

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

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

PRESENT: Chairperson Patricia Speranza, Boardmember William Logan, Boardmember Fred Wertz, Boardmember David Hutson, Boardmember Jamie Cameron, Boardmember Eva Alligood (8:17), Boardmember Bruce Dale, Boardmember (Alternate) Rhoda Barr, Village Attorney Marianne Stecich, and Village Planner Angela Witkowski.

I. Roll Call

II. Approval of Minutes

1. September 20, 2007 meeting

Chairperson Speranza: We actually have two sets of minutes here. The first one is from the September 20 meeting. Questions, comments? I actually have some changes from Boardmember Alligood, so Angie I'll leave those with you. Oh, she e-mailed them to you? Okay, great.

Boardmember Cameron: I have a few. Page 27, I already checked with Patty. The third line down it says: "...but not blocking site distance." Sight should be S-I-G-H-T, not S-I-T-E.

And if you go down to Mr. Castillo's comments, the end of his comments are: "...but it won't impede site distance." He means S-I-G-H-T, too. The distance you can see.

If you go to page 33, and it's a comment of mine -- well, the first time I comment, near the top of the page, third to the last line: "...because you're given "lots of," not "letters." It was "...lots of 'notice' to provide them."

If you go to page 36, again after my comment, third line from the end of the first paragraph: "...which we know 'has' greatest believability." It should be " "...which we know 'does not have' great believability due to Katrina." I didn't say the floodplain limits have great believability. It says "which we know" and it says "has greatest believability." It says "does not have great believability."

And if you go to the next paragraph, second line, it says near the end of it: "...and I do notice that we have written here a line that says." It should say "says we have no

responsibility,” S-A-Y-S. It’s the end of the second line in the second paragraph of my comments.

Then if you go down to the next paragraph, sorry, the end of that first line should be: “buildings,” with an “S,” comma “parking lots, paving, and such things.”

You go to page 38, second line under my comments: “...people on this board who spend a lot of time thinking about runoffs and,” cross out the word “what” and cross out the word “you.” So it would read: “...and have worked with you and tried to make sure it wasn’t contributing to the problem.”

If you go down to the next time in speak, which is about two-thirds of the way down the page, go down, one, two, three, four, five, six lines, at the end of the line it says: “...in the land and so it’s not,” it says “below,” it should “above the floodplain.”: “XXX the building will be above the floodplain once they fill in the land.”

And the last one, if you go to page 39, about a third down the page, the second time I spoke: “Boardmember Cameron: I think we all know the,” should be “electrical panels will be on the wall.” They call them electrical panels, I said switchboards. But then they have switches in the other thing: “the switches will not be on the wall.” So: “...the electrical panels will be on the wall.”

On MOTION of Boardmember Dale, SECONDED by Boardmember Logan with a voice vote of all in favor, the Minutes of the Meeting of September 20, 2007 were approved as amended.

2. August 6, 2007 meeting

Chairperson Speranza: This was the joint meeting that we had with the Zoning Board of Appeals. Any changes to those minutes?

On MOTION of Boardmember Logan, SECONDED by Boardmember Dale with a voice vote of all in favor, the Minutes of the Meeting of August 6, 2007 were approved as presented.

III. New Business

Recommendation to the Board of Trustees on the Proposed sale of Village-owned property. Request from owners of 162 Warburton Avenue (Sheet 7/ Block 606 / Lots 42, 43, 44, and 45) to purchase adjacent Village-owned property ("paper

street" Glen Drive) that bisects their property.

Chairperson Speranza: The next item on our agenda is the referral to us from the Board of Trustees for the sale of a piece of Village-owned property, which is a paper street known as Glen Drive, along Warburton Avenue. Marianne, do you want to give us a little briefing about this from the Board of Trustees? Part of the process is that these kinds of disposals of Village property come to the Planning Board for a recommendation. I believe the applicant is here.

Village Attorney Stecich: The owners of 162 Warburton Avenue came to the Board of Trustees actually to two meetings about purchasing the paper street that runs through their property. I believe you've got some pictures of it; it looks like a driveway. There's the map. The property owners own lots 1 and 2, and then lots 4 and 5, I believe -- right? So they have four of the lots. Obviously, the Village has to decide whether they want to sell it. It's up to the Village. Before the Board of Trustees would make a decision they wanted it referred, as has always been the procedure, to the Planning Board for its recommendation about if there's any Village use for it, and that's why it's before you.

You won't make the decision whether to sell it, but you'll make a recommendation to the Boardmembers whether you think there's a need for it. I don't know if you had a chance to read the minutes. I attached the minutes from both meetings. You can see there was some lively discussion over it. I didn't want to characterize the discussion one way or the other, so I said just read it.

Boardmember Cameron: Do you know who owns lot 3?

Village Attorney Stecich: I think the Village owns it. Am I right? Wait, lot 3. Is that headed south?

Boardmember Cameron: It's under the bridge.

Village Attorney Stecich: I'm not going to swear to it, but at the meeting you'll see somebody asked and the Mayor said that it wasn't owned by the Village. But somebody dug up something in the Village files. I think it may be owned by the Village. I'm not sure, but I think it might be. I didn't bring that stuff with me.

Village Planner Witkowski: It's shown on the PAS maps as the Village owning it.

Village Attorney Stecich: Right. And it actually is a significant fact because one of the suggestions for using Glen Drive would be it's a way to get from the Aqueduct down. So you should be aware that the Village owns the piece. Actually, I'm pretty sure -- you are, too? -- that the Village owns that.

Village Planner Witkowski: No, I can double-check.

Village Attorney Stecich: Which, again, would not have been reflected in the minutes. But it was correspondence that came afterwards.

Chairperson Speranza: Mr. Anuszkiewicz, if there's anything that you want to add right now.

Adam Anuszkiewicz, 162 Warburton Avenue: Have you seen the plan?

Chairperson Speranza: We have the survey that had been done.

Mr. Anuszkiewicz: We approached the Board of Trustees and made the request, obviously, because we would like to unify our property. At the moment we own 1 and 2, and 5 and 4. But they are physically separated by this paper street which lies out in the back, kind of up at the base of this ramp. We actually own property on the ramp as well, so there's kind of a mix of two uses here.

At the moment, Glen Drive -- or our driveway -- basically is just gravel, and has been I think since the house was built, which was in 1912. We purchased the property about a year-and-a-half ago and we have been maintaining it. We've been putting down quarry dust, which is just a way to sort of stop the erosion. Before we did that, it's basically a mud road that every Monday morning the street sweepers wash it away on Warburton Avenue. So there's an issue with maintenance there that we would like to add.

The Trustees did not make a decision about it. They just have referred it to you for your comments.

Chairperson Speranza: Thank you.

Boardmember Dale: I have a question, since the information is fairly limited. Can you tell me where that ravine is that comes down? Where it is exactly on this map?

Mr. Anuszkiewicz: You're talking about here?

Boardmember Dale: Yes.

Mr. Anuszkiewicz: I think it's right at the south edge of lot 3. It doesn't show on this survey, but if you look on the tax map it does show that there's a creek that runs right through here. And then there's another lot on the other side of the creek. I think that's the bottom of the ravine.

Boardmember Dale: On the creek it seems to be between 3 and 4.

Boardmember Cameron: Well, the creek is probably in 3.

Boardmember Dale: On this map it's right on the edge of what's now 3. The point that I would make is that the road, as planned, I don't think can work, the paper road. I don't think there's enough room to make that turn to get to the height of the Aqueduct.

Boardmember Cameron: There actually is. It's a big wide ramp. I've walked it for 15 years, and I walked it today. So you really should go and walk it.

Boardmember Dale: I did. I was there.

Boardmember Cameron: Well, there's a nice wide ramp going down between these two walls. I know part of the land belongs to the gentleman who's here, but between those two walls, at the top, there's a nice wide ramp going down.

Boardmember Dale: At this level, but it hardly looks like a road.

Boardmember Allgood: It's sloped so that you could walk on it.

Chairperson Speranza: You're thinking of it literally as a road.

Boardmember Alligood: But you wouldn't want to drive to the Aqueduct anyway.

Boardmember Dale: But it doesn't actually reach the top.

Boardmember Cameron: Yes, it does. It absolutely does. You've got to turn a little earlier than maybe you turned, and it just goes down a long ramp all the way down.

Boardmember Dale: I walked back and forth. I didn't see it...

Boardmember Cameron: Well, I'll be happy to go with you tomorrow.

Boardmember Dale: ...where you could put a road.

Boardmember Cameron: Well, I haven't said "road," and it may not be appropriate for a road. But it certainly is wonderful for a pathway, and it's really the best way to get from the Aqueduct down into that gully without scrambling on a steep hill. It goes down very gradually and very nicely. It was part of a plan we put together in 1993 for trails, which included the Quarry and everything else, to connect them all together. I think whether or not we don't need the piece passing through the middle of your property, and whether we can use the top piece and get a bit more of it and then bring something down on lot 3 or between lot 3 and lot 4, is something I think really needs to be looked at from the point of view of the Village. And it may be that at that point we don't need Glen Drive up to your garage and there's a compromise in there someplace. But I think it's a little too early to say exactly where it would come about.

Chairperson Speranza: So I'm hearing, Jamie, in terms of our task for tonight, recommending -- and the action would be a recommendation to the Board of Trustees -- whether or not we feel that there is no use for this property by the Village. And I'm hearing that that's not the case. I'm not saying it the most effective way.

Boardmember Cameron: That's the short and sweet answer. But part of the discussion at the meeting that this gentleman attended was that maybe they would trade a piece of land -- one piece for another -- and that's something which I would suggest be explored because that might make a very good way to get us a nice pathway coming down. It allows you to go right in the gully. And this pathway, you come right down to where the water comes underneath the Aqueduct. There's a beautiful arch there which practically nobody ever sees. I think it would be absolutely gorgeous. Whether or not we need something going all the way down, I, for one, think we're going to have the road farther along for awhile. Someone mentioned emergency access for an ambulance. Quite frankly, I thought that was not that great a comment because -- excuse me for saying that about some of the comments -- because you can come onto the Aqueduct a hundred yards farther down on Crescent.

So there are lots of ways of getting on, but I think for walking that is an absolutely beautiful gully going down past those trees. The only trick is getting under the bridge. Someone has to look and see whether you could build a wooden walkway under that bridge to allow people to walk underneath it. Because it's fairly steep on both sides. I've scrambled through, but it's not ideal.

Boardmember Wertz: I think the recommendation that the Village Board wants from us is that in order to sell land it first has to be considered whether there's any Village use for it. The only use that I've heard, and that I can think of, for this particular piece of land is to create access from the Aqueduct and Warburton. The thing that's really before us is whether that, particularly, Glen Drive would potentially have a use with regard to connecting Warburton and the Aqueduct. Unless there's some other use, I think that's it. So what we have to analyze is whether it could have that use.

And I guess the other thought about it is -- and I think what I'm hearing from Jamie, and I think we would probably all agree -- that to have access between Warburton and the Aqueduct in this spot is a really good thing for the village so we really do want to have it. Now, the question is whether we need Glen Drive for it or whether there's another way to gain access between the two and whether this ramp could connect with Village-owned lot 3. I mean, if that's a possibility, then maybe we don't need Glen Drive.

Boardmember Cameron: Well, Glen Drive includes the ramp. The top part is also Glen Drive. It's a continuous piece of land.

Boardmember Wertz: One thing that wasn't clear in the Village Board meeting...

Mr. Anuszkiewicz: I need to ask that because that came up before, and I've never seen any document that says that. Isn't the top of the ramp also potentially the Aqueduct property?

Boardmember Cameron: Yes, I think it probably is, but it's also Village property.

Boardmember Wertz: I don't believe it was ever resolved in the Village Board meeting.

Mr. Anuszkiewicz: I don't think it's clear actually.

Boardmember Wertz: Whether Glen Drive really connects with the Aqueduct or not was never resolved, as far as I could read it in the Village Board meeting. So we need good information on that, number one.

Boardmember Dale: When you're on the Aqueduct itself there's another road which starts on the other side of the Aqueduct that goes further up the hill. So it would seem that the intent of Glen Drive was to connect to that and go across and up.

Boardmember Cameron: I don't know if that's true or not because Glen Drive is coming up going the other way. It'd be pretty hard to make a U-turn and come back. I really don't know what the...

Boardmember Hutson: Are you talking about the service road for Graham Windham?

Boardmember Dale: No, right behind his property on the Aqueduct there's a pathway that goes further up the hill.

Boardmember Cameron: It did continue further up the hill?

Chairperson Speranza: Yes. That was something that came up the other night because there seemed to be another extension that wasn't being shown on any of the maps.

Village Attorney Stecich: Right. Somebody came to the Board of Trustees meeting asking about another paper street that was a continuation of Glen Drive that would have run from the Aqueduct to Pinecrest. Susan looked into it because it was on old maps -- it's not on the

current map -- and found minutes from 1986 for the Board of Trustees where the Village Board entered into a quit claim deed with the property owner whose lot it ran through. So that paper road was eliminated. That was back in '87.

So I think you're right, Bruce. There was a road that kept going, but that part of it has been de-mapped so that's out of the picture now. There's not been any title work done on this or anything. It's just what the records seem to show. It seems to be pretty good.

Chairperson Speranza: What I think I'm hearing is that...and I'm not sure if we're at a position where we say to the Village Board as of right now we're not convinced that there is no use for Glen Drive from the Village standpoint -- either the entire street, the entire area, or the top portion. But there are some issues that need to be resolved with respect to the connectivity, with respect to whether or not there are other ways to accommodate the request to have a driveway that doesn't need to be consistently maintained by this particular property owner on Village land.

Boardmember Dale: The driveway, when you stand in front of it...clearly, if I was out for a walk and wanted to get to the Aqueduct I would not cross this property because it feels like private property, period, and you're intruding on some private property to go up that pathway. Even if there were a sign that said "this is public property" you would be reluctant to do that, I think.

Trustee Swiderski seemed to be suggesting that a trade, moving Glen Drive to the edge of, onto the edge of, 3 -- taking a small piece, or an equal size, of lot 4 -- would accommodate the intent of Glen Drive. It just would probably be more inviting to the public.

Boardmember Cameron: Yes, I think that's right because it would allow you to get onto Warburton. And to me, the key question is where is the line between 3 and 4. Because there is a fairly steep hillside going into the ravine, and if we want to get from the Aqueduct down onto Warburton we don't want to be down to the ravine because then it's hard to climb up again. So we need to know where that line is.

Boardmember Dale: That's why I started the question with where is the ravine because none of the documents we have are sufficiently accurate to say whether that trade makes fair sense.

Boardmember Hutson: Where did I read it is a two-part request? I read that somewhere, but I don't see it.

Village Attorney Stecich: It was in my memo. The Board voted to refer [off-mic] two questions. One was, the Village had to [off-mic], and two, whether the Planning Board thinks the Village should swap land [off-mic] Warburton [off-mic] give them Glen Drive in exchange for an equivalent [off-mic] Warburton.

Boardmember Hutson: Right. So I think clearly at this juncture we are not prepared to say that we think there's no use for this particular paper street. In the future, I think everybody has said we need the information specifically as to who owns what and be very clearly

delineated. Because the terrain, and just the grade there, does change fairly rapidly as you move south. So you have to decide, and I'm sure Glen Drive was chosen probably because that was the best grade and terrain for an imagined-some-day street. It's not that you necessarily need as gradual terrain for a trailway as you would for a street. But still, I think that's a consideration that comes into play. I think, clearly, if it can be moved away from the person's house -- not only for his sake, but in terms of the hikers' sake -- that it makes sense to do the swap. But I think that question of a) ownership, and b) change in terrain and grade -- those two questions -- really have to be clearly answered before any reasonable person could make a judgment.

Boardmember Wertz: I really agree with you, David, of course. I'm also sympathetic, as I think the Village Board was, with the owner that there's a maintenance problem there, there's an erosion problem there. Going there, it seems as if the treatment of that driveway could be much better than what it is. I see advantage to our owning it, particularly if, in our judgment -- and it sounds like we are thinking -- that for walkers...and we're not thinking about a road anymore, so we really are thinking about a trail. And if a trail would make as much sense, and perhaps even more sense, going up in another area, then I think it sounds like it's in the best interest of both the owner and the Village to work something like that out.

One of the things that was kind of thrown around and debated on the Village Board was whose responsibility is it to sort all this out, to survey it, to put up flags and so on so we can really see what we're dealing with here. Clearly, the Village isn't going to take the initiative to pay for that kind of work. I think it seems to me that it's incumbent upon the owner to do the work and to make a proposal that would have an accurate portrayal of who owns what and then lay it out for us. If it looks like it would work I think we would probably be receptive to it. I would. I think we're not telling you to just go lay out money for something that would get turned down. Because I think, from what I'm hearing, everybody sees the virtue of a good trail as long as it could connect Warburton and the Aqueduct. Nobody thinks we want to run something right through the center of your property, and we'd like to help you with your erosion problem.

So I think it sounds like there may be a way to solve it all, but it's up to you.

Mr. Anuskiewicz: Here's my thought on that. When we had the meeting with the Trustees the Mayor said that you do not own lot 3, the Village did not own lot 3.

Boardmember Wertz: That's new information.

Mr. Anuskiewicz: So that's why the whole conversation went in that direction.

Boardmember Wertz: But the other part was that you didn't believe that Glen Drive connected with the Aqueduct, and now I'm hearing that it does.

Mr. Anuskiewicz: No, I said I didn't have any evidence of that. And I still don't think that what was said here before would make that clear either. But I think that's not necessarily

important if we're talking about a way to create a trail. I think whether Glen Drive continues on the other side of our property or not doesn't really matter to us.

Boardmember Wertz: Not on the other side -- right below the Aqueduct, between the Aqueduct and Warburton.

Boardmember Cameron: What would be useful...see, you evidently had a survey done when you bought the place August 1st, 2006. It would be very useful to know where you believe the southern end of lot line 4 begins and goes up, and where it goes. I hope you got the guy to put some stakes in for you or something, and that would be a good start on our part. And meanwhile, we could figure out whether we own lot 3 or not.

Mr. Anuszkiewicz: The southern line of our property on lot 4 is right here.

Boardmember Cameron: I understand that. But physically, when we stand there on your property, did he put rods in for you?

Mr. Anuszkiewicz: Well, no. It comes from a written deed. I mean, there's a division line of the property.

Boardmember Wertz: But we need to see that mapped onto the actual site.

Mr. Anuszkiewicz: Let me finish. Because what I was going to say is, if you own lot 3 and your concern, or your wish, would be to connect a trail from the Aqueduct to an existing trail which comes right up to the underside of the bridge, then it's a simple matter for us to exchange the part of the land that we own on the ramp, giving you access to the entire ramp. And then you have a way to connect the Aqueduct to your trail.

Boardmember Cameron: The problem is, lot 3 may be entirely in the gully and we need to get up on the top of the ridge to go along promptly, if we're going to do it, to Warburton. I did notice when I was there today that you have a whole row of stumps right on the edge of the ridge, fresh-cut ones, and maybe that means that you think you own the land right to the edge of the ridge, which may be the case. In which case it would be very hard for us to make our way from the Aqueduct to Warburton because we'd be down in the gully.

Mr. Anuszkiewicz: Well, I think you need to determine whether or not what you want is access to Warburton or to the existing trail system.

Boardmember Cameron: It is access to both.

Mr. Anuszkiewicz: Well, if you want access to one you're at one elevation. If you want access to another you're at another elevation.

Boardmember Cameron: That's true. We may end up with two pieces.

Mr. Anuszkiewicz: And I don't understand necessarily why you would need that because there is a connection from the Aqueduct to Warburton.

Boardmember Cameron: First we need to know the facts, and then we'll make a recommendation to the Board. But we need to know the facts.

Mr. Anuszkiewicz: I think you need to make a proposal.

Boardmember Wertz: It's not our proposal. It's your proposal.

Mr. Anuszkiewicz: Well, our request is to purchase the property. And that's all, actually, that the Mayor has asked anybody to comment on at this point.

Boardmember Cameron: That's not true.

Mr. Anuszkiewicz: That's what happened as far as I'm concerned. The rest of it is coming from the Trustees.

Boardmember Alligood: I'd like to just state that in terms of that first question which is on the table in the memo: whether the Village has, or may in the future have, a need for this property. I think the answer is yes, so what we have to work with is whether we're willing to swap. Because I don't think we really have consensus that we have a use for a connection between Warburton and the Aqueduct. We own the land there; there's no reason for us to give that up.

Boardmember Wertz: Unless it can be demonstrated that there's another way to make a connection.

Boardmember Alligood: Yes. I just want to state that clearly because that's how I feel about it.

Village Attorney Stecich: Let me just say something on that. Once that determination is made, that's it. Because the Village can't give up property. By law, it's prohibited from giving up property that there may be a need for. So it's not like they could say that if the Board of Trustees agrees. That does not mean, though, that you could...but if you had a land swap, then you may not have that same need.

Boardmember Alligood: Yes, exactly.

Village Attorney Stecich: So the answer is not to end it. It doesn't have to end it, but it could end it.

Chairperson Speranza: I think I'm hearing that there are definitely some good reasons to look at the potential for a swap, assuming that the property owner wants to consider that. You're the attorney, not me, but I know there are instances where there are license agreements. I mean, isn't there a way that the homeowner can make the investment of paving this portion of Glen Drive to his home and be assured that all of a sudden it's not going to be fruitless? You know, if there's a five-year license agreement -- I mean, if you pave a driveway -- what is the life of the driveway pavement. It doesn't go to the question of an outright purchase of the property, but it does help with respect to the maintenance until we, the Village, may say, "Okay, let's review all of the documents. Let's take on this task." Because it does seem that there should be some relief, particularly for this small portion of Glen Drive.

Village Attorney Stecich: It was not the request made to the Board.

Chairperson Speranza: Right. We're just strategizing.

Village Attorney Stecich: I suppose it could be done. I would have to think about it. Because there are issues, real liability issues. It's not a neat way to do things. It's generally not a good idea to have private people using Village property.

Chairperson Speranza: Well, there's got to be a liability issue right now because it's Village property that the Village isn't maintaining. Yet this gentleman...

Boardmember Hutson: It's unauthorized use.

Boardmember Dale: If the property is licensed to him he would also have the obligation to provide insurance.

Village Attorney Stecich: I'm not saying there's no way to do it. It's just that license agreements aren't the best things. Sometimes you do them because they're necessary. But it's certainly not the choice of choices.

Boardmember Cameron: Yes. Maybe between now and our next meeting we can learn some of these facts and we can be in a better position of what our real recommendation to the Board's going to be.

Boardmember Dale: And somebody has to show me the trail. I walked there and I saw no way of coming through.

Boardmember Hutson: Well, you have to go through a few briars.

Boardmember Dale: I did, but I saw no way of comfortably walking from his property up onto the Aqueduct.

Boardmember Hutson: Well, you have to walk a long way north along the wall of the Aqueduct, and then you walk right over it.

Village Attorney Stecich: Wouldn't it have to be staked?

Boardmember Dale: It's really not on his property.

Chairperson Speranza: Right. All that would have to be done.

Boardmember Dale: The access.

Boardmember Hutson: Well, it would be on his property, but farther north. It may even go beyond his property.

Boardmember Cameron: Right now it would not be difficult to walk up Glen Drive right to the Aqueduct, and it's a pretty easy walk. We don't want to be there... a good compromise would be for us not to be there, but for us to be over at the last level piece in the top of the gully. We don't know where that is.

Boardmember Dale: Then this is totally inaccurate.

Boardmember Cameron: We don't know where that is.

Boardmember Hutson: Then the only question I have, Jamie, is whether or not, as you're walking north alongside the Aqueduct in order to get actually on it, how far that Aqueduct property extends down the hill. Because as you walk north...

Boardmember Cameron: Walk south. If you walk south you just turn off a little bit towards the river and you get onto this ramp.

Boardmember Hutson: Right. But also it's an easy walk just to walk along going north there, and it's a nice, gradual walk right along. And I assume that's Aqueduct property, but I'm not sure even where that ends; in other words, coming down from the Aqueduct this way, how far that extends. So we really need a lot of detail in terms of ownership, a very clear delineation here in order to kind of see a whole picture.

Boardmember Dale: From what I'm hearing, this is totally inaccurate in terms of the survey.

Boardmember Cameron: I don't think it's that inaccurate. I just don't know where the line is.

Boardmember Logan: And I don't think determining where the line is is all that tough because on the Warburton Avenue side we have the origin of the lot 3-4 division. You should be able to find that line fairly easily.

I think one of the issues is going to be, if a swap is contemplated, it may not be a swap for equal areas. You may find that you get a little bit more area for the Village to get the contours of the trail to work. So it's not a strict square foot for square foot swap and more of a functional swap, which gives the house a little bit more privacy and the Village a more direct way to connect the trail. But I think the first point is, you should be able to find where that line is fairly easily, either with a compass heading and a tape measure, or get a surveyor to put a stake in. You need one stake, basically.

Mr. Anuszkiewicz: I know this back of lot 3 is pretty flat. And I know that as you go west towards the bridge it's extremely steep.

Boardmember Logan: Yes. I think if there is a trailway committee that can figure out where that line is, put a string there, a couple of flags -- walk it, see where the ideal trail would be -- and then sketch it out.

Mr. Anuszkiewicz: Well, I think the ideal trail would be along the creek on lot 3. I don't think that lot 4 would be an ideal trail.

Boardmember Cameron: It's very hard. We'll have to see where the line is, but it's very hard to get from the gully when you get down to Warburton bridge, to Warburton, back up under Warburton. You really can't. You're now down about 75 feet vertically and no one's going to climb up there.

Mr. Anuszkiewicz: Right, but there is a Village trail there.

Boardmember Cameron: You have to go around the other way and come all the way out the other side. Anyway, I just think we need to know where the lines are, and we can discuss afterwards the merits of doing one thing or the other.

Boardmember Hutson: How available is a map with contour on it for this kind of thing? Is that pretty easy to get?

Chairperson Speranza: Yes, we can get it parcel-size.

Village Planner Witkowski: Yes. In fact, we should be getting the real detailed contour maps from the county on GIS pretty soon. I know we were supposed to get it some time this year.

Boardmember Hutson: If we had property lines on a contour map it would really help.

Chairperson Speranza: So we are not ready at this point. I don't know if there's anything else.

Mr. Anuszkiewicz: I think you've already answered it. I think the question from the Board of Trustees was, is there value to the Village for this piece of property. And I think you said yes. I think that's all they asked you to say.

Boardmember Dale: They asked about the swap, too.

Mr. Anuszkiewicz: That's between you and them, because that's not something that I initiated.

Chairperson Speranza: That's not something you want to pursue.

Mr. Anuszkiewicz: I may, but I have to talk to my wife about it. I mean, that's a lot of work, I think, to figure that all out -- which we might like to do, but we haven't even thought about that.

Chairperson Speranza: Okay. I think it's probably an exercise worth undertaking, especially if we can get people from the trailways committee.

Boardmember Dale: If the owner's not interested in a swap, then the status quo remains.

Chairperson Speranza: The status quo could remain. I don't know if that solves any problems though.

Village Attorney Stecich: At the end of the Board of Trustees meeting, the second of the two Board of Trustees meetings, when it was clear that the Board thought that there might be a need for it in the future, either I or the Mayor asked the applicant, "Well, then, are you changing your request to some sort of a land swap?" and the applicant didn't at that time, and said he just wanted this question to come before the Board. And I think he's given this board the same message -- that at the moment his proposal is not a land swap. So maybe that's just what the answer to the Board is: yes, you see a need for it in the future. And then if he wants to come up with a land swap...and my next question was going to be, if he said, "My proposal is now a land swap," then, give us the details of what that swap would be.

So I would say that probably the next step that makes sense here would be for the applicant to come back with a proposal for the land exchange, and you can go through it then.

Village Planner Witkowski: I'd like to make a suggestion. What I can do is check to see what we have on file and check our GIS maps. And then I can give you a call and let you know what I've found and share that information with you and with the Planning Board.

Chairperson Speranza: Although, I think you have a decision to make first as to whether or not you want to pursue the swap.

Mr. Anuszkiewicz: I'm not ready to make that decision.

Chairperson Speranza: So then let us know. Because right now we, as a board, do feel that there is a value to this property to the Village.

Village Attorney Stecich: And that should be the answer to the Board of Trustees.

Boardmember Cameron: Yes, but we can also say that if a swap could be arranged it might be equally advantageous to both parties, but he doesn't want to pursue it at this point in time.

Chairperson Speranza: Okay, thank you.

IV. Old Business

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

Chairperson Speranza: It was wonderful that we had a very light meeting today so we didn't have to have a second meeting for either October or November to talk about all the things we never get to get to. One of which, we made good progress, I think, at our meeting in September on steep slopes. Let's just try to regroup on steep slopes and where we are. I did not have to, between the September meeting and this meeting, go to the Board of Trustees to report back as far as where we are. I think it would be good for us to be able to do that, to transmit something.

Going through the minutes from our last meeting -- and maybe I misinterpreted things or I'm falsely hopeful -- we actually are pretty well along in terms of this. Do other Boardmembers have the same sense, particularly with respect that there may be no reason to make major changes to the steep slopes ordinance as we have it right now? But when I say major changes, I mean a lot more in the way of wording; major change with respect to applying the steep slopes guidelines to lots as well as subdivisions. I think it's something that I thought I heard from folks at the last meeting.

Boardmember Dale: There were a couple of things at our last meeting that are actually in the minutes. In looking at Ossining and New Castle, the provision of exclusion for maintenance, both of them have it in exactly the same language. I think that it would be very helpful towards one of my main concerns, which is the restraints this puts on individual homeowners. Too, the other thing which you had suggested when we looked at it was to look at Croton because of their exceptions for some of their new homes, which I thought would also be helpful in clarifying the issue between lots and subdivisions -- and what the ultimate use of a property is to be and how it will be exploited would also be useful, although I found the Croton law beyond that very stiff, more so than I felt comfortable with.

But those are the two points that I thought could be added to our law that would help clarify the issues that we've been discussing.

Boardmember Alligood: I just wanted to say that I don't understand why we would -- and I'm not sure this is being proposed, but I personally don't know why we would leave single-family homes out of our Steep Slopes Law as long as we don't make it onerous and we have ways that even the Building Inspector could do some of the approvals without coming to us. I think we don't want to have a whole bunch of applications coming before us for small matters, but I don't see why we would exclude a certain class of property out of hand from this type of review. That's my point.

Boardmember Dale: Well, Croton doesn't exclude it out of hand. It raises issues about hardship and how to work around that in a way that doesn't require them to go to the planning board. Part of my intent is we should not have to deal with these issues. I agree very strongly with that, and felt that the Building Department would be the right place for that type of review. And if we set a standard where if it goes beyond a certain point, then it should rise to further discussion -- which could mean coming to the Planning Board at that point -- but that the owners should know what they can do as-of-right. You might want to review all the subdivisions, or people who are creating housing for rent or for sale as opposed to living. That's why I think the single-family home should be separated out. And as long as it doesn't violate the land beyond a certain point, that should be there, as-of-right, determined by the Building Department. Beyond that, then I think it's going to be useful to have further review.

Boardmember Alligood: The way I see it, I think that the use is irrelevant. It's more the threshold of disturbance that matters to me. So I think we shouldn't set that threshold so low that so many things have to be looked at closely. But to me, just because you have a single-family home on a fairly small lot that you shouldn't mean that you don't have to be concerned about what you're doing to the steep slopes on your property.

Boardmember Dale: We're setting a standard for that so that the private owner knows what they can do without having to go through the Planning Board for an exception; that that minimum, or maximum, intervention be defined.

Boardmember Alligood: Right. I completely agree. I think it should be very clear. It should be almost like a table, so when you're buying a property you know: "Oh, I'm going to hit the Steep Slopes Law because this property has X amount of steep slopes," and we have categories for what's considered...

Boardmember Dale: But there are properties now that will be in violation -- that people have come to the Board already and expressed concern, that own property already, who you're now imposing a law that's going to...

Boardmember Alligood: But we always have that issue when we pass new laws. That's planning.

Boardmember Dale: Goes with the turf.

Chairperson Speranza: See, the protection of the slope under the current law for any kind of building -- for a building permit for a single-family house -- is here. It's in the rule; it's in the existing law. The question is the deduction. Because right now what's being proposed is the deduction of the area for every lot, including that of a single-family home. So that if someone has a lot that has steep slopes, and deducting that steep slope area from buildable, potentially it puts them in a category where they no longer comply with the minimum lot acreage for a single-family home. That's what appealed to me with respect to the Croton ordinance: that there is that exception that says this is not intended to take away someone's ability to build their single-family home.

Boardmember Alligood: Okay, I agree with that. I completely agree with that. I don't think we should end up with properties that simply -- after we pass this type of law -- cannot be built upon. I do want to clarify that.

Boardmember Cameron: And I don't think it should apply only to single-family homes because we do have downtown Hastings which has multiple family homes on the property. I think the hardship should go there even though you have to look at how big of a building the person's trying to put on it. See, we can't take a housing unit that's presently in the downtown that has five apartments in it, and when it burns down they get to put a single-family home back up again. We don't want that. So I think the hardship thing should apply across the board. There may be some limit to it. We had single-family, and then some other district is proposing a two-family home, and I'm not sure. I think we have to get intelligent -- and, I hate to say, have some judgmental -- ability in there so we can apply it on a broader basis.

I agree on hardship, and I think hardship should be broader than just a single-family home.

Boardmember Logan: I've got a question. How is that currently applied to the CC district, and how would this change affect that in terms of the steep slope deductions?

Chairperson Speranza: There would be steep slopes deductions on all of the properties. It would apply. What's being discussed right now, it applies across the board to every property. Depending on what the hardship requirement is, there would have to be a hardship...

Boardmember Logan: This is the proposal, the current situation.

Chairperson Speranza: No. The current situation does not apply to an individual lot. The deduction does not apply to an individual lot. There still needs to be building permits given for a property where development is being proposed on steep slopes, but there's no deduction.

Boardmember Cameron: It only applies if you're dividing a lot. It doesn't even apply to four or five lots in a row which you're going to put a single building on.

Chairperson Speranza: So maybe we're not as close as I thought.

Boardmember Hutson: Part of it is not only disagreement. It's more a matter of there are so many variables -- and the various interfaces potentially between those variables -- it's a little bit hard to be competent in. Ms. Barr has a comment she'd like to make.

Chairperson Speranza: Please.

Boardmember Barr: I was asked to come down. I think there was something in the philosophy that the present law is very valid. You talk about hardship. The whole concept of the present law is that in building on land in Hastings -- and frankly, practically all of it's steep slope -- is that you do no harm; that the engineer certifies that you're not going to cause erosion and damage and so forth and so on. So the concern about reducing the ability to build was put in a different context. It was in the context that if you build you must do it in such a way that you don't harm the Village or your neighbor or the people beneath you or

anything like that. And I think that was a very wise principle, and it's worked very well. To get more concerned about saying, well, the presumption is you shouldn't build on steep slopes but we'll give you exception kind of flips it the wrong way for a Village like Hastings.

I think what you've got has been working reasonably well. We've had very little problems with it. And if it ain't broke, why fix it?

Boardmember Alligood: One of the things we've struggled with in terms of steep slopes we haven't touched on yet this evening, but it's really about building heights and how they're affected when you're building on a slope. Bill, to your point last time, we want to give guidance to developers who have a piece of land like 10 West Main, where we weren't comfortable with what they were proposing, but we didn't have guidance in our laws about how to rationally give them guidance about how we design the building so that...

Chairperson Speranza: There are those who would disagree.

Boardmember Alligood: Back to Rhoda's question about what's broken, about what we have in place. I think that's one of the things. You know, by trying to address so many aspects of steep slopes we do get kind of lost because we're trying to address so many pieces. Maybe we should get back to what is it that bothers us about steep slopes right now.

Boardmember Cameron: And the other part, the same thing, I think we have moved on a bit in Hastings since the law was adopted. And I think we're going to see, even on pieces of land which otherwise might have been subdivided, a developer come in and put up a development of attached homes and there will be no subdivision. So we suddenly do not have a law that applies to somebody putting a group of buildings on a steep slope. Even though previously, before, if they subdivided it we would have a way of dealing with it, but now we don't. As we look around at our empty pieces of land around this place I think you're going to discover that that is probably what's going to happen. You're not going to see a bunch of separate homes with little front yards. That's not where this society's going, and I think we need to have a law that deals with our steep slopes with that sort of situation.

Boardmember Hutson: I think, Rhoda, those two things that each of them have mentioned are the most important things.

The other thing I think has changed to some extent is that people, some people, are more interested in preserving the aesthetics of certain steep slopes -- that they not be disturbed, at least as much. Now, I don't think that is generally as pressing an issue as the question of height or the question in terms of approval of adjacent houses being built on a single lot without subdivision. I think those are the two key things. But there are people who really feel that we've disturbed all we can. Now, Bob -- he's not here, so I'll speak for him -- would say those disturbances have created walls. Some of the most attractive things in Hastings, some of the most interesting qualities and characteristics of a village, are those walls that help you to deal with the progression and step-downs and so on.

Boardmember Barr: You should be rid of me now, but I will just say one thing. For all the time I served on the Planning Board the most critical phrase was “the Village character.” And the character of this Village is the creativity of the people who build different houses different ways different places, when you start controlling the aesthetics that changes the whole situation. I am puzzled by the discussion that if people are putting up apartment houses or multiple houses it doesn’t constitute it as being a subdivision. Don’t they have to get planning approval for that? So it’s not that people can come marching in.

Boardmember Logan: I guess the point is, the steep slope deduction would not apply to those.

Village Attorney Stecich: For instance, if it turns out that the 9-A project doesn’t really have any steep slopes on it -- but let’s say it did -- there was...

Boardmember Hutson: Well, it has one.

Village Attorney Stecich: Yes, the little one down there. But that didn’t have to be deducted because there was no subdivision there. Or 10 West Main: the reason there was no density deduction there was it didn’t require any subdivision.

Boardmember Barr: I wouldn’t call that a subdivision.

Village Attorney Stecich: Well, it is what it is. One person owned all the lots together. You do have to get the site plan, but the deduction doesn’t kick in unless it’s a subdivision.

Boardmember Alligood: And the height issue -- let me clarify -- is that you may have something that looks like 2-1/2 stories on one side, but from another street or another view it’s much more than that. And that is exactly what we struggled with with the plan that was proposed at 10 West Main Street. And it was hard. We didn’t really have guidance. Our gut reaction was we didn’t like how it was going to look from the train station, but we didn’t have, in our laws, guidance that we could say go back and redesign this according to these guidelines.

Boardmember Dale: That’s a great example. Because if you actually imposed the deduction on that property you would make it unbuildable. You would reduce it to where it just wasn’t cost-effective to build anything there.

Boardmember Alligood: So maybe that’s not the answer.

Boardmember Dale: I think that’s equally a problem. Rhoda’s point is, you can build there with creativity and still respect the slopes.

Village Attorney Stecich: One of the reasons that that happened is when the Steep Slopes Law was written you wouldn’t have been able to build that building because height was defined differently. Height was from the lowest to the highest. It was changed so the height goes with the slope, but it’s because it’s in the CC district.

Boardmember Cameron: That’s another problem.

Village Attorney Stecich: I think it’s only the CC district where height is measured differently and that could happen. I’m not saying that doesn’t make it a problem.

Chairperson Speranza: Height was changed in all the districts.

Village Attorney Stecich: So that it goes with the slope. But you couldn't have what Eva says about 2-1/2 stories in the front and 5 stories in the back except in the CC. Because in the rest of the Village it can only be whatever height it is at any one point, following the slope.

Chairperson Speranza: And in part, the CC was a reaction to what was being discussed earlier, where if you have a five-story building in the CC that goes down the hill, and you don't know that there's any more than two stores from the street level, something happens. You don't want to say, "Well, sorry, you can't build it. You can't build what you had before because you can only build this height." There was a sense that we should be respectful for the fact that there is a slope down the back, and that the primary view shed from the street level would keep it at that existing height.

Boardmember Cameron: But the problem is that the primary view shed may not just be from the street. That is the problem, and it could also be they have a very deep lot which would also be a problem. Those two things can produce a thing which is, quite frankly, not acceptable.

Boardmember Dale: There really is an architectural question then, which was Rhoda's point in part. Italian hill towns, you have exactly that. You have one or two stories on the street level and many stories that go down the hill, but architecturally they're useful and beautiful.

Boardmember Cameron: Well, when they terrace them down the hill, that's when they're beautiful.

Boardmember Dale: They're not always terraced down the hill. They're sometimes terraced down the hill and they're sometimes just fairly steep walls. The exterior wall of the village, which was for defense basically, was that. It was the lowest stories of the building.

Boardmember Logan: I agree with you, I think, in many ways, Jamie -- that the views are going to be changing. The view from the train station is the one looking back at the property like 10 West Main, and we're going to see an 80-foot sheer wall. But I think using buildable lot deductions to defeat that is a blunt instrument. I think we have other ways of addressing it. For example, I think there's a retaining wall language that we contemplated -- like for every 10 feet you go up you have to go in 5 feet, or that there's this average slope. So we have, I think, other tools at our disposal to break the out-of-scale character that might come from that. We have some examples of that. Ginsburg's housing -- is it Livingston Terrace in Dobbs Ferry, the train station, where we had a retaining wall? -- which is just completely out of scale. Luckily you only get to see it from the train station. I don't think we want to see that.

I think also we don't want to lose opportunities that might be there in places like 10 West Main to get more density, more intricate character to a place, better use, more activity down near the train station and the center of the Village. But not to do it with these kind of deductions, but some other tools. Make sure we have another tool in place. And I agree that

this would be very useful for, say, maybe some of the large tracts where it is a single lot we should be taking these deductions. But that's not in the downtown. Maybe we figure out a way to apply it there, but we exempt the CC district.

Boardmember Cameron: So if we exempt the CC district, then we should come up with something like Eva just came up with of how far you can have your building going back before you have to step it down.

Boardmember Logan: Yes.

Boardmember Alligood: I proposed this at our work session, and we got hung up on a question that I couldn't answer at the time. So I just clarified for you what I meant by minimum lot depth rather than zoning district.

Anyway, this is one...I don't know if you want me to go into this, or you could just look at my memo. But basically it's what you're talking about, Bill. It's a possible instrument that could be used to just somehow give guidance to people who are designing on these lots as to what would be acceptable and how you would step it down.

Boardmember Logan: One way is to look at the depth horizontally. The other way is to look at surfaces vertically and how those get stepped. I guess they could both converge on the same point theoretically, but I guess we should test the language. I'm really keen on looking at a property like 10 West Main which, I think, evolved significantly over the couple of years that we were looking at it. In my opinion, it was getting there. It wasn't quite there, but it was getting there. I'd like to see that site stay in play, and not be based on any cutoff at the knees.

Boardmember Cameron: I would, too. But I would like to have a rule that allows the developer -- rather than trying to bamboozle and beat people up over a three-year period -- to know what they can really build and come in with something, and have less meetings that Bruce doesn't want to have with people.

Boardmember Alligood: Yes, I agree. It's not fair to the developer.

Boardmember Cameron: They come up with the most outrageous thing they can think of and see if we blink, and then they try to figure out what they can come up with next.

Boardmember Logan: That's how we get really good at this.

Boardmember Alligood: No, I think that we need to have something in place that defines what is acceptable in terms of building downslope. We can find a tool for that. We can test it on a particular property and see if it kind of addresses our concern.

Boardmember Logan: I think we should test all these things on, say, 10 West Main and maybe a couple other properties.

Boardmember Dale: 10 West Main addresses all these issues very clearly.

Boardmember Cameron: So maybe what we're talking about is having a deduction in the Steep Slopes Law except the downtown district. I actually hate that, but we could think about it because it's strictly on steep slopes. But we come up with a better definition for

building height in the downtown district which causes you to step your house down as it gets longer.

Chairperson Speranza: I think we're looking for this one particular ordinance to do too many things. You know, we've talked about the subdivisions, we've talked about the lots. We've talked about right now, as configured, it would not apply to somebody who came in for a multi-family structure on one lot, where it doesn't need a subdivision it wouldn't have the deduction. The height we're looking to have -- and maybe that's not being proposed for in here -- but where height factors into this, we already have the stormwater issues. We don't want it to affect single-family homes. Except, David, you're right, as you pointed out at the last meeting. Most of the really problematic parcels that we've had to deal with with respect to steep slopes have been single-family homes, where we didn't think that we had enough of a reason to modify, or restrict, what the property owner was going to do because of walls, primarily was the issue.

I think we do need to test some concepts on various properties, both single-family...you know, we'll pick a single-family lot. Maybe with John Picone's permission we'll take John Picone's lot because it was the subject of a steep slopes discussion. We'll look at 10 West Main. Maybe we can figure out how those parcels would fare under a deduction under the current code, where it's just prohibitions on building on certain portions.

Boardmember Logan: Yes, I like that idea.

Chairperson Speranza: Good, because we'll recruit you to be a part of this to do the architecture.

Boardmember Cameron: The deduction's very hard in the CC district because a number of lots are entirely a steep slope. So it's a very hard thing to do, and then you have to have a hardship thing going the other way. The other thing you miss in the CC district is, we really don't have, in my view, an adequate height restriction rule since it just measures it at the street and pretends that the back side doesn't exist.

Chairperson Speranza: And that's something else that we can play around.

Suppose we use that as our height definition in the CC district. That potentially could be done, and run a few scenarios on this.

Boardmember Hutson: Is there any issue with exploring or doing these tests on properties that have applications before us?

Village Attorney Stecich: Are you talking about 10 West Main?

Boardmember Hutson: Well, that would be the most obvious.

Village Attorney Stecich: Actually I talked to Angie about this a couple of weeks ago. Ten West Main's been dormant for more than a year now. The Board made its decision -- this decision in which you have to do an environmental impact statement. They're not doing it. They're not moving forward. It's over a year.

But in any event, you're right. And I was uncomfortable for some time talking about 10 West Main when there was an application pending. But now since it's a year -- and it's not like they've got a year and they've been working on it and they're going to come in with their reports -- I understand that they're not moving forward on it for the moment.

Boardmember Dale: This may be a good time to consider this then.

Village Attorney Stecich: Right. And I did tell Angie, and Angie's taking care of writing them a letter just so it's clear and that the record's made that we're considering new applications drawn because they haven't moved on it.

Boardmember Dale: Just say that their application expired.

Village Attorney Stecich: So I don't think it's an issue, David.

Chairperson Speranza: I'd like to propose another property also. There were actually several properties that were looked at as part of the large tract report on North Broadway. I think that given the fact that it's a riverbank and potentially has some views that would also be a nice area to just look at and see how this would work. Now, the question is what's this. Several variations. What we can do is determine what parameters we want to use and test them against. And, of course, Bill, I know you appreciate this graphically.

Boardmember Logan: Do we have topo maps and site plans of these test cases, for example?

Chairperson Speranza: Yes, we can definitely get them. I think if we can pull those together and have the comparison language you were talking about -- obviously, the Croton thing has got a different set of deductions, and the applicability or not of those in the CC district -- these are some of the things that we want to weigh.

Also, when was it when we talked about retaining walls having maximum height before they were required to have a setback? Did we actually resolve that?

Boardmember Cameron: We had this memo we circulated.

Boardmember Logan: But did we take action on it? Is it now enforceable?

Boardmember Hutson: We have to make recommendations.

Boardmember Cameron: I think it was four and four it came out with: four up and four back, four up and four back.

Boardmember Logan: That's a little...okay, I don't want to get into my personal views of that. Whatever we have, that's not an Italian hill town. It's kind of like a 45-degree slope.

Boardmember Cameron: But I think this was before you had to get a permit.

Boardmember Logan: Maybe 10 up.

Boardmember Cameron: That's where you get a permit.

Boardmember Logan: We should sort of have that on deck. I think that's one of the pieces we may want to fold into this. I think, Patty, your point is, let's try not to do too many clever things with this steep slopes thing. You know, it's not the magic bullet for everything. We should have a tool for each issue, and maybe some of these tools are not a Swiss Army knife, but they're a series of scalpels that we can carefully craft...

Boardmember Cameron: I would like, actually, to come back to that memo you redistributed on those things that you want us to decide of what is a driveway and things like that.

Chairperson Speranza: All right, are we done with steep slopes for tonight, then?

Village Attorney Stecich: What memo was that?

Boardmember Cameron: Maybe it wasn't in this packet.

Chairperson Speranza: It's on the amendment to the zoning code.

Boardmember Dale: Your memo of April 12th, I believe.

Boardmember Cameron: Maybe that's why you raised it at that time.

Village Attorney Stecich: I raised the question.

Chairperson Speranza: It's number eight.

Village Attorney Stecich: No, I know the question's there. Several people talked about it being addressed.

Boardmember Cameron: No, we discussed four and four.

Village Attorney Stecich: You know, on that thing I just want to say something else. I think it actually maybe makes the question even more pressing. Deven pointed out to me...it was at the last Planning Board meeting, remember?

Chairperson Speranza: You sent a follow-up e-mail, which I find hard to believe.

Village Attorney Stecich: Right. I said to Deven, "Wait a minute. The wall's more than 6-1/2 feet, how can they go?" And he's right. The code reads -- and I forgot about this, this came up a long time ago -- that, in any event, the bottom line is that if it's within the building, the permitted building envelope, there's not any limit on how high it is. I think we were sort of always assuming that there was this 6-1/2 foot limit on walls, and there's not.

Chairperson Speranza: And there's not?

Boardmember Cameron: Not when it's part of a building, but there is otherwise.

Village Attorney Stecich: Well, it can't be higher than whatever the structure would be.

Boardmember Cameron: But an independent wall can't be more than 6-1/2 feet without permission.

Chairperson Speranza: Like a wall that's a fence.

Boardmember Cameron: Or a fence, yes. Either that, or I wasted my time asking permission for an 8-foot wall. Which I got, by the way -- thank you very much -- before I came on this board.

Chairperson Speranza: Is it a wall or a fence?

Boardmember Cameron: I have a fence between me and this commercial building.

Chairperson Speranza: A fence. You don't have a wall.

Boardmember Cameron: Yes, before I came on this board.

Boardmember Hutson: It's over 6-1/2 feet.

Chairperson Speranza: Right. I remember that.

Boardmember Cameron: You said yes.

Village Attorney Stecich: Let me read how the section goes. This is sort of related actually. The retaining wall thing is pretty related to steep slopes because it is actually one way of regulating steep slopes if you say the wall can only be so high. In that one application we had -- was it Civitano? -- some really very high retaining walls. There was a real interplay between the retaining walls and the building.

So it says: "Fences or walls, or a fence on top of a wall, less than 6-1/2 feet in height may be erected anywhere on the lot. Fences or walls, or a fence on top of a wall, 6-1/2 feet or greater in height shall be set as far back as the Building Inspector deems necessary for visibility, and shall conform to the requirements set forth for buildings." So if it's set back...and generally by visibility they were meaning...

Chairperson Speranza: At a corner, right. But there's nothing separate for a retaining wall? Because those seem to be walls that are acting as fences rather than walls that are a structure.

Village Attorney Stecich: It's easy to check the code now because you can search the words. As you know, at the meeting I questioned Deven about it. He pointed it out, and that is correct. I remember Ginsburg asking me, "Where is it that it says they can only be 6-1/2 feet?" I pointed to that section, and I wasn't really reading that closely because I always kind of rely on that section. But when Deven pointed it out to me, it doesn't. So we may well want to clarify that. So the only limitations really are that the Building Inspector decides it doesn't disrupt visibility and it can't be higher than however high a structure on that lot could be, which is awful high.

Boardmember Logan: Yes, we've got to look at that.

Boardmember Cameron: Because the other thing that's been disturbing me is, on top of some of our buildings in the CC district, people, once they have the building...if they're putting up a 6-1/2 foot fence on top of the building for an enclosed area to sit there. So our view preservation, you have to add 6-1/2 feet to the height of the building because you can't see through the bloody thing.

Village Attorney Stecich: Yes, but you still couldn't exceed the building height.

Boardmember Cameron: I'm just telling you people are doing it, so I think we ought to make it clear.

Village Attorney Stecich: But they still can't go higher than the height. That doesn't allow you to go higher than the height if it's on top of your building. So if your building is 40 feet in the CC district -- if your building's 38 feet -- you can't build a 6-foot fence. I think I know the buildings you're talking about.

Boardmember Cameron: We had pictures of it in front of us. You could see the wall on top.

Village Attorney Stecich: But the building itself doesn't go to the height. I think the building is lower. I think it was 30-some feet.

Chairperson Speranza: The ones on Warburton.

Village Attorney Stecich: Right. But that's not an exception from the height requirement. So you can't build a fence that would make it higher, but it is a problem for other issues -- I mean expense -- too.

Chairperson Speranza: So steep slopes, we have a course of action. I'll write it up and we'll put some parameters, and I'll circulate it. We'll know exactly how to do this. Good, thank you.

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: Let's move on. I do want to try to get us out of here at a very reasonable hour tonight. People have the April 12th memo on proposed amendments to the zoning code. I know that when we began to go through these at our work session several months ago we didn't get very far. I thought to myself, well, we should start from the back so we could cover things. But I don't think that's a good way to proceed. I'm wondering if there are things right away that we can decide that we do not feel are worth changing. I'll give you my favorite one, and Rhoda you mentioned this one. Go ahead. You want to come up?

Boardmember Barr: Well, you know, I come from a family full of attorneys. I'm not an attorney, but I remember them saying that one of the most important things is that a law can be reasonably enforced. There are things in here, for example, about whether a ground level patio should require a building permit -- or a swing set. Now, I'm willing to bet that 95%, maybe 99%, of people in this community or in any community would not think that if they go buy a swing set for their kids -- or Grandma buys a swing set...or I can tell you, I have a bluestone patio in my back yard that the kids from the youth employment service put down for me because it was kind of messy underfoot. It would never have occurred to me that I needed a building permit, and we're going to have the police going around in everybody's back yards and checking to see did you get your building permit.

So to put a requirement in for things like that, I think, is just not sound law and it doesn't really accomplish anything. It makes no difference to the world -- and I invite anybody that wants to come to my house, that back corner, whether it's got grass or bluestone sitting there -- makes no difference to the community, and therefore I don't think we should be legislating those points. In most cases swing sets come up and they come down, and there are all kinds of swing sets.

Chairperson Speranza: And then you put the patio on.

Boardmember Barr: And Toys 'R' Us...every time my kid had a little toy house this high.

Village Attorney Stecich: I just wanted to clarify that unless it's said, Deven or I felt...nobody was saying that these things should or shouldn't be included. It's just

sometimes people will ask the Building Department, and Deven's not sure what to say or I'm not sure what to say. But I thought we had decided, actually -- on the swing set or jungle gym -- that you didn't want it. That was one of the ones we had answered.

Not to add more trouble, but one other thing that actually has come up since the meeting is that people are using, I think they call them, "pods" -- like portable storage. There's a company that rents these portable storage containers, then you leave them outside in your lot. Somebody raised a question should that be allowed. Then the question is, is that a structure. I guess if it's temporary maybe it's not an issue. But I know in the community where I live some people -- businesses, fortunately, not in residential neighborhoods -- just use it as kind of permanent storage because they don't have room in their building.

So that's probably down there with generators and air conditioners. Do you want them treated as structures, or how do you want to do it?

Boardmember Hutson: So many of these things, the real issue is, is it a way around setback requirements. It's not so much how it's constructed or what you want to call it, but where you've got it sitting. It's not your patio, but if you put a shed on your patio -- temporary or not -- right next to the property line you're bypassing any setback requirements. That's where, I think, the objections seem to come from.

Village Attorney Stecich: Right.

Boardmember Cameron: Why don't we feel good and knock off a couple.

Chairperson Speranza: That's a good idea.

Boardmember Cameron: No, I agree on the swing set and the jungle gym as long as what they're putting up there doesn't amount to having a playhouse on it. A normal one, I think Deven should say no, it doesn't. They come and go.

Boardmember Logan: So strike 12.

Village Attorney Stecich: Twelve, yes. Actually, I had marked that we were done with 1, 12, 2, and 4.

Chairperson Speranza: We're done with 1?

Boardmember Cameron: Well, I'm not sure we're done with 1. I agree we need a definition for driveway, but I don't like the idea of it being a path for vehicles leading to a parking area because you would just have a 24-foot wide, 40-foot long driveway and park six or eight cars in it, and I don't think that's what we want to see. But I think it needs to be rewritten slightly. I think we should have a definition, but I think somebody should take a look at the words "parking area." Because we literally could have a 24-foot wide and 40-foot long piece of pavement -- that's 960 square feet, by the way -- and that would just look awful. So I'm not sure. Because it says elsewhere you can have a 24-foot side cut and somebody could just go pave the first 40 feet, 24 feet wide, on their property under our definition of a driveway.

Village Attorney Stecich: Wait, I'm lost.

Boardmember Cameron: Well, a driveway is a path for vehicles leading to a parking area. I would claim the last 20 feet of my 40 feet is a parking area. And I would just, if I want to do it, I make it 24 feet wide and 40 feet long. I just think we need language which gives Deven a little more flexibility, and I think the words "parking area" are not...I understand if the person's got a garage there. I just think the definition needs a little work.

Chairperson Speranza: Okay, let's leave that one.

Boardmember Cameron: Because I think we need a definition for the reasons we said earlier.

Chairperson Speranza: We were okay with that?

Village Attorney Stecich: Yes, I had marked that it was okay.

Chairperson Speranza: Because it hasn't changed yet.

Boardmember Alligood: I have a couple of notes from our last discussion.

Village Attorney Stecich: No, no, no. It is changed. What do you have?

Boardmember Alligood: My notes were: "Include parking area as part of definition of driveway coverage."

Village Attorney Stecich: That's for three, yes.

Boardmember Alligood: And then: "Curb cuts should be proportional to property width" was another note.

Chairperson Speranza: That's the next one.

Village Attorney Stecich: So number three says: "No driveway, including parking area, shall exceed 960 square feet, nor shall be wider than 24 feet."

Boardmember Alligood: So then we added "including parking area."

Village Attorney Stecich: That's what I said, no driveway including parking area. That's the language added -- "including parking area."

Boardmember Logan: Well, how do we get to this huge area anyway? I mean, who needs 24 feet wide? Where did this number come from?

Boardmember Hutson: I thought that was the width in the street.

Village Attorney Stecich: The concern at the time, Bill -- because I remember this when we were rewriting this zone 20 years back -- was over huge amounts of paving.

Boardmember Logan: I agree. I'm just saying 24 is a big number. I'm saying push it lower.

Village Attorney Stecich: You could, yes. I can't say it was scientifically arrived at.

Boardmember Logan: Well, let's say two side-by-side. If we have any more than that it looks like a commercial parking lot. Two cars side-by-side is, what, 12 feet?

Chairperson Speranza: See, two cars side-by-side, if you're doing a driving lane, it's 12 -- which, I'm sure, is how you have 24, how it came to be 24 feet. But I agree it's too much for a driveway. You don't need that.

Boardmember Cameron: Yes, I raised that last time.

Boardmember Logan: They only have to get out of one side of the car, or get out at the curb and then park it somewhere.

Boardmember Hutson: If he has a big console in the middle of his car you have to climb over.

Boardmember Cameron: Well, I would rather that it not be 24 feet because that just invites people to park two cars side-by-side. But when I brought that up last time somebody said how many driveways like that there were in Hastings -- and I was making half of Hastings nonconforming, which I don't believe's the case.

Chairperson Speranza: No. I've noticed it more and more...since several of our applications with respect to what's a driveway, what's a parking space. It's all over. I mean, look at our neighborhood.

Boardmember Logan: All this contributes to impervious area. And okay, they have to have their own storm drains and so forth. But the whole XXX effect, the environmental issues, all these things have a cumulative effect. So I think we can reduce it below 24 feet and have a basis for that. Maybe that's the paved area. Now, I love these old-fashioned driveways where there's just two 2-foot wide strips with grass in the middle. If we just had some way to limit the impervious area. Twenty-four by forty feet is half the size of this room.

Village Attorney Stecich: It's big, yes.

Boardmember Logan: It's huge.

Boardmember Cameron: Well, it's 10% of a quarter-acre.

Boardmember Logan: Let's squeeze it down if possible.

Village Attorney Stecich: Has that been an issue, of people building overly big driveways?

Boardmember Logan: Maybe not, but in going forward...

Village Attorney Stecich: I guess the number's really big because people were figuring there are some houses that have really long driveways -- not very wide, but they're really long. Deven's question to me -- because he inherited this code -- is 960 square feet, and it's good. Again, it was not scientifically arrived at. But it's kind of hard to put...

Boardmember Logan: I think we should be able to get a handle on it.

Boardmember Hutson: I think aside from the size, the main thing with the driveway is it's got to be going somewhere.

Chairperson Speranza: Yes, I agree.

Boardmember Hutson: In other words, it has to be a path that's leading either to a garage or to a parking area that is not in a required yard.

Boardmember Dale: The only other issue, and the reason why I think somebody would want to put that much pavement down, is so they can do a turnaround, a turnabout, and go out. Our house, for example, had a stone wall that goes out onto High Street on a bend. My wife was afraid to back out onto it. We had to create a way for her to do a wide turn on it before she pulled out.

Boardmember Hutson: There are multiple motivations. Some people just like it wide so they don't have to back one car out and then take the other if they've got two cars. Some people have an accessory apartment and they don't want the...

Boardmember Cameron: But the problem with allowing a 24-foot cut is that you end up with less parking spots available on the street.

Boardmember Logan: Right.

Boardmember Cameron: And I would think something like 16 feet would be more than adequate. I think we should look at who else...and think of a lower number.

Boardmember Logan: Good point.

Boardmember Dale: You're right, actually. You don't need the full 24. Even if you allowed a 24-foot wide driveway you don't need 24 feet...

Boardmember Cameron: At the curb cut, yes.

Boardmember Logan: So maybe we should start with the curb cut.

Boardmember Cameron: Well, yes, you could say no driveway shall exceed 960 square feet, nor shall be wider than 16 feet at its curb cut -- if we want to do that.

Boardmember Logan: Yes, or less. The curb cut is below. Sixteen for a curb cut?

Boardmember Cameron: I did 13 on our driveway, which we put in last year. That seemed generous to me.

Boardmember Hutson: Do you have tire tracks in your yard?

Boardmember Cameron: The driveway was already there. Anyway, we can just take a look and maybe we see some other...

Boardmember Logan: I'd say 12.

Chairperson Speranza: Can we get -- particularly since this has come up several times, driveways and curb cuts -- some examples of other places?

Boardmember Hutson: Like technical advice, or some options.

Chairperson Speranza: Does that mean no, Marianne?

Boardmember Dale: There are architectural planning guides, architectural standards.

Village Attorney Stecich: You know, a lot of the codes were all the same. There's two patterns of codes, but this wasn't in any of them. This was something that we just came up with whatever committee was writing the thing at the time. I'll look for other examples, but maybe just propose some way.

Now, what width curb cut do you think makes sense?

Boardmember Logan: Twelve.

Village Attorney Stecich: Jamie's is nonconforming.

Boardmember Cameron: No, I'm going to go and measure. I think maybe 12 feet.

Boardmember Dale: The number of times we've backed into the wall, I think it needs an extra 6 feet.

Village Attorney Stecich: So make it 13 feet, and somebody'll say how did you...how about we make it 13 feet, and five years down when somebody says how did you arrive at 13...

Boardmember Cameron: Twelve's fine.

Boardmember Hutson: A much cleaner number.

Boardmember Logan: Slow them down going into their driveway, too.

Village Attorney Stecich: You know what I'll do? I will look for some other examples. And whatever provisions we have some agreement on, then I'll draft language.

Chairperson Speranza: Okay, great.

Village Attorney Stecich: Because these are just questions rather than language. Then I'll draft the amendment, or the provision, and then it would be easier to work from that.

Boardmember Logan: Jamie, you brought up a point about the total area of driveway plus parking area should not be more than X. We should fold those together so they're not additive.

Village Attorney Stecich: No, it's: "no driveway including parking area shall exceed..."

Boardmember Cameron: I didn't hear you say that.

Village Attorney Stecich: That's what Eva was talking about we include last time.

Chairperson Speranza: Marianne, did we get rid of numbers 9 and 10, portable carports and portable screened porches?

Village Attorney Stecich: No, we didn't get anywhere on that.

Chairperson Speranza: How do people feel?

Boardmember Alligood: We really should get rid of portable screened porches.

Chairperson Speranza: Yes, I agree.

Boardmember Alligood: We don't need to worry about them.

Village Attorney Stecich: What do you mean, get rid of it?

Chairperson Speranza: We don't need to regulate it.

Village Attorney Stecich: You don't want them to be considered structures.

Boardmember Alligood: Right. In other words, don't regulate them.

Village Attorney Stecich: Right. Okay.

Chairperson Speranza: Carports?

Boardmember Logan: That's a different matter.

Boardmember Cameron: I think that's a different matter.

Boardmember Alligood: And back to the patio issue, I agree with Rhoda that we shouldn't consider them a structure where they need a building permit. But I do think there's a point in here somewhere -- I can't remember where it is -- that we should have some guidelines about total impervious surface on a lot. So if you build your patio in a way that it doesn't have concrete between...

Boardmember Dale: I think the existing code says that. When we applied to renovate our house and I was putting the terrace in the back yard, I was told as long as we didn't set it in cement it was legal. We used blocks and sand so the rain does penetrate through. I was told that if we used concrete, then it's considered lot coverage. That's in the code now.

Boardmember Cameron: Is that right? We should check that.

Chairperson Speranza: Or is that a decision of the Building Inspector?

Village Attorney Stecich: Was it in your required yard? That's probably why. It was paving in the required yard. Because lot coverage under our code just includes the buildings.

Boardmember Dale: Yes, it's a very small back yard. We were sort of digging it out and creating a terrace.

Village Attorney Stecich: That's probably what the issue was. The issue was that you can't have any paving in a required yard. But if you've got enough yard, you could...

Boardmember Dale: No, no. We don't have enough yard there. The issue really was, clearly, if I had used cement it was going to be considered lot coverage.

Village Attorney Stecich: Right, right. Because you can't have paving in your required yard. But to get to Eva's question, let's say you're putting in this giant patio and the required side yard where you are is 8 feet. There really isn't any limitation on paving as long as you're within...

Boardmember Cameron: Outside the required yard.

Village Attorney Stecich: Outside the required yard.

Chairperson Speranza: Which is really inside.

Boardmember Alligood: But my point is just that I think if somebody is building a patio that isn't set in concrete I don't think we should worry about that patio. But if they're building one that is impervious, then we should have some sort of guidance about how much of the lot is covered -- including patio, structures -- just because I think it's an increasing problem. Everybody puts an addition on, and we put more concrete patios or whatever, that we don't have enough places for the rainwater to go. And that's part of the flooding problems we're seeing in people's basements, all the runoff from roofs. There's fewer places for the water to go.

Village Attorney Stecich: So the problem is, unless you call it a structure there's no trigger. What triggers it having to come in for a building permit, that's the thing. Structure means two things: one is keeping it out of the required yard, but the other thing is coming in for a building permit.

Boardmember Logan: Could we add the word "impervious" somehow?

Boardmember Alligood: Impervious surface. I mean, we don't have to call it a structure.

Village Attorney Stecich: But what are you saying you would want? That if you're creating an impervious surface that you have...

Boardmember Alligood: When you look at what you can do on your property -- that includes additions, improvements -- you have guidance in our code about how much lot coverage you can have.

Chairperson Speranza: I think that's in a different place.

Village Attorney Stecich: What you could say is that impervious surface should be included in it.

Boardmember Alligood: That's what I'm saying.

Village Attorney Stecich: Which doesn't include patios that are set in concrete. Let me just tell you what's going to happen with that, though. There's going to be so many houses that right now, if you add the driveway to the coverage of the house and the garage, they're going

to be nonconforming because the Village doesn't include the driveways in lot coverage. So you're going to make an awful lot of houses nonconforming.

Boardmember Alligood: I thought there was a proposal here that went beyond. It said 10% more. It's number six. Some codes do have a limitation on quote, unquote building and/or structure coverage, and a separate limitation on development coverage. That's the term they use, which would include driveways which our code does not. The development coverage limitation is usually 10% greater than the building limitation. So that's what I'm talking about. That we don't have that might help get at this problem.

Boardmember Logan: Yes, and I think it may also help this potential McMansion issue, too, if we calculate that as another restriction.

Village Attorney Stecich: Obviously I think it's a good provision, which is why I suggested it. The issue, though, that I would be worried about is how many properties are you going to render nonconforming. In a lot of places it wouldn't be an issue.

Boardmember Logan: Well, you know, they can go and rip up their asphalt and put in Grasscrete.

Boardmember Hutson: Well, they wouldn't be required to do that if they had to replace it.

Village Attorney Stecich: It isn't so much if they had to replace. Let's say you've got somebody right now who today would be able to add on, build a little playroom addition, to the back of their house and they're in a district where the lot coverage is 25%. By building that thing they're at 20%. But if you include their driveway, which is impervious surface, then they maybe would be at 28% and they couldn't build the addition. You may decide that's okay.

Boardmember Cameron: But 10% of a quarter-acre is 1,000 square feet, which is maybe where the 960...

Chairperson Speranza: Yes, so it evens out. Or they have to make a choice. They shave off some of their driveway. And that is actually a good outcome for us as planners because we're forcing them -- if they're going to add to their structures -- to find a place in the lot where you shave off some impervious surface. That's actually what we need.

Boardmember Logan: Exactly. I think the impervious part ought to be in here.

Village Attorney Stecich: All right. Is there consensus?

Chairperson Speranza: And should they decide that they want a patio it doesn't have to be impervious surface. It could be done with a different type of material.

Boardmember Logan: Maybe the driveway or parking area could also be a non-impervious surface.

Boardmember Alligood: They could invest in changing the material in their driveway.

Boardmember Logan: Which makes it all more grade, there's less runoff. It's about runoff, it really is.

Village Attorney Stecich: What do you do about this bluestone?

Boardmember Dale: As long as it's not set in concrete.

Boardmember Alligood: Yes, you can use bluestone, flagstone.

Village Attorney Stecich: Okay, so it's only impervious if it's set in concrete?

Boardmember Hutson: No. Asphalt is impervious.

Village Attorney Stecich: Yes, or asphalt. But patio stone isn't.

Boardmember Dale: It's the continuous block.

Boardmember Alligood: Even a brick driveway that has sand in between I think we could consider pervious because the rainwater can get through.

Boardmember Dale: Right, that was like my terrace.

Village Attorney Stecich: Is that something, for the engineers, a term -- if we say impervious?

Chairperson Speranza: Yes.

Village Attorney Stecich: So it's clear that a brick patio that has sand in between is not impervious.

Chairperson Speranza: Right.

Boardmember Logan: It also gives a little bit of leeway for the Building Inspector which, I think, is good.

Boardmember Hutson: I can see my big basketball court is going down the drain. I'm going to have gravel.

Boardmember Alligood: You put that black stuff underneath your brick driveway so that the grass doesn't grow up, you're actually making it impervious, you know. But how would you know as a Building Inspector?

Boardmember Cameron: He'd come by and see if there's any grass coming up.

Village Attorney Stecich: So that's really the answer to 6.

Chairperson Speranza: Let's see if we can get through just a few more tonight. I think we're all reaching a point where...

Village Attorney Stecich: Actually, we were on portable carports and jumped off.

Boardmember Cameron: I would like to get rid of portable carports and not have them.

Boardmember Hutson: You mean just outlaw them?

Boardmember Alligood: Just outlaw them.

Boardmember Cameron: I would outlaw them, yes.

Boardmember Logan: Yes, I would too.

Boardmember Cameron: If they want to get approval for a structure being put on their property, that's something different -- a permanent one.

Boardmember Hutson: Well, where do you keep a portable car?

Boardmember Cameron: It's one of those cloth things you put up on a rack in the wintertime.

Boardmember Alligood: Yes, it's like a tent. It's a permanent tent for your car.

Boardmember Cameron: And they have them in Canada a lot. It keeps the snow off the car.

Chairperson Speranza: See, that didn't even dawn on me.

Boardmember Alligood: It's like a hangar for your airplane. It's staked into the ground.

Chairperson Speranza: Staked in the ground. It looks like a tent.

Boardmember Alligood: There's one on Ardsley Road. It stands out because nobody has them in Westchester County, but there's one house.

Village Attorney Stecich: Apparently Deven came across the issue.

Boardmember Dale: Rhoda's point about don't fix what's not broken, and make law enforceable...

Boardmember Cameron: No, we're just telling Deven, if someone comes and asks him, he says, "I'm sorry, that's a structure."

Boardmember Dale: But he's not going to go out and drive around looking to see if anybody...

Village Attorney Stecich: No, no. Wait. Are you saying that they shouldn't be allowed, or they need a building permit if they're allowed?

Boardmember Wertz: Shouldn't be allowed.

Boardmember Cameron: Shouldn't be allowed. Because they can put up a permanent one.

Village Attorney Stecich: You can have a permanent one, but not a portable.

Boardmember Cameron: Yes, right. They're really ugly. I'm sorry, you're not supposed to use aesthetic language.

Chairperson Speranza: I don't even know what they are. We'll have to do a little more research on that.

Boardmember Cameron: I'll bring a picture.

Boardmember Hutson: I want to be there when the Trustees read these recommendations.

Boardmember Cameron: We'll check their driveways first.

Village Attorney Stecich: How about 11? This has come up.

Chairperson Speranza: Accessory structure. Now, I don't consider a playhouse an accessory structure.

Village Attorney Stecich: No, it is. They don't mean those little plastic ones. They're talking about the kind of playhouses that Winston Churchill had. Usually rich people have them, but there are some in Hastings.

Boardmember Cameron: What section number is this?

Village Attorney Stecich: The first place it would be would be the R-20 district where it lists all the permissible accessory structures.

Boardmember Cameron: Because I read the law, and it seemed pretty clear that you could have more than one structure the way the sentence was set up. But that's just me.

Village Attorney Stecich: It's 295-67.

Boardmember Alligood: I have to say I don't understand why we would want to regulate whether somebody can have a toolhouse and playhouse, however we define a playhouse.

Boardmember Hutson: It could depend on so many things.

Chairperson Speranza: Yes, I agree.

Boardmember Dale: You can have the rule, but then it's enforcing it. People will disrespect it because they're going to assume it doesn't exist.

Boardmember Alligood: It's going to be a weekend project.

Boardmember Dale: Would anybody ever ask the Village if they can put a toolshed in the back yard?

Chairperson Speranza: As long as it's not in a required yard, then you're okay. You just can't have these in a required yard.

Boardmember Hutson: In other words, they have to be set back.

Village Attorney Stecich: Yes, the setback, and whether they need a building permit. But the way it is now it seems that you could have it.

Boardmember Cameron: But where is the wording? I didn't see that in the wording.

Village Attorney Stecich: One or the other. Jamie, both Deven and I have found the language confusing on that. He thinks it's one way, I think it's the other. But I guess that's sort of covered by lot coverage, too.

Chairperson Speranza: Although I wouldn't say that they're structures.

Village Attorney Stecich: Sure. Patty, we are seeing them. Actually, the people coming in, they want little buildings in the side yard, usually on big pieces of property, and maybe they want them for a studio or something. It's not really permitted, so they put in a pool table and say it's a playhouse. But anyway, is there any objection to having more than one? You know, you could have a playhouse and a garden house.

Boardmember Cameron: I have no objection to that.

Village Attorney Stecich: There's no objection to that, okay.

Boardmember Logan: So we strike 11.

Chairperson Speranza: Well, you're going to clarify the code.

Village Attorney Stecich: No, you guys are done with 11, but I'll brace it up.

Chairperson Speranza: Okay. Generators, air conditioners, compressors; did we say anything about that?

Boardmember Alligood: I'm surprised that it's not in our code that it's prohibited.

Chairperson Speranza: I don't know if they should be considered structures. They should be located outside of...they can't be located in yards, in the required yards. But do we consider them structures, and they need to have a building permit?

Boardmember Dale: The Euro Diner.

Village Attorney Stecich: See, on all of these, I have to tell you, if Deven raised a question I said, come on, Deven. Is that really an issue?" He said yes, and then he gave me some examples. I can't tell you the particular examples, but these are all real issues.

Boardmember Alligood: I think it does matter where you locate a generator or an air conditioner.

Chairperson Speranza: Yes, it does.

Boardmember Logan: These are noisemakers. These are a real problem.

Boardmember Dale: They would also need concrete pads.

Boardmember Cameron: Oh, yes. But the compressor is usually put right next to the house.

Boardmember Alligood: Unless you have a playhouse.

Boardmember Logan: Be screened visually; they should have sound baffles around them. You should not be able to hear these things. If you have a neighbor who's got one that kicks on in the middle of the night right next to your house, and it'll run all night long, these can be infuriating.

Chairperson Speranza: Okay, so the answer's yes.

Village Attorney Stecich: They should be treated as structures, so they need a building permit and they have to be outside the required yards.

Boardmember Dale: Now you've just made a whole lot of houses nonconforming.

Boardmember Logan: Most of them. Most houses are.

Village Attorney Stecich: How many have generators?

Boardmember Hutson: Compressors for your air conditioning.

Boardmember Dale: We had forced air in our house for hot air for the heating, so when we bought the house we added an air conditioning compressor that's right outside our bedroom.

Chairperson Speranza: Then it's probably not in your required yard.

Boardmember Dale: It's right adjacent to the house.

Chairperson Speranza: Right, but it's probably not on your lot line.

Boardmember Hutson: My house is 4 feet from the lot line.

Boardmember Dale: It's within the space between us and our property line to our neighbor.

Chairperson Speranza: It's in the side yard? It's in the required yard?

Boardmember Hutson: I don't have 8 feet beside my house.

Village Attorney Stecich: Not that it's in your yard. If you've got an 8-foot, required setback is that within that.

Boardmember Alligood: You'd need a hardship exemption.

Boardmember Hutson: But from this group? Forget it.

Village Attorney Stecich: But you know what? Anything that currently exists is going to be grandfathered in. We have a provision in the code. You just can't put it up new. If you take it down and you abandon that, and then in two years you put it up, you can't. It'll be treated as a nonconforming use.

We had a lot of these answered. Really, the only ones we haven't addressed is the definition of a half-story.

Boardmember Cameron: Can I ask a question about definition? Does that mean that if, by drafting, if it's more than 50% then it is a full story?

Village Attorney Stecich: Yes.

Boardmember Cameron: Does it say that in the code? I just want to make sure that we close the loop.

Village Attorney Stecich: It's closed. It is now. It's just the definition that we have now is really incomprehensible.

Boardmember Cameron: Okay, did we do perpendicular versus vertical?

Chairperson Speranza: I think we should tackle that one with the steep slopes and the walls.

Boardmember Cameron: The reason I like vertical is you can actually go out and measure it.

Boardmember Hutson: Yes, even we can figure that one out, right?

Village Attorney Stecich: How about 8, because 8 is what we were talking about. The only other open one then is 8, besides the vertical/perpendicular.

Chairperson Speranza: And I think we determine that with the steep slopes. I think we addressed them all.

Boardmember Alligood: But a fence is different from a wall.

Chairperson Speranza: Yes, this is fences or walls.

Boardmember Alligood: I'm surprised, but it sounds like right now we're not required to get a building permit for fences.

Boardmember Cameron: Just think of Euclid Avenue, the first 50 yards.

Boardmember Alligood: Yes, you're naming the one I'm thinking of. But there are prohibitions on fences in corner lots where you're blocking...

Village Attorney Stecich: Yes. They're really just visibility. It's mostly regulated, only as to visibility, for driving visibility. I don't think we even have a provision.

Village Planner Witkowski: We had fence ordinances in several of the communities that I've been in.

Village Attorney Stecich: That you have to put at least one good side...

Boardmember Cameron: Well, they should have that.

Village Attorney Stecich: We don't have that.

Chairperson Speranza: We don't have that?

Boardmember Cameron: Well, we should at least have that.

Village Attorney Stecich: You won't invite anybody.

Boardmember Cameron: And they make two-sided fences now that aren't that much more expensive.

Boardmember Alligood: So can I ask, how come people can build fences on corner lots that block visibility in this town?

Boardmember Cameron: Could we see some fence ordinances so we know what we're talking about?

Village Planner Witkowski: I have some.

Village Attorney Stecich: But the problem is, if it's something that doesn't require a building permit -- which is the way it's been treated...

Boardmember Alligood: So it goes up, and then it's just a matter of do you want to report the person who put it up after they've spent all the money already.

Village Attorney Stecich: Right. If it doesn't require a building permit, why would the Building Inspector know?

Boardmember Dale: Doesn't it come into play when you sell your house?

Chairperson Speranza: Right, especially a corner lot. We've got to get copies of some of those because I thought there was a regulation about it. And maybe it was just with respect to landscaping in corner lots. I was sure they had something in the Village ordinances about that.

Village Planner Witkowski: When I first started here I was trying to find a fence ordinance in the code and I was surprised that there wasn't one.

Boardmember Alligood: It sounds like we need one. Because really, there are safety issues with that as well as aesthetics.

Chairperson Speranza: Right. Wow, we made really good progress on this tonight.

Boardmember Logan: Could I just go back a second to page two? I just want to make sure we get this driveway thing nailed. I don't know whether we expressed an opinion, but at the top of the page -- building permits required for driveways -- we said yes. We're going with that? which I think we should unless they're pervious.

Chairperson Speranza: See, I would have thought that driveways were already regulated because there are regulations with respect to the slope, the maximum slope, of a driveway. So if that's regulated, don't they have to be included already?

Boardmember Dale: Are you talking about creating new driveways, or someone has an existing driveway and decides to have it asphalt and make it a little bit wider? Does he have to have a permit for that?

Boardmember Logan: I think he should, yes.

Boardmember Cameron: Interestingly enough, one of the ways you can get regulation on a new driveway is that you actually have to have permission for a curb cut.

Boardmember Dale: Fine. I think new construction absolutely it should be defined. I'm again concerned about passing laws...

Boardmember Cameron: You don't need to get a building permit to repave your driveway.

Boardmember Dale: Then make maintenance of your house difficult so then it becomes all very bureaucratic.

Boardmember Logan: Well, repaving is one thing. That's just maintenance. But I guess this implies that this is a new driveway.

Boardmember Cameron: Right, it should be a new driveway. It shouldn't be repaving.

Boardmember Logan: And if somebody's adding a driveway, then they should have a building permit.

Boardmember Hutson: It could say for a new or expanded driveway.

Boardmember Logan: Yes, so maybe it just needs clarification. It should be required for new driveways.

Village Attorney Stecich: Or expanded.

Boardmember Alligood: New or enlarged.

Chairperson Speranza: "Enlarged." That's good.

Boardmember Logan: “New or enlarged.” And maybe there’s some way that if they’re pervious, they allow water to drain, that is less of an issue. I don’t know if we could craft that to encourage less asphalt somehow.

Village Attorney Stecich: Yes, but they still should be coming in for the building permit because, Patty, you said there are slope issues.

Boardmember Logan: Yes, okay. They should still come in.

Village Attorney Stecich: So let’s just leave it in there.

Boardmember Logan: Okay. Maybe there’s another section.

Boardmember Dale: Well, if we were considering coverage elsewhere.

Chairperson Speranza: Right, coverage. That would kick it off.

Boardmember Logan: Okay. That goes to number 6 on page two. Did we respond to that one?

Chairperson Speranza: Yes.

Boardmember Hutson: Not calling it lot coverage.

Village Attorney Stecich: We’re dealing with it by the development coverage issue. So should driveways be included in lot coverage -- and they will be. Well, they’ll be in development. They’ll be included in development coverage.

Boardmember Hutson: Right. Are you going to use 10% larger than the lot coverage maximum?

Village Attorney Stecich: Yes. Now, would you want the development coverage to also include...

Boardmember Cameron: Impervious patios.

Village Attorney Stecich: Pervious, or only impervious?

Boardmember Cameron: Impervious patios.

Boardmember Hutson: Maybe that applies to the driveway.

Boardmember Cameron: Impervious patios -- only impervious. Now, other patios...

Village Attorney Stecich: Well, patios, driveways, anything -- impervious surfaces.

Boardmember Cameron: Impervious surfaces. There you are.

Village Attorney Stecich: Okay.

Boardmember Hutson: And how many are left?

Chairperson Speranza: I think it’s just the walls and the height.

Boardmember Cameron: Well, height we’re saving until we have...

Chairperson Speranza: Right.

Boardmember Cameron: Now, where are the walls?

Chairperson Speranza: The walls and the fence together. That number 8, we’re going to get copies of the other ordinances. And then the height. We’re done.

Village Attorney Stecich: You’d want a limitation on the height of the fence, right?

Boardmember Cameron: Yes, I think we want it at 6-1/2 feet.

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

Boardmember Cameron: That's interesting. Well, 6-1/2 seems to be the rule. Someone drew a difference, which is what we ended up with on our property in that since we had next to us this commercial establishment -- a medical building with the parking underneath it, and the lights came up -- we were allowed to put up an 8-foot fence. In fact, our neighbor had got permission earlier, and we did as well, because it just covered the lights in their parking underneath. But I don't know where that came from.

Boardmember Hutson: Where what came from?

Chairperson Speranza: That you need 6-1/2.

Boardmember Cameron: The 6-1/2 and the 8.

Boardmember Dale: Sounds like very creative use of the planning.

Boardmember Hutson: Fences were 6 feet, and they allowed you to have them off the ground.

Boardmember Dale: I think it's perfectly legitimate.

Boardmember Hutson: That's where it came from.

Boardmember Cameron: Oh, is that where it came from?

Boardmember Alligood: Deven doesn't like doing it.

Boardmember Dale: Creative use of the code, I think.

Boardmember Hutson: You can get them different heights, but that's kind of the basic one.

Chairperson Speranza: Okay. Wow, good work. So we'll see these again.

Village Attorney Stecich: No, I'm sorry it's not on the list. What about those storage pods? It's come up more than once, Patty.

Chairperson Speranza: No, I understand that. How are they treated with commercial vehicles? Commercial vehicles are prohibited from being on your property for more than six months or something? I thought that was a rule somewhere. See, I think people are going to need it, but you don't want it to be there permanently. So I think there's got to be a time frame.

Village Planner Witkowski: Like a temporary use approval.

Boardmember Hutson: Why do they have them?

Chairperson Speranza: Like a dumpster.

Village Attorney Stecich: It's for storage.

Boardmember Hutson: Oh, so you don't have to...

Village Planner Witkowski: Like if you were doing some remodeling in your house and you wanted a place to put the furniture so it's right on the property.

Village Attorney Stecich: Yes, that's what they're intended for. But apparently people are using them to stay there and to just use them for storage because they don't have any more room in the basement or the attic.

Boardmember Dale: Well, with dumpsters there's a time limitation on them. You get a permit for them.

Chairperson Speranza: That's what I think.

Village Attorney Stecich: What do you think's a reasonable time limit?

Boardmember Hutson: Well, what is the time limit on construction dumpsters and stuff like that? That's one guideline I don't know what it is. Is there a time limit?

Chairperson Speranza: Six months renewable?

Village Attorney Stecich: Six months is a long time.

Chairperson Speranza: Yes, but if you're doing renovation...suppose you're doing renovation to your rooms.

Boardmember Cameron: Usually the dumpster goes on and off the property a lot.

Boardmember Dale: It depends. If you're doing a renovation to your house it's there for the full time. It's changed periodically and emptied, a new one's brought on-site. But when your work is done, it goes away.

Chairperson Speranza: Six months isn't that long when you're...

Village Attorney Stecich: Okay.

Boardmember Dale: A renovation of a house could take a year.

Boardmember Alligood: Most take longer than that.

Boardmember Dale: Unfortunately.

Boardmember Cameron: We were a little over a year.

Chairperson Speranza: And again, you don't want to make it really onerous.

Village Attorney Stecich: Okay, six months. Any other requirements? Only that it just be a six-month limit?

Boardmember Dale: That they get a permit and that it's temporary. It's set for a time.

Village Attorney Stecich: Yes, I guess you need a permit so you can measure the time.

Boardmember Dale: Right. It has to have the start and the finish time.

V. Discussion

Chairperson Speranza: First of all, I do want to announce there's a "Build It Green" conference that's being held at the New York Academy of Medicine, Thursday, October 25th, next week, 8:30 a.m. to 12 p.m. If anyone's interested, and also for anybody in the audience who might be interested, it's being held by the Metro API.

Boardmember Cameron: I'll probably go.

Chairperson Speranza: Also, let's talk just for a minute about the comprehensive plan. There were two meetings held. I went to the first one. I think it was very good. I think it's a really good, enthusiastic group of people, which I think is terrific. They are going to be meeting twice a month on Wednesdays, every other Wednesday, which will certainly make it virtually impossible for me to attend every meeting. I was asking for people who would, who could, attend. We may just have to rotate things. Bruce, you went to the meeting.

Boardmember Dale: The second one, I guess.

Chairperson Speranza: The second one, and what did they cover for that?

Boardmember Dale: It was a difficult meeting for them, I think, because they were just exploring what they're supposed to accomplish and how to go about doing it. There were

just sort of different opinions, and a sort of getting-to-know-you session and what kind of thoughts they have. For example, they spent a fair amount of time on whether they should hire a consultant before the fact, or if they had something to consult. One point of view which I thought was very good was, he said you don't go to the doctor until you have an illness. We don't know what the illness is yet, so why call in the doctor.

Chairperson Speranza: That's good. That's a prudent approach.

Boardmember Logan: That's not preventative medicine. I think we're interested in preventative medicine.

Boardmember Dale: They were trying to determine what their role was vis-à-vis all the documents that already exist, and they ultimately concluded that they have to read them all.

So it was a difficult session. I think they were just coming to grips with understanding what they've agreed to do, what is their assignment. It was difficult for them, in the room, also because it was very hard to hear. The acoustics in the room were very bad.

Village Planner Witkowski: The room was too big.

Village Technology Assistant Corso: They're going to be at the Community Center. Do you think a smaller room? The last meeting was filmed, and we plan on filming more. So you could always catch it on TV.

Village Planner Witkowski: And I have started pulling together a lot of background information for them. I'm in the process of moving into my new office, so in the process I'm going to go through and set up a planning library and catalogue everything that we have. We'll make sure that we have one copy of whatever is in that catalogue in the library. Sue Feir will set aside a shelf for duplicate stuff. So that's going to take a little time.

Boardmember Dale: But I thought they were enthusiastic and committed to the task.

Chairperson Speranza: And I know Jamie and Fred have talked about also representing the Board. So it would be great if we could count on one of you to attend the meetings during the month, and let me know also. Because certainly some Wednesdays I'll be able to attend. I can't do it as a routine. Or anybody else -- because I do think both in terms of us knowing what's going on and, most importantly, being of assistance to the group where we can be I think it would be great if we could make sure that someone is always in attendance.

Village Planner Witkowski: And I'll be going to most of them.

Boardmember Cameron: Did you have a schedule of what "twice a month" means?

Village Planner Witkowski: It's every other Wednesday.

Boardmember Cameron: It changes. Is it the second Wednesday or the first Wednesday?

Chairperson Speranza: It's every other Wednesday.

Boardmember Alligood: Because sometimes, as the month falls, it might be two weeks before they have their meeting? Like they have the first and the third, so it's every other Wednesday.

Boardmember Dale: Will they be on e-mail for the dates and times of their meetings?

Chairperson Speranza: So some months might be three meetings.

Village Technology Assistant Corso: I'm in the process of doing a Website for them, and when they send me the agenda I will be sending out the agenda on e-mail.

Boardmember Dale: Like you do ours.

Village Technology Assistant Corso: Yes.

Boardmember Cameron: Could you e-mail us the dates of the meetings to the extent that you know them?

Village Technology Assistant Corso: I just know there's one on the 24th.

Boardmember Cameron: So if you go 14 days forward from every one of those you would have another meeting.

Chairperson Speranza: That's right.

Village Technology Assistant Corso: But as soon as I get their information it'll be out on the e-mail list, like Planning and the Board of Trustees.

Village Planner Witkowski: And I'm going to be setting up a planning department Web page, too, so we'll have that linked.

Village Technology Assistant Corso: So it'll all be available.

Chairperson Speranza: And one other thing I wanted to talk about, the LWRP. There's something going out Tuesday, November 27th. There's going to be a meeting, the Board of Trustees and all the different boards that are involved, in the Village.

Boardmember Hutson: I think it's very important that the Planning Board try and watch, on WHOH, the Trustees meeting of this past Tuesday evening. At that meeting Phil Karmel had requested, on behalf of the LWRP committee, a chance to speak to the Board. We submitted to the Board a year ago, in March of 2006, the initial draft. And then, of course, the final thing was put together this past April. Then we had the public hearing in May of 2007. So we had been waiting. We felt, as a committee, we really needed some guidance from the Trustees on a number of critical issues as well as response in terms of some of the things that had been raised by the public at the public hearing. So Phil did that.

And I think it's important that you try and see the response of the Board and also hear Phil's presentation to them before the workshop on the 27th, if you can, if you plan to be at that workshop. I think it's a serious situation because the Trustees really, both in tone and content, have really serious reservations about the LWRP, particularly as it's currently constituted.

Chairperson Speranza: The document itself, or having an LWRP?

Boardmember Hutson: I think the document itself, and moving forward with that document at this time. Just to give you some examples, one Trustee expressed reservation, or confusion, as to how we could proceed with the work of the LWRP at the same time that the comprehensive plan committee is working. So that's a real concern. Another person expressed concern that they haven't been able to find clear Department of State guidelines as to what this process really is about. And also a concern that we hadn't perhaps done as much as we should have regarding the Brownfield legislation and how that should apply. We

thought we had investigated that thoroughly. Another person said that, in fact, if there wasn't tax relief with development on the waterfront they didn't think that perhaps it should go forward without tax relief. Whereas the proposal, the LWRP, tries to take a position of it being tax-neutral as kind of a minimum standard. Another person felt that, given all the uncertainty of the future in light of the threat of climate change and what that might do, it was difficult to proceed with any plan at this point without knowing that.

And there wasn't really anything that suggested that this looked good, and things should move, and the excitement of putting Hastings back on the waterfront. There are other things that seem to kind of be guiding their feelings as far as the initial response of the Trustees. Now, where all of that's coming from I'm not sure, but I think it's really important. Obviously, I'm not an objective person because I've been so involved in it.

Chairperson Speranza: And you're not opinionated at all.

Boardmember Hutson: As more objective people, if you listen to that, the danger is, is this going to go on the shelf -- if not permanently, at least for a considerable period of time -- or not. That's the most pressing issue. The only thing that was said to the positive was that there was appreciation for all the hours and numbers, long years, having been spent on it. But nothing in regard to really the substance of it. So I think it's important, since that is kind of a Planning Board responsibility, that this either move or doesn't move.

Chairperson Speranza: And do you get a sense that they understand the benefits of having an LWRP in place and having it recognized at all levels of government in terms of what other entities could do to the Village, or how this protects us?

Boardmember Hutson: I think that's one of the questions that'll have to be talked about at the work session in terms of that work. I'm sure there's some understanding of that.

Boardmember Alligood: David, I was at the meeting and you summarized a lot of the comments accurately. I didn't get the sense that the Trustees don't want to go forward with an LWRP. They just feel that changes need to be made. That's what I heard. I didn't hear reluctance -- you know, why do we need an LWRP.

Chairperson Speranza: That's good.

Boardmember Alligood: I don't think it was at that level.

Boardmember Hutson: Right, but that's not what I said.

Chairperson Speranza: But that was a question that I asked.

Boardmember Alligood: I'm trying to answer Patty's question because I think it's a legitimate question, because that would be of concern. I think we need a plan for the waterfront, so if that were the concern -- why are we doing a plan for the waterfront -- that's really a problem.

Boardmember Hutson: I think the issue now is, the committee has said that it seems like while everything else is going on it would be a good time to have somebody come in and take another look at the economics. In other words, to have a consultant to help look at what is really viable in terms of uses down there. Secondly, a closer look at an LCD -- a local

development corporation -- whether that really made sense to take a further look at that, or design guidelines and draft zoning. But all of those things, I think, they feel have to wait until really the clarification on uses is made or a determination on uses is made.

So I just think the basic question is, can anything go forward at this point along the lines that have been laid out by the LWRP committee, or does all of that have to, in effect, stop at this point and then be reviewed another time.

Boardmember Alligood: Right. I just want to add one other concern that was not explicitly stated at that meeting, but I think one of the driving concerns is, the impact on the school system and really taking a hard look at that analysis of how housing works for that part of town. I think the school board is very interested in putting that data together and putting it into the mix in terms of this analysis of whether this plan in its current form makes sense.

Boardmember Hutson: Phil did mention that. So yes, you're right.

Boardmember Alligood: In fact, the school board is planning to be a part of this.

Village Planner Witkowski: Also, the next grant that we have to start working on is the LWRP implementation. As part of that, that's where the LDC comes in, and the zoning and design guidelines. But in order to do the zoning and design guidelines, the waterfront redevelopment plan has to be revisited. So that can be done also sort of in conjunction with the comprehensive plan effort. I mean, that's all related.

Chairperson Speranza: When you say the next grant...

Village Planner Witkowski: The next grant we got from the Department of State. We have a \$60,000 grant that we need to start working on. We have a contract and everything. And it's in the timeline that I put together with Jamie Reppert, who's our Department of State coastal resources guy. I talk to him once or twice a week.

Also, he did some revision and reformatting to section three, which is the policies. I gave that to Phil Karmel to review. He made his comments. I have to make those changes that Phil suggested, and then I'll be circulating that section three. So that, I'll be doing pretty quickly because we want to give people plenty of time to look at that. Also, the Department of State sent me other comments in other areas that I have to take care of, so there's probably going to be another draft put up on the Website. And I'd like to get that ready so that we can, after we have the workshop, send it to the Department of State and make any revisions that come up at the meeting and then get it back to the Department of State. Because then they have to do another review and make sure that everything was addressed. But in the meantime we can be working on the implementation grant, which we have to get started on.

Chairperson Speranza: So everyone should attend, as many people as possible, November 27th, 8 o'clock at the Harmon Center.

Boardmember Cameron: One of things which I thought came out of the meeting up at the school in May was, there's a lot of people who I think operate under the theory that we could just do nothing on the waterfront and have a big park. I don't think that's financially

feasible, and I think somehow someone needs to tackle that problem and get that across to the population of this town. Because there is a group of people, and they were all lining up at the end as I was leaving at 11 to do a little speech against this thing. I think somehow somebody -- and maybe it's the Trustees, maybe it's us -- needs to get out there on the cost thing, and the fact that we don't have a choice of doing nothing and having a beautiful lawn out there.

Village Planner Witkowski: Well, that's why we'll be doing that fiscal impact, I think. Phil and Dave and I were talking after the meeting and thought that it would include that in the implementation phase as part of that scope of work. That was one of the things we'll be including in the scope. I'll write up an RFP. We have a couple of consultants in mind. Mark Chertok will be working on the LDC, so we were going to send an RFP to a couple of consultants that would be working on it.

Chairperson Speranza: Okay. Does anyone have anything else for this evening? We did a lot.

Boardmember Hutson: I think this is wrong, isn't it? On here you have Tuesday, the 26th.

Chairperson Speranza: Oh, yours didn't get changed.

Village Planner Witkowski: A typo.

Boardmember Hutson: As long as it didn't go out that way.

Village Planner Witkowski: Jen's going to fix it.

Chairperson Speranza: And the next meeting of the Planning Board, I believe, is the 22nd of November. Does that sound right? The 15th?

Boardmember Hutson: That would be Thanksgiving.

Chairperson Speranza: Oh, you're right. So it's got to be the 15th. Yes, the third Thursday. We have no agenda items at this point, so we will see what develops between now and then.

VI. Adjournment

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