

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
REGULAR MEETING AND PUBLIC HEARING
NOVEMBER 15, 2007**

A **Regular Meeting and Public Hearing** was held by the Planning Board on **Thursday, November 15, 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, David Hutson, Jamie Cameron, Eva Alligood, Bruce Dale (00:00), Village Attorney Marianne Stecich, and Village Planner Angela Witkowski.

I. Roll Call

II. Approval of Minutes - October 18, 2007 meeting

Chairperson Speranza: Does anyone have any changes, modifications?

Boardmember Alligood: Just on the first page, I think it should say after my name present probably 8:17 because 8:07 would have been early.

Village Planner Witkowski: I couldn't read my writing.

Boardmember Alligood: And page 10, on the first part where I'm speaking, I just would delete -- on the fourth line down of my paragraph, just towards the top -- just take out where it says "because" take out "the first part," leave in "I," and take out "don't."

Village Planner Witkowski: Okay. Just take out the first part?

Boardmember Alligood: Take out the three words "the first part," leave in "I," and then take out "don't."

And then on page 15, second paragraph where I'm speaking -- so the fourth line down -- where it says "family home on a fairly small lot," just take out the comma, "that you," and leave in "shouldn't," and add "'mean that you don't' have to be concerned about what you're doing to the steep slopes on your property."

Boardmember Cameron: Mine's fairly simple. On the first page, where it says "Boardmember Dale," it's the first person talking, it's actually me. You can figure out later on when actually it refers to me I'm referring to myself.

And the other thing is, where that "XXX" is.

Village Planner Witkowski: What page was that?

Boardmember Alligood: Twenty.

Boardmember Cameron: I think I may be actually referring to Eva.

Boardmember Alligood: Yes, that's what I had.

Boardmember Cameron: Yes, that's what I think I had. It says "XXX" about five lines down.

Chairperson Speranza: Yes, I think we weren't using anything...I think we were just saying.

Boardmember Cameron: Something like “but even just came up” is what I said.

Boardmember Alligood: Yes. You were referring to what I had just talked about.

Under that, where I’m talking, the next part -- just on the third line where it says “minimum lot depth,” take out the words “rather than” and just put “by.” And that’s it for me.

Boardmember Hutson: Eva, you’ll be interested in my correction. On page 44 where someone says to me, “And you’re not opinionated at all.” That was not Eva Alligood. That happened to be the chairperson, Ms. Speranza.

Chairperson Speranza: You know, I read that.

Boardmember Alligood: I can’t believe I would have said that to you.

Boardmember Hutson: Yes, you would have never said anything like that.

Chairperson Speranza: I read that, and I said, “Wow.”

Village Planner Witkowski: Should we just take that out?

Chairperson Speranza: Did I really say that to Dave?

Boardmember Cameron: I do remember that.

Village Planner Witkowski: I think we’ll just take that out.

Boardmember Hutson: Patty considers it fact.

Boardmember Cameron: Or you could put the laughter in afterwards.

Village Planner Witkowski: We don’t want anybody to think you’re opinionated.

Chairperson Speranza: I had one on page 22. It’s the first time that I’m speaking and I’m talking about the properties that we should look at for steep slopes. The second to the third line, after “North Broadway,” for some reason it says “the Hastings lot.” I don’t know what that is, so just take that out.

Oh, Angie, one other thing. On page 3, it’s the first time you’re speaking there’s a reference in here to “PAS maps,” P-A-S. And I’m sure it’s supposed to be tax maps.

Village Planner Witkowski: Well, it’s the Property Assessment System.

Chairperson Speranza: I learned something new today.

On MOTION of Boardmember Wertz, SECONDED by Boardmember Hutson with a voice vote of all in favor, the Minutes of the Meeting of October 18, 2007 were approved as amended.

III. New Business

Presentation of preliminary proposed 2-lot residential subdivision (including 15 Holly Place and adjacent rear yard fronting on Holly Place). Two alternatives to be presented by Anthony Tarricone.

Chairperson Speranza: The next item on our agenda is new business with a property and an applicant that we've seen before. This is a preliminary presentation. We'll not be taking action tonight because it is not a public hearing at this point -- a two-lot residential subdivision, 15 Holly Place. Ms. Alligood?

Boardmember Alligood: I'm recusing myself from any discussion because my husband is Mr. Tarricone's architect.

Chairperson Speranza: Okay, thank you.

Clifford Davis, 202 Mamaroneck Avenue, White Plains: I represent Anthony Tarricone and his wife Debra, who are providing the proposed plot subdivision at 15 Holly Place. As the chairman has stated, we're here before this board for initial review so that we can get the Board's input recommendation and incorporate it into preliminary site plan, subdivision plan, when we bring that before this board.

The property is located in an R-2 zone. The R-2 zone requires that each residential lot be 7,500 square feet. There is a required front and rear yard depth of 25 feet. Each of the side yards must total 20 feet, with one side being at least 8 feet. There is also a requirement of 75 feet of lot width. My clients seek a two-lot subdivision.

We had prepared to show the Board two different sketches. In one of the alternatives we just need one area variance of approximately 1,200 square feet. In the second alternative we also need an area variance in the approximate amount of 1,200 square feet; plus, in that second alternative, we need approximately 11 feet in lot width. Now, the reason why we need the approximately 1,200 square feet in an area variance is because in 1982 the New York State DOT, through an eminent domain proceeding to widen Saw Mill River Road, took 1,200 feet away from 15 Holly Place. If the New York State DOT had not taken away their property we would fully comply with the code of this village.

At this time I just want to hand out copies.

Chairperson Speranza: Give one to Marianne and Angie.

Mr. Davis: What I just handed out is the documentation regarding what took place in January; 1,199 square feet was taken from the property to widen Saw Mill River Road. While the variance application is not before this board, when this board does make a recommendation to the Zoning Board we would ask that the Board take into account the fact that the New York State DOT had taken that property.

Now, we have done a thorough analysis of the community regarding lot size. An issue that this board and the Zoning Board will have to address in doing a balancing analysis is how would this proposed house fit within the community. In looking at the 20 houses which essentially comprise this neighborhood, there is only one house that would be on a larger lot size than the smaller lot that we propose. There actually would be two houses. The lot that

we would create -- the 7,500 square foot lot at 15 Holly Place -- would comply, and one other house. Some of the lot sizes in houses in the neighborhood are 2,000 square feet, 3,750 square feet. There are two houses that are 4,000 square feet and one house which is 2,640, one house with his 4,560, and an additional house which is 2,648. Additionally, regarding lot width, most of the houses do not comply with the 75 feet in lot width. Some of them are 40, some of them are 50, some of them are 33, and one is 37.

With me tonight is Elliott Senor, the project engineer. We have two alternatives and we would like to present them to you. We could live with either of the alternatives, and we're looking for feedback from the Board so that when we proceed we can incorporate your input.

Thank you.

Chairperson Speranza: Can I just clarify one thing that you said during your presentation? You said the variances are not before this board right now.

Mr. Davis: Correct.

Chairperson Speranza: My understanding, and I'll ask our attorney, is that should we approve the subdivision, we're approving a subdivision that would be substandard. Is there still a need to go to the Zoning Board?

Village Attorney Stecich: Sure. You couldn't approve it until they get the variance. You can't approve any lots that don't fully comply with the zoning.

Chairperson Speranza: I thought we could waive...

Chairperson Speranza: Street standards. You might be thinking of waiving certain requirements for streets, and that's come up. But you can't waive any of the area requirements. So I think what they're probably doing is getting a feel from the Planning Board on the subdivision; might even ask for a recommendation from the Planning Board on the variance because technically every application for a variance is supposed to come before the Planning Board anyway. So it seems to me it could be handled in one of two ways. That it comes before you, you make a recommendation, and then if the Zoning Board approves a variance then you can give them the subdivision approval. That's probably the cleanest way to do it.

But could I just point out one thing? Mr. Davis was right in stating all of the area standards and the variances they're going to need. But one thing you should be aware of -- and it may affect the layout, it may affect your layout -- the new lot you're going to create, well, both of them are corner lots. So both the lot line facing Saw Mill River Road and the lot line facing Holly Place have to meet the front yard setback.

Mr. Davis: It was my understanding if it's a corner lot you could pick which one.

Village Attorney Stecich: You pick which one's your side yard, but each lot line facing the street has to meet the front yard setback. So it may make a difference. Because if you've made the lot only 64 feet and then you need a 25-foot setback from Saw Mill River Road,

you're going to have a funny-shaped house. So you may want to take one of the alternatives off the table.

Mr. Davis: Well, if we have to, we'll redesign the building envelope.

Elliott Senor, architect - Gabriel E. Senor PC: The upper sketch, the top sketch, shows the existing house lot, being the substandard lot, having about 6,400 square feet and about 64 feet wide. On the upper sketch I made that one the narrower lot because although I was unaware of the second front yard I did want to keep the house farther away from Saw Mill River Road. Therefore the corner lot, being the wider lot, would then allow the house to be set back farther. So the lot on the corner originally shows this 82-foot wide building envelope. We're going to cut that down 15 feet, and that would be a 60-feet-and-change-wide house, a fairly decent house for today. So that's why I showed the upper sketch being the existing house as the substandard lot. The existing house would have a side yard of just over 15 feet, where 10 feet is required, so we meet all the minimum setbacks on the existing house.

Sketch two creates the existing house as standard width, meeting all the area and width requirements, and the corner lot being substandard. It has the width at the street line, but the area substandard, just under 6,400, showed an envelope of 70 feet wide. If we take 15 feet off that we would be 55, 56 feet. It would end up being 15 feet narrower than the first envelope.

Those were our two scenarios. I've done some others that showed convoluted lines that zigzagged back and forth to try and get widths and things, but nobody likes those so I didn't show them. Are there any questions?

Boardmember Hutson: On the one that you're suggesting would accommodate the 25-foot front yard on Saw Mill River Road, there's a 30-foot maximum building coverage anyway, right? It looks like that's more than 30%.

Mr. Senor: Yes, this is a building envelope, not a footprint of a building. When we come for a building permit, even when we show you a more detailed site plan, it wouldn't exceed any of the other dimensional requirements. The driveway would be off of Holly Place. There's an existing retaining wall along Saw Mill River Road. Not that anybody would access that, but the property is significantly lower. I'm sure you've all been there from prior applications, but it's 5 or 6 feet lower than Saw Mill River Road. I assume that when you talk about the overall footprint of the house it would be the maximum width it can be, the depth would vary to give him a back yard and a buffer in the back.

Boardmember Hutson: I just wanted to make sure you weren't having to go for a variance on that issue as well.

Chairperson Speranza: Because there's the issue of the driveway, realizing that this is not the footprint of a house. This is just a building envelope. I don't know if you're planning for a garage as well.

Mr. Senor: We'd probably put on an attached garage, a garage in the building, and the driveway would come off the westernmost side of the property straight in to a garage that would be underneath the building.

Chairperson Speranza: And as this were to get laid out, realizing that there's no site plan approval for a single-family home via the Planning Board, anything...the driveway goes in, there's a garage that goes in. Should variances be necessary for the actual construction, that then goes to the Zoning Board.

Mr. Senor: Right.

Chairperson Speranza: Because I know we've been back and forth a couple of times. From one property, where there was a steep slope, we actually had somebody lay out the property.

Mr. Senor: One of the things you may consider, and I don't think we're averse to, if you wanted to put in your resolution that the driveway has to be the westernmost side of the property we want to be as far away from the corner with our driveway anyway. So that's our planning, but we may not be the ultimate applicant for a building permit.

Boardmember Logan: I think, on that point, it looks to me like it's a tossup between one and the other. But in terms of having a decent amount of distance between Saw Mill River and where the driveway could go on lot number two, that's it's slightly advantageous to be able to keep the driveway as far west as possible in terms of how long you have to go. If you make the turn too quickly you could get rear-ended by somebody else following you. So I think it's slightly safer.

Mr. Senor: And the same thing with coming out of the driveway. Somebody coming around the corner has a distance to see that you're coming out of the driveway as well. That's why we prefer the first sketch, sketch one, that makes the existing house lot a sub-normal, sub-par lot.

Chairperson Speranza: Right. And for sketch one, realizing that these are existing structures. And, for instance, I'm sure the garage doesn't meet the rear yard setback...

Mr. Senor: It's a prior existing nonconforming.

Chairperson Speranza: Right. That's what I would make sure; it would be treated as an existing nonconforming. Because it's existing nonconforming in this subdivision, the subdivision is not changing that dimension of the property.

Village Attorney Stecich: Right. The only thing you can't do would be to render it nonconforming or make it nonconforming. So that, of course, is the issue with sketch one. It would be rendering the first house nonconforming so then they would have to get a variance for that house.

Chairperson Speranza: But not for the garage.

Village Attorney Stecich: No, not for the garage because the subdivision isn't making the garage nonconforming. Patty, one other thing when you were talking about the driveway and going to the Zoning Board, certainly something like that could be made a condition of the subdivision approval. Because you wouldn't approve the subdivision if the driveway were someplace else. So as long as the condition's reasonably related to the subdivision you could make it a condition of the subdivision approval, and then it would be binding on whoever buys the property.

Boardmember Wertz: I think it's reasonable what they're doing, in light of the fact that the DOT took land that would have made it possible to subdivide this lot in a conforming way without the need for a variance. I agree that sketch one is better because it allows the driveway to be further away from Saw Mill. And people coming around that corner could be a danger for someone pulling out of the driveway. So to me that's significant.

Mr. Senor: Sketch one then requires two variances: a lot width variance and the XXX.

Boardmember Cameron: People coming out of the driveway, though, are probably backing down Holly Place when they come out of the driveway; they're not backing up. Anyway, one of the advantages, I think, of sketch two is that visually from Holly Place both lots are the same width. They're both 75. That's just a nice feature to it, that they're both the same. But I'm a bit up in the air on which one I like better. Just that occurred to me, and anyone coming out of the driveway is going to back their rear end west, I would think, so I don't think they'd be getting hit.

Chairperson Speranza: No, I think the point of collision was thought to be Saw Mill River Road going onto Holly Place.

Boardmember Cameron: As you're leaving Saw Mill?

Chairperson Speranza: Right. Going down Saw Mill.

Mr. Senor: It was my thought that the person backing out of the driveway in Holly Place, before he actually gets out into the street somebody comes around the corner, it gives him more of a distance to stop. Not that he's backing across into the other side of Holly Place and going forward at that point. It's more just as his tail moves past the curb.

Chairperson Speranza: Eva?

Boardmember Cameron: I think she said nothing.

Chairperson Speranza: Back to David.

Boardmember Hutson: One advantage of lot 2 if you're interested in having smaller structures, lot 2 would allow less of a footprint than lot 1. As we talked about in another context, controlling the size of buildings, that would be another advantage.

I'd just like to ask the applicant, what's the advantage to the Village of creating this nonconformance?

Mr. Davis: I think you're using the wrong language here.

Boardmember Hutson: Am I? That's all I know.

Mr. Davis: We're coming in for a subdivision with a variance. So if this board -- at the end of the day if the Zoning Board -- approved it, it would be two complying lots. See, you're not creating a nonconformity. The issue before the Zoning Board is...

Boardmember Hutson: We have coming before us periodically, probably later in this meeting, issues having to do with lot size and subdivision and frontage and so on and so forth.

Mr. Davis: The issue regarding the variance, which won't be before this board, is a balancing test. It's the injury to the community versus the benefit to the applicant. The applicant here...if the New York State DOT had not taken away that 1,200 feet it would have been compliant.

Boardmember Hutson: They paid for the land, didn't they? Didn't they buy it?

Mr. Davis: Well, they gave my client \$1,750 for it, but my client didn't have a choice in the matter. They were just taking the property, and that's what they wrote the check for.

But the balancing, the proposed house lot, is approximately 6,400 square feet, larger than 19 other lots in the community. Some of the lots are 2,000, some of them are 4,000. The rest of the neighborhood, if you're using the word "nonconforming," is overwhelmingly nonconforming, and this house won't stick out and it'll be in total conformity with the community.

Boardmember Hutson: Right. But we didn't create those nonconforming.

Mr. Davis: I'm not sure if there were any variances granted or not.

Chairperson Speranza: We rezoned it, the whole neighborhood.

Boardmember Hutson: We rezoned at a certain level, I assume, with some thought in mind.

Mr. Davis: If the Village Trustees rezoned it, not this board, then the Village did create the nonconformities.

Boardmember Hutson: Right, in those places, but not this one. Assume that it's correctly zoned. For whatever the reasons were at the time, they had something in mind as to why it should be zoned that way. So you're asking us to say, well, that wasn't such a great idea in this case.

Mr. Davis: The simple answer to that is, that's why zoning boards exist. We're going to make a fact presentation as to why it fits in within the community pursuant to the New York State village law. There's a five-part balancing test, and we will make that showing at the appropriate time.

Boardmember Hutson: But you don't think that's part of the subdivision process?

Mr. Davis: We will give that same presentation to this board, but this board doesn't make the determination of the five-part balancing test. It's not within this board's jurisdiction. This board can make a recommendation, only a recommendation, to the Zoning Board whether it wants to do it or not do it. But only the Zoning Board has the legal power to apply that five-part balancing test and to make that determination.

Boardmember Hutson: But who makes a judgment as to the subdivision?

Mr. Davis: This board.

Chairperson Speranza: Well, when it comes back to us.

Mr. Davis: This board can only grant the subdivision if the variances are granted. If the variances are not granted it doesn't come back to you.

Chairperson Speranza: And of course, even if the variances are granted, then we could still deny the subdivision, right?

Mr. Davis: You could still deny it, but not on the grounds that it doesn't comply. If you find, for some reason, it's back planning or whatever, pursuant to whatever law exists, you have that right.

Boardmember Hutson: Right. So the most significant first step is really what the Zoning Board of Appeals thinks about the idea.

Mr. Davis: That's correct. But I think my understanding of the procedure is, we have to come in -- unless you tell me different, Marianne -- with a preliminary subdivision application, and then would it be referred out or do we just go to the Zoning Board directly?

Village Attorney Stecich: We just have to decide what makes the most sense. We actually handle these things sui generis. You may want to make a recommendation to the Zoning Board on this. As I explained, the procedure under the code is that every application for a variance is supposed to come to the Planning Board. Probably doesn't, but they certainly do in cases where the Planning Board input is important. Since this is a subdivision application, it seems to me it might make sense for the subdivision plat to get drawn out if they decide to go forward with it, present it to you. I suppose if you guys, for different reasons, said, "Listen, we're not going to approve this subdivision because of traffic reasons or for other reasons," then maybe it doesn't make sense for them to go forward to the Zoning Board. But if you thought that it made sense, then they'd go to Zoning Board.

I hate to say, there's lots of ways that it could die on the vine.

Chairperson Speranza: That's one of the reasons they're here. The applicant wants to find out from us if this is something that's going to be considered, and which is our preference.

Boardmember Hutson: Right. If it is that a recommendation from this board is in order, and if that's what we should do, that's why I asked the questions do I want to base the recommendation on something. So that's why I asked what the benefit to the Village is, even though you say that's another board's real province. I mean, if we say something about it, it should be based on something.

Chairperson Speranza: It's an addition to the housing stock in the Village, and it does provide additional tax.

Boardmember Hutson: I'm asking the question.

Mr. Davis: It's not different than any other house. If your question was -- if we complied, and you asked me the same question -- what is the benefit of one house to the community,

maybe you could say, "Well, there is no benefit." But what I'm saying to you is, we're here to report to the Planning Board on an application. We need a variance. It's one house. That's all that we're seeking. And if the New York State DOT had not taken that area to span the right-of-way we wouldn't need any variances.

Chairperson Speranza: Anything else?

Boardmember Wertz: What's the distance between the existing house and the property line on sketch one? I'm thinking about the distance between the two houses.

Mr. Senor: On sketch one, the existing house is just over 15 feet to the property line and our side yard would be 10, so it'd be 25-1/4 feet. On sketch two, the existing house is 26 feet and it would be 10, so it would be 36 feet. So it's a difference between 26 feet and 36 feet.

Chairperson Speranza: But no, that's not quite right. You're assuming that there's 10 feet only on the new lot.

Mr. Senor: That's the setback requirement.

Chairperson Speranza: That's the yard, right.

Mr. Senor: It could be farther.

Chairperson Speranza: I think, Fred, you were thinking house-to-house?

Boardmember Wertz: Yes.

Chairperson Speranza: So you have a driveway in there?

Mr. Senor: My vision of the driveway was just straight in the line of the house. In my vision, the driveway wouldn't be in that side yard area.

Chairperson Speranza: Right. So were you thinking about the house to the property line?

Boardmember Wertz: Well, house-to-house was my real...

Mr. Senor: House-to-house, I think it's going to be 25 feet. Most of the houses in the neighborhood are required to have a minimum of 20 feet between houses. I think they're less, but I didn't make those measurements.

Boardmember Cameron: So it's 25 versus 36.

Boardmember Wertz: Twenty-five versus 36, right.

Chairperson Speranza: Is there anyone from the public who's got any questions or comments about the proposal?

So you would be intending to come back with the subdivision based on one of the schemes -- the one we would prefer, obviously. I kind of like having the new lot be the one that conforms. There are existing structures and existing facilities on the existing lot, and we know it works. But that's my thought.

Boardmember Wertz: That's what I thought, too, and I like the driveway distance from Saw Mill. But what I like about the second sketch is the greater distance between the houses and also the size of the house. The new house is a little smaller. As David was saying, it's a way of controlling the bulk of the house.

Boardmember Cameron: It produces a new house more in equivalent size to the other...

Boardmember Wertz: Yes, the house is a little more equivalent to the other ones in the neighborhood.

Mr. Senor: I might just add to that, though, for this current house we have no intention to change. The subsequent buyer can change that house and add another 15 feet to it and you end up with the same thing.

Chairperson Speranza: Only through the variance process.

Mr. Senor: No, no.

Boardmember Cameron: The existing house. They could rebuild the existing house.

Chairperson Speranza: Oh, I see what you're saying.

Mr. Senor: ...put an addition on to the new house when you have a bigger side yard.

Boardmember Wertz: Oh, that's true.

Mr. Senor: So with 26 feet you could put a 16-foot addition on and it would end up being 10 feet from the property line, conforming...

You could do that same thing in the first lot as well, except on the first sketch the addition's only 5 feet and that wouldn't necessarily make a lot of sense. It would be too narrow an addition to make it worthwhile.

Boardmember Cameron: I was preferring sketch two, but I'm still thinking about it.

Boardmember Wertz: For what reason, Jamie?

Boardmember Cameron: For the reasons as stated. One is that the two front yards at that point are roughly equal -- both 75 and 78 feet. I don't give as much credence to the accident coming off the Saw Mill, but that's just me. And also it would produce a house, at least initially -- until someone decided to rebuild the old house -- that is more equivalent to the neighborhood. In other words, you would have neighboring houses which are closer together in the feel and style. And I wasn't doing the five-part balancing test.

Boardmember Hutson: It was about a two-and-a-half actually. I think probably two. But really, I don't feel strongly about either one. I think they both work for their own reasons.

Boardmember Logan: I don't have any strong feelings about either one. The driveway, I guess, would move theoretically 12 feet further west in sketch one. If there are strong feelings on the Board I'm happy to go either way.

Chairperson Speranza: Okay, I don't get the sense there are very strong feelings on the Board.

Mr. Senor: From an engineering standpoint and a traffic standpoint, I think sketch one. That's why I preferred that.

The house, you're not going to keep the distance -- in the future, the distance between the houses -- of the 36 feet necessarily. So you're going to end up with the same...the houses -- as we had talked about, the lot widths of 25, 37 feet -- in the neighborhood are smaller widths.

Carolyn Caruso, 45 Marion Avenue: Sorry, can I ask a question? I just got really confused on something. I thought what the applicant was doing here was subdividing the property to put up another home.

Chairperson Speranza: That's right.

Ms. Caruso: Now, when you were talking about the different sketches I thought I heard "what the buyer might do." Would that be that he's not going to be building the home on this property? See, I'm confused.

Chairperson Speranza: The action that we take right here is the subdivision. He could sell the lot.

Ms. Caruso: So these variances that they would need for this side yard, would that be subject to the person that's buying this? I'm a little confused.

Chairperson Speranza: No, it's subject to the applicant because the application is for the subdivision.

Ms. Caruso: Okay, so it's just strictly to divide this lot.

Chairperson Speranza: Exactly.

Ms. Caruso: And then sell it, and whoever wants to build would have to...

Boardmember Wertz: Conform to all the restrictions of that lot.

Ms. Caruso: Okay, thank you.

Boardmember Cameron: And he could sell the other house, too.

Ms. Caruso: I was under the impression that he was building a house, once he subdivided it, on that lot. And that those restrictions were applicable to it: the side yard, the front yard.

Chairperson Speranza: They are.

Ms. Caruso: But not to him necessarily.

Mr. Senor: The variance runs with the land, so the variance is for a lot width and/or a lot area. That runs with the land. So once you create a lot that's 6,400 square feet, that lot is always 6,400 square feet. Whether he owns it or somebody else owns it, it's 6,400 square feet.

Ms. Caruso: And it's only for a single-family home?

Chairperson Speranza: Yes.

Ms. Caruso: Okay, thank you.

Chairperson Speranza: It's very good, you know, our attorney was watching to make sure you gave all the correct information.

Mr. Senor: I've done this a few times, you know? Since I was 12.

Chairperson Speranza: Should we have them submit a plan? Is there strong feeling on the Board? I don't hear...

Boardmember Logan: I would suppose that the public safety would override a perception of bulk in my mind ultimately. But are we in a position where we have to choose one or the other, or are we just going to say we don't care?

Chairperson Speranza: I think we can say we don't care if no one cares really strongly. See what works best for you in terms of the layout. We won't see a layout.

Mr. Senor: The Zoning Board will look at the distance for the driveway from the street. Generally, their balancing test is they've got to look at the least number of variances in order to get an application. So they're only going to look at the one that requires an area variance, and not an area *with* variance. I'm not a lawyer, so you...

Chairperson Speranza: But you have to make a formal application to us now before we then send it on to the Zoning Board. So I think what you're hearing is, obviously, we wouldn't send both schemes to the Zoning Board and let them pick.

Mr. Senor: So we'll submit two sketches to you for a full Planning Board...

Chairperson Speranza: No, we don't need two sketches. We'll be in the same position.

Mr. Senor: So we'll submit our preferred scheme to you, and then you'll decide.

Boardmember Cameron: I think what he's saying to us is unless we show a preference for one or the other they have more things to jump through, hoops, unless we say one over the other.

Chairperson Speranza: Just for sketch two.

Boardmember Cameron: Yes.

Chairperson Speranza: Right. Sketch one is easy.

Boardmember Hutson: Well, I think it's more attractive to the applicant. First of all, it would be easier to sell the new lot created in sketch one than it would be on two.

Boardmember Cameron: It's larger.

Mr. Senor: Well, being able to be further away from Saw Mill River Road is certainly more a value to the land than being closer.

Village Attorney Stecich: The other thing, of course, is having to meet the 25 feet from Saw Mill River Road. That's not shown on here. Once you cut into this 15 more feet it's not going to work.

Boardmember Hutson: Then the second sketch, I don't think it's functional. I mean, it's functional, but...

Chairperson Speranza: Okay, so we'll expect to see you back then with a formal subdivision application, sketch one?

Ms. Caruso: Thank you very much.

IV. Old Business

1. Glen Drive Land Swap

Chairperson Speranza: Just as a follow-up item from our last meeting, sale of Glen Drive. We do know that at this point the Board of Trustees is not going to look to have it sold and the property owner is not prepared to consider a land swap. That's per your memo.

Boardmember Wertz: That was very concise, Marianne. After all the discussion we had I thought that was amazing that you got it down to two sentences.

Village Attorney Stecich: It's just back in his court. I have a feeling he may come back to the Board.

Boardmember Wertz: Yes, he can. But at this point he wasn't interested.

Village Attorney Stecich: Right, at this point it's off the table.

Boardmember Cameron: I would love to know, if we could figure it out fairly easily, whether we do own lot 3, whatever it was. If you could just look up in the records.

Village Attorney Stecich: I think it was already determined.

Boardmember Cameron: Well, it went back and forth in the minutes.

Chairperson Speranza: And I think that was the problem, that it's not that easy. But I think it's one of those projects you take on between holidays.

Boardmember Cameron: Right, Christmas.

Chairperson Speranza: Thanksgiving and Christmas, when there's no other work to do.

2. Recommendation to Board of Trustees. Proposed amendments to Zoning Code to clarify the terms "driveway" and "structure" and related issues (continuation of previous discussion at the April, 2007 meeting).

Chairperson Speranza: Shall we tackle the miscellaneous amendments to the zoning code, and then do steep slopes? Unless, Bill, you're all raring to go for steep slopes.

Boardmember Logan: Let's crank through this stuff first.

Chairperson Speranza: We did receive in our packets Marianne's memo to us summarizing what was done at our last meeting with respect to some of the changes in the code, and asking us for additional questions. Marianne, do you want to take us through? I kind of highlighted some of the areas.

Village Attorney Stecich: I forgot.

Chairperson Speranza: I know section 2 there's a question.

Village Attorney Stecich: I ran them past Deven, the changes, and we had talked about having a requirement for development coverage in addition to building coverage. Right now the code just defines building coverage with no limitation on driveways and paving other than saying you can't pave in a required yard. But once you go inside the required yard you could pave it all. So that's the point of putting on a development coverage. Based on some sample laws, we said, "Well, okay, why don't we take whatever the building coverage is and add 10%." Now, Deven pointed out that it isn't that arbitrary: why don't you make it proportionately, so we looked at the 15% and said 25%. So then he said in the R-10 district, where you can have 25% building coverage proportionately -- 25 is to 40 as 15 is to 25, roughly -- we went to the closest. So he was suggesting it be proportionately rather than just an additional 10.

So that would mean in the R-10 district, where building coverage is 25%, the development coverage would be 40. There are some districts where building coverage is 30%, and then the building coverage would be 50%. And where building coverage is 50%, development coverage would be 80%. That pretty much covers all of the districts except the MUPDD which, when we wrote up the MUPDD, we made it 30/60 and then with the lot coverage it's 80%. That's enough, just leave it, they don't have to also meet a development coverage. I think adding 10 was fine, but Deven makes a point that maybe proportionately makes more sense.

Boardmember Logan: What we're talking about, if I understand this correctly, the difference between development coverage and building coverage is that it's basically driveways and parking areas, right?

Boardmember Cameron: And impervious patios.

Boardmember Logan: And it's going to balloon the amount of asphalt and impervious surfaces we're going to have on these larger properties. Whereas maybe it shouldn't be proportionately. Maybe it should just relate to the width of a driveway, the maximum required area of a driveway. We talked about that before. So I think this is potentially not the direction we want to go. I think it's going to give us too much impervious area. I think we ought to go to fixed square footage maybe with some slight adjustments, but somehow related to our language about maximum area of driveways and width of curb cuts and so forth rather than turning these larger properties into parking lots.

Village Attorney Stecich: I think that makes sense, although right now there's no limit. So this limit we're creating is a new limit that's not there right now.

Boardmember Cameron: But I guess it did bother me for the same reason that Bill's just brought up. We take 20 square feet and we end up with 15,000 feet of open space. I looked at it backwards. I said, well, how much are you leaving. And you end up with a 5,000 square foot lot and you've only got 1,000 feet of open space; you've got 4,000 now covered by the building and by impervious surfaces. You get down to 3,500, you've got 750 feet that's open.

Village Attorney Stecich: I know.

Boardmember Cameron: While I'm sympathetic to people in smaller houses who want to have patios and driveways, we're going in reverse I think. We're getting too little space left.

Village Attorney Stecich: Okay. So forget it, and we can just leave it. That was the original recommendation, but I thought I should raise it. So we'll just leave it plus-10 because the truth is the size of your driveway is really sort of the same no matter how big your house is so it shouldn't matter. Okay, that one's easy.

Boardmember Alligood: When I read it, I also felt that we were moving away from what we were trying to accomplish. So I like the 10%.

The only question I had was, what are the ramifications for each zoning classification. Are we somehow creating a hardship. It seems to be okay, but I just want to make sure we don't

reduce the available space for parking to the point where it doesn't work for certain properties.

Village Attorney Stecich: Well, existing properties would be grandfathered in. You're right, though. If there was a property that's already at that limit, they couldn't -- once it's enacted -- maybe pave a driveway that they could have the week before it was enacted. So it will make a difference.

Chairperson Speranza: The impervious surface, that was our caveat.

Boardmember Logan: That's right -- grass creation, strips, gravel.

Boardmember Alligood: It forces the owners to make some choices. So, for instance, if they have an area that they put a sheet of concrete to keep their garbage area they might have to take that out and put something pervious in order to put in the size driveway they want.

Village Attorney Stecich: Could I just clarify? I hope this is clear and I hope it's what the Board wanted. Driveways are included in development coverage whether they're gravel or whether they're impervious.

Boardmember Cameron: Right. Because otherwise the word "other" would have to appear before the word "impervious".

Village Attorney Stecich: Right. Driveways are included no matter what, but other than driveways it would have to be impervious/paved to be included.

Chairperson Speranza: That's not the sense I had from our last meeting. I thought one of the tradeoffs could be that the driveway did not have to necessarily be pervious. If somebody wanted something, the tradeoff would apply also to the driveway; that they could have a brick driveway. There was this discussion about how do you enforce it, and Deven has to make sure that there's grass growing out between the bricks.

Boardmember Cameron: But we were talking about terraces at that point.

Chairperson Speranza: Because we were talking about the tradeoff between a patio and a driveway.

Village Attorney Stecich: I think we were focusing sort of on patios. But think about it, though, about the parking area. I mean, it's fine to me. I'll change it whichever way you want. But would you want somebody to be able to have a giant --- they make it impervious by doing it gravel -- parking area, and say it's okay because it's not going to get included in lot coverage because it's gravel instead of impervious? I don't know. That would be what would happen. I mean, I don't know that anybody would do it.

Boardmember Alligood: We're saying that if somebody wants to do their whole back yard in Grasscrete they could because it wouldn't count.

Village Attorney Stecich: Right.

Boardmember Alligood: I'm not sure I have an issue with that. It's addressing the issue of green.

Village Attorney Stecich: Well, then, gravel rather than Grasscrete, or think of shell rather than Grasscrete.

Boardmember Cameron: I don't want to see somebody with a 1,500 square foot parking lot, whether or not it's made out of Grasscrete.

Village Attorney Stecich: This all seemed so easy.

Chairperson Speranza: I know, I thought we were done with this.

Boardmember Cameron: I thought we'd done the compromise on the patio, and I thought that worked actually.

Village Attorney Stecich: Yes, and the patio would be covered in impervious surfaces or not.

Chairperson Speranza: So people are okay with having this read as it is right now? Okay: "driveways, parking areas, and impervious surfaces."

Village Attorney Stecich: "And impervious surfaces." Okay, good.

Chairperson Speranza: Obviously, I think to your point, Eva, about making sure that this doesn't foist a constraint on a property, where now you really have a problem being able to have your house and a driveway -- you know, the most basic of things -- this also has to go before the Board of Trustees. So we'll have to make sure that that exercise gets carried out.

Village Attorney Stecich: What exercise gets carried out?

Chairperson Speranza: I think Jamie has kind of done it. When you were speaking earlier about going to each of the districts and saying, "Okay, so something with a minimum lot size," can you, in reality, have a house within a building envelope and the driveway, within the coverage.

Boardmember Cameron: Right. I did go do that, and I wrote it down on a piece of paper and then proceeded not to bring it with me. I did that. But with all candor, if someone has built a house to full size of the envelope and then want to have a driveway, while we have a limitation on the square footage of the driveway they only have 10% of their lot left for a driveway. So you can pick any one you want: 5,000 square foot, you have a 500 square foot driveway and that may be more than enough for a lot that size. Because that's a pretty big driveway, actually, and it's useful for a longer one. Now, when you get down to 3,500 square feet that's a little trickier, in that it only gives you a 350 square foot driveway. But I don't know the lots that well. Deven would be the best person to ask.

Village Attorney Stecich: But wouldn't most houses, once they're built, have their driveway?

Boardmember Cameron: Right.

Village Attorney Stecich: I mean, why would you build a house and then 15 years later build a driveway.

Boardmember Alligood: On my block some people had to put driveways in. They didn't have them.

Boardmember Cameron: But anyway, the other ones are clearly easy. I just had trouble, quite frankly, with those percentages you did because I did run the math on them. It gave everybody 1,500 square feet, and on a 3,500 lot that's an awful lot of square footage of impervious surface suddenly appearing. So I had some little problems with that.

Chairperson Speranza: So we're okay with this as it reads now in terms of the definition, and then the percentages we'll say the standard across all the zoning districts.

Village Attorney Stecich: All right. Page two, the first section was the definition of a driveway. The second on that now clarifies that you have to apply for a building permit for a driveway or to pave any portion of a lot.

Boardmember Alligood: I have a question about that. I thought when we were discussing this that we weren't going to require somebody who simply -- I'm going to use the word "reconstructs" -- their driveway, repaves, in the exact same size that they have that we wouldn't require a building permit for that. That's how I recall the discussion.

Chairperson Speranza: Right. There was a maintenance issue.

Boardmember Cameron: It says "repaving a driveway?"

Village Attorney Stecich: I don't think repaving is reconstructing.

Boardmember Cameron: "Renovating?"

Village Attorney Stecich: I think you're going to have to leave that up to the Building Inspector. The thing is, right now you don't have to come in for a building permit for a driveway, and I think that's wrong and I've been complaining about it for years. Because there are a lot of issues with driveways and paved areas, especially now with the new stormwater management regulations. I think any paving is really important. So they have to come in for a building permit? So what? I mean, it's not a big deal. It's not like requiring a variance or site plan approval or something.

Boardmember Cameron: But people aren't going to come in for it. That's another issue. I think I would like you to ask Deven -- given the issue that we don't really think that people should have to get a building permit to repave a driveway, long as they're not adding to it or changing it from an impervious driveway -- is he comfortable with the language. Because he's the guy that's going to have to enforce this.

Boardmember Wertz: Would it be possible just to remove the word "renovate," and I think the others would...

Village Attorney Stecich: No, because this covers a lot...

[crosstalk]

Boardmember Alligood: ...add a clarification sentence that said if you're repaving an existing driveway and not changing the area you don't need a permit for that.

Chairperson Speranza: Yes, there could be an exception clause put in that "other than normal maintenance."

Village Attorney Stecich: Maintenance isn't an issue.

Chairperson Speranza: Right. "Other than normal maintenance."

Village Planner Witkowski: If you're repaving it.

Village Attorney Stecich: Well, repaving isn't normal maintenance, is it?

Boardmember Alligood: Sure. It wears out after a few years. You have to resurface it.

Village Attorney Stecich: All right, I'll talk to Deven. But I definitely don't think if all you're doing is putting a new layer on that it would be reconstruction or alteration or renovation.

Boardmember Wertz: Even removing a layer and putting another one in shouldn't really require...

Village Attorney Stecich: Okay.

Chairperson Speranza: And you're right. It depends on who would be doing the interpretation.

Village Attorney Stecich: So we'll say that a building permit isn't required for repaving that's not changing the dimensions of the driveway, not changing the driveway.

All right. Maximum driveway size and curb cuts. Okay, we had agreed on A. B, I think we talked about a little bit, and Deven wanted me to clarify, that there had to be a certain distance between curb cuts. So this B attempts that: "no more than one curb cut shall be permitted per lot unless there is at least 25 feet between curb cuts, in which case a maximum of two curb cuts shall be permitted, and the total width of all curb cuts per lot shall not exceed 24 feet".

Boardmember Hutson: I thought we were much narrower in our discussion. I was thinking like 12 feet.

Boardmember Cameron: We were talking about just putting a limitation on how wide a curb cut could be.

Chairperson Speranza: Right. The curb cut itself.

Village Attorney Stecich: There was never any agreement on that though.

Boardmember Logan: Yes, but there's a good reason to consider this.

Village Attorney Stecich: If you want, that's fine.

Boardmember Logan: Jamie, you brought up why curb cuts take up parking spaces basically on the street. So it's a public versus private benefit here.

Boardmember Hutson: The total width is 24 if you have multiple ones, which is okay.

Chairperson Speranza: We were talking about 13.

Boardmember Cameron: So I was going to go back and measure my driveway.

Chairperson Speranza: Even if you're allowed a 24-foot wide driveway you don't need a 24-foot wide curb cut.

Boardmember Cameron: You don't.

Chairperson Speranza: Yes, I think we had said 12 -- curb cut.

Village Attorney Stecich: So B could be C, and then you could add a B: "no curb cut..."

Boardmember Hutson: You could even put it in B that no individual curb cut would be...

Village Attorney Stecich: That's what I'm saying, you add a B: "no curb cut shall exceed twelve feet".

Chairperson Speranza: Do you know why Deven came up with 25 feet between curb cuts? I don't know if that's a standard.

Village Attorney Stecich: I think it was for two cars.

Boardmember Cameron: Twenty-five feet?

Village Attorney Stecich: Since you're going to have the width of the curb, you back into each one.

Boardmember Logan: Although in reality it would probably be one car there.

Boardmember Cameron: You couldn't get two cars in.

Boardmember Logan: It'd be tough to get two cars in there and still be able to turn.

Village Attorney Stecich: Do you want to make it wider?

Chairperson Speranza: Remember, it says unless there's at least...well, no, I see your point.

Boardmember Hutson: Not more than 120 inches?

Boardmember Logan: My car's about 13 feet.

Village Attorney Stecich: A car's 13 feet?

Boardmember Logan: Well they vary, obviously. But I think a medium sedan is like 13 feet.

Boardmember Cameron: Yes, I'd say they're 12 or 13 feet long.

Village Attorney Stecich: So you want to make it 30?

Boardmember Cameron: Well, the interesting about this 25 or 30 feet is that when you look at a lot, and then you have curb cuts 30 feet between them, you've got two curb cuts on either side of your house and it goes around the back.

Village Attorney Stecich: Yes, but you're not going to have it in most houses. Most houses aren't going to have it and apparently it has been an issue for him.

Boardmember Cameron: Well, then, I think we should go for something and we should figure out what a typical car is. It may be 12 or 13 feet and we should have twice...

Boardmember Hutson: That's a very long car.

Chairperson Speranza: Maybe we should leave it 25 feet.

Boardmember Hutson: I'd leave a little less.

Village Attorney Stecich: Okay, the next amendment is just to clarify. There's something in the code now that says "no proportion of a required yard should be paved," and then we added "except for walkways not exceeding 4 feet in width to the principle or any accessory structure on the lot."

I hope this works for structure. See, I crossed out from the definition of structure stationary and portable carports -- and frankly it wasn't until I read this closely that I even realized that we had carports allowed -- and added "a patio constructed of impervious material." To put this in context, if it's a structure it's going to require a building permit and it's going to be included in lot coverage. So "a patio constructed of impervious material" was added.

“Outdoor generator or air conditioning equipment” -- oh, I’m sorry. One other thing if it’s a structure, it’s going to have to meet the setback requirements. So if it’s a structure it’s going to have to meet the setback requirements, require a building permit, and be in lot coverage.

Then I decided to specify because it keeps coming up: “the term ‘structure’ shall not include a swing set, jungle gym, or similar play equipment” because it fits within that definition.

Boardmember Cameron: All right, well, I have two comments. First of all, I think a patio, even if it’s made out of block with grass between it, is constructed of impervious material. I know what you’re trying to do, but stone is all impervious -- you just have gaps between it.

Village Attorney Stecich: Well, Deven considers that impervious.

Boardmember Cameron: So if I put down a patio of stone with grass between it, that’s an impervious material.

Village Attorney Stecich: Yes.

Boardmember Cameron: So what is not impervious material which constitutes a patio?

Village Attorney Stecich: Gravel?

Chairperson Speranza: Yes, I thought we were pretty clear about that.

Village Attorney Stecich: Grasscrete?

Boardmember Cameron: Yes. I thought the idea that if the water would drain down between the stones, and it didn’t have a concrete base, was okay.

Boardmember Alligood: Yes.

Boardmember Cameron: And now I’m not sure what an impervious or what’s not an impervious material?

Village Attorney Stecich: My understanding, and I remember asking Bill Logan about it, is that he would consider a flagstone patio pervious. But I don’t know, Deven doesn’t.

Boardmember Logan: Unless the joints were grouted or it sat on a concrete slab.

Boardmember Cameron: Or a sheet of plastic.

Boardmember Hutson: You should probably say impervious surface because this sounds like whatever you make it out of...

Village Attorney Stecich: Oh, you mean impervious surface instead of material.

Boardmember Cameron: Yes.

Village Attorney Stecich: Okay, that’s fine.

Boardmember Cameron: And then the last one, and this is just a nit XXX.

Village Attorney Stecich: Well, lets see. Maybe just saying “impervious patio.”

Boardmember Cameron: No. You should say “a patio with an impervious surface.” That might work.

Village Attorney Stecich: That’s better.

Boardmember Cameron: And the last one -- the swing set, jungle gym, or similar play equipment -- that’s absolutely fine with me. But I would like to add the words “unless it includes an enclosed area.” A lot of these jungle gyms nowadays, suddenly someone’s built a house on top of it. I think we’ve got to take a look at that.

Chairperson Speranza: I disagree.

Chairperson Speranza: It's part of the jungle gym. In the parks we have them, where there's a little enclosure.

Boardmember Cameron: All right. Well, I'll have to bring back in those displays. They had the ones that were 40 feet long.

Boardmember Hutson: They've got some big ones. I think if it has electric in it, that's where you draw the line.

Boardmember Alligood: We get back to the question, has this been an issue in Hastings. I mean, is this something that people have gone nuts with getting jungle gym sets that are just unacceptable to their neighbors. That's my question. You're saying that there's a level at which the jungle gym set is a problem.

Boardmember Cameron: I think there's a level in which it could be an issue and I was trying to avoid that. But I'm certainly not talking about small little enclosures.

Boardmember Hutson: Prevention. We're looking at prevention here.

Chairperson Speranza: It's an accessory apartment.

Boardmember Alligood: Soon it's an accessory apartment.

Chairperson Speranza: Okay, let's keep going.

Village Attorney Stecich: So if we're going to include outdoor generators or air conditioning -- if that's added to the definition of the structure -- Deven suggested that we permit an encroachment into the side yard. We printed the whole thing here so you could see what kind of encroachments are currently allowed -- like cornices, chimneys, fire escapes. Those kinds of things can project into the yard. He's suggesting that we add "air conditioning equipment or a power generator may project not more than 4 feet into a required side or rear yard" -- the thinking there being that so many houses right now are right on their setback line, and that you might want to be able to put an air conditioner there.

Boardmember Alligood: My question is, what's the point of putting it in there if we're allowing...

Boardmember Cameron: Well, because it just became a structure so he has to look at it and see whether you can have it. And then people are putting it in their required side yards so he needs to have a...

Boardmember Logan: Well, with the generator and the air conditioning there are noise issues too. That's where if Deven looks at it, or they have to get a permit for it, there should be dB ratings, a noise rating. This could create a whole lot of problems with neighbors -- I know it has in certain instances -- generating excess noise, running all night long. So if we have a way to bring in criteria for enforcement, where somebody's got a huge generator that's kicking on all the time, we should have a way to address that.

Village Attorney Stecich: You could just take this out. On the one hand it's similar to the other items in that it's usually attached to a house. But on the other hand, it's different in that it does have some consequences; it makes noise. The other stuff is just there. You've

got an eave overhanging, you've got a fire escape. Well, you don't have fire escapes much anymore, but a chimney. A chimney doesn't make noise. So we can just eliminate this.

Boardmember Cameron: But then what happens if they need to put it in there because that's the only space they have to put it in?

Chairperson Speranza: They have to go for a variance.

Boardmember Alligood: At least there's some community control over looking at it and saying whether it's acceptable or not.

Boardmember Logan: That's right -- and screening, noise abatement.

Village Attorney Stecich: So I'm just going to eliminate this whole change.

Boardmember Cameron: We keep talking about giving things to the Building Inspector. Could we give it some sort of permission language in there, in that phrase, and thus control the sound at a dB level? I mean, that's the question I have.

Boardmember Alligood: It puts a lot of pressure on the person that has to...
[crosstalk]

Chairperson Speranza: There's a formal recourse, and neighbors get notified.

Village Attorney Stecich: And the truth is, most side yards are pretty small. None of the side yard requirements are that big, and this would only be an issue for a house that's right on their setback line. Not every house is on the setback line, and maybe those are exactly the ones that you would want some board to review. I think it would be real hard to come up with language, Jamie, that would cover everything.

Boardmember Cameron: That's fine with me.

Village Attorney Stecich: Okay, I'm just going to take this one out.

Boardmember Logan: Is there language in the building code about noise control? Isn't there a separate chapter about noise?

Village Attorney Stecich: Yes, we have a noise ordinance, but it's measured by decibels.

Boardmember Logan: Well, that's good. You want something that you can latch on, hard criteria, just so there's a reference that the Building Inspector could use.

Village Attorney Stecich: Right. Easier said than done, though. I suppose right now maybe you could use it. That issue's come up with leaf blowers, and that's why the Board is considering a leaf blower law. The noise stuff's hard.

Chairperson Speranza: Marianne, you're on page 5 now?

Village Attorney Stecich: Yes.

Chairperson Speranza: Just know that you've got a typo in number 7, third line: "required yard 'not' more than 6 feet."

Village Attorney Stecich: No. "A required yard no more than 6 feet, or to a point not closer." Oh, "not more than," yes. But that doesn't matter; that's coming out.

Chairperson Speranza: That's coming out?

Village Attorney Stecich: Yes. Because this was only in there to say that there can be...

Chairperson Speranza: Oh, I see. To give us an example.

Village Attorney Stecich: That's the only reason it was in there.

Chairperson Speranza: Right, got it. Okay, I see what you're saying.

Boardmember Cameron: Is item 9 staying in, though, on page 5? I know we're not, but since we're not amending -- since you're taking out the reference in B -- I had a question about what 9 meant. We're getting to fences in a minute, so maybe it will come there. But it says here: "...or a fence on top of a wall less than 6-1/2 feet in height." It was unclear to me whether the fence could be 6-1/2 feet on top of a wall of a certain height, or what we were talking about there.

Village Attorney Stecich: No, the total 6-1/2 feet.

Boardmember Cameron: I think the language could be improved.

Village Attorney Stecich: Amendment prohibiting carports, I just put them in. There's a section that says that you can have boats, RVs, or whatever, so I added portable carports there. In section B, this is kind of odd. There is a provision that you could use a trailer or an RV temporarily as a field office. For some reason it had boat in there, and as long as we're changing it I took boat out because I can't imagine using a boat as a field office.

Chairperson Speranza: What about the waterfront? Down at the waterfront you might.

Village Attorney Stecich: And then while I was adding I also added to the end of B that "such use as a temporary field office shall not be permitted in the required front yard." Because right now it's allowed, and if you're going to have them done at least don't allow it there.

Boardmember Alligood: I have a question for you, Marianne. Going back to A, it says, these items that you list "shall not be used as principle or accessory use." But I guess my question is...

Village Attorney Stecich: Why doesn't it just say "should not be allowed on the property"?

Boardmember Alligood: Can you store them on your property? You could store a boat on your property and say, "I'm not using it for anything, it's just on my property." So that's my confusion. Are we allowing people to put these things on their property and just say they're there.

Village Attorney Stecich: Yes. This is a terrible section of the code. It's what's there, and I fixed what was there. But you have to look at the way the code is written as a whole: unless it's permitted, it's not allowed. So if you've got a thing there it has to be permitted. That's why it says it's not permitted as an accessory structure. I think the whole thing would be a lot clearer if it just said that they're not permitted. I didn't bother to fix this whole section, but I just added this. But you raise a good question, Eva, and I'll look at it.

Boardmember Alligood: Permitted for what, is my question. Permitted just to be on the property, or permitted to be used? Because as a homeowner I would say, "Oh, I'm not using my house boat. It's just in my yard."

Village Attorney Stecich: What it should say is it shall not be...

Boardmember Hutson: Well, B is just for the field office.

Boardmember Alligood: I'm talking about A.

Village Attorney Stecich: Yes. It should just say “shall not be permitted.”

Boardmember Alligood: Yes, that’s my question.

Boardmember Hutson: Oh, I see.

Village Attorney Stecich: It’s been here forever, it’s been bothersome forever. But maybe while we’re at it we could fix that. I’ll look at it.

Chairperson Speranza: Also, in the previous section we got rid of stationary carports as well? I didn’t think we were going to do that. Portable carports I know we talked about, but if somebody wanted to put stationary carport adjacent to their home not within a required yard I don’t see why that would be a problem.

Village Attorney Stecich: Yes, but wouldn’t you say a stationary carport is really a building? Isn’t it?

Boardmember Cameron: It’s a structure. I don’t think deleting it means it’s not a structure.

Village Attorney Stecich: Yes. But, Patty, I think that’s a fair point, and you can just take out the “and portable” from there if you’re saying a stationary carport.

Boardmember Hutson: No stationary carport.

Village Attorney Stecich: Yes, I actually almost think of a stationary carport as a garage. But somebody could say, well, it used to be in their stationary carport and you took it out so that means it’s not permitted. So maybe the way to clarify is leave “stationary” and “carport” in there and just take out “and portable.” Okay. And then the last one is the definition of one-half story.

Boardmember Cameron: Yes, I don’t have a problem with the definition of one-half story except the fact that you eliminated the piece that said that if it was more than 50% it was a full story. I don’t know how you read “story” and “one-half story” together without the way the language was before that says if it’s more than 50% it’s a whole story. “Story,” to me, includes one-half story, in that the language would fit.

Village Attorney Stecich: Yes. Because “story” is defined as, I think, the space between two floors, or a floor and a roof.

Boardmember Cameron: That’s correct. And so is one-half story, except it just says “if less than 50%, less than 7 feet.” So I think you still need the reversal of the language that you had previously when you had a prior definition that says if it’s more than 50%, then it’s a story.

Village Attorney Stecich: I’m not sure, but I’ll look at it.

Boardmember Cameron: Please look at it.

Village Attorney Stecich: Yes, I will.

And then the other thing is not part of these changes. It’s just some of the fence stuff.

Chairperson Speranza: Yes, the fences and walls I think I'd like to defer to the next one. We can do it later.

Village Attorney Stecich: I actually didn't staple it together.

Chairperson Speranza: No, I made a mistake. Steep slopes stuff, we do have people here to speak to that – John, Kathy, and David sitting through this. So my apologies to them.

3. Recommendation to Board of Trustees. Proposed Steep Slopes Law revision

Chairperson Speranza: At our last meeting we reached the point where we had determined that while we could agree on some things -- and there were some really good things about our code, like it was very simplistic -- there were things that we didn't like about the code and that we felt did not adequately protect some of the slopes that we thought should be protected. There was a real desire to look at the applicability of some of the proposed modifications on real properties. So we selected some properties and said how would this work on the properties.

Angie, you pulled out some topo maps, and Bill you took an exercise.

Boardmember Logan: Well, I took a look at 10 West Main in terms of what the contours were and what the slopes actually were with a view of testing any new language that we might be hypothetically advocating here. And I did go back and review a lot of the comments, especially Eva did a very concise summary and made a lot of good points in there. And Jamie, I think you also raised a lot of good points in your memo. A lot of this seemed to pivot on whether we consider single lots as subject to this code. My personal view, and I think Jamie makes a very good argument about lots being assembled as opposed to be subdivided and having some control over that circumstance...but Eva, you also raised the point that are we going to unfairly penalize individual homeowners. You had some language that could mitigate that which I thought was very good.

But one of the other things that was proposed was the language of New Castle. I think a lot of people thought that was good, and that was one of the pieces I thought maybe we should test. My personal feelings about the New Castle one was, although it didn't have area restrictions -- area deductions -- and it had different thresholds, I felt it was potentially too whimsical in terms of the discretion of the town engineer. It had language and institutions we don't necessarily have in Hastings.

So these are all things that have to be considered. And Rhoda's point was also very good, you know: if it ain't broke don't fix it. But maybe it is broken in some ways and we should try to identify what those are. But I think before we come to a resolution on this we should

look at language that we're proposing, look at real sites like Mr. Picone's property. I think he has done an analysis of how the language has evolved.

But I also look at 10 West Main. I have just sort of a very quick graphic depiction of what was proposed in the last round of submittals. There are no conclusions necessarily to be drawn from this, but I think it helps us visualize some of the issues where we talk about the 15-, 25-, 35% and what does that actually mean -- what does it look like and what does a real site, such as 10 West Main, look like and how could that be affected by changes in the language.

So maybe before we get into any lengthy discussion, Mr. Picone, if you have some information that you want to present maybe we should consider that before we deliberate any further.

John Picone, 33 Maple Avenue: Can I just ask a question about some of the previous discussion real quick?

Boardmember Logan: Sure.

Mr. Picone: Because it seems to affect what I'm going to talk to you about now.

This 30% plus 10%, and the 40% and the amount of coverage, how does that apply? If I'm going to build a building, or a house, and I want to have a garage and I want to have a house and I want to have a driveway that's blacktopped, are you saying that I'm going to be merged into...right now I could have 960 square feet in addition to the footprint that I'm allowed to have. Are you saying that you're lessening it, or curtailing it?

Boardmember Cameron: Well, how big is this lot?

Mr. Picone: Well, any lot. I'm just saying in general.

Village Attorney Stecich: Well, is it being curtailed? Yes.

Mr. Picone: So 7,500 or 20,000?

Boardmember Cameron: The only point I was going to make is that in most cases you get 1,500 square feet. With 10% you get 2,000 square feet. If you have a 20,000 square foot lot you get 2,000 square feet under our definition. And since you only had 960 feet of driveway that's all you're allowed. And you could have a garage. You may end up with more than you have, but I don't know how big your lot is.

Mr. Picone: I'm not sure. But my particular lot -- and that's what you're going to see -- I have issues with the driveway on that lot. But in general, if I had a 75 by 100 lot -- and I could do 30% in an R-7.5 -- and I had a 960 square foot driveway, I could use 30% of the footprint of the structure. So what you're doing, if I had a typical driveway which was limited to, say, 13 feet now instead of 20 or whatever it is -- or, say, 12 -- and then it aprons out -- it goes out to a two-car garage, which you really need about 21 feet if you're going to put two cars side-by-side and be able to open the doors -- you're limiting the size of my house or anyone's house, just anyone who's building a home. Is that your intention?

Chairperson Speranza: Right now there's only a cap on building coverage. So the structure can only occupy so much of the zone, whatever the coverage restriction is, and that's the only restriction.

Mr. Picone: So you're merging...

Chairperson Speranza: So there's a building coverage; now there's lot coverage. So you'll have the building coverage restriction and the lot coverage restriction, which is 10% plus. And that lot coverage would include anything else that you want to do on that property.

Boardmember Cameron: But the garage is in the 30%.

Village Attorney Stecich: But if he says he's built out to the 30% -- let's say it says 7,500 square feet -- you've built out...

[crosstalk]

...and you built out the 30% and it's a 7,500 square foot lot. He can go 10% above that, which means 750 square feet more. So he would not be able to build a 960 square foot driveway if he goes to the 30 feet.

Mr. Picone: So it's limiting me, but not as much as I thought.

Boardmember Cameron: Right. Because the garage is included in your 30%. [crosstalk] ...losing the 960 altogether, therefore you have to take it off the footprint...

Boardmember Hutson: If your building coverage is only 25% you've got some left over to use.

Mr. Picone: Right.

Village Attorney Stecich: But your patio better be pervious.

Mr. Picone: You know, pervious is good. And I think that the little bit of experience I've had, pervious was always excluded in the few things that I've done.

The other thing I wanted to ask you about, you were talking about variances in relation to the public for the air conditioner routine on the side of the house, which is now allowed, the condensing unit. Would they have to go before the Zoning Board and pay them X amount of dollars just to get that little piddly variance, so to speak?

Chairperson Speranza: That's the problem that I have with that.

Village Attorney Stecich: But remember, it's not every house. It's only for houses right on the line.

Mr. Picone: But it would be for most of the houses in Hastings that are on the little tiny lots, which is all of this neighborhood here -- the majority of the homes -- which you were saying in the past a lot of these houses are built out. Only the new '50s and up houses might have more room. But the cost thing and all the aggravation is what I'm saying might not be fair. I mean, my neighbor -- five neighbors down -- they put all these air conditioners in, no problem. Also it comes along to me or someone else because I don't have a house here. But

it should be more of a simple request, not to go before the Zoning Board and sweat it out type of thing.

Chairperson Speranza: I agree. We have to work on that one, I think. Because we've taken it out now, and we struck that out of here.

Village Attorney Stecich: No. Well, it's been struck out of the definition of structures.

Boardmember Cameron: No, you struck it out for the side yard.

Chairperson Speranza: Right. With respect to the side yard.

Village Attorney Stecich: That it couldn't go into the side yard.

Boardmember Cameron: We're trying to balance the noise for the neighbor.

Village Attorney Stecich: But you would need to get a variance.

Chairperson Speranza: Right.

Mr. Picone: The other thing, the 25 feet between the driveway. One of my intentions that I'm going to show you had a circular drive. Twenty-five feet, in my opinion, means it adds really one car. You know, an average space that you require is probably 18 or 19 feet long for a site plan, so you'd have to say about 18 or 19 feet. And then if you have two driveway entrances you can't have them right up against this miniscule 12 feet that you're now allowing because you would end up putting in 8 or 9 feet if you wanted to design something that was pleasant, and you'd want to have an apron that widens up at the road so you need an arc to turn in. If you put two cars there you would really make it hard for someone to get in and out with the arc. They'd end up driving all over the grass anyway. That's my opinion.

The other thing is boats. A lot of times they are allowed to be seasonally stored on the side of the house.

Chairperson Speranza: Right, and that one we're looking into. I also thought we had something else on the books.

Village Attorney Stecich: I think boats have to be enclosed. You can store them, but they have to be enclosed in Hastings.

Mr. Picone: See, I don't know anything about that.

I can give now the other stuff about my lot. I have a couple of iterations here which I'd like to just walk you through. I evolved as the Steep Slopes Law changed on me. I started thinking what can I do and how can I do it.

Chairperson Speranza: No, the height changed on you, not the steep slopes.

Mr. Picone: Yes, but they were affected from where I placed the home, the steep slope height. It was in the CC district, and I don't know how it got involved in the steep slopes because the CC district, as far as I know, is not really involved in the height. I think it's not being enforced in the CC district.

Chairperson Speranza: It's a different definition of the CC district.

Mr. Picone: Okay, then I don't understand it.

I have a few things here. I wanted it to be in a certain way so I could just tell you. There are certain things just to show you something. This plan that I have before you, when I bought the lot this is what I envisioned that I could do. If you'll notice, it has a circular driveway because I envisioned having a hard time getting in and out and I was trying to get the 3% from the road that's required. So I ended up with a garage that was on top on two stories. So the garage was at street level, and you saw the roof.

And then below that were four or five bedrooms, and then below that was a kitchen, a dining room, living room -- in essence, working with the slope trying to make it work. When the height definition changed to go perpendicular to the slope, this plan pretty much became very hard to work with. I'm not sure. Okay, I didn't get into it too deep. It became hard, but I was able to stick with the 960 square feet on this scenario. You actually have to walk through the garage into the house to go down below, or you walk out the driveway and go down the steps to the front door. This is the best artwork I could do.

Boardmember Alligood: Where is the property?

Mr. Picone: I'll take you through it in a second, but it's at 8 Hollywood Drive. It was the subject of a subdivision a few years ago -- maybe four or five. The Planning Board actually made them demonstrate that they could build a house there, but what they showed was not really something that you or me would want to build. It was sort of just here's a footprint, plunk it in there. And it would look like a McMansion probably. The whole idea of going down the slope, this goes with it a little more so.

Boardmember Alligood: And what's behind here?

Mr. Picone: Hillside Woods. I'll show you the next drawing here, which has this and has attached-out areas. I bought it from the person that had the subdivision, and I hope to build a house there for myself some day when I get around to building walls and everything else.

Chairperson Speranza: Small walls.

Boardmember Hutson: But you've got experience now, John.

Mr. Picone: Hopefully the walls on this property will be 3 to 4 feet. In any event, what happened was he determined by computer analysis or whatever his methodology was that 5,100-something square feet could be disturbed on this property. If you look on the right-hand side there's a little written area about the amount of area that's below 25% and above 25%. So he hatched out all the areas that were below 25%.

Boardmember Hutson: It's listed down here in the corner.

Mr. Picone: And then he put a footprint of a home that could be built if you go right in. It was pretty generic. What I did was, I then took that and drew over it something else that I would put in there, based upon the newest height allowed perpendicular to the slope.

These are all to scale. I just copied the areas off the surveys. I didn't think you needed to see this for this scenario. But it's all to scale, it was done by XXX Lee. This is all just topographical so you can get an idea. This property goes from 200 base in the street down to

101 over a 200-foot distance. To the right of this house there was something done that was from the early, early '80s which goes down precipitously. They flattened it all out, and that may have been the one that required the Steep Slopes Law to come into existence. I don't know, it was before my time. The only reason why I have this picture included was the house that I saw at one point in time on vacation. I liked what it looked like. It's a little too busy for me. I wouldn't go that crazy. But my thoughts in that area -- because it's very woodsy -- was the color scheme was very subtle. The true fact of the matter is, if you look at the plan that's beneath it, if you're at the street, you'd have a hard time actually seeing... I don't have an extra picture, I'm sorry. If you look at the plan, you won't be able to see that much of the house because it would be so far down.

So what I did was, for lack of having better information, I just drew over what they had originally laid out. I drew in what I would perceive to be what I would like to build there. Now, of course, whenever we build something you have a concept. You want this and you want that, must-haves, things you can do without and that kind of thing. With this type of property... it's almost a half-acre, so it's larger than 50% of the properties in Hastings, if not more, so it would support a larger home. The home backs up onto Hillside Woods, and it's very open there and it would go down lower. But if you look at the hatched-out area down low -- it gets flatter. Those are the 15% areas there. So, to me, it makes sense to put the house down in there. But the problem is that you need a larger driveway to do that. I also wanted a four-car garage, but the problem is that I would have a hard time getting that approved, because the practical and what's considered necessary.

So I devised a system where, because I'm going way down the slope, the lower area gets cut in and then I devised like a double-decker garage. So I can just take a little shoot off the driveway and, in a way, I'm getting two up top, one above each other, and then go down below to get into the other two -- which would be the ones for the everyday cars, I guess. What I had to do here was, because the property is so steep I figured I would go down to the front of the home. I would have an open area, which would be like pavers, pervious, something in the middle -- a flower area, a garden, or whatever -- and then you would drive in and then come back out or you could drive into the garage. Because there really is going to be no yard here on this lot. It's going to be all wooded, excepting for the amount that's disturbed for the foundation and the footings and whatnot.

Now you know how I got what I bought, how I was thinking, and what I would think would be acceptable for my lot. Now, the disturbance for the house and the garage is not too much. I mean, it's a 1,600 square foot footprint for a home and it's 840 square feet for a garage, which is a two-car garage. It's an oversized garage. Personally, if I have a two-car garage I'd want to be able to have a little bit of room on the side to store things; I'd want to have a

little more depth so that I could do all the things that I like to do in my garage, which would be a lot. Nothing inappropriate; not like running a business or something like that.

Boardmember Logan: I'm glad you clarified that.

Boardmember Dale: It's so complicated as it is.

Boardmember Logan: So this whole discussion, if understand it correctly, is about how it might be something onerous for a single-lot owner to comply with the requirements of steep slopes. Is that sort of where you're going?

Mr. Picone: Yes. The major problem, though, is the amount of driveway that I would have to create to be able to...

Chairperson Speranza: But you have to do that. This is your favored scenario because it's your favorite scenario, right?

If we were to change the steep slopes ordinance to deduct a certain proportion of the slopes over 25% you could still build this because your lot is big enough.

Boardmember Logan: You could.

Chairperson Speranza: Because your lot is big enough, that's the key.

Mr. Picone: But I think it's near the envelope, though. Actually it's lower, you're right. It's 2,800 square feet of disturbance. In addition, what I did was include a narrow strip of a foot-and-a-half beyond the foundation around the whole area for additional disturbance, which might be a little shy. It might be 3 feet, I don't know. I've never done it before. Yes, I could, but the big battle here, per se, is to get that driveway. I know there have been a couple of variances for driveways given in the last few years, and I tucked them away because I like to look at what departure it was. But given the steepness of this slope, rather than throwing a McMansion up on top...I could put a 40 by 100 building and put 4,000 square feet in and treat it like a factory, and say, "Oh, this is going to be a beautiful loft," but I don't think anyone would like that. And it would be approved easily because it would meet everything.

Chairperson Speranza: But you'd have a problem with the height. Isn't that what you were saying?

Mr. Picone: No, not really.

Chairperson Speranza: Because of the definition of height.

Mr. Picone: It'd be two stories, flat roof. It would be like a factory waterfront building.

Chairperson Speranza: That's on the front of your property, though.

Boardmember Cameron: So it really should be you have 2,610 square feet of driveway. Am I reading that correctly?

Mr. Picone: Yes. I think a lot of it would be impervious, though.

Boardmember Cameron: Right.

Chairperson Speranza: I think there it would have to be.

Mr. Picone: Because the upper drive into the top of the garage would be impervious; the lower area would be impervious. And actually, the area that's -- what's that lucky number?

The garage, driveways -- let's see, the one driveway going down, the number escapes me now -- is 900 square feet, believe it or not, which would have to be blacktop because it's so steep, and more than likely heated, also.

Boardmember Cameron: It would be pervious.

Mr. Picone: So I could possibly comply, but I'd need the Zoning Board. I'm not sure.

Chairperson Speranza: Right. And that's for things that haven't been changed.

Mr. Picone: Right. I'm a little far along here. Maybe you could apply certain things to what I'm thinking and you could see how it would affect me, which is what your intent is.

Chairperson Speranza: Right, right.

Mr. Picone: I don't know if you thought I'd be this far along.

Chairperson Speranza: And again, it does go lot by lot. Because when you think about the way that your lot is configured and the way that you've decided to site what it is you want to build, it works. You may need a variance somewhere along the way.

Mr. Picone: It took a long time to figure it out, but it's very hard because it's downhill. And 90% of the reason why we're talking tonight about steep slopes is because everyone has a problem with looking up the hill -- wall, wall, wall, house. And that, in my opinion -- the little bit that I've seen over the years -- seems to create a big stir from everyone. This is the total opposite, okay? There will be some walls, but you'll never see them. So it would be different. I don't know how many lots are actually always up. You know, the majority of the steep slopes lots, you're always looking up from the road or you're looking down. I think most of them are more looking up.

Chairperson Speranza: And you don't have anybody on the other side.

Boardmember Alligood: I was just going to say, it's just your particular circumstance. And you're also discounting the view from Hillside Woods, there is a view.

Mr. Picone: Yes, up the river from Hillside. That's why I say I've got to build from one wonder to another.

Boardmember Alligood: But we have to look at this sort of in the broader terms of let's make this scenario generic and say it's very likely that there'd be a road on the other side where you can see it, where the other neighbors would see it. I think it's very helpful to have a specific scenario that we can take the language, as Bill was saying, and try to apply...we also don't want to design our..

[crosstalk]

Boardmember Wertz: This may be so unusual.

[crosstalk]

Boardmember Alligood: ...language around...

Chairperson Speranza: Right. That's never the intent, but it exactly was. We've been playing around so many different scenarios, what does this mean for real pieces of property.

Mr. Picone: Actually, when you get down here, there's a house to the right which shows 13 feet off the property line. That's a bright-purple house, to give you an idea. So that would be more upsetting in my eyes, to me. It wasn't when I bought it.

Boardmember Logan: I'm not sure that from a building point of view it makes much sense, though, to put the house further back because you have all the runoff from the high parts of the hill in front of your house basically coming toward your house. So you're going to have to build up and redirect water around the house. You're going to be downstream of a lot of water coming off that hill. So that's really not advantageous from a construction point of view to place your house back there. You could have a lot of runoff coming from the driveway right toward your house.

Mr. Picone: I understand what you're saying.

Boardmember Logan: So that's another argument for saying, well, it might make more sense to build higher up. But then if we applied the steep slope deduction that wouldn't be permitted, right?

Mr. Picone: Well, I don't understand the steep slope reduction.

Boardmember Logan: Well, one scenario, I think, for subdivisions it's for slopes greater than 25% you can disturb no more than 25% of that. For slopes zero to 25% you can do 35% disturbance.

Mr. Picone: Then I understand it because this is what I've been operating under.

Boardmember Logan: And right now that deduction formula is not applied to individual lots.

Mr. Picone: But it does apply to this lot, just so you know, because it was subdivision.

Boardmember Logan: This was a subdivision. Okay, so it does apply.

Boardmember Hutson: And the thing that gives you options here is the size of the lot. You've got enough size that it gives you some room to maneuver. Maybe not enough size given the slope, but a calculation by building it up with that first drawing, that footprint, you think that you wouldn't be able to build that footprint? Forget the height issue for a moment. You wouldn't be able to build that footprint?

Mr. Picone: Oh, I could build the footprint, sure. And I would go down the slope, as this law wants me to do.

Boardmember Hutson: I mean, even if the reductions were applied.

Mr. Picone: No, I think you can because it was done with reductions. I know you can because the letter says. But this law wants you to go down the slope to limit your height, okay? There's a possibility that you could go down the slope, and because you're doing that with your height -- you're going perpendicular -- you could end up having a story at the road level, one further down the slope, and one further down the slope. But all of a sudden you've got a three-story house, which is not allowed.

So if you push people too far down the slope under that scenario, if it's not a basement and it's not a cellar -- which it wouldn't be -- then you'll be further limiting the height of a home possibly. But this house, this proposed structure that's on the plan now, when it was subdivided, was "Just show us you can build something so we don't approve a lot that's not buildable." That would not allow me to get maybe the garage I'm looking for or something else, or the privacy. I'd be right up on top of the road. If you'll notice, it says "ledge rock" right there, okay? So my plan calls for me to go down like 18 or 20 feet below the grade just to be able to get the garage in at the street level 3%. That would probably be very impractical. It says there's ledge rock there; that's what I'm saying. So if you can't do down, then you would end up having to up or downslope.

Boardmember Hutson: You would certainly be the only guy in Hastings with four cars in your attic, that's for sure.

Mr. Picone: Well, you know, if you have a couple of cars -- you're a collector of a couple of muscle cars, you grew up in the '60s or '50s -- that's not unreasonable.

Boardmember Cameron: That's not just because Tim Short left town.

Mr. Picone: You know, you have two cars within the household. Six kids in my family -- I'm one of six -- my step-father has six kids; grandchildren. There's a lot of people that could be coming and going, and I would have to park all of the cars that visited me within that courtyard area that I labeled. But if, just after years of collecting this and that, whatever, and I had a couple extra cars I like that were muscle cars or something like that -- which I happen to like -- you know, one of these days I'm going to hopefully do that and have a hobby.

Boardmember Cameron: I think this is a wonderful idea, and I actually believe in building further down the slope. I have a cottage in Canada. It's halfway down a 60-foot drop between where you park your car and where you would moor your boat. The house sits halfway down. We've solved the water problem, and we have no gutters on the house either. You don't put gutters on a house because the leaves just collect.

Mr. Picone: The slope handles the water now.

[crosstalk]

Boardmember Logan: ...swale around it so it flows, yes.

Mr. Picone: And, of course, most of it's going to be impervious anyway. Really, that big driveway is the issue, and some curtain drains in front of the house to make sure you don't have an unexpected issue, I guess.

Boardmember Logan: You raised, I think, an interesting point. I want to just make sure I understand this. If we had the definition of height being parallel to the slope, so you're allowed to build in this envelope that follows the slope...

Chairperson Speranza: Which is what it is.

Boardmember Logan: ...which is what it is -- let's say we can build in that envelope, but all of a sudden we find ourselves with more than three floors. Is that the conflict here now, that it's forcing us to have more floors?

Boardmember Cameron: I personally don't think that's more than three floors as long as you only have two at any one time.

Mr. Picone: But they would make you do that.

Boardmember Cameron: There is no limitation on floors.

Village Attorney Stecich: No, you still have the limitation on floors.

Boardmember Logan: You have a limitation on the height. It's like 35 feet.

Village Attorney Stecich: The height limitation has two heights, two sort of dimensions. There's a limitation on the number of floors and a limitation on the feet height. So when you're talking about the height limitations in any district, there's two.

Boardmember Hutson: I guess Jamie's point is, if these floors aren't on top of each other are they still considered separate stories.

Mr. Picone: They are. I built the only house I've ever built in Hastings -- second house I've ever built -- but I built the big yellow house that is by Pulver's Heights Memorials where it used to be off the Saw Mill on Stanley, where the shooting star goes up in the tree there every year. That house, because I knew it was prone to flood, I didn't put a basement in it. I put a first floor in of knee walls and created just a large basement area that's fully out of the ground. So then I was limited to only one story above that, and then a half-story. And I had to comply with the 49% area because it was considered a third story. That 49% area is very restrictive. It keeps it looking like a Cape. I wouldn't understand why you would even change it. It seems to be kind of iron-clad to me. And when I built the house the building department notified me that I had to comply with that, and I did because there's no definition of two-and-a-half stories. Actually, Hastings has a half-story -- that's it, the 49%. The other codes don't.

Village Attorney Stecich: Yes. Your problem was, because the basement was all above ground it wasn't a basement. You could call it a basement, but it's above ground so it's not a basement.

Mr. Picone: I sacrificed the first floor of a two-story house, a colonial, and turned it into a raised ranch is what I did -- which is not as luxurious, obviously.

Chairperson Speranza: So am I hearing right now that you don't have any issues with steep slopes on this?

Mr. Picone: Well, no.

Chairperson Speranza: You don't want us to change anything?

Mr. Picone: No, I have an issue with that property. It's not as-of-right what I would like to do so I have issues; specifically a very large driveway because that would definitely be included, pervious or impervious at this point, I think. And also it's very tight, it's close. I don't know if I would have insurmountable issues, but I'm fearful of having issues that are

coming with the third change that would affect me. Because I bought it based on one scenario, and I'm hoping that it's not going to change in a way that I can't deal with.

Boardmember Logan: If we get to the scenario like the New Castle one, they have threshold areas before the thing kicks in, right? And we also have a threshold area. It's 1,000 square feet or something before the law applies. Any given area has to be at least 1,000 square feet before...

Chairperson Speranza: A thousand feet of slope.

Boardmember Hutson: Are you saying, with the 25%, for example, you have to have 1,000 square feet of it?

Boardmember Logan: Before you have to start kicking in...

Chairperson Speranza: Right. "Ground areas of at least 1,000 square feet with a slope of 15% or more."

Boardmember Cameron: Well, he's already done that. He's already done the calculations.

Chairperson Speranza: Right. Bill's talking about comparing it to New Castle.

Boardmember Logan: Considering another type of language here, it seems like the language isn't really broken in this instance. The lot is buildable. There's some awkward factors about it, but it's a convoluted lot and that's what you get and you have to plan around it. But you can actually build a house on it and get in and out.

Boardmember Hutson: Apply for a single-family in this instance.

Boardmember Cameron: It would be a perfect candidate for a variance on the driveway, too, and that's really the definition -- how many square feet of driveway. Obviously, if you're building a house down there we don't expect you to walk up and down the hill.

Chairperson Speranza: So, John, you said this property was, in fact, subject to the restrictions because it's a "portion of the subdivision containing a slope in excess of 15%." So the calculations you have are, in fact, not more than 35% of such steep slope.

Mr. Picone: The ones that were given to you, that's the maximum -- 5,124 is the maximum buildable, I believe -- which was presented to you, the Board, at the time of subdivision. So it's right on, exactly, what you would be looking for if I were to come before you with another plan, I think -- pretty sure.

Chairperson Speranza: So you're right.

Boardmember Logan: For this, basically, we're not too far off with the language we have.

Mr. Picone: Yes, it's restrictive and that's my whole point. It's not that easy. There was one on the street that goes down by the parkway they came back to, after getting approved, years later.

Chairperson Speranza: Yes, Cliff Street.

Mr. Picone: Cliff, it is precipitous there. Same with the other house -- another person, the last couple of years -- Civitano, where he had to go up.

Chairperson Speranza: Right. Who's now got a huge wall. And, again, you're 4. These were the issues.

Mr. Picone: But what's wrong with mitigation? Everyone's complaining about a huge wall. Well, what's wrong with having the Planning Board allow them, with certain mitigations -- shrubbery, trees, so they don't hit you in the face -- to be approved by the Planning Board? Why do I want to go before you, get it approved, and then go back to the Zoning Board and get it approved again? It's like double jeopardy. It doesn't seem fair to me. I think you got my point.

Chairperson Speranza: This was very good. Thank you.

Mr. Picone: Thank *you*. Can I mention a couple of other things?

Chairperson Speranza: Sure.

Mr. Picone: I looked at the meeting. I saw the meeting on TV that you had last time. Actually, when I heard Marianne talking about all the things you were discussing, a lot happened between that meeting and what I was hearing her talking about. That I couldn't possibly be in a discussion between the Board because even some of the things that you all remembered, recollected, I did too. But what she was presenting was, in some cases, different. Be that as it may, there were some comments I had about that, just some of the items I was thinking about.

“Allow high walls where they are necessary to comply with the Steep Slopes Law.” Slopes that face uphill from the street really have a hardship. If you limit the height of walls to 6 foot 5, now allowed, if you make it even lower you probably could render some building lots unbuildable. So perhaps if you had some kind of an incentive scenario to allow one thing to get another thing that you felt was more productive or more aesthetically pleasing or stuff like that might be a good idea.

Chairperson Speranza: Right. And we're not done with walls, fences, etc. at all.

Mr. Picone: Once again, I still feel it's unfair. I mean, if you're going to make people subject to steep slopes -- everyone should be subject to it. The way I look at it is, if it's just a subdivision I understand the thought process and the genealogy of the law when it came about. I knew it, and I wasn't involved in that kind of thing but I was around. It was just really there to limit severe construction -- in someone's opinion, not necessarily mine -- of a steep slope. Because any steep slope can be developed in a proper way and be 100% mitigated, even if you disturbed 75% of it. To me, what's happening is the community is just saying I don't want you to build on this steep slope because I like the open area. This whole law has been developed to curb that kind of development. You know, of course, further restriction would make it even harder. If I own a house, and I have a slope that's more than 15- or 25%, and I want to put on a 12 by 15 addition, I should be required to go through the same hoops. Now that's not required, right?, or just mitigation of the water.

Chairperson Speranza: That's it. Mitigation of the water.

Boardmember Hutson: The reductions do not apply.

Chairperson Speranza: Right. The restrictions on the building.

Mr. Picone: So you just have to do 100% mitigation.

Chairperson Speranza: Right.

Mr. Picone: Okay. So thank you very much.

If I wanted to get a copy of the items that Marianne is contemplating writing up, that you're going to eventually send to the Village Board to approve, would there be a time for me to obtain it and actually talk to you about it? Is there a public meeting or something?

Chairperson Speranza: Oh, there will be.

Mr. Picone: There would be.

Chairperson Speranza: Yes, I think we have to go through another iteration of some of these.

Village Attorney Stecich: The Board of Trustees, they'll have a public hearing before they enact them.

Mr. Picone: Right. But I would not have a chance to try to persuade the Board that something is unreasonable, or they don't want to do that and here's my reason, before it went to the Board.

Boardmember Hutson: Before it went to the Trustees, you mean.

Mr. Picone: Right. It's too late at that point.

Chairperson Speranza: Not necessarily.

Village Attorney Stecich: The thing is, actually it wasn't so much. This wasn't really so much the recommendations of the Planning Board. These all started as zoning amendments that Deven and I had come up with. There were some issues that we wanted input from the Planning Board on. So I guess the normal course would then be, with the Planning Board's input, make these and some other amendments that we have that wouldn't have had the same sort of input necessary to the Board of Trustees. The Board of Trustees has to refer any zoning amendment to the Planning Board, and it will come back to the Planning Board and we just go through the process. Or I can redraft these things for the next meeting and then you could talk about them at the next meeting. It's up to you. It doesn't matter to me.

Chairperson Speranza: I think that's a good idea, and I don't have any issue of making them available to people. Anybody disagree with that?

Mr. Picone: Thank you.

Boardmember Hutson: May I ask a question that's somewhat unrelated? Recreation fees: when do they apply?

Village Attorney Stecich: When the Planning Board makes a finding that they're necessary or that there's a need, and it would only come up in site plan approval or subdivision approval if you create a new lot or if you approve a site plan.

Boardmember Alligood: But it's our discretion? It's not specific?

Village Attorney Stecich: The Planning Board has to make a finding that the creation of this new lot or the creation of this new housing is going to generate a need for additional recreation facilities.

Boardmember Alligood: It's for us to determine.

Village Attorney Stecich: Yes, as a matter of course you probably would. Because before we enacted the new rec fees we had a rec study that Angie did and that the Board of Trustees approved. That rec study made a finding that for each new residential unit created the cost for parkland would be, I think it's \$7,500 for one to two bedrooms and \$10,000 for greater than three bedrooms, something like that, whatever it was. So there has been an institutional finding, but it's just that the state law requires you to make that finding, either subdivision or site plan.

Boardmember Hutson: So these applications that we have before us would likely also involve application of a rec fee?

Village Attorney Stecich: Which applications do you mean?

Boardmember Hutson: I mean the one under discussion as well as the one that came to us.

Chairperson Speranza: Oh, you mean Mr. Tarricone's?

Boardmember Hutson: And the one behind the gas station.

Chairperson Speranza: Foley's?

Village Attorney Stecich: Sure, those subdivisions because you're creating new lots. For a new lot it's \$10,000, so for each new lot created yes, those would.

Boardmember Hutson: They know that?

Village Attorney Stecich: It's in the code. The truth is, it's always been part of the law. We just never had a fee set up for it. It's always been part of the state law. I mean, not always, but for at least the last 10, 15 years. It's that it was just recently that the Village did the rec fee study and enacted fees.

Boardmember Cameron: It's interesting that you bring that up because, again, we're looking at the difference between doing a subdivision and not doing one. So if I had a piece of property, and instead of dividing it into 10 lots -- which would end up with, I guess, maybe 19 or 20 fees -- I decide to put 20 attached condo units on it, there's no rec fee?

Village Attorney Stecich: Yes, because that would require a site plan.

Boardmember Cameron: Oh, it's site plan. Okay.

Village Attorney Stecich: It's either site plan or subdivision.

Boardmember Cameron: Okay, just checking for consistency.

Chairperson Speranza: Bill, do you want to explain a little bit? I don't want to keep us here much longer.

Boardmember Logan: I haven't arrived at any conclusions. I'm just trying to sort of feel out what the issues are. This sketch here, as I said before, is a section through the actual site, scaled off the drawings and taking the real slopes that were shown. And taking two north-south cuts through the site -- one toward the eastern end of the site and one toward the western end of the site -- you see this was kind of the building footprint. This is what the slope actually did. The architects in Urban Green created a series of schemes that kind of

mitigated some of these big, vertical faces. And they made the building go in and out, and they put different levels on it. They had setbacks and so forth.

I guess one of the questions is, right now -- if I understand this correctly -- the deductions don't apply in the CC district. Is that correct?

Chairperson Speranza: Right.

Boardmember Logan: Which is why they can do it.

Chairperson Speranza: No, they applied. But this was not a subdivision.

Village Attorney Stecich: No, the deductions have nothing to do with the CC district.

Boardmember Logan: Okay, so this was not a subdivision.

Village Attorney Stecich: There was no subdivision involved here. That's why the deductions didn't apply. What's different about this building because it's in the CC district - is the way height is measured.

Boardmember Logan: The way height is measured.

Village Attorney Stecich: Yes, and everyplace else in the Village it follows the slope, but not in the CC district.

Boardmember Hutson: So what does this tell us?

Boardmember Logan: I guess the issue is really are we going to have walls that are kind of excessively high and out of scale in the CC district as you look from the train station to the waterfront and back. That was one of the objections we had to this scheme -- these big, looming walls. Maybe there are other ways to mitigate that by requiring walls over a certain number of floors to step back as they go up, or to follow the slope.

Boardmember Hutson: Well, if you applied the reductions in this case what would it do to the building footprint? Do we know?

Boardmember Alligood: That's a good question.

Boardmember Logan: Yes, roughly it would shrink the building footprints because there's only a small flat area at the top of it. The rest of it is virtually somewhere between a 40% slope and a 60% slope, except for a quarter of this site on the northeast corner. So it would have been significantly smaller.

Boardmember Cameron: The one question I have -- just looking at these diagrams -- my memory was that while the building was maybe 40 feet high on the street side it was actually 80 feet on the downhill side. Whereas this one, if it's 40 feet on the street side it's only about 55 or 60 feet on the downhill side.

Boardmember Logan: Yes, I don't think it was 80 feet because the grade change is only 36 feet from the parking lot up to the top of the hill, from the topos. And they didn't go all the way down the slope so it couldn't have been that high. I have the drawing with me, actually.

Boardmember Cameron: That would be good to look at it.

Boardmember Logan: So I think one of the issues was it could be interpreted as a fourth floor, which is where the parking lot was. So in the upper sketch you would have the

appearance of a fourth floor. And I'm not sure what their argument was: they needed it for parking, there was no other way to get into the site or to put the cars?

Chairperson Speranza: Right. And it was actually parking there, which could have been put there anyway but without it being enclosed. The case that I remember them making was that they were enclosing the parking and having there be living area rather than have it be on stilts -- the parking underneath -- which they could have done.

Boardmember Cameron: I thought also they were stepping back the façade on the upper floors by putting in balconies, and for that reason they wanted to have more space on the parking floor for more cars. That was one rationale.

Boardmember Hutson: You don't know how much reduction?

Boardmember Logan: I think they are covering -- it says it on one of their drawings...they didn't take...is there a restriction on lot coverage in the CC district? There isn't, is there?

Village Attorney Stecich: I don't think so. I think there's either none or it's 80%. Wait a minute, I'll double-check.

Boardmember Logan: So they didn't build out anywhere near, but they also had another issue and that was the sewer easement to the west. They couldn't physically build there, so they were kind of...

Boardmember Hutson: Yes, there's no building coverage issue.

Boardmember Logan: So I guess one of the questions is if somebody else comes back, or they come back again and they have something even bigger. The last time they worked with the Architectural Review Board they came with four different schemes over a period of a year-and-a-half. They really were fairly cooperative. They didn't go maybe as far as we might have liked, but they did listen to the Architectural Review Board. They flipped it around. There were setbacks and more setbacks of the views. They opened it up. So they worked with the Board, but I'm just wondering if another owner came by and said, "Okay, I can build this as-of-right, and here's a 60-foot wall and that's what your code allows me to do and I'm going to do it, and too bad," do we have tools available to us to mitigate that? Maybe we do.

Boardmember Hutson: Well, SEQRA certainly would be the main thing.

Boardmember Alligood: SEQRA is our tool.

Boardmember Cameron: Well, it would also be view preservation.

Boardmember Logan: So do we need, in that case, to tweak the Steep Slopes Law, which is what this discussion is all about, to try to address this situation? Maybe we don't.

Boardmember Alligood: I think the answer to that question -- the way I was looking at it -- was it's helpful instead of making them come back four times. That if we had some language that would give guidance to how to step back specifically in our code that would meet our requirements so we're not sort of saying that doesn't quite look right, but we can't tell you exactly...

Boardmember Logan: Well, I think that you could do with a fairly simple formula like for every 10 feet up you go you have the step in 5 feet, for example. That would give us automatic setbacks which would still allow them to build a significant portion of the footprint, but would break up the massing. So you would insert a line that says “for walls over 40 feet high there has to be a 10-foot setback for each floor,” or something like that, “in excess of three floors.”

Boardmember Cameron: I think the problem on this site is steep slopes is very hard to apply to this site, which is what we discussed last time. The other problem with this, which I think is giving us the biggest problem, is the fact we have this uni-side height dimension of 40 feet on one side and that’s the only place we have it. Maybe it’s one or the other that have it, and that’s what’s giving us the problem. The problem is that it could be 40 feet on one side and it could be 100 feet or 50 feet or 70 feet on the other side. And that’s our problem, which is why I mentioned to you the idea of stepping down because that’s how you solve that. The trick here on this site is how do we do the step-down and still let them get their parking garage.

But I think that is where the solution is. The solution is that you do have a restriction in which as the ground drops -- as your basement appears ever higher underneath you -- you actually have to drop down your floors. Which is why I was intrigued by the comment we had that we actually pull back your floors as you go up. In other words, you could actually have this thing as a five-story building -- excuse me for saying so -- but it’s done by you keep dropping down.

Boardmember Logan: Yes.

Boardmember Cameron: And this gentleman who is here, Picone, he has the same problem. And if we do want to have some Italian palazzo effect we have to figure out some way of being able to look at actual floors you have. Even though there’s three floors here and then there’s three floors here and it was three floors here, we might call it five, but in fact there is at no one time more than three floors. And that, to me, is how you get that.

Boardmember Logan: I agree with you, but I think a definition of setback versus height would be better than one just saying follow the slope. So I think that’s the difference.

Boardmember Cameron: Right. On a slope -- I did some measuring myself -- but on a slope over about 40 degrees you can’t follow a slope line very well because you’re changing floors too often.

Boardmember Logan: Exactly. Which is kind of what this diagram shows. What we could conceivably do is, on this top sketch, take our pencils out and say, well, what do we want this wall to actually look like, and describe an angle which is, say, a 60-degree angle, 1:2. For every two units you go up you have to go one unit in per floor, or something like that.

I would say -- for example, to make it useful and to be able to plan -- if it happened to be a retaining wall, or some other words, we'd have like a 4-foot setback for every 10-foot rise per floor. Even like 4-foot setback per floor. Pick your number.

Boardmember Hutson: Five-foot, ten-foot.

Boardmember Logan: Do it that way. And if then we could boil that down into one or two sentences...Jamie, you're the wordsmith here, by profession.

Boardmember Cameron: I am a former professional. I think we need to conceptualize it a bit more and then come up with it.

Boardmember Logan: I think I agree with you, personally, that that's the way to do it. Not change the language of the steep slopes right now.

Boardmember Cameron: Okay, in the CC district. I see a real issue in having steep slopes work well in the CC district because the CC district by definition is a steep slope. But I would like to see the Steep Slopes Law apply to the entire town and maybe not to the CC district if we can come up with some good language here. Because one of the points I made last time was that we will never see a subdivision again in this town of any one of our large pieces of land. It's going to be somebody coming -- wanting to put 40, 50 units on the piece of land -- and we have no way of dealing with that on a steep slope other than site plan approval.

Chairperson Speranza: That's the one other property that I wanted to take a look at -- I don't know, Angie, if you got the topos for that -- North Broadway.

Boardmember Logan: So it was the Aranow property?

Village Planner Witkowski: The one on North Broadway, the topo.

Chairperson Speranza: Because that's not in the CC district and it's not in MR-1.5.

Boardmember Logan: They didn't have a whole lot of information. It was like flat, with two or three topo lines at one edge. It wasn't very helpful.

Chairperson Speranza: Was that on the county GIS?

Village Planner Witkowski: No, I started with the property file because there was a topo survey in the property file for that. There was an extra one in there so that was what I gave Bill.

Boardmember Logan: The one I got was for a Broadway Aranow property next to the railroad. It was a sketch.

Chairperson Speranza: I'll see what I have from the large tracts one.

Village Planner Witkowski: Oh, I've got it in there. I'll give him that.

Chairperson Speranza: That whole parcel, that's a big property and it's zoned for multi-family, right?

Village Planner Witkowski: Yes. That was just one.

Chairperson Speranza: So that may be a case in point.

Boardmember Cameron: Sure. Can I have one? Andrus Home -- I mean, they're all cases in point.

Chairperson Speranza: So remaining, we still have to do fences and walls, and continue steep slopes.

Boardmember Logan: Well, maybe under the wall category we can address this issue of how we have step-backs.

Chairperson Speranza: Height and walls, yes.

Village Attorney Stecich: I misspoke before. I didn't really misspeak, I made a mistake. When Eva was asking about things being used -- they can't be used as a principle or accessory use. Actually, you can store a boat on your property, but it's got to be either fully enclosed or 10 feet back or whatever. So it is allowed. That language has always bothered me. I'm going to take a look at it. I'm going to talk to Deven about it. Because probably what it means is that you can't live in or hang out in it. But I don't have any problem putting the carport in there because why would you have it unless you're using it to put a car in there. I mean, that would be an easy one to say, if it's there you're using it you're using it for storage or a garage. The one that might be a little bit trickier is the trailers.

Also, part of the problem is the code was written when there were just cars and trucks and trailers. Now there's all those things that are sort of in between, the recreational vehicles and stuff.

Boardmember Alligood: And my question wasn't posed because I necessarily feel strongly either way about how we interpret it.

Village Attorney Stecich: It is confusing.

Boardmember Alligood: I wanted to know, does it mean you can't have it on your property and use it, but you can have it on your property?

Village Attorney Stecich: It's a good point.

VI. Discussion - Planning Boardmembers' Items

1. Transportation Plan

Chairperson Speranza: Do you want to talk about the meeting the other night?

Boardmember Cameron: Sure.

Chairperson Speranza: We had a good meeting with the Board of Trustees on Tuesday with respect to the transportation plan. We got through a number of the items that came out of the plan. We did not go through all of them. We talked about the priorities that were identified by the Board of Trustees and by the Planning Board members. And there are some that I think will be pursued with the Board of Trustees. There were others that we were not quite so sure how to proceed on. And Fairlane Drive was one of them, Jamie, right?

Boardmember Cameron: Well, I was going to mention Fairlane Drive because we brought it up at that meeting. I think that one of our problems at the Farragut School is there is no way of getting out after dropping off your child except by going back up to Farragut, which

is one of our big problems. If there was a way of getting some of the cars to go out a different way other than up Mount Hope, then Fairlane Drive was an obvious example. But unfortunately it costs an estimated \$325,000 to build a sidewalk. It occurred to me, and I threw it out at the meeting, but then everyone was so surprised that it didn't go that far. And afterwards I thought about it some more and I sent an e-mail -- which I've distributed to all of you and to Peter, since he was the coordinator of the meeting, with a copy to Patty.

It seemed to me, if you've got a couple of swinging gates, one-lane gates, and you mounted one at each end and both on the downhill lane -- and on one you put "no entry" and on the other one you put "keep right, one way, 20 miles per hour," and put a double-stripe line down the middle -- then the same way you put chains up now you could just close those off when school started in the morning and open them up at the end of the day. That would give you a way for cars to, maybe on a one-way basis, exit from the school and go up Villard or what have you and get back to that side of town. The reason why I was suggesting one-way going north is that, first of all, as you come down that one-way the kids on the outside are better protected from an oncoming car than the outside edge. And secondly, it got rid of the argument that somehow you were using this way of actually getting around behind the school and going out to the Saw Mill River Parkway or the Sprain because people would not like that kind of idea. They were speeding through School Street and back roads to get out there.

Now, Patty brought up that if we were to do it on an experimental basis it was a bit of an issue, and wanting something down the middle of the road. Actually, one of the gentleman here earlier, who is an architect said we could get these plastic ones which you can put water in and make them fit the weights. Just put a few of them down there. So one idea on an experimental basis was to get the town to do this with some plastic ones down there and just see how it goes. Because this thing would probably cost \$5 to 10-thousand dollars to do in total versus \$325,000, and it might actually ease pressure of people going back up.

So I distributed it. We can take it up at the next meeting or whatever we want to do. Maybe all of us should go out there and look at the piece of land. The other advantage of doing it, the kids walking the downhill lane, for much of the downhill lane there is actually level ground next to it as well. So it's an added safety feature. Where it gets narrow is actually straight, and it's immediately after where our swinging fence would be. So it would be hard to pick up a child right off the bat near the end.

Boardmember Alligood: And just for clarification, Jamie, you're proposing that the road be used one-way just during those hours that it's already chained off.

Boardmember Cameron: Yes.

Boardmember Alligood: Other than that it would remain a two-way street.

Boardmember Cameron: Swing the gates open. The only thing you would see when the gates were swung open is a double line going down the road.

Boardmember Wertz: That's a very creative idea, Jamie.

Boardmember Logan: I like it. I think it gets us more than halfway to where we want to be because we get the kids there, and we only lose a fraction of the cars which might want to go the other direction. So we're like 70% of the way where we would want to be for no money. Of course, fire trucks and so forth could still get through if they had to.

Boardmember Cameron: Knock the chain right out of it's barrier.

The other thing which would be very interesting at that point, and maybe that's where the school should think about this, if we now have people coming up and going up on School Street, whatever it is, is there another drop-off spot there. How do you look at where the drop-off spots are if we are now directing traffic to come around the school that way and go out on Fairlane.

Boardmember Wertz: Are you thinking that it might even afford a different drop-off spot so you spread out the drop-off around the school better?

Boardmember Cameron: Right.

Boardmember Alligood: Yes. Because one idea is to say there's a zone in front of the middle school and there's a zone for the high school, just to kind of separate that out and not create such a logjam.

Boardmember Cameron: Maybe more the gym entrance. Up by there, you have more drop-off there.

Boardmember Wertz: Yes, that's what I was thinking. I don't think that all the details of your idea were clear in that meeting.

Boardmember Cameron: Or I surprised them.

Boardmember Wertz: I'm not sure they really understood the line down the center which would provide a safe area for children to walk plus a place for the cars to drive without having to build the expensive sidewalks.

Chairperson Speranza: Jamie and I were talking about this. We do have to do some reconnaissance because no one seems to know how many people are actually walking there. We've got to find that out. Then are they small, are they older. Is it parents walking their children up to Hillside, which I could see happening also. Or is it the older kids that are walking that way. We don't know this, so we'll have to find out.

Boardmember Cameron: See, the thought was the older kids probably should be, or I think would they be, walking down the steps and right across the middle.

Boardmember Logan: Why wouldn't they go all the way down and cut across the field?

Boardmember Wertz: It's Hillside kids.

Boardmember Alligood: You know what? I know it because I'm there every morning. It's parents walking their children to Hillside during those hours that we're talking about. That's who's using it.

Boardmember Wertz: For sure. It's a longer way around to the high school. It wouldn't make any sense.

Boardmember Allgood: No, it does not make sense.

Village Planner Witkowski: I can forward this to George Jacquemart and have him take a look at it, too, to get his take on it.

Boardmember Cameron: You might also give it to the Police Chief.

Village Planner Witkowski: Since it's relevant to the plan, they had that as one of the proposals. That's what I've been doing throughout the process is forwarding any ideas to him for him to look at.

2. Miscellaneous & Project Updates from Director of Planning

Chairperson Speranza: For those people who are still tuned in and have nothing to do tomorrow at 9 o'clock in the morning, there is a conference that's being put on at the Yonkers public library on preserving community character. It looks pretty good, different cast of characters than some of those that normally go. They are going to have sessions on sustainable community criteria, assessing community culture, streetscapes downtown. It looks pretty good.

Village Planner Witkowski: Then I just wanted to briefly mention, I passed out these e-mails that I just got from APA-New York. One is Museum of the City of New York. There's a program that they're doing Wednesday, November 28th on modernism in the public realm -- planning and building in New York -- that the APA thought people would find interesting. Another one is on Tuesday, November 27th from 6 to 8 p.m., but that's also when we'll have the meeting -- the Board of Trustees is having the meeting -- on the LWRP. If you want to do something else between 6 and 8, this is available.

Chairperson Speranza: The LWRP the 27th.

Village Planner Witkowski: And the 19th the LWRP steering committee is meeting with waterfront preservation. I didn't know if you got the e-mail.

Boardmember Hutson: Yes, I couldn't make that. I e-mailed you that.

Village Planner Witkowski: Right. I wonder if some of the other Planning Board members may want to...since Dave is the liaison to that, maybe a couple of other people might want to go to that on Monday, the 19th.

Boardmember Logan: I thought it was the 27th.

Chairperson Speranza: No, that's different. This is the LWRP committee.

Boardmember Hutson: This is the group working on preservation of structures.

Village Planner Witkowski: Well, I have to go to it. So I'll be there.

Boardmember Cameron: I mentioned to Patty earlier, I'm going to a two-day one which is called "Chronic Risks of Global Change to Urban Coasts & Economies." The lead-off one

tomorrow is “Storm Surge Barriers to Protect Metropolitan New York: Data and Tools.” It’s actually a waterfront conference.

Village Planner Witkowski: And I have two really good news items. Kinnally Cove went out to bid. We selected the contractor. Xavier will be doing Kinnally Cove. We want them to start like ASAP. They got approval from the Board. And then I just got the official letter from the New York State Office of Parks, Recreation, and Historic Preservation that they can go ahead and start on Kinnally Cove.

Boardmember Hutson: Is that plan on the Website? I assume it is.

Village Planner Witkowski: Yes, we had the permits. So some things had to be changed.

Boardmember Hutson: The updated one?

Village Planner Witkowski: I don’t know if we put the updated one on. We didn’t get the permit until June, I think, and then I had to, really quick, put together the bid packages, and there were some other details.

Then also we’ve already distributed, I think, seven bid packages for Quarry Trail, and put the notices in. There was a site visit today, and they have to come back with their bids the 28th of November. Then hopefully they can get that started right away because that grant is expiring at the end of December of this year. So we have to get it extended a bit.

Boardmember Wertz: Angie, what’s the time frame for completion on Kinnally Cove?

Village Planner Witkowski: We left out three details. Like landscaping -- obviously, that can’t be done until the spring anyway -- that was left out. So we’ll have like a phase two. This particular portion, which would be everything except the boat ramp -- no; the landscaping -- no; and the wave deflectors was the other thing that was taken out for this phase. I think it may be three, four months, something like that. I can’t remember exactly what Xavier put down as the time frame. But we’re getting the contract going and, hopefully, they’ll be able to start by next week mobilizing. He’s already started ordering stuff. So little by little we’re getting there.

Chairperson Speranza: Okay. Anything else?

VII. Adjournment

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