process involved in just making even these small changes. My sense was -- and I think what you saw and what you'll see -- they're not really, they don't necessarily, warrant being reviewed and being necessarily individually part of the consultant's overall plan. Again, as you see, I'm sorry that...if you had seen it maybe a few days earlier it would be clearer what it is I'm describing.

Chairperson Speranza: I was involved. I was not a part of the work that was done with the gentleman who came in for the Safe Routes to School Day. I don't know if you were...

Mr. Skolnik: Yes.

Chairperson Speranza: But I do know that there were a number of recommendations that were made as a result of that workshop, some of which were, "No, we can't do that," others were, "Well, somebody should do it, but is it the school or is it the Village or is it the property owner?" I don't see any reason why, because those things may or may not be included in the big transportation plan, those suggestions couldn't move forward. Particularly the ones that do not involve any kind of impact to, or any kind of approval by, either the county department of transportation or the state department of transportation. And I think that's a very good idea.

So it'll be interesting. I'll be looking for your letter.

Village Planner Witkowski: I was going to make copies for you, but I wanted to wait until you talked to them.

Mr. Skolnik: The copies are there.

Village Planner Witkowski: Right. I have them, so I can get those to you. But I wanted to wait until you had a chance to talk to the Safety Council about it before I distributed it.

Mr. Skolnik: Then again, they didn't see theirs. So it's a month away. The next people, conceivably, that I would speak with who might have a meeting scheduled earlier would be the school safety and health, whom I did speak with. I attended previous meetings. Are you aware of that committee at the school? Again, what is it?

Chairperson Speranza: I don't know about the formal committee.

Mr. Skolnik: It's sort of a school-centered body that deals specifically with safety and a wide range of issues thereto. But when I spoke at the joint meeting of the Board of Trustees and the board of education I made some proposal about a committee that was specifically -- not empowered, that's not what I mean -- but constituted to look at the details of this. It was suggested that I start out by going through that school-based committee, which I've done and they were responsive. Just in terms of time, that's the next time I would be speaking and the first time someone would be reviewing even the suggestions that I made.

So I guess what I'd like to see going on concurrently with the official process is what I feel is needed, which is really drawing more community -- if it's the school community -- more of the community people involved in the thinking and awareness of what the issues are. Because I don't think the solutions ultimately are that easy, but I think there'd be more receptivity if more people are actually part of the process at an earlier stage. So that's what I'm seeing if I can encourage by this.

Chairperson Speranza: Okay, thank you.

You're all starting to sound tired. You're not supposed to sound tired yet because we only had a couple of things so far.

2. Steep Slopes.

Chairperson Speranza: Where are we on steep slopes, and where are we going to go? Yes, Marianne, this is our 7-year itch because every now and then we do come back to it. I did receive a letter -- I think we all got a copy of the letter -- from Mr. Piccone, who is our neighbor here on Maple Avenue who had heard that we were going to be talking about steep slopes this evening and was not here to be able to join us. He has a concern with respect to the definition of steep slopes, or the implications of building on steep slopes, as far as it relates to our current definition of height of a building and what would be allowed to be constructed on a steep slope in terms of the height of a building. I'm going to say I don't think we should go into that yet right now. I think we need to come to some conclusion with respect to the necessity to modify our steep slope law as it's now written.

Has anyone been thinking about this recently?

Boardmember Cameron: Actually I would like to get a better understanding of what our present law says. Because I went and read the definitions and looked at this wonderful diagram which gives the...

Chairperson Speranza: That's height.

Boardmember Cameron: I know that's height, but it actually impacts on steep slopes construction because it implies that a building which is going down a steep slope must descend with the steep slope and never exceed 35 feet at any time in its construction. That's a question I don't know, but it does have an indirect impact. Because if you're starting at the top of a slope, in

the district you're in you can't build a building straight out like this. It actually has to step down, otherwise it will get above this plane. But I'm not sure I'm reading it right.

Village Attorney Stecich: That's correct, except it doesn't apply in a couple of the downtown districts.

Boardmember Cameron: I understand that -- CC...

Village Attorney Stecich: The CC and MR-C.

Boardmember Cameron: Right. So it may be that we should take this into consideration in looking at steep slopes because it does make people put up buildings which are like Italian villas going down the hill. And it may actually also apply to some of the building laws that are raised with us, even though they don't understand it. Maybe it's just the way I'm reading it, the way it says it.

I also did go and look at a couple of other jurisdictions I see that we've been deciding upon this evening, which goes around and takes the height of a building and averages it in order to determine how tall it should be. Which, because of the average effect, would cause you to also sculpt a building down a hill in order to maintain your average as you're creating it. I think we should look at some of those with that in mind.

Boardmember Logan: I think it would appear that the difference between defining the height as a plane which is a fixed height above a surface, and allowing an averaging effect which would allow you to penetrate that envelope but come back within it to counterbalance it, may be harder to enforce. Because you could say, "Well, over this distance I'll come out that far and drop down this far and go back out again," but architecturally it might be very hard to interpret. And whether it's a weighed average, is it an average on which plane? What if the slope is tilted at a 45-degree angle from the direction of the house? It seems like the plane is a very simple notion, and it is effectively an average and what you choose to do within that inclined plane. You could have a roof that's parallel to that. You couldn't have dormers that would penetrate it. It seems like a very clear way to define it. I think the average may achieve, effectively, the same goal, but it would have iterations which could exceed the envelope and, I think, maybe even make it very difficult to interpret.

Boardmember Cameron: Well, the plane actually caused you to have less because you actually can't build a building that goes like this, unless it's a cathedral ceiling. Whereas the plane would cause you to jigsaw and you lose that, whatever the pieces are, that you have to stay below it. Whereas the averaging one would be to a slightly larger structure because the average you can jog above as well as jog below. The plane forces you always have to jog below, and that may be just fine. I've actually thought of that.

Well, I think we should look at this, and look at this within the steep slopes law, and try to figure out to what extent that helps us get to a conclusion of how we deal with steep slopes in the town.

Chairperson Speranza: What I did since the last meeting, I went through and I really dug out information and discussion that we had from the last time this was brought before the Planning Board. I didn't go back as far as the minutes which we had been provided with a couple of meetings ago from when this steep slopes ordinance was first passed, but I did find some notes

from Planning Board members with respect to what do we think needs to be changed, what do we think the failings are of our current steep slopes law. In reading through these I noticed it's more than just the question of do the development deductions apply to lots as well as to subdivisions. It's more than that. You know, there are some things -- and maybe the height has to become now part and parcel of the change to the steep slopes, let me just write that down -- but there were also some things that were brought up with respect to the retaining walls and the need to better require an engineering plan for retaining walls. And, in fact, that...well, let me just keep going.

Village Attorney Stecich: Just on that issue on the retaining walls, I'm not sure but I think that the Building Inspector now is requiring engineering for it. Because they used to not, and it just was the policy of the Board, of the Village. But I spoke with Deven and said, "Listen, it's a structure, so it needs a building permit. And if you believe before you can give a building permit it needs to be engineered, then you require the engineering drawings." I believe he's doing that now, and that did come out of those suggestions. Without changing the steep slopes law within our own...because there's quite a few things that could be captured within our own law but, for whatever reason, over the years it had been the policy of the Building Department to do it a different way. But that's been accomplished.

Chairperson Speranza: Okay. Well, I don't think there's any reason we can't codify that.

Boardmember Dale: Is that determined by a certain height of the retaining wall, or just the nature of a wall?

Village Attorney Stecich: No, it's because it's a structure. If it's a structure it needs a building permit.

Boardmember Dale: Even if it's like 2-1/2 feet or something?

Village Attorney Stecich: You know, I'm not certain. But you know what? We could ask Deven to let us know the extent to which...and that would be helpful in terms of writing the law. So maybe I'll ask him to give me a memo on what his practice is now with retaining walls and is there a minimum height it's got to be before you acquire.

Boardmember Dale: Somebody who's designing their own garden could end up building a small retaining wall to terrace a certain area so you could grow something, as the Smalls had independently. He did something.

Village Attorney Stecich: Yes, I'll check.

Boardmember Logan: If it's less than 2 or 3 feet I don't see how it's an issue.

Village Attorney Stecich: Probably not.

Boardmember Dale: I'm concerned about that whole issue of making lots and developments the same thing on that same ground. Because suddenly, anybody working in their garden has to file a plan with the Village.

Boardmember Cameron: Some of the definitions in the other towns take the proposed final grade, or the existing grade if that is lower, in determining building heights in order to avoid people putting in big retaining walls, or whatever size you want, in order to change the alleged height of their building.

Chairperson Speranza: Again, we've been going through a lot of these. There was actually a prohibition against creating more steep slopes. If you have a nice gentle slope you're prohibited from...

Village Attorney Stecich: ...cutting into it.

Chairperson Speranza: Yes, creating a cut-and-fill position, or situation, where you end up having then a cliff. I was struck when I read that. I said, "This is exactly the kind of thing that I want to prevent from happening."

Boardmember Dale: Dig out the top of a hill to build a house, and you take the earth that you dig up and you just pile it down the side and, in fact, you create a slope.

Boardmember Logan: On the issue about retaining walls, I seem to recall from our previous meetings a couple of projects that we have a height limitation on walls. One of the most nasty repercussions of ways to deal with steep slopes is somebody comes and builds a massive retaining wall which is completely out of scale with the neighborhood -- a wall which is 10, 12, 15 feet high. I can't cite the language, but I think we have maximum height.

Village Attorney Stecich: Six-and-a-half feet.

Boardmember Logan: Six-and-a-half feet, and then you have to step back. And then you could presumably do another one. With the setbacks, that becomes, I think, acceptable. It's like the parking lot behind the VFW there, which is a good example of how it can be done well.

Because you can plant the horizon areas. That kind of softens it. It becomes much more Italian.

Boardmember Wertz: Can we mandate a certain setback? Because if we don't, maybe it should say it.

Village Attorney Stecich: I don't think we do.

Boardmember Logan: I think we should step it back so it's a ratio of 1 to 3 or something.

Village Attorney Stecich: Have you seen that new house, if you go across Ashford Avenue to Ardsley Road into Hartsdale?

Chairperson Speranza: Yes. Oh, what a wall that is.

Village Attorney Stecich: There are a bunch, but they're only set like a foot...probably meeting the 6-foot limit, but they only go back about a foot or a foot-and-a-half, where you might want to require a little bit more and that we don't have. There is a limit on the wall, but there isn't...right now you could have a 6-1/2 foot wall and then go over 8 inches and have another 6-1/2 foot wall.

Boardmember Wertz: Which doesn't accomplish the terracing effect that is more graceful.

Village Attorney Stecich: How would you define that?

Boardmember Logan: You could define an angle, but it would be a maximum height and a minimum setback. For example, maximum height is 6 feet and the minimum you go in is 3 feet. You could go in further, but you couldn't go in less. Let's say you could go up 6 foot and go in 6 inches. That would still give you the effect of a massive wall like you see in Dobbs Ferry next to the train station.

Boardmember Wertz: As you say, for every foot you go up you have to have an even number of feet.

Boardmember Logan: Yes, it would achieve the same effect. So you could give a maximum slope and a maximum height to any segment and you have to fall within that plane.

Boardmember Wertz: I'm trying to remember if we saw any models for such formula in other villages. We can find them. So now we ought to really be identifying the issues that we need to look at and need to look for models on, and then we can hash out exactly what the best model is.

Boardmember Logan: If we have a height limitation already, we should make sure that there is with it a minimum setback before you could start another 6-foot retaining wall.

Boardmember Wertz: Right, and then we'll find a way to define that.

Boardmember Logan: I think we'll find that it's going to be 3 feet, or 50%, or a formula -- quite a simple formula, very simple formula.

Chairperson Speranza: All right, you've got it, Fred. That's exactly what I'm thinking.

Boardmember Wertz: We want issues now.

Chairperson Speranza: All these issues, right. And then we figure out how we want to resolve them with respect to our code.

There was also something brought up earlier on, and I think it's very legitimate. Evidently there's no notice requirement for people...when people have to come to the Planning Board for steep slopes, and it's steep slopes with respect to the actual building permit application, there is no notice requirement...

Village Attorney Stecich: No, because there's no public hearing.

Chairperson Speranza: ...for the neighbors. So somebody could be going ahead and doing something on the property next to you, and you have no idea what's going on, and you never receive a notice that we, the Planning Board, are going to be reviewing this. I think that's a failing. I think there should be some sort of notice requirement so that people can understand what's going to be going on on the property next to them.

Boardmember Logan: We have a formula in the Village similar to the side yard setback/ front yard setback, where this is what the building code says you have to do. And the same thing about retaining walls. And if they don't exceed that formula, why would we have to send notice?

Chairperson Speranza: Well, that's a good point.

Village Attorney Stecich: I could see why you might -- if somebody were going to be building on a steep slope quite apart from the wall and you were the neighbor underneath it and you're concerned about the water runoff, maybe you have a severe water runoff problem now -- think it'll be exacerbated by the building. Now, presumably, that's addressed by this engineering statement that comes in that says it's not going to increase the runoff.

Boardmember Dale: That's for any part of the steep slopes.

Chairperson Speranza: Right, that's in there.

Boardmember Logan: Any construction that you do. He puts a new roof on, they take the shingles out...

Boardmember Wertz: But the notice would apply to any issue that required Planning Board review as defined in the regulations themselves, whether it would have to do with the retaining walls or anything else pertaining to steep slopes. So the regulations would define what the issues where. And I think what Patty's saying is we just have to make sure that there is a notice

requirement so that the neighbors are informed when *anything* of this sort comes by the Planning Board.

Boardmember Dale: But if the steep slopes law is clearly defined, then there would be no need for it to come to the Board. The Building Department could approve it.

Chairperson Speranza: No, not ours.

Boardmember Dale: We're talking about this formula for terracing. If somebody complies, there's no need for them to go to the Board.

Chairperson Speranza: Well, we take an action on it, though. As of right now we take an action.

Boardmember Dale: Right now, but we don't have a formula.

Boardmember Logan: Well, that's part of site plan review, though, isn't it?

Chairperson Speranza: Steep slopes?

Village Attorney Stecich: Yes, but you don't have site plan review for a single- or two-family.

Boardmember Dale: Single lots, which I think makes sense.

Boardmember Logan: Yes, it does make sense.

Chairperson Speranza: "Planning Board shall review the application and all information and submissions, and within 60 days pursuant to the complete application shall approve with condition or deny the application."

Boardmember Logan: Well, why can't the Building Inspector do this just as part of his regular review? Why does there have to be a public hearing? Why do we have to be involved, unless there are variances handled by the Zoning Board of Appeals, right?

Village Attorney Stecich: No, not on steep slopes. Because the steep slopes law isn't part of the zoning code.

Chairperson Speranza: It's different, right.

Village Attorney Stecich: So they can only vary zoning code provisions. So if there's any change on the steep slopes it has to be approved by the Planning Board.

Boardmember Logan: Okay, so it's effectively a variance then.

Village Attorney Stecich: Yes, a Planning Board waiver.

Chairperson Speranza: No, it's not just a waiver. The way it is now, "building permit application requirements," these are the application requirements and we approve them.

Boardmember Dale: Is that for any house?

Chairperson Speranza: For anything. And then there's this special hardship exception, which also comes to us.

Boardmember Logan: Well, I think the hardship makes sense to come to us. But if there's a formula, and they meet the formula, I don't see why the Building Inspector can't do this. He's going to look at the drawings and say they either meet or they don't meet the side yard setbacks, the minimum lot size, and percentage of buildable area.

Boardmember Dale: And the steep slope.

Boardmember Logan: And the steep slopes. I mean, it's all part of the same discipline of reviewing drawings and understanding what you're seeing. If there's a hardship involved, and a waiver, okay, bring it to us. There may be mitigating circumstances. There's already language

about having an engineer's stamp and seal, rain water retention, safety, design of walls, design of structures, you name it.

Boardmember Wertz: So would this mean that if all the relevant issues are defined well enough in the law then it really wouldn't require Planning Board review?

Boardmember Logan: Well, I think if we could do a simple formula, yes. You know, it doesn't take an attorney to figure it out.

Boardmember Cameron: But you're just talking about a wall, or are you talking about the entire steep slopes?

Boardmember Logan: I'm talking about the entire steep slopes thing, which affects site plans. If somebody wants to situate on a subdivision a house, the Building Inspector can look at what the existing topo lines are, say, "Okay, you're disturbing more than 25% of it, you've got to move it south or west." I don't see why we have to do that, or why the neighbors have to be notified if it's in conformance. If they say, "Well, we absolutely can't do that because it's solid rock and we'll have to dynamite, and we're asking a waiver of this condition because it's an onerous situation," I think that we can review and see if there are mitigating factors. But it seems like we're making work for ourselves, all this notification, public hearings.

Boardmember Cameron: Even though I'm a lawyer, I think if you just write down a formula there's always somebody who can find a way around it. I think sometimes you have to exercise judgment, and I think that's why we're here. But let's look at everything.

Boardmember Logan: Well, we could let the Building Inspector trigger that, perhaps.

Boardmember Cameron: I think we're ultimately answerable to the town.

Boardmember Dale: I don't think we want to review every single project that has a steep slope on it.

Village Attorney Stecich: You're not.

Boardmember Cameron: We're going to an extreme of review nothing, or review everything, and I think there's got to be a different plan.

Boardmember Dale: That might be another issue: skip a review, go for a review.

Chairperson Speranza: Right. Who approves the building permit process? Because Bill, I hear what you're saying. It's just hard to give things up, and it's one of the reasons that we're doing this.

Boardmember Dale: The law defines what the Village is willing to accept, and if the Building Department Inspector can make that determination there really is no need for further review of that process. We would just basically agree to the same thing. It's when there's a variance beyond that, that doesn't meet those conditions, that you really do want to have somebody else besides the Inspector look at it.

Boardmember Cameron: Well, that's under the theory you can write all the conditions so that it's so clear that the Building Inspector can make that judgment. And I think we have to look at the whole law and decide whether it needs to go before us or not.

Boardmember Dale: We're trying to define what the issues are. So how long is the list of issues that can go wrong on a steep slope without basically raising issues of aesthetics; and whether we're judging not the aesthetics of the project, but rather just the mechanical issues of does doing that reach to the steep slope rule or not?

Boardmember Logan: There is an overlap with aesthetics ultimately. In some ways that's what we're reacting when we say a retaining wall shouldn't be 25 feet high. The flip side of that is buildings on stilts. You know, you go by Greystone station you see parking garages on massive steel structures with diagonal bracing. And they may conform, but they're not of the character of, for example, our village. And there are some examples of that here in Hastings. If you walk along the Aqueduct, just as you approach Washington Avenue heading south, you look at the apartment buildings. There are metal stilt structures that these apartments sit on that have got nasty spaces underneath that just look totally out of character to the rest of the area.

Boardmember Dale: And they corrode over time.

Boardmember Logan: And they corrode. And I don't think you'd want your neighbor building their house on certain types of structures. This did come to us once fairly recently with that request to put a parking deck next to...Ed Weinstein represented somebody, the doctor.

Chairperson Speranza: Yes, on Warburton Avenue.

Boardmember Logan: In which we were faced with a big steel lattice structure that was going to have to solve this problem. That may have fallen under that purview. It was for site plan review, I guess, when we looked at that, right?

Village Attorney Stecich: Mm-hmm.

Boardmember Logan: I think we'd want to avoid that kind of situation where somebody had a house on big steel stilts.

Boardmember Wertz: Well, it sounds like when we revise the steep slope law we have to take into consideration who reviews what and what aspects of these would require Planning Board review and what would be appropriate for the Building Inspector if we want to delegate some responsibility to him. I don't think we're going to work all this out now, but it is an issue.

Chairperson Speranza: Right, and this is out of the past: "The Building Inspector and a certified engineer can handle certain aspects of the law," and that should be it. There is also the idea, though, that we can provide a forum for a property owner or somebody who wants to develop their property with their neighbors to work things out. That our involvement does provide that, much more so than a ministerial review.

Boardmember Logan: There should be that opportunity, but that opportunity would be triggered by their need to do something which isn't within the description of how you abide by steep slopes. And that would either be a difference of a retaining wall, the amount of coverage, or, for example, putting a building on stilts.

Boardmember Wertz: But coming back to what Jamie was saying, can you really define those issues well enough that then you're done with it, or might there need to be more review?

Boardmember Logan: Part of it is the competency of the Building Inspector. We have a very good, smart Building Inspector who reads drawings and understands. That hasn't always been the case, and part of the reason it may have come before the Planning Board was there were more eyes looking at the plan, gray areas that maybe would have been brushed over a little bit more quickly if only one set of eyes was looking at it. But I think we have minimum standards for the Building Inspector, his competency -- maybe he's a registered professional, something like that -- to act as that filter competently.

Boardmember Dale: Do we have standards for hiring that person?

Village Attorney Stecich: This is the first architect Building Inspector we've had.

Village Planner Witkowski: You also didn't have a full-time Planning Director either at the time.

Boardmember Dale: It sounds to me like you need to define a professional for that inspector.

Village Planner Witkowski: One thing you might want to consider, my first municipal job we had administrative site plan review. Anything that was spelled out in the zoning ordinance, the planning department coordinated administrative site plan review. We had a list of other departments and other agencies that would have to review those plans, as well. We coordinated all of it, and they would bring their comments back to us. So if there was some kind of a procedure built into this -- because the Village may not always have an architect or an engineer as the Building Inspector -- you want to make sure that there's some kind of procedure in there so there are other professionals that would be looking at it. The municipality that I was in, they didn't see any reason to have to go to the planning commission with every site plan as long as it was as-of-right and it was being built consistently. So it worked out very well, too, if they had a problem with the site plan. Whatever planner was working on that particular site plan would just meet with the developer and the developer's architects, and work it out and tell them what needed to be done to bring it in. We'd bleed all over the site plans, and then get those back to them and they would revise them.

So maybe if there were certain things like that that you wanted to, administratively, just maybe write into the law: which other professionals would need to be reviewing it.

Chairperson Speranza: That it requires review by.

Boardmember Logan: As a tangential thing, I think somebody should make a recommendation that the Building Inspector should be either a registered architect or a professional engineer as a matter of policy.

Boardmember Cameron: It's an issue of salary, I gather.

Village Attorney Stecich: No, I think they've been engineers usually.

Chairperson Speranza: But within the title, within the civil service title, I don't know that there is that requirement.

Village Planner Witkowski: There isn't, I don't think.

Boardmember Logan: We are dovetailed with the Building Inspector. He often presents issues to us and describes them, whether they're conforming or nonconforming, or marginal, or it needs an interpretation. He's got to have that level of skill to be able to read drawings and understand nuances, and if there is a gray area, present it to us.

Boardmember Cameron: Things like the definition of a driveway.

Boardmember Logan: Absolutely.

Boardmember Cameron: I was actually going through a couple of other codes and I found that the definition of driveway means something you can go down and turn around in and come back up facing the other direction. And absent a definition of a driveway, the typical legal standard is

that you actually go and look, see how other places have defined a driveway, to determine what the common use it. So I think it's a good question.

Chairperson Speranza: You know what? We're getting far afield from steep slopes.

Boardmember Dale: Did you have other issues?

Chairperson Speranza: I'm bringing you back to steep slopes. Size. Our steep slope code now reads -- and this is my interpretation, speaking of interpretation -- "ground areas of at least 1,000 square feet, with a slope of 15% or more as measured in accordance with 249.3." Now, the 1,000 square feet, I remember when we were talking about this we were talking first of all about lots.

Village Attorney Stecich: No.

Chairperson Speranza: No. Always the size of the steep slope area. I just want to make sure we're all thinking the same thing. Okay.

Boardmember Cameron: So even if only 500 feet is in your lot and 500 feet in someone else's lot, if it's 1,000 square feet 500 of yours is steep slope? Is that what we're saying?

Boardmember Logan: No, because terrain spills forever. A ridge will go for a mile. If you have just the beginning 10 feet of the ridge, but it goes for awhile, then it triggers it. It has to be on your property.

Boardmember Cameron: Right. The whole 1,000 feet has to be on your property.

Boardmember Logan: Right, the whole 1,000 feet.

Boardmember Cameron: At least 1,000 feet on your property.

Boardmember Dale: Right, that's how I would interpret it.

Chairperson Speranza: All right. Now, Angie, I'm just wondering, given that, if there's a way -- you gave us some great maps -- is there a way that we can have the area...no, that won't work, will it? How do we define the area of a slope?

Boardmember Logan: Topos. You have to have topos with a certain grade.

Chairperson Speranza: I was very impressed that the town of North Castle's steep slopes regulation actually had a number associated with it. I mean, someone had done some sort of an inventory of the amount of steep slopes, or the number of parcels with steep slopes, within the town.

Boardmember Wertz: Are you saying could there be a map that would simply identify all the areas that would be covered?

Village Planner Witkowski: Well, we could do that with this.

Boardmember Logan: We need gradients of 2-foot.

Chairperson Speranza: See this? Again, this is from the town of North Castle. "There are 2,470 acres of steep slopes" -- which they define as 25% or greater -- "within the town of North Castle, and an additional 2,983 acres of moderately steep slopes 15- to 25%." It would be great to have that kind of an inventory.

Village Planner Witkowski: They probably had that from their GIS. Because that's how this map was done, and we will be getting I guess in a couple of months the new topo layer for our GIS. I'm sure that's probably how they did it because that's how we get the number counted on this map.

Chairperson Speranza: Right, and those are the lots. So I guess you'd have to go out and measure the steep slopes via the topo.

Boardmember Dale: Well, what does that give you?

Boardmember Logan: Yes, why do we need all this information?

Boardmember Dale: You want to look at each individual site.

Boardmember Logan: You only need the information for the sites that are in front of you.

Boardmember Cameron: I think one of the reasons we did this was the fact that how many...we were faced with the issue, perhaps, we would be covered with people asking for permission to do that. What it shows you, actually, is like 90% or 95% of the lots in the town don't have steep slopes. So now we have a feel, as we decide what we want to do, how much time and effort we're going to be wasting were we to make a change that required people to come and see us. I think that's the importance of it. I think you always actually have to measure the lot when you come around to it, but this at least gives us, as a board, a feeling.

Boardmember Dale: When we had the earlier discussion on steep slopes, the concern was how big of a problem were we dealing with.

Chairperson Speranza: That's exactly it.

Boardmember Logan: You just answered that question.

Chairperson Speranza: And whatever changes we're going to make are going to be subject to an environmental review, and we're going to have to have that information. It's not as much as we thought.

Boardmember Dale: But this demonstrates that it's not a huge problem.

Boardmember Wertz: Such an inventory might be informative concerning which issues are really going to be big, serious ones and which other ones may not come up as much.

Boardmember Dale: I mean, if somebody came in and said they wanted to develop something - not Christopher Woods XXX -- but if they wanted to develop something on that site, you would immediately say, "Well, steep slopes is an issue." But over most of the Village, it's not an issue.

Village Attorney Stecich: That surprised me.

Chairperson Speranza: The applications that we've had, maybe that's why they're so memorable. I mean, it seems like there's a lot of them, but there's just not that much land left.

Boardmember Logan: That's right.

Village Attorney Stecich: And there haven't been that many applications.

Boardmember Dale: I think you're right. The Eastman Town XXX proposal has raised all these questions, and it doesn't even appear as a steep slope on this map.

Chairperson Speranza: Okay, and then there's the issue of the deductions for the steep slopes areas for the lots. There were distinctions that were made between the subdivision and the lot, and that's what's reflected in the code now. Then there's the idea that all lots -- because I guess this isn't the case now -- all lots which...say you've got a 5-acre parcel, it gets divided into five different lots, or four different lots. There was a suggestion that, should there be a subdivision now where we require a deduction because of steep slopes, that development on that lot which contains the steep slope, that should be an area reduction. That's the case now? That's how it's treated now?

Village Attorney Stecich: Let me make sure I understand.

Chairperson Speranza: If you have a 5-acre parcel now, and let's say it's got an acre of steep slopes and you can't use that when you determine how many lots you're going to be able to subdivide into. Then it becomes time to build on those lots. The lot that has the steep slopes would be prohibited from building on those steep slopes.

Village Attorney Stecich: Not necessarily.

Chairperson Speranza: Not necessarily under the way our code is now. And one of the suggestions was to change that.

Village Attorney Stecich: Remember -- it was a long time ago, probably about 10 years ago -- somebody came in and he had an application to subdivide his lot and it had steep slopes. They happened to draw in the houses, where he was going to put them. And it was only because he did that, then, that you could apply the steep slopes law to that and say you couldn't build that because it was part of the subdivision. But if somebody comes in and subdivides the property, and then it just sits there for 15 years, and then the lot...because all property was subdivided at some point, you know. It's subdivided and it's just sitting around, and in 10 years they come in and it's just a lot. It's not a part of the subdivision, it's part of an old subdivision. But I suppose you could deal with that when you permit the subdivision. Make it a condition of the subdivision. Maybe that would be the way to deal with it. Make it a condition of the subdivision that before any one of these lots is built on, or any of these lots when they're built on, is subject to these restraints to the deductions. That would be a way to deal with it. That's probably the best way to deal with it. Because even if you could try to grab it in -- you know, your institutional memory was still alive, and you could say, "Oh, we remember when you subdivided that, and this is part of a subdivision" -- well, that's an issue. But the person could say, "Well, yes, so was your property part of a subdivision 75 years ago."

Again, that's only happened, I think, the one time with that guy who came in. Do you remember? I think you were on the Board.

Chairperson Speranza: I remember. I want to say it was Ravensdale.

Village Attorney Stecich: It was around that.

Chairperson Speranza: I think it was the Ravensdale subdivision.

Village Attorney Stecich: Yes, I think so. But anyway, that may be the best way to deal with that, is make it a condition of the subdivision approval. You could make those deed restrictions on the lots.

Boardmember Wertz: Patty, I was getting from what you were saying that in calculating a lot size for any of the many purposes, one might want to know the size the steep slopes should be deducted from that. Maybe I was misunderstanding you.

Chairperson Speranza: That's the way it reads right now for subdivision, you deduct it. But there is concern, and it did come up, that you deduct the steep slopes because you want to preserve that area, you don't want to overbuild it and destroy that. That when it comes time to actually build something on the lot that was part of that subdivision, that portion of the lot that has the steep slopes cannot be constructed on.

Boardmember Wertz: Calculated. Okay, not be constructed on.

Chairperson Speranza: Cannot be constructed on, since it's already been subdivided.

Village Attorney Stecich: It's already been subtracted from.

Boardmember Wertz: It's already been deducted.

Chairperson Speranza: Right, it's already been deducted, but you can't build on it. The point is not to let anybody build on it.

Village Attorney Stecich: So somebody comes in with a 50,000 square foot lot and it's in R-10 district and 10,000 of the lot has steep slopes. So you say, "Listen, you've only got 40,000 that you could subdivide. You can make four lots." So it's broken up into four lots, and maybe two of those lots have substantial amounts of steep slopes on them. The issue is, if they're sitting there and 15 years down, or even four years down, somebody comes in and says I want to build on that...

Chairperson Speranza: ...and I want to site my building here so I get this wonderful view over the slope...

Boardmember Logan: ...that's where the deed restriction comes in.

Chairperson Speranza: And you say no, you can't. The idea was to protect the ridge.

Boardmember Logan: There's a way to restrict that.

Village Attorney Stecich: To make it a condition of the subdivision approval. And now I'm starting to see in the case law it's just not enough to make it a condition of the subdivision approval. You also should make it part of a deed restriction. Because if it's just part of a final subdivision plat and it's not included on deeds, it's often not enforceable. So you just have to be careful with your enforcement tools, but it could be done.

Boardmember Dale: That makes sense. So the deduction just becomes permanent.

Village Attorney Stecich: Yes.

Boardmember Logan: And that's easy to enforce, right?

Village Attorney Stecich: Right. That wouldn't require a change in the law. It's just something that would have to be the practice of the Planning Board.

Boardmember Dale: It's a minor loophole.

Boardmember Logan: I missed the part, though, where we went from a 50,000 square foot lot that somebody's trying to subdivide into five lots. But it had steep slopes on a portion of it so you only wind up with four lots?

Village Attorney Stecich: Right.

Boardmember Logan: How does that happen?

Village Attorney Stecich: Assuming 10,000 of steep slopes.

Boardmember Logan: Assuming 10,000, yes; assuming R-10.

Village Attorney Stecich: I'm not sure if it's in this. Oh, you know where it would come in, Bill? Because when you're deciding...

Boardmember Cameron: So we have to divide this in four ways without that piece.

Chairperson Speranza: Right.

Boardmember Dale: You can include that piece in, but it has to exceed the 10,000 at that point.

Boardmember Logan: Why couldn't you interpret it, if each of these are 10,000 and I just need this amount of space to build that house, I don't disturb the steep slopes but I can still put a house on it.

Village Attorney Stecich: Yes, you can.

Boardmember Wertz: As long as there's enough area there minus the steep slopes to do that.

Village Attorney Stecich: Right. But you have to meet that thing that says...

Boardmember Cameron: Which section is that now?

Village Attorney Stecich: Section 249-5. It's in this one. It's the portion that would have to meet this, but right now it doesn't. The issue is, this doesn't apply to individual lots; only to portions of subdivisions. So if you're really clever, when you come in you don't pretend you have any plans for your...

Boardmember Logan: Yes, but we can address that problem with the deed restriction. That takes care of that.

Village Attorney Stecich: Yes, right.

Boardmember Logan: So I think that sounds like a good idea. It seems like the corollary to this is, the intent of the steep slopes would be not only to prevent big retaining walls but to leave exposed to view a lot of natural terrain. I'd never heard that voiced in quite that way, but that's sort of the subtext if you read between the lines here. We have a lot of rocky, bumpy hillside in Hastings which is nice to look at. We don't want it obliterated.

Village Attorney Stecich: Actually, number three in the purpose and intent was that: "Steep slopes are environmentally sensitive areas and a valued natural resource. The Planning Board recognizes the need to protect these areas." So that was the thinking.

Boardmember Logan: So a valued natural resource, but that's still sort of amorphous. Okay, we have red squirrels...it's an aesthetic resource, something you would look at. It's not just for squirrels and trees to grow in.

Chairperson Speranza: Okay. And then, of course, it's the issue of do deductions apply to lots, lots that exist now that no one remembered the subdivision process. And we'll talk about that.

Boardmember Logan: And right now there's not a limitation for existing lots. You just have to have the statement that the ground water is addressed.

Chairperson Speranza: Right.

Boardmember Cameron: One of the interesting things is, if you combine lots you actually get to put up a bigger building because you don't have to have the side lot on every one of them. You can actually put up a much bigger structure, so this is a funny change.

Chairperson Speranza: So maybe for our next meeting on this we talk about...well, we'll list each of these issues and what some of the options are, and then really hammer it through and determine what...

Boardmember Logan: ...what our opinion is on this?

Chairperson Speranza: Yes.

Boardmember Wertz: Is there any way of delineating alternative models for each of these issues so that when we meet we can kind of knock them right down in an effective fashion rather than have to search around to discuss what those options might be?

Village Attorney Stecich: I could try to write up an outline and go through the sample laws, and if there's example...I just happened to look in one that separated which things came to the Planning Board and which were done by the Building Inspector. Although I agree with you that doesn't need to be done until the very end, but there are samples in laws.

Boardmember Wertz: That would help us tremendously in that discussion.

Village Attorney Stecich: Yes, I think you're right. Than just talking in the abstract, taking examples.

Boardmember Wertz: Take each issue, and then go through the different...

Village Attorney Stecich: ...sections relevant to that.

Boardmember Wertz: ...the Village's codes and see what the different options are, what the different models are, and then we can choose among them.

Chairperson Speranza: Okay.

Boardmember Wertz: With pictures, of course.

Village Planner Witkowski: You've listed out most of the issues, and then when I get the minutes I can look for some of those, too. Maybe we could split them up.

Village Attorney Stecich: Okay.

Chairperson Speranza: And if people have other things, read the steep slopes ordinance. It is not in the zoning, but it is on the Web. The code, just go through it again and again and again, as we have been, and just see if there's anything else that strikes you that we should be considering, since we're taking a hard look at this. Because we periodically do this at the Planning Board level but, again, it was something that was raised at the Board of Trustees. And we kind of took this on, since I mentioned it to Trustee Quinlan that we've always wanted to take a really hard look at steep slopes again. So we do have to get back to the Board on this, as well.

Village Planner Witkowski: A lot of the zoning ordinances have steep slopes included in their zoning ordinance. Is there any reason that it's kept separate?

Village Attorney Stecich: No, they actually don't.

Village Planner Witkowski: I've seen a lot that do.

Village Attorney Stecich: Maybe they do, but all the samples we have...New Castle is a separate chapter, Ossining is a separate chapter, Rye Brook is a separate chapter. No, a lot of them are. And I know we talked about that when we enacted it, and it was mainly so that it was only a Planning Board issue as opposed to being able to get a variance from it. If it were part of the zoning code...anything that's in the zoning code can get a variance. And the thinking was, this is something that the Planning Board wanted. I think that was mainly it. Plus, the newer laws tend to be separate. But you're right. Some municipalities do include it, in the zoning code.

Village Planner Witkowski: Yes. I just wondered if that had ever been considered.

Village Attorney Stecich: It wasn't so much to keep it from the Zoning Board as you didn't want to allow variances.

3. Storm Water Management

Chairperson Speranza: Okay, just one more thing, Angie: storm water report. You included this in our packet. This is something which the EPA has put together, these new...or the DEC?

Village Planner Witkowski: The DEC.

Chairperson Speranza: New requirements that the municipalities have to follow.

Village Planner Witkowski: Well, it's actually from the federal government, but it comes down through the states.

Chairperson Speranza: So this is the form. By reading it, there are still a lot of things that we have to do.

Village Planner Witkowski: Right.

Chairperson Speranza: I mean, there are lots of steps to take, and I take it we're part of a consortium with a lot of the other Rivertowns, municipalities.

Village Planner Witkowski: A 16-member consortium. I listed them in the annual report.

Boardmember Dale: Sounds like all of southern Westchester, pretty much.

Village Planner Witkowski: Pretty much, yes. But anyway, Dolph Rothfield is sort of coordinating all of that. The Village of Sleepy Hollow took the lead. The annual report goes through March of '06, and then there'll be another annual report due in June that'll go from March, '06 to March, '07. So a lot of the things that we're required to do are in process now. The two grants that Dolph Rothfield was able to get for us, one was to map the outfalls, and then the other one is technical assistance and training and also working on the legislation. So the outfalls is pretty well underway. Mike Gunther and I got together and just put it on the hard copy map that we had of where the storm drains are. And then there was a sub to Dolph Rothfield. They came in with this GPS and he and Mike went around, and then those will be put on a GIS layer. They're doing that for everybody. So that should be done pretty soon.

Now, the major thing that we have to do next is, there is some legislation that has to be done for the storm water. I have model ordinances that were provided to the consortium. I thought that has to be done fairly soon because this all has to be finished by the end of 2007, and then 2008 is with the final. So everyone has to be in compliance by then. I thought that probably the simplest way of handling the legislation, a lot of it is kind of boilerplate, fill in the blanks. So I'll draft up the model ordinances that I have, and then get them to Marianne and to all of you to review it and then we can take a closer look at that.

Chairperson Speranza: Does any of this relate to how we need to review projects within the community?

Village Planner Witkowski: Yes.

Chairperson Speranza: I'm glad I asked.

Boardmember Wertz: That's not just their reporting.

Chairperson Speranza: Yes, that's what I wondered.

Village Planner Witkowski: Yes, because it's all part of the storm water management and having your MS-war XXX permit. Everybody has to be in compliance with these new regulations.

Chairperson Speranza: It would be good, whatever you can get us that's going to give us some insight into do we now have to...for instance, we were just talking about steep slopes and we're talking about runoff and an engineer's certification. I mean, would we have to require now an applicant, for instance, to have their engineer confirm that there would be no impact to the Village's storm water management plan?

Village Planner Witkowski: There are a couple of different ordinances that have to be done, so I have to look through those and I'll get those to you ahead of time.

Chairperson Speranza: And are they all land development? Do they all pertain to land development?

Village Planner Witkowski: It all has to do with alleviating the pollutants into the storm drains. The other thing that has to be done is, there has to be a procedure manual for GPW and how all the Village properties are maintained in terms of storm water runoff. And then also the outfalls will have to be monitored and checked. They're going to be requiring that that has to be done by a certified inspector, which is typically an engineer. I know that there has been some discussion about getting a consulting engineer that could handle that, too. So in terms of what you were talking about with meeting some kind of an administrative review for some things, that would be another thing that it would be very useful to have -- an engineer, at least a consulting engineer. We don't have a consulting engineer right now, and I know that there's going to be a need with these regulations.

Mike Gunther and I met with Jim Maxwell, who is another consultant that's working the Mike Ritchie at Dolph Rothfield. He did this self-assessment, so he went through everything so that we'd know what has to be put into the procedures manual and anything else. So I have to finish reviewing this and see all of the steps that have to be taken to get all of this stuff done.

Boardmember Wertz: Angie, in view of the December 31st, 2007 deadline, do you have a time frame on when you want to get the model up, and when we see it, what kind of discussion needs to take place, then a target date for finishing this up before the deadline?

Village Planner Witkowski: Yes. I'd like to get the model done, draft it for the next meeting for you to all look at, and have it in your packets. We all got kind of a very encouraging e-mail from Mike Ritchie, reminding everybody, "Time's getting short, can't believe this is already the fourth year. Seems like we just started this." And Mike's been really good about kind of moving people along and helping us out with that.

4. Planning Board Members' Issues

Chairperson Speranza: Have we heard anything else from Saw Mill Lofts site plan review?

Village Planner Witkowski: Yes, I talked to Patrick Normoil. Not new to Ginsburg, but new to the project. He said probably by March they'd be ready.

Chairperson Speranza: Good. That gives us another meeting.

Village Planner Witkowski: Right. Because he said that he's trying to get totally up to speed on it, and also working closely with the architect, because they want to be able to address all of

the concerns that were brought up. What they're doing, in trying to get the affordable apartments the same size as the residential and the market rate units they found that it's probably easier just to shrink the buildings and make them smaller.

Chairperson Speranza: Isn't that odd.

Village Planner Witkowski: They sort of reconfigured it a little bit because those are really pretty big apartments anyway. They were over 2,000 square feet. The other thing that accomplishes is, it moves the buildings farther away from the trees. They're trying to just take care of all of those things.

Chairperson Speranza: So if they can't be ready until March, that's good, too.

5. Planning Director's Update on Projects

Chairperson Speranza: One last thing, I promise. Comprehensive plan. The group that was formed to help the Board to determine what kind of plan, has there been any movement on that at all?

Village Planner Witkowski: They said that they were going to have a report for the Village Board at the January meeting, but they're not done yet. I guess it's going to be a fairly lengthy report that they're doing, but they have a lot of ideas that they wanted to get across.

I guess since we're talking the comprehensive plan, I did find out on the other grant applications that I did we were close, but no cigar on all of them. The comprehensive plan one, I wanted that for the phase B and C, which would be where you'd have a consultant come in. That was for \$55,000, I think I had asked for. They could only do seven to a region because they had to spread the money out, and we were number eight. I talked to Laurie Savage at the Department of State and she went through all of the criteria and where it could have been beefed up. But I said to her, "So what was our score compared to number seven's score," and she said, "You sure you want to know?" They got like three more points than we did, and it was the same thing on the other ones, too.

Chairperson Speranza: Okay, anybody have anything else for tonight? Our next meeting, if I figured this out right, is on February 16th. So I'll see you all then?

VI. Adjournment

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