

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
PLANNING BOARD  
REGULAR MEETING AND PUBLIC HEARING  
SEPTEMBER 20, 2007**

A **Regular Meeting and Public Hearing** was held by the Planning Board on **Thursday, September 20, 2007 at 8:15p.m.** in the Municipal Building Meeting Room, 7 Maple Avenue, Hastings-on-Hudson, New York, 10706.

**PRESENT:** Chairperson Patricia Speranza, Boardmembers William Logan, Fred Wertz, David Hutson, Jamie Cameron, Eva Alligood (8:53), Bruce Dale, Village Attorney Marianne Stecich, and Village Planner Angela Witkowski.

**I. Roll Call**

**Village Planner Witkowski:** Ms. Alligood will be here later.

**Chairperson Speranza:** Right. Eva Alligood will be joining us when she is finished with back-to-school night.

**II. Approval of Minutes**

**August 23, 2007 meeting**

**Chairperson Speranza:** Boardmembers, any questions or modifications to the minutes?

**Boardmember Logan:** Yes, I do. On page 19, middle of the page, I'm quoted. The sentence starts out: "The description and product sounds good. It's minimal uplighting designated as a fully cut-off fixture and illuminates..." "Illuminates" should be "eliminates" "...the up light for dark-sky compliance."

And also on page 38 near the top of the page, sentence: "Going on Main Street, we reviewed this way back when we went over 45 Main, its level of service," and I believe I said "F."

**Chairperson Speranza:** Yes, I caught that, too. I think that's what you said.

**Boardmember Logan:** So there should be the capital letter "F" after "serves."

**Boardmember Hutson:** Inasmuch as it says on the first page I was not here for the meeting, it's unlikely that I seconded that motion on the second page. I don't know who it was.

**Chairperson Speranza:** We know you do amazing things.

**Boardmember Hutson:** It's like a cameo appearance, I guess. I don't know who did.

**Boardmember Wertz:** I have one, but I need Jamie's help, on page 31. Want to take a look at this? Where you're speaking there, I think it's not "had," but "need": "I think we 'need' pictures..." because we didn't have the pictures.

**Boardmember Cameron:** Yes.

**Boardmember Wertz:** Jamie's comment on 31, change "had" to "need."

**Chairperson Speranza:** Okay, Anything else then? If not, I'll accept a motion.

**On MOTION of Boardmember Logan, SECONDED by Boardmember Wertz with a voice vote of all in favor, the Minutes of the Meeting of August 23, 2007 were approved as amended.**

### **III. New Business**

- 1. Public Hearing. View Preservation and Site Plan Review. Christina Griffin and Peter Wolf. 433 Warburton Avenue (Sheet 7/ Block 618/ Lots 23 and 31) for proposed renovation of 2-family residence.**

**Chairperson Speranza:** The next order of business is a Public Hearing, View Preservation and Site Plan Approval, for a property which we have seen in the past, 433 Warburton Avenue -- Christina Griffin and Peter Wolf. This was before us once before in a different configuration. Angie, all the mailings went out on this?

**Village Planner Witkowski:** Yes, the mailing's in order.

**Peter Wolf, applicant - 433 Warburton Avenue:** Good evening. We are here to re-present 433 Warburton, a renovation of a two-family house, and we are here for Site Plan Approval and View Preservation recommendation.

As you well know, one of our guiding principles last time was to try to address some of the Warburton Avenue parking problems. So before getting into the new project I would sort of like to relate what has happened since we were last here. Actually, the original project was presented in theory before the Board of Trustees last year because we were interested as to whether they were in favor, or not in favor, of this concept whereby we were going to extend Ridge Street, and bring a second entrance to the property for the other unit and provide off-street parking. As you may remember, we also intended to have a curb cut off of Warburton Avenue to complete the off-street parking. We'd explained the benefits of our proposal, which would have hopefully alleviated some of the parking problems on Warburton Avenue. It would have added four new spaces to Ridge Street and provided a viable turnaround at no cost to the Village. They're paying, I think, \$200 a month at the moment. We did get a positive reaction, and were advised to go to the Planning Board, the Zoning Board, and the Safety Council.

We came here, I believe in February of this year and we received approvals. We had site plan approval, which was made after we withdrew the idea of the curb cut on Warburton Avenue. We also obtained a recommendation to the Zoning Board for view preservation, and a recommendation to the Board of Trustees for the 66-foot extension of Ridge Street. We then went to the Zoning Board. We received approval for view preservation and the four variances that we had requested. However, those variances were contingent on the Board of

Trustees' approving the extension of Ridge Street. We went to the Safety Council, and they had no objection to the Ridge Street extension.

So in the spring, bright-eyed and bushy-tailed, we went back to the Board of Trustees. At the first meeting they decided they did not accept our word or our engineer's word concerning the runoff. Somehow they were concerned that there was going to be an increased runoff, even though we were obliged to mitigate the site. Nonetheless, they wanted their engineer to approve it. So we went down to Ridge Street with their engineer and he had a different idea, which we agreed to as perfectly viable. So we returned to the next meeting with the engineer and presented this, and we then asked if they had any more questions -- no. Whether they required any more information -- no. And whether we could have a vote -- no, come back next month. We came back the next month, and then the question was supposed to be concerning the wall. We explained the wall was the same wall that presently existed; we were just going to extend it, and that it was good for 25 years, against a 25-year storm. But they wanted the engineer to look at it.

We went back to the engineer, and he said, "I don't do walls." So we had to get a Village-approved structural engineer, who basically said there was no problem with the wall. Then there were concerns about what happened if there were two 25-year storms, or a 50-year storm, or a 100-year storm, and what was going to happen to all the drainage on Ridge Street. There was talk about doing a SEQRA review. We tried to explain to them that we were not tearing down the Taj Mahal and erecting a multi-story fast food establishment -- we were only trying renovate a two-family house. We requested that everything get put together, exactly what they wanted, and that was communicated to us in a two-and-a-half page letter from Village counsel.

We looked at it, and I could not find an ornithologist that could make a judgment on migratory birds on a site with no trees about the size of this meeting room, nor could I find a herpetologist who could judge amphibian life on 0.04 acres 50 feet above the Hudson River. And questions about aesthetics, I think, end up being subjective conjecture. So we withdrew the application.

**Chairperson Speranza:** For the extension of Ridge Street.

**Mr. Wolf:** For the extension of Ridge Street, pointing out that they had not accepted the Planning Board recommendation; they had not accepted the conclusions of the Ridge Street report; they had not accepted the findings of the two engineers they retained; and they had not even followed the procedure that they had outlined last fall when we went before them.

There have been some painful lessons out of this ordeal. For ourselves, we expected to have a shovel in the ground last spring. I don't know whether we're even going to get it this fall.

It has cost us an inordinate amount of time and expense. We've hired four different engineers for different purposes. And we've been carrying this building for over a year, un-rented, because we keep thinking we're four to six weeks away from starting this renovation. We also feel that it has had negative implications for the neighborhood. We believe this is a dilapidated fire trap, and fires and even a fatality occurred on another Warburton Avenue property.

We find that the zoning requirements are unrealistic, some of them are even impossible to comply with -- which means that you have to go in front of the various boards in order to get approval for these types of projects. We believe that the Board should take into account the impact of the project on public safety. We think there's a great social benefit to have buildings that comply with the current building codes and fire codes, and that this has an effect on other buildings and the neighborhood as well. We also think that there must be a viable means to renovate these century-old buildings.

As for the Village, we pointed out that we certainly believe the Village should have an interest in protecting its citizens against fire, and in public health and safety, and that there's an interest in the Village to upgrade the property. Because it not only has the benefit of that property, but it invites other people to do so. The downtown used to be vibrant. Now it's increasingly vacant. When somebody sees what we went through, starting with last December in front of the Board of Trustees, they're going to think really, once, twice, even three times about whether they want to engage in this type of process.

Finally, of course, for the Village: when you have property improvements in a neighborhood that improves, it increases the value of the property and also the tax base. What we have done, obviously, is remove our application for the Ridge Street extension. What we have done is downscaled the project significantly. Christina will describe to you what this new, more modest proposed renovation is. Thank you.

**Christina Griffin, applicant - 433 Warburton Avenue:** Good evening. I brought the plans we previously submitted, and that is on the board on the right here. This is showing the Ridge Street extension, and the building with the extension in the back and the front, and the bump out on the side. This is our new plan. This is just our cover page so you can compare the two drawings. I put them next to each other. We have eliminated all parking from the site. There's no access, of course, so there's not even a possibility of parking. Now we are keeping the existing walls in the current location, these two walls, and we're trying to actually keep the structure, as much as possible, intact instead of replacing it. We've eliminated the lowest level, so the total square footage has reduced from 4,100 square feet to 3,557.

**Boardmember Hutson:** Christina, excuse me. Would you repeat that again?

**Ms. Griffin:** We eliminated the lowest level. This is the building, in yellow. We're keeping the structure, the foundation and as much of the structure, as we can. We're going to have the addition in front, as we had in the previous design, the bay window on the side, the bump-out on this side, and the same size addition in the back. The setbacks, we are going back to the Zoning Board and we're going to be requesting one variance for side yard setbacks. The development of the site in the back is simply a patio which actually fits. It goes right up to the edge of the existing retaining wall. There's a terrace there right now. And there is a lower, old retaining wall that we'll probably remove. This plan just shows the three underground storm chambers which will give the building, and the property, a storm drainage, which it doesn't presently have.

All these elevations are nearly exactly what exists. When you come out from the building in the back you're at the basement level. The access will now be in through the side because we really have one unit that's one level with some space in the basement; another unit on the second floor just as it is now, with a room on top. We've included in our submission our drainage calculations and details just to indicate that in order to get the storm chambers that are required for the new roof area we are putting the four units in the back.

With regard to view preservation, the building is the same height. We're keeping the first floor where it is; we're just raising the second floor so the ceiling height goes from 6 feet 10 that it is now to 8 feet minimum; and we have this one room on top. The one difference between the two schemes is, we have added a sloped ceiling over that room on top just so that we can have photovoltaic panels for a solar energy system. This is a great opportunity. There are no trees. This is unusual in Hastings, we're able to do a solar system without anything impeding the solar gain.

This is actually a similar submission that we gave you before except that the footprint has been reduced from what it was earlier, while the lot coverage is reduced, I think, only because the terraces are slightly smaller. Instead of three-and-a-half stories we have two-and-a-half stories because the basement is more than half below grade. We have first floor, second floor -- and the third floor is just this one room on top.

**Chairperson Speranza:** Okay, Christina, on the plan it did show still 3-1/2 stories. That was one of the questions that I had.

**Ms. Griffin:** Let me show you. On the previous plan we actually had a level lower than this that we called "the cellar plan." Then we had first floor, second floor, third floor, and then the upper half-floor. We had 3-1/2 floors. Because we were doing all this terracing here...I think the best way is maybe on the 3-D drawing. We called it cellar, first, second, third, and 3-1/2. This is the previous scheme.

**Chairperson Speranza:** Okay, I'm looking at the plan...it may be that drawing.

**Ms. Griffin:** Let me show you. The floor plan? I'll compare the floor plan.

**Chairperson Speranza:** Okay, 82707?

**Boardmember Cameron:** Do you have an A-3?

**Boardmember Hutson:** S-1. The site plan, the first site plan.

**Chairperson Speranza:** The middle part of the building at 433 Warburton Avenue? Three-and-a-half story residences?

**Boardmember Dale:** Right on the yellow.

**Ms. Griffin:** I'm sorry. We've made so many changes I think I left that. That should say 2-1/2. It says cellar, first floor, second floor, half-floor.

**Boardmember Hutson:** Okay, so it's just the heading?

**Ms. Griffin:** Yes. It's something we didn't pick up. But if you look at the floor plans...

**Chairperson Speranza:** The cellar is not a story. Okay.

**Ms. Griffin:** The new scheme we have cellar, first, second, and 3-1/2 story. And the old scheme, we have the cellar -- we called this first -- second, third, and a half-story. Since we were cutting the grade so much for the driveway we had another level here. Now we're actually doing very little work. The existing elevation is right at this patio level. And, in fact, the end of the new patio is going to be right where the retaining wall is. There are two little terraces right now.

Just so you understand the floor plans, right now there are two units. There's one on the first floor, one on the second, and there's a partial basement. Our new scheme shows, just as it is now, the one unit is on the first-floor level with stairs going down into a partial basement. The bump-outs allow us to avoid the railroad arrangement. Just having those bays allows us to get a corridor down, an egress corridor. We're actually hoping that maybe we can get windows in zero lot line if we can somehow grandfather it in because we're trying to keep the structure as much as possible.

Then this is the lowest unit. This is a bedroom and like a rec room/family room. All this is pretty much underground, with storage and laundry utility areas.

For the second unit, you come in and go up stairs just as you have to do now onto the second floor. The second unit will be an open living room/kitchen, with the bedrooms in the back and then one room up above. We are still aligning the back of the upper level with the wall of the house next door so that we don't affect his view. After meeting with them many times, months ago, we agreed to keep the little roof deck set back and aligned with their roof deck so they would keep their view looking up the river.

**Chairperson Speranza:** I know one of the points you made was that the way the existing structure is built is not in compliance with the current New York State building codes. Of course this renovation will bring it in.

**Mr. Wolf:** That's correct. In other words, there are ceilings that are 6 foot 10 inches tall, and there are no corridors so you go from room to room. And the construction is also what we would consider substandard.

**Ms. Griffin:** Flimsy, no insulation, single-pane windows. You know, there are no smoke detectors that are hard-wired according to state code.

**Chairperson Speranza:** So the level of renovation that you're doing does warrant that you bring this into compliance.

**Ms. Griffin:** Oh, yes.

**Mr. Wolf:** One of the purposes.

**Boardmember Hutson:** Does this require being sprinklered, this extent of renovation, as with a new building?

**Ms. Griffin:** A new building would be. I don't think we have an answer yet. Actually, we haven't gotten to that level of detail, but I think it's very likely.

**Boardmember Hutson:** It seems to me...isn't there a point where a renovation has to be, or not?

**Ms. Griffin:** Some towns require -- they have local codes.

**Village Attorney Stecich:** If it's required, it'll be required of that.

**Boardmember Hutson:** Can I ask one question on the height? The height maximum that was proposed before versus the height including the solar panel now, how do they compare?

**Ms. Griffin:** This is the maximum allowable height. We're just below 35 feet with the top of the solar panels.

**Boardmember Hutson:** And previously?

**Ms. Griffin:** We're just under. It's like 34 foot 10. We want to keep under that from the worst point. They're supposed to have a parallel line to the grade, 35 feet.

**Boardmember Hutson:** Right. I'm saying the previous structure.

**Ms. Griffin:** Oh, the previous structure? This is the previous structure.

**Boardmember Hutson:** Of your proposal, the earlier proposal?

**Ms. Griffin:** Was 29-10.

**Boardmember Hutson:** So we are how much higher?

**Ms. Griffin:** We're almost 5-10, something like that. Because we're just trying to get as much as the optimal angle for a solar panel simply for that reason. But the idea is that it doesn't have to be optimal as long as we keep under the 35-foot max.

**Boardmember Hutson:** Not primarily in regards to the view preservation part of this.

**Ms. Griffin:** It's 34 feet 10-1/2. It's cut off a little, but this is the view of the top. It's only at the sharpest point where it's that high, and then angles back down towards the south.

**Chairperson Speranza:** Do you have more?

**Ms. Griffin:** I just wanted to make sure you saw the elevation. That's the extent of the presentation.

Do you have any questions?

**Chairperson Speranza:** Since this is a public hearing I do want to open it up first to any member of the public who wishes to speak or has questions.

**William Kennedy, 431 Warburton:** I'm the house next door. I just want to make sure Christina, you mentioned that the plans upstairs are going to be the same out of my view. It hasn't extended any, has it?

**Ms. Griffin:** [off-mic] [Not the extent \_\_\_\_\_ ] [off-mic]

**Mr. Kennedy:** Okay. And as far as my view, everything's the same as the old plans? It hasn't grown at all.

**Ms. Griffin:** [off-mic] [The back isn't shown. Hasn't gone back at all. It's going to be a line \_\_\_\_\_ wall] [off-mic]

**Mr. Kennedy:** All right. As long as nothing's expanded since those last plans that I've seen, that's my only question.

**Chairperson Speranza:** Right. Because originally you were going out further.

**Ms. Griffin:** [off-mic] [\_\_\_\_\_ concern] [off-mic]. He has a great view of this top level. So we met, and we looked at his view from his deck. But we agreed to make sure that this wall is not looking onto the wall where he's looking], and that this deck is actually right in line with his deck. And it's also set in [off-mic] [so that we have some privacy. We just have a little space between \_\_\_\_\_] [off-mic].

**Mr. Kennedy:** That's all I wondered. Thank you.

**Chairperson Speranza:** Anyone else?

**Kooz Beham, 425 Warburton Avenue:** I'm just about three houses or so south of 433. Basically, Billy had just asked a question that I was very much interested in. You've scaled down the project so it's actually smaller. They're really not impeding on my view, so there's really not a view preservation issue on my behalf. I'm in favor of the project and I want to see it go through. However, if there are any changes that need to be corrected, or any fascias that need to be faced, I'm sure that will be handled.

That's pretty much it. That's what I wanted to say at the time. Thank you.

**Chairperson Speranza:** Okay, thank you. Nothing else from anyone in the audience? Boardmembers? Questions, concerns?

I'll start off. I have one question with respect to the zoning code compliance. Deven, I'm glad you're here. I think it would be interesting for people to understand exactly how this works with respect to view preservation. The Planning Board makes a recommendation to



the Zoning Board of Appeals. We also approve the site plan for this proposal. I noted one variance.

**Building Inspector Sharma:** Yes.

**Chairperson Speranza:** That's all? One variance.

**Building Inspector Sharma:** It's currently nonconforming with respect to parking. It has been like that for God knows how many years. This construction, this development, is not making that nonconformity any worse. There is a provision in the code that any construction you're doing, if it's not making the nonconformity any worse than what it was, then they're permitted to build without seeking any variance for it.

**Chairperson Speranza:** So that's the reason the only one they have to go for is the side yard because they're bumping out the wall there.

**Building Inspector Sharma:** Exactly. The side yards are already so nonconforming, in a very bad way, they're just continuing to keep it pretty much that way and kind of building it up a little. So that is an issue that the Zoning Board will have to deal with.

**Boardmember Hutson:** It is increasing that one nonconformity, you're saying.

**Chairperson Speranza:** The side yard.

**Building Inspector Sharma:** Side yard variance.

**Chairperson Speranza:** But that's why they have to go back to the Zoning Board for that.

**Village Attorney Stecich:** But not the parking. That was Deven's point.

**Building Inspector Sharma:** Not the parking. There's only one variance per se. The recommendation would be to provide a driveway. If they can take some cars off the street and put them in the driveway it would perhaps be a better thing to do.

**Chairperson Speranza:** We don't like driveways like that.

**Building Inspector Sharma:** Okay.

**Chairperson Speranza:** No, I wanted to make sure that with respect to the variance...I mean, the only variance is the side. That's the only one that's required to be issued by the Zoning Board, and that's only because they're increasing that nonconformity. Everything else remains the same. That's why.

**Building Inspector Sharma:** That's what Marianne and I discussed, and that's the conclusion we came to.

**Boardmember Hutson:** Is there a Village...and I realize that Peter went into an extensive review of his experience and their experience on this, but I still didn't understand quite, from the Village's point of view, what the problem was with the parking in the back and the extension of Ridge Street. Is there a succinct way to put that?

**Building Inspector Sharma:** I would not do that.

**Village Attorney Stecich:** There was some concern -- not among the entire Board of Trustees -- about whether it might cause more serious drainage problems. They were concerned about how this wall and construction of the wall could affect the slope at the other side of the street. There was never a vote by the Board of Trustees. It was just certain members.

And I just want to clarify -- I'm glad you asked me so I have a chance to clarify -- that the two-and-a-half page letter Peter referred to was not issues that I identified, but they were issues that different Trustees had identified and I communicated to them.

**Chairperson Speranza:** Right. And one other thing. During the discussion, Peter, you had mentioned that they wanted a SEQRA review. Everything requires a SEQRA review anyway. There was discussion about going forward with an environmental impact statement for this project.

**Village Attorney Stecich:** With an EIS.

**Chairperson Speranza:** That was the environmental process issue.

**Village Attorney Stecich:** Again, that was not the Board as a whole, but a particular Trustee, on the EIS. Or maybe more than one Trustee, I'm not sure. But at least one.

**Boardmember Hutson:** For us, particularly regarding this Warburton parking, I think part of the reason that we thought that that was unnecessary -- not only not a good idea, but unnecessary -- was because we did think that the parking in the rear made sense for Warburton Avenue as well as for this particular project. But if that's a decision, it just seems a little unclear that there's not something that is more specific stated in terms of a reason. Obviously, they have the authority to do it, but it does seem a little...

**Chairperson Speranza:** Well, it was not denied. The applicant withdrew the application, having heard how he might have to proceed.

**Mr. Wolf:** What the Village counsel said is correct. She was just communicating the sense of the members of the Board.

**Boardmember Hutson:** No, I understand that.

**Mr. Wolf:** To answer your question, the reason that we curtailed it at this point was two-fold. First of all, as I explained to them, I felt like I was in a hurdles race, where every time we surmounted a hurdle another one was placed.

**Boardmember Hutson:** Peter, you don't even have to go on. I'm not even questioning your reason for doing it at that point. As folks who are working on behalf of the Village, it's nice to have a clear reason as to why something isn't a good idea that we thought was a good idea.

**Village Attorney Stecich:** You know what, David? I'll find the dates of the minutes from the meetings at which it was discussed.

**Boardmember Hutson:** No, thank you.

**Village Attorney Stecich:** And you may enjoy reading them.

**Chairperson Speranza:** And there were several meetings.

**Boardmember Hutson:** Obviously there were.

**Mr. Wolf:** And also, personally I felt that once you start getting from objective criteria -- such as what the engineers were doing -- and then you start getting into things that were

subjective, it seemed to us they weren't accepting your recommendation, the recommendations of the Ridge Street report, their own engineers.

**Boardmember Hutson:** No, I understand that's certainly your decision. I'm thinking for our own edification, as our thought process went forward and our decision was made, whether there was something that we overlooked that we should have been looking at.

**Village Attorney Stecich:** Actually there was one other thing that happened -- issues that came up before the Board of Trustees that weren't before this Board. And I'm not saying this is what moved the Board of Trustees or this is what moved them to withdraw their applications. But a few residents came who said they didn't like it because of that little, I guess, open space area that some of the people on Ridge Street are now using that.

**Boardmember Hutson:** That came into play.

**Village Attorney Stecich:** I'm not sure it moved anybody on the Board, but it was an issue raised that was not an issue that was ever brought before the Planning Board.

**Ms. Griffin:** I do want to say one thing, though. I think the turning point for me was when, after we did the storm drainage study and it was approved by the engineer hired by the Village, we were asked to do a study of the impact of a 50- and 100-year storm on the site, which we did. Then we found out the Village engineer wanted the study done of the entire Ridge Street. You know, this is not such a large project. This is not like 45 Main. It's just not financially feasible for us to continue paying engineers and doing these studies, especially when we don't know if there's any end to it. So that's really the main reason why we had to withdraw. We have to either get into construction or start renting the house.

**Chairperson Speranza:** Okay, let's see where that leaves us here this evening. The public hearing is closed, hearing no other comments from anyone.

### **III. New Business**

#### **1. Public Hearing. View Preservation and Site Plan Review. Christina Griffin and Peter Wolf. 433 Warburton Avenue (Sheet 7/ Block 618/ Lots 23 and 31) for proposed renovation of 2-family residence.**

**Chairperson Speranza:** Boardmembers, we've got two items to act on tonight. The first is a recommendation to the Zoning Board of Appeals with respect to view preservation for the property, and the second is site plan approval for the project. Let the record show that Boardmember Alligood has joined us at 8:53pm. Do I hear a motion on, first of all, a recommendation to the Zoning Board of Appeals for view preservation?

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

**Chairperson Speranza:** Okay. The next item is, we need an action for approval of the site plan for the plans dated August 27th, 2007.

**On MOTION of Boardmember Logan, SECONDED by Boardmember Dale with a voice vote of all in favor, the Board resolved to “recommend approval of the site plan as shown in the most recent drawings.”**

**Boardmember Dale:** I would like to add that I think the decision that they were forced to make, given the circumstances, reflects -- not the decision, but the circumstances -- the philosophy about development in the Village, which I think is misguided and difficult. It puts us in conflict with making rational planning decisions about whether a project makes sense or not.

- 2. Public Hearing. View Preservation, SEQR Review, Steep Slopes and Site Plan approval. John Picone of River Edge, LLC, 19-61 Maple Avenue for repair of the rear parking lot and retaining wall. The property is in the MR 1.5 zoning district and is also known as Sheet 13 / Block 632 / Parcels 112A and 115A.**

**Chairperson Speranza:** The next item on our agenda is another public hearing: view preservation, steep slopes, site plan approval for another project which was before us once before -- two years ago I believe -- for the construction of a retaining wall as well as repair of a parking lot here along Maple Avenue, just to our north. Angie, everything's in order with respect to mailings?

**Village Planner Witkowski:** Yes, mailings are in order.

**Chairperson Speranza:** Mr. Picone is here.

**John Picone, River Edge, LLC:** It's a pleasure.

**Chairperson Speranza:** Now, as I recall, you were here two years ago.

**Mr. Picone:** Not quite.

**Boardmember Hutson:** In December.

**Mr. Picone:** December 2005.

**Chairperson Speranza:** December -- after a horrendous rainstorm, and we were very concerned about your property.

**Mr. Picone:** Yes. Basically, I'm glad to be here before you again. I have a plan to redo the wall that you already approved in December.

The problem is, when I went to have the wall built we did some engineering, which included soil borings 30 feet down in three spots. And then subsequently, as I went through the engineer trail -- this is my fifth engineer -- I got to be more technical and more technical until I finally hit the geotechnical, which is the best for my slope. In the end, I ended up doing 50-foot borings four or five places across the whole slope, which is below the tracks or at the tracks. So in the end I have a much better plan. The plan that I had previously gotten approved, I was too worried that the subsoil conditions would not support it and I would have a wall that was built that was out 15 feet that would have been a worse calamity than what I was suffering after I built it.

What happened was, what I have now is, a much more highly technical -- five times, seven, eight times the cost. It's a very expensive wall. It's a very highly technical wall. It has 50-foot borings with tiebacks. It's really quite a wall, and it will last longer than anyone in this room, if I have my way. In any event, I'm here to get it re-approved. The wall is actually...the original berm as it is now, which you can see in the plans, we were going out 15 feet because of what we needed to do at the time -- or at least I was led to believe so.

**Chairperson Speranza:** I remember that.

**Mr. Picone:** What's happening now is we're actually going 10 feet farther into my berm, and we're doing it right in that spot as it now exists. It's all blacktop. There's no mitigation necessary; there wasn't even before because of the way that it went. Basically, from a steep slopes point of view, I have a wall that is more favorable because I'm not going out onto the slope, which shows maybe 80 feet as the crow flies and maybe 90 down. The slope is at a 35- to 45-degree angle. What is going to happen is, they're going to come in, they're going to put in soldier pile/lagging wall all the way across the whole property, and then they're going to reduce the grade. The problem is that the grade must be reduced in order to stop the soil, which is really a sandy soil. It's not like really dirt, and it's very slippery, and it just goes.

**Chairperson Speranza:** Now, when you say the slope is reduced, you mean it's going to be...

**Mr. Picone:** Instead of being 45, it's got to be reduced to 32.

**Chairperson Speranza:** Got it.

**Mr. Picone:** Which is the natural angle repose for that particular soil, or something like that. The drainage can remain in place. Everything's fine there, that's not a problem. It's a huge job. I previously thought, and had sent a few e-mails around, that I would have to empty the rear parking lot and I would have a problem with parking. I've already unloaded the whole bank, and I've taken my courtyards...I've put trap rock down on them, and I've moved all

my cars. Any car on the property that was in that area I've moved it to other areas for temporary storage so that I did not have any vehicles that were up on the slope after the April rains. I had had a meeting the Friday before with another geotechnical engineer, who gave me a concept plan. You know, just a little too much a little too late, but I was working on it all the time. Then I subsequently had met with Mr. William Frank here, of GeoDesign.

So basically what I have are the plans here. I have some other things that I have given you. I have a diagram, which I can hold up and show you because I wasn't able to give it to you, showing kind of like where the existing wall was that you approved and where the new one would be -- which is more favorable. I also have some pictures here, which I'd like to give to you now. And then I'll leave you with Mr. William Frank of GeoDesign.

**Chairperson Speranza:** There are things that you would like to add. Do you want to go through what's proposed, or the summary? One of the concerns that we had the last time was the actual...

**Mr. Picone:** ...drainage, which Mr. Sharma has a letter regarding that, which you've approved. It's the same letter.

**Chairperson Speranza:** From Mr. Gibbons.

**Mr. Picone:** Yes. The slope disturbance, I guess, and the fact that it wasn't of such a severe nature that it had to be done: those were the basic issues.

**Chairperson Speranza:** Right. And that the wall was, in fact, being engineered -- which you're an engineer, and you're here for the wall.

**William Frank, GeoDesign, Inc.:** Where would you like me to begin? First of all, thank you for inviting us.

**Chairperson Speranza:** Okay. If you just state your name.

**Mr. Frank:** My name is William Frank, I'm a professional engineer in New York State, and I'm with an engineering firm called GeoDesign. We've been retained by Mr. Picone to help him mitigate the slope on his property.

Basically what we've come up with, we analyzed the slope and found out that it's obviously too steep, which is why it led to the failure that happened back in April. After looking at it, and knowing the fact that the slope is adjacent to Metro-North's property -- and working against adjacent to Metro-North property is very difficult at best -- the idea was to try to do our remediation work at the top half of the slope. We determined that the best way to do that was to try to establish, or retain, the property line, or the parking lot line basically, where it was in its current position and build what we call a tied-back/soldier pile and lagging wall, which basically is drilling steel beams into the ground, putting timber lagging boards between the beams, putting what they call permanent tie-backs -- which are basically steel bars or cables -- into the ground, grouting them in place so that they're far back into the slope -- into the stable portion of the slope -- and pre-tensioning those cables to the design of what

we feel in order to provide what we call a “factor of safety” on the slope, which is a standard of about 1.5. By taking the dirt off the slope in front where it was steeper than roughly 102 XXX, we’re trying to get the slope back to where it was before they filled it in.

**Mr. Picone:** “They” meaning not me.

**Mr. Frank:** “They” meaning those before us.

**Chairperson Speranza:** “Others.”

**Mr. Frank:** Correct. So we’re basically taking the dirt off the slope in front of the wall, and then the wall itself will become stable by itself. That was, in our opinion, easier and less expensive than trying to build a wall right along Metro-North’s tracks. We were involved with Metro-North themselves to build the Yonkers station retaining wall, which is south of the Yonkers station on the northbound side. It’s about 2,000 feet long, and they had the same issue where people had built up their property over the years and they had slope failures that landed on their tracks. Metro-North decided rather than try to force the residents to take care of it, they’d just take care of it themselves. But they had the ability to take the track out because they were rebuilding the station and the bridges alongside. So it gave them the opportunity to do that.

We don’t have that luxury here. So in order to avoid having to deal with interfering with Metro-North’s operations, working at the top of the slope, in our opinion, is the better way to go. And we are working with Metro-North to satisfy their concerns about the construction sequence and the methods that we’re going to use so that they’re comfortable that the work that’s being done is safe and stable during construction. So that they don’t have to get a call in the middle of the night that there’s something on their tracks.

**Chairperson Speranza:** Okay, I’m glad you mentioned that because that is something which did come to the Village. There was a request made by Metro-North, a generic request, that -- given the type of storms that have been occurring recently, and the impacts that it’s having with respect to their track throughout the county -- any municipality that’s got any kinds of applications, or is reviewing plans for development anywhere along their property, that they be involved.

So they’ve been involved in the development of the plan. They know what it is you’re planning to do.

**Mr. Frank:** That is correct.

**Mr. Picone:** They have the plans and they’ve also been up to the site. [off-mic]

**Chairperson Speranza:** Great.

**Boardmember Hutson:** Do they require an approval be granted for that work?

**Mr. Frank:** I think they would probably be in favor of having the Village bless what you’re doing. But they’re not so much concerned...and I don’t want to speak for the railroad, but they’re more concerned with how you do it as opposed to the product. They know what

we're doing because we did the exact same thing down at the Yonkers station wall for them. They're just concerned about the means and methods of building it and the equipment during the construction process; that they don't have dirt roll down the hill and boulders roll down the hill.

**Boardmember Hutson:** Right. That's what I mean. Do they require that you get an approval from them?

**Mr. Frank:** Yes.

**Boardmember Hutson:** And have you gotten that?

**Mr. Frank:** We had submitted basically the same plans to them a little bit earlier and they are reviewing them. The contractor who ultimately will be doing the work is putting together his plan, which they are more interested in: the equipment that they're going to use.

**Boardmember Hutson:** I ask only because I think our approval obviously has to be contingent...I mean, we don't want to give a go-ahead that would in any way preclude that; that you would proceed without that.

**Mr. Frank:** I think we're pretty clear that we're not doing anything without...

**Boardmember Hutson:** We will require you to get that, in other words.

**Mr. Picone:** If you gave me approval and I started work, they would stop me the next moment.

**Mr. Frank:** We're not going anywhere without Metro-North saying yes.

**Mr. Picone:** I will get a permit from them to do the work.

**Boardmember Hutson:** The height of the wall from ground to top is how much?

**Mr. Frank:** The top of the wall will be roughly where his parking lot is now, at approximately elevation 65, 66. And we're looking to put a concrete parapet on top of that which will be approximately 3-1/2 feet high, much like you'd see in a bridge. A concrete parapet there to provide safety for pedestrians or people in the neighborhood, and protect cars from going over the wall. The clear height of the wall, with lowering the slope in front of the wall, the top of the berm in front of the wall would be roughly elevation 45.

**Boardmember Hutson:** Twenty feet?

**Mr. Frank:** And the top of the wall itself in terms of the parking lot elevation is about 65, so 25 feet roughly, 23 feet.

**Boardmember Hutson:** Now, does that require anything...

**Village Attorney Stecich:** Deven, if the wall is 25 feet high does it meet variances?

**Mr. Picone:** No, because they're going to set back [off-mic]. Not [off-mic].

**Building Inspector Sharma:** The portion of the wall that will be visible from the railroad side...

**Mr. Picone:** [off-mic] elevation 45 to elevation 67.

**Building Inspector Sharma:** So 20 feet or so, diminishing on the two sides. It's not projecting above the grade for parking.



**Boardmember Hutson:** No, we understand that. I'm just talking about whether our Village code...our Village code has a limit on the height...

**Chairperson Speranza:** On the retaining wall.

**Boardmember Hutson:** A retaining wall, so the question is...

**Building Inspector Sharma:** I'm not aware of any such code. I know that the wall is engineered, and I'm not aware of any such Village code. Marianne?

**Village Attorney Stecich:** I thought there's the provision that walls can be anywhere on the lot as long as they don't exceed 6 feet in height.

**Building Inspector Sharma:** No, that's for the fence -- under the fence and the boundary walls. This is a structural retaining wall, and I'm not aware...

**Boardmember Hutson:** In the past we've discussed it with that kind of assumption, so maybe we're wrong.

**Village Attorney Stecich:** I'm going to have to look at the code with Deven. We're going to have to discuss it. Assuming this board is okay with the plan, if they need a variance then they'll have to go the Zoning Board. I would say, though, that if the Board thought that this plan was a good idea, or the best way to deal with the issue here, you always have the opportunity to make a recommendation to the Zoning Board that the variance be granted.

**Building Inspector Sharma:** You know, one thing I believe we need to stress on this -- almost like an emergency, something required urgently -- they've asked me if I could give them a permit to start doing some staging.

**Boardmember Hutson:** You know, Deven, I don't want to interrupt you, even though I have. Two years ago this was an emergency.

**Building Inspector Sharma:** Yes, it still is.

**Boardmember Hutson:** I looked at the minutes. That's part of the discussion. So this is a long-standing emergency then. I'm not saying that doesn't mean we don't want to move as quickly as we can.

**Building Inspector Sharma:** Yes, and we've been pushing them to get back on it.

**Mr. Picone:** If I could say one thing, two years ago it was a 14-foot high wall with a 42-inch parapet on top of it also. And it wasn't a zoning issue, it wasn't [off-mic].

**Boardmember Hutson:** I understand. You know, we just went through an experience where things took a long time, and perhaps unnecessarily. We don't want to have another one. So let's just try and cover all the bases is all I'm saying.

**Chairperson Speranza:** Since this is a public hearing, I do want to open it up to comments from the public. I have one here. I received a note from Ann Schnibbe, who I know lives over on Edmarth:

“Hastings-on-Hudson Planning Board members,  
I fully support Mr. John Picone -- River Edge, 19-61 Maple Avenue --  
and his application to you requesting repair of the rear parking” -- I

can't read it -- "retaining wall. Mr. Picone is, and has been, a good neighbor, always maintaining and taking good care of his property.

I hope you will grant him approval of his application so he can make the necessary repairs."

**Chairperson Speranza:** Anyone else? There's a familiar face.

**Julius Chemka, 8 Ridgedell Avenue:** I'm here to say that I am in favor of this project. I've known the Picone family when they were building the apartment house. Their only interest is in the Village of Hastings and helping the citizens. They've been such a great neighbor to me. We had one incident where one of their tree limbs came down and went through my garage roof and buckled my fence. The next day, before I even got up, they were over there taking care of what was necessary. They won't do anything to make the Village sorry for giving this application. They have always been a good neighbor. Their sidewalks are clean of snow before the people go down to the train. Their grounds, as you know, are always in immaculate condition.

The father, and John, are great citizens of Hastings. Let's help them save their property from maybe going down onto the railroad tracks, lets back them up, give them the opportunity to do what they want, save the Village a lot of money. Because if they don't do that, it may come up even to my house where the bank starts going down. Please give them the right to do this. They are good citizens of Hastings. Thank you very much.

**Chairperson Speranza:** Thank you.

**Ms. Honovich, 292 Warburton Avenue:** I'd like you to know, we live right across the way from Jack. Jack has been a friend and a good neighbor all these years, and Jack does everything right. He's very particular, and if he says it's the way to do it, it is the way to do it. So let's all support him.

**Chairperson Speranza:** Thank you.

**Boardmember Dale:** I have one question. In doing this, you say you're going to lower the level of the slope. You're going to be removing earth and vegetation that exists on that slope?

**Mr. Picone:** Yes. If you look at page 8 you'll get a very good idea of the deepest spot [off-mic] wall at its highest.

**Boardmember Dale:** And then you'll be revegetating, replacing what...

**Mr. Picone:** What has happened is, in April we had basically a mudslide. The whole slope [off-mic] down. It's not been revegetated, but weeds [off-mic]. Any time I get 4 or 5 inches of rain I probably would have a problem; I don't know. If you have problems with heights of walls and [off-mic] zoning and stuff like that, all I ask is that you review the plans and tell me what it is you have an issue with. And then I'm going to the Zoning Board at the end of

the month, or next month, and we'll just add it on, hopefully, to whatever we're doing. Because I have to get view preservation from them, so [off-mic]. And the pictures will show [off-mic], but you've been through that before.

**Boardmember Dale:** My question really was whether you're going to replace the vegetation that was there.

**Mr. Picone:** It's going to be revegetated. They're got to put mats in.

**Mr. Frank:** Erosion control materials have been mostly regarded to stabilize the slope until the natural grass [off-mic]. And then whatever John wants to put on the [off-mic] enhance [off-mic].

**Boardmember Dale:** Protect the slope.

**Mr. Picone:** It'll help.

**Mr. Frank:** [off-mic] any kind of root that you get growing into [off-mic] stabilize.

**Mr. Picone:** And this slope will now not be at an unsafe angle. That's the important thing. That's the reason [off-mic]. It was actually 14 foot high at that time, but what's happened is they have to bring the soil down to actually stop it from eroding again. So to make a wall higher in this case they will lower dirt as the effective erosion control [off-mic].

I also agreed last time to plant ivy at the base of the wall. I have some of it here, which I drew up, which is the same as last time, to show English ivy being planted. I spoke to Mr. Hubbard about this then and now, and he believes that's the hardiest plant that can actually be put there to overtake the wall. So in the end we're going to have a green wall with English ivy on it over the years. You have pictures there which show River Edge from down at the tennis courts. You can see one gable end of it and you can see a chimney, but you will see something through the trees in the wintertime.

So what we're talking about is green ivy that will be green in the wintertime, too. And, hopefully, in two or three years will really overtake the wall.

**Boardmember Cameron:** I guess one question I have is, have you thought about putting some sort of fence at the top of your wall? Because people are parking cars, blocking part of their cars, and they'll now have an opportunity to fall 15 feet if they should slip and fall.

**Mr. Frank:** [off-mic] high parapet.

**Boardmember Cameron:** Oh, it's 42 inches above the ground level?

**Mr. Picone:** A parapet.

**Mr. Frank:** The concrete parapet is 42 inches high.

**Mr. Picone:** There's a lot more at work there. [off-mic] also cars. It has to withstand cars.

**Boardmember Cameron:** Okay. I didn't realize that where it says "temporary bench" it's actually going to be the height of the ground behind the wall. Your diagram 8, drawing number 8, where it says "temporary bench," is that the parking?

**Mr. Frank:** We were initially thinking that we need to dig down a little just to create a bench for the equipment to get into.

**Boardmember Cameron:** Okay, but I guess what wasn't clear to me is what the height of the ground is behind the parapet.

**Mr. Frank:** The height around behind the wall is basically elevation 65, 66. That's the current elevation, and that's what we're using in putting the wall back. We're going to basically maintain the elevation of the parking lot.

**Boardmember Cameron:** But that will leave a 42-inch concrete parapet above the level of the parking lot.

**Mr. Frank:** That's correct.

**Boardmember Hutson:** So that parapet is not shown.

**Mr. Frank:** [off-mic].

**Boardmember Hutson:** Again, just something to check -- and I don't know, Marianne, if you know this. I just remember in terms of somewhere else where there was a retaining wall in terms of the height you had to have...I don't know if 42 inches was adequate for that. Do you remember?

**Village Attorney Stecich:** The height of what?

**Boardmember Hutson:** The height of the protection.

**Boardmember Logan:** That's a code, 3 foot 6.

**Boardmember Hutson:** Is that right? Okay.

**Village Attorney Stecich:** The state building code, right?

**Boardmember Logan:** Right.

**Mr. Picone:** It's on the "parapets and the detail".

**Boardmember Hutson:** On which one now?

**Mr. Picone:** Page [off-mic].

**Chairperson Speranza:** Okay. Any other questions?

**Boardmember Alligood:** I have a question for clarification from the letter that Gibbons Engineering submitted in August. It has to do with the stormwater analysis. On page 3 it shows that before the project is started the runoff depth is 2.75 inches per square inch. And then it says after completion it'll be the same runoff depth: 2.75 inches per square inch. My question has to do with the information on the previous page, which says that the unimproved site is going to have 2.75 inches; the approved area is going to have a runoff depth of 6.98 inches.

**Mr. Picone:** That was changed to 2.75. Mr. Sharma brought it to our attention. It was a typo.

**Boardmember Alligood:** It was a typo. Okay.

**Mr. Picone:** It's been changed. It's now in his hands.

**Chairperson Speranza:** Okay, so you have a revised letter.

**Building Inspector Sharma:** I pointed out to them it was the same discrepancy. So I did point out to them that there is some kind of a [off-mic] there. There's actually zero change in the amount and quantity of runoff.

**Boardmember Alligood:** That's all. I just noticed the numbers didn't match.

**Building Inspector Sharma:** So they gave me a corrected copy now.

**Boardmember Alligood:** Thank you.

**Mr. Picone:** I wanted to point out to you that not all areas of the wall will be that high.

**Boardmember Hutson:** Right. No, I can see that.

**Mr. Picone:** It's varying [off-mic].

**Boardmember Hutson:** And again, it's not that I think it's too high. I think it's a great idea. I mean, it's the way to deal with it. It's just that I don't want you to have to go back and forth in regard to this.

**Mr. Picone:** This is the only solution I could find from anyone [off-mic].

**Chairperson Speranza:** Anything else?

**Boardmember Cameron:** What is the expected lifetime of a wall such as this?

**Mr. Frank:** Fifty, sixty, seventy-five years. It's the cables that we're putting in the ground [off-mic]. It's the same type of cable that Metro-North has put underneath their own tracks permanently to prevent them from corroding over the years. And by putting the concrete face in [off-mic] you're also protecting [off-mic] up into the concrete face [off-mic].

**Mr. Picone:** I think these cables also have re-grounding XXX [off-mic].

**Mr. Frank:** [off-mic].

**Chairperson Speranza:** We need several actions on this. Marianne, since we do SEQRA on all of our actions, we have a short Environmental Assessment Form. Do we have to go through that for this application? I don't recall having to do that before.

**Village Attorney Stecich:** [off-mic] I guess [off-mic].

**Chairperson Speranza:** Okay, but it is a separate action.

**Village Attorney Stecich:** Yes, if the Board [off-mic].

**Chairperson Speranza:** Okay, so we've got a few things. We can take them in order. Let's start with view preservation.

**On MOTION of Boardmember Hutson, SECONDED by Wertz with a voice vote of all in favor, the Board resolved to "recommend to the Zoning Board approval for View Preservation on this project."**

**Chairperson Speranza:** Again, we do have a short Environmental Assessment Form. What we are doing, we are the approval agency for site plan approval, steep slopes, so therefore we don't have to wait 30 days or anything. We are the lead agency, the Planning Board. Essentially what we are doing is issuing a negative declaration saying we do not feel that this project will have the potential for a negative environmental impact.

**On MOTION of Boardmember Dale, SECONDED by Boardmember Logan with a voice vote of all in favor, the Board resolved to “issue a negative declaration saying we do not feel that this project will have the potential for a negative environmental impact.”**

**Chairperson Speranza:** Next is for steep slopes approval because this is a steep slope, which is what’s causing you the headache, right?

**On MOTION of Boardmember Wertz, SECONDED by Boardmember Dale with a voice vote of all in favor, the Board resolved to “approve the application for steep slopes .”**

**Chairperson Speranza:** Okay, and the final one is site plan approval for the proposed development.

**Boardmember Hutson:** Marianne, should this have any kind of provision in it providing if variances are required?

**Village Attorney Stecich:** Well, it needs it anyway whether you put it in or not.

**Boardmember Hutson:** Okay.

**Village Attorney Stecich:** You mean subject to the variances? Yes, you can say that.

**Boardmember Hutson:** It doesn’t make any difference, fine.

**Village Attorney Stecich:** Whether you say that or not.

**On MOTION of Boardmember Hutson, SECONDED by Boardmember Dale with a voice vote of all in favor, the Board resolved to “approve the site plan for this project, for the retaining wall”.**

**Village Attorney Stecich:** Patty, there’s one thing. I’m not sure if the Board wants to...I don’t want to put words in your mouth, but if you were so disposed to make a recommendation to the Zoning Board that in the event it’s determined [off-mic] variances [off-mic] for the height of the retaining wall.

**Boardmember Hutson:** Oh, that’s what I was talking about.

**Chairperson Speranza:** So we’ll do it as a separate action. You can make that motion.

**On MOTION of Boardmember Hutson, SECONDED by Boardmember Logan with a voice vote of all in favor, the Board resolved “that we recommend to the Zoning Board that should a variance be required for the height or the protection measures on the retaining wall that they be approved.”**

**Chairperson Speranza:** Thank you. Good luck. I hope you get it done before it rains hard again.

**Mr. Picone:** It's going to be October right through [off-mic].

#### **IV. Old Business**

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

**Chairperson Speranza:** The next item on our agenda is a public hearing for Saw Mill Lofts. In case anyone does not know, that is property that's locate along Route 9-A. I see the applicant is here and is making his way up.

**Patrick Normoyle, Community Dev. Spec. - GDC:** I was thinking I had a few items I could just basically report back to the Board on. I'd like to start off with the ones which I think have less discussion, and leave the ones that I think will have more discussion towards the end. But we can obviously take questions. Number one I think I put in the transmittal letter. We met with the Architectural Review Board for the third time last Monday at their September 10th meeting. Pleased to report that they did approve our plans for Saw Mill Lofts. They did issue their report, or recommendation. I know they were imposing two or three conditions which we discussed with them during the meeting, which we find totally acceptable.

**Chairperson Speranza:** You were there when?

**Mr. Normoyle:** September 10th, Monday.

**Chairperson Speranza:** We do have a report, it's got three conditions on it, and it does not say final approval.

**Mr. Normoyle:** Okay, that's news to me, but...

**Chairperson Speranza:** Okay, well, let me just tell you what it says: "Approved on condition of the following three conditions:: ARB requires a mock-up of the actual proposed colors and material at the site before final approval."

**Village Attorney Stecich:** And just so the Board is comfortable with that, when they're done I'll go through the revised draft resolution that I prepared. I'll give it to you. And I

included as three conditions in the revised resolution of approval these three conditions precisely.

**Chairperson Speranza:** So these are not a surprise to you.

**Mr. Normoyle:** No. My understanding from the meeting with the ARB was that they approved the Saw Mill Lofts plan and added three conditions, which we accept; one of them being we had shown to them our proposed colors for the EIFS on the entire façade. Our architect would readily admit that the little chips and panels that we brought in are not adequate and that a final selection of colors needs to be done, with a full mock-up which we would do during construction. So we would like to get some direction from the ARB in terms of how much lead notice they have for review in order to give us their final approval. They did express a slight preference for two colors over three. Our proposal was to propose three colors. So when we ultimately select the exact colors and create a full-size mock-up board we would go back to the ARB for them to sign off on that.

So that was one item. Then the next item was essentially related to the stone wall on the east side of the building. I believe what they're requiring here is that the stone wall at the east side of the building will have a natural stone facing. It says: "either dry laid-looking veneer, or solid stone, was as an option." So essentially what I took from their meeting was that the east side of the wall -- the side facing Saw Mill River Road -- that had to be done with real stones was our take-away, which we accepted. I did share this with the ARB. We're actually exploring doing the entire wall as a stone wall but, actually, as we get in the more detailed design in terms of what makes the most sense that will be finalized. So if we can do an entire stone wall we're going to try to. At a minimum, per the ARB's requirements, the side of the wall facing the road will be done with real stone.

Then I guess the third item pertains to the flood damage prevention law, and any changes.

**Village Attorney Stecich:** What that third condition is -- the way I drafted the condition -- is that if there's any change to the building of the wall, or any of the other structures on the site, the external of it will have to go back before the ARB for review. I guess they just happened to focus on the flood damage law because there's some concern that if that made any change then it has to come back before them. That's also a condition.

**Mr. Normoyle:** That's right. And Bennett was here at the meeting when we did discuss the flood damage prevention law and the fact that when we got into detailed building design that the detailed building design would also need to comply with certain elements. However, I think most of those are really non-aesthetic issues. But obviously if there are any aesthetic issues we'd have to go back to the ARB.

So I think we had a good meeting with them. I will comment -- I probably did say this to Angie -- the design that we came up with at the end which they approved I think was largely



similar to what we had originally proposed here probably back in May, and even to them initially in July. However, from the July meeting through September there were nice improvements made based on their comments. So we did change the louvers up at the top. Previously we had them as solid banks of louvers. I think someone had made the suggestion that maybe it would work better if you broke them up, and I think that resulted in a better articulation. I think some of their other comments as far as the colors and how to make the center element work also resulted in an improved design. So our architect was grateful for their input and I think, in this case, the process worked very well. And I think we got a better building out of it, so it worked.

Number two – hopefully this is easy --. We had submitted an application to the Tree Preservation Board for a tree permit back on August 23rd. I met with Dr. Hubbard on-site September 14th and I believe he also issued a report, or memo, to the Board. Do you want to confirm?

**Village Attorney Stecich:** I'll go through these later, but there were just a couple of recommendations they made. They are included as conditions of your site plan approval, the draft site plan approval.

**Mr. Normoyle:** Good. Then, in addition, we got a letter from Jim Drumm, the Fire Inspector. He did review the latest plans. Generally I think he found them acceptable. He did note that we do need to add two fire hydrant locations to the site plan. We had already agreed to that previously. Tony could explain, essentially the exact placement of those fire hydrants needs to be coordinated with United Water, as well as Westchester County Department of Health and the Fire Department. His general description of where they would go we have no problems with. So in consultation with those agencies we'll place those two fire hydrants.

In addition, one thing that was a change: we had offered previously to create two fire protection closets in our parking garage so that if there were any emergency rescue activities needed on our site that instead of the fire department needing to get trucks and other things around the rear that they could actually have an on-site closet. I believe he discussed this with the Fire Chiefs and, instead of that, what they actually thought would be more helpful for the Village and, in particular, for these residents would be, instead of providing that, to provide water rescue equipment. He provided a detailed listing of the equipment that the Village could need. It totaled \$18,000, according to his estimates. I told him the other day that that would be perfectly acceptable, so we agreed to that request.

**Chairperson Speranza:** And it's not stored on-site; it's Village-wide.

**Mr. Normoyle:** It'll be stored in a Village facility somewhere, which is fine. I think that was it on that. Again, Marianne will talk about that later.

Moving on to lighting, just to confirm. Bill had a couple of questions. Just wanted to confirm what I had informed the Board of last month. A question about the fixture; whether or not there was no side glass. There is not -- that's what we had reported last month. In addition, the light does shine from the bottom of the fixture and reflects off a mirror at the top, cascading the light down, as described last month as well. And the heights are in your latest plans, at 14 feet. So I think all of those were reported. We didn't have the benefit of Tony last month, so I confirmed with him and everything we reported last month was accurate.

Landscape plans: you also have the latest landscape plans -- LA-1 through LA-3. Eva had wanted some certification from the landscape architect that the plantings would comply with the conditions of the concept plan approval as well as the other statements made through the SEQRA record. So on LA-3 David Ferris Miller added a note that I reproduced in your transmittal letter that essentially said that there is a variety of species, native species, that would provide food and shelter for hummingbirds, butterflies, and all types of local creatures. I think, hopefully, that's adequate.

Then the next thing that we did do, which we have been working on since an earlier meeting, essentially David came up with an idea for plantings along the Saw Mill River. Tony has essentially created what he's calling "habitat river embankment planting areas." Maybe I should let you...

**Tony Castillo, Sesi Consulting Engineers:** The idea with these habitat plantings is basically an approach. As you go landward from the top of slope of the riverbank, it was broken in about four different rows of different species as you go landward in order to create some variety -- native vegetation there -- basically just to, again, encourage native species to come in and congregate here in these areas and basically act as a magnet, if you will, to encourage habitat so these species can grow and forage and so forth.

That is essentially what they are. These were placed in at least three different locations along the stream bank, just landward of the stream bank, to provide more than one location. So basically what we're trying to do is make a fuller stream bank here and make it a much more functioning vegetational area, as opposed to just leaving it as a grassed area, so that there's some function and purpose to it. That's essentially what was proposed.

**Mr. Normoyle:** And there's a fourth area also by the pedestrian bridge.

**Mr. Castillo :** Yes, that is true. There's a small area here on the side of the proposed bridge as well. So there are four areas actually.

**Boardmember Hutson:** Would you give us a little summary on the old berm vegetation question that we reviewed at some length a couple meetings ago? We were a little concerned

that that be natural and interesting and not hedge-like, and yet provide both for the height of the berm as well as vegetation; some shielding of parking from the road.

**Chairperson Speranza:** But not blocking sight distance.

**Boardmember Hutson:** Right. How did that work out in terms of when you combine the height and the vegetation issue?

**Mr. Castillo :** What we had done -- let's see, this is cross-section, B-B, A-A -- okay, the idea here was, this low area here being the proposed bioretention areas there would be some low-lying vegetative areas here. As you go towards the edges of pavement on one side towards the building, have some slightly higher vegetation there. As you move towards the Saw Mill River Road we proposed some trees there. But the idea was to, number one, provide, with these trees, the screening. Where these are located, these will not block site distance from any of the proposed ingress areas to the site. These will just function as general screening from the park areas toward the road, but it wouldn't impede site distance.

**Mr. Normoyle:** Right. And that LA-1 shows...the first drawing that Tony went through basically showed the sections of the berm, which gets back to what height we could achieve, varying the slopes. But this LA-1 shows what I think is pretty extensive planting along that area. So we could walk through that with you if you wanted, but we did try to create as much planting as we could up in that area and make it interesting and achieve the goals we had discussed. And I don't think this has changed, actually, in a couple meetings. Probably since July that's been consistent.

Then one other quick thing to report. I did check with our traffic engineer as far as the DOT processing of our highway permit application. Essentially he said they are reviewing it. He's gotten some calls from the DOT, from their landscaping group, and from their engineering group. And essentially he thinks...again, our design had been vetted previously so he does not foresee any problems, but now we're basically waiting on the DOT's review time. So that's where that one stands. I know, Patty, you've brought that up a couple times.

**Chairperson Speranza:** Right. And the highway work permit does include the traffic signal modifications.

**Mr. Normoyle:** Correct. As well as the site clearance work that we need to do by Lawrence as well as the curb cuts here, reviewing that and reviewing, obviously, our proposed vegetation along the Saw Mill River Road. So all of that was included in the permit that was filed before our July meeting, and is basically working through the DOT's process. But we foresee no problems. Maybe a little tweaking, but nothing significant.

Then, moving on...maybe Marianne, if we...the other two items I wanted to talk about were the legal agreements and then the flood damage prevention law, which there may be some discussion about. So if you could comment as far as the legal agreements.

**Village Attorney Stecich:** Well, we're not quite there yet, but I received the documents later than I'd hoped to. I did review them, though, and there are some issues with them. I don't think they're huge. Remember, what's got to be in the deeds are the five or six conditions relating to the workspace in the live-work units. Most of them are quite easy, but one of the conditions reads that there has to be 200 square feet of parking for all the retail uses. But the Zoning Board had already made a determination on the parking, so it's translating that into a condition. They had assumed, I think, 3,750 square feet of retail, which meant there could be about nine retail spaces. But we have to figure out how to limit it because you can't say there can only be nine retail spaces -- and it's sold to 54 unit-holders, nine of which are using retail spaces -- and then somebody who doesn't have a retail space sells it to somebody else.

So anyway, we have to work that out, but we'll work it out. What I had suggested in the draft resolution was to say that the deed restrictions have to include all of those conditions and have to be approved by the Village Attorney. I don't think that has to be approved before the site plan approval because I'm not going to let it go until it reflects exactly what the boards had said.

So that was pretty much it on the legal. We're not far. I'm sure we're going to come to an agreement. They just have to do what we say they have to do, especially if we pass it as a condition. It's subject to the approval of the Village Attorney. That's it.

**Chairperson Speranza:** I want to make sure that what I thought I just heard I heard wrong. The spaces, parking spaces -- you said spaces specifically for work areas. You know, if I want to go to somebody who's making jewelry out of their workspace, do I have to park in a specific space?

**Village Attorney Stecich:** No.

**Chairperson Speranza:** Okay, so it's not divided in that way on the site plan. It's just there's got to be a minimum that's open public parking.

**Village Attorney Stecich:** Yes, and this is one of the conditions that the resolution of approval said has to be included in the restrictive covenants. The condition reads: "Any permissible retail use in a live-work unit must meet the established parking requirement in the zoning code: one space per 200 square feet." Well, that sort of doesn't really make any sense because we made, separately, a determination on how many parking spaces are required. And that determination was based on there being 3,750 feet of retail space. Okay, so how do you implement that condition? The only way to implement the condition is to make sure that...what are the work spaces, 400 square feet?

**Mr. Normoyle:** The largest workspace is 402 square feet.

**Village Attorney Stecich:** Okay. So 3,750 divided by 400 is roughly 9. So it has to be drafted so there won't be more than nine of the workspaces that would be able to be used for

retail. It's a little tricky. Because you could start out and only have nine people there who are going to have retail uses, but somebody who's got a psychologist's office. Well, you can't have a psychologist but anyway, a potter sells it to somebody who wants to use it for a card shop. Then you can have an extra ....

But we'll be able to work it out. We just have to make sure that it's set up in such a way that only nine of the spaces can be used as retail. And that could be limited by saying only the spaces on the front of the ground floor. I don't know, something that would limit it to nine.

**Boardmember Hutson:** But the nine could be moving throughout the history, you're saying. Theoretically they could be anywhere in the...

**Village Attorney Stecich:** Yes, but that's if you don't put any restriction on it. I don't know how you can say at any one time -- just generally, at any one time -- there can only be nine retail spaces. Because once they're sold the first time around they go...so what you have to do is identify which of the spaces, or something like that -- identify among which of the spaces you can have retail use.

**Boardmember Dale:** Or go back and amend the condition.

**Village Attorney Stecich:** No, I don't recommend that. The Zoning Board had a hard time coming up with a parking requirement. See, originally the plan, if you remember, had some little stores on the ground floor, and that's where it came from. It had some direct-entrance shops on the ground floor. It's no longer in their proposal, so that's why it's a little bit off. But we still have to have the limitation on retail.

**Boardmember Hutson:** Did we have a limitation on the number of retail before the parking issue came up? You're saying no?

**Village Attorney Stecich:** I don't remember whether there was a discussion. It came up...

**Chairperson Speranza:** There's a limitation on the size and the types.

**Village Attorney Stecich:** And I think the thinking was it really is only going to happen on the ground floor. Remember, you can have studios on a higher floor. I didn't bring my code with me because I had so much other stuff from GDC, but the studio is defined as maybe having some incidental sale. So that would not be a retail use. By retail you mean like a book shop or a card store, a coffee shop. But it's really not set up for that now.

**Boardmember Hutson:** Well, it's kind of a strange thing. I remember us talking about the retail. I can't remember what position we took on it. We'll have to go back to that. Did we have no conditions in our recommendation about the number of retail? So you're saying that this condition simply grows out of the limitation on the amount of parking for retail? It backs into it?

**Village Attorney Stecich:** You know what, David? It could have come out of something else, too. I really don't remember all the details. I suppose it's conceivable.

**Boardmember Hutson:** No, I mean in writing. There's nothing else in writing in the conditions.

**Village Attorney Stecich:** No, correct.

**Chairperson Speranza:** And that's the big thing for the legal?

**Village Attorney Stecich:** Yes.

**Boardmember Hutson:** Just one thing. In regards to these covenants, Marianne, because this went through the whole business of it not only had a limitation on the number of units but it also had a limitation on bedrooms, is that...

**Village Attorney Stecich:** Yes, one of the conditions is that no business work area may be converted to a residential space.

**Boardmember Hutson:** That's one of the covenants?

**Village Attorney Stecich:** That was one of our conditions, and that's going to be in the deed to each of the units.

**Boardmember Hutson:** Okay. Because I was wondering why, in the drawing, there are these 8-foot partitions distinguished from full-height partitions on all of the units. For example, this latest one you've sent us of the affordable unit -- which was good because it has the powder room in it which the early ones didn't -- it looks like it could easily become a three-bedroom and the other ones could easily become a four-bedroom, and so on and so forth. And this partition thing, what's that about?

**Mr. Normoyle:** Well, that was a design direction from Martin Ginsburg himself. The name of the project is Saw Mill Lofts, so we are doing a number of things on the inside of the unit to create a modern loft feel. So just first fact: floor-to-floor heights in this building are 13 feet. Given the structural system we plan to use -- we plan to use a Hambro system and leave it exposed -- having tall ceilings, probably in the end, when you walk into one of these units, you're going to be able to see the underside of the floor above. And that's going to be about 12 feet 8 inches high. So a high space was one of the components. Leaving the structure exposed, again, is another kind of loft element.

Following on that approach, Martin wanted to try and create as much open a space as possible. So on pretty much all of the unit plans the only bedroom that shows full-height walls are the master bedroom suites. Every other wall, or most other walls, within the unit we're proposing go up to only 8 feet. We're going to give the homeowners an option when they buy it. If they want full-height walls they'll be able to get full-height walls. But in terms of our design concept, the modern lofts you know, we're doing the tall ceilings. Actually, I didn't say this, but the exposed structural system, exposed ductwork and sprinkler pipes -- things like that, as well as these 8-foot high walls -- if people want to build the walls up all the way, we will do that for them. But again, it's all part of this modern loft concept.

As far as converting that two-bedroom affordable unit, we created that separate den space. It'll be clearly shown that that cannot be a bedroom. We created that specifically so the affordable homeowners could have their own workspace. That definitely gets back to a building enforcement issue. But we'll be clear, on the work units, that the workspace cannot be converted to residential use. Similarly in the affordable unit that den, the homeowner won't have the right to convert that.

**Boardmember Hutson:** Actually that kind of all sticks in the back of my mind mainly because when the Trustees introduced the bonus for the open space -- in other words, added 25% to what we had recommended in terms of density -- just the whole density thing kind of looms in the back of my mind regarding this project. But that particular feature doesn't add to density. It could reduce density, it could reduce the number of bedrooms.

**Mr. Normoyle:** Just to clarify, I have the ZBA determination here. This is from early 2006. Just reading the first fact of this matter, it seems like -- and I think this is accurate -- I think GDC's proposal at that time was that eight of the 54 live-work units had retail space not to exceed 3,750. So I'm sure that it was a function of an earlier plan we submitted. Then as we developed those plans, I think the separate entrances right off of the parking area essentially went away. We went to one entrance for the entire building. Given the scenario now, there are no units that are really more retail than any other. So now it's kind of a contrived situation, how we put the cap in place that has been imposed as far as one of the conditions.

**Boardmember Hutson:** Again, we were concerned about the amount of traffic. The idea was that we thought more retail would be more traffic so some retail was okay as far as the community life there. But we wanted to limit it, so I guess this is the way we got at it.

**Mr. Normoyle:** As far as what we did send to Marianne -- which we did send late, so our apologies, we were slow on that side -- we did send a form of unit deed with all the restrictions that were required, as well as a condo declaration which also had the same restrictions in there. I think the Board's main point was to make sure that these requirements were transparent and clear to whoever the owners are; not just the first-time buyers, but then subsequently. We basically reprinted them verbatim. Now, I think the more challenging part is how do we make this retail restriction. How do we operationalize that as well.

**Village Attorney Stecich:** On that, let me just clarify that not only is the language clear in the deed, in the form of deed it's actually really quite clear. If you think about a lease, and many provisions and things get lost and you really wouldn't know, the deed to the units is really a very short document. It's just a few-pages, and then the conditions are listed as a separate exhibit. Nobody taking the deed is going to miss it. That was my concern here. That I wanted to make sure that anybody buying one of these units realized what the limitation is. I think it's pretty clear from the form of a deed.

**Mr. Normoyle:** Then on to the flood damage prevention law which was passed, or is being passed? Good news?

**Chairperson Speranza:** Last Tuesday?

**Boardmember Hutson:** Carry it around with us.

**Mr. Normoyle:** Excellent. So I know Rob Pape issued a letter -- maybe I'll kick it over to you. If you want, we could respond to his letter. I'm not sure how to proceed on this point because I know there were questions raised. So I'll leave that up to you.

**Village Attorney Stecich:** The Board might recall -- just for an overall context and then Tony may want to talk about some of the details -- I had pointed out to the Board...and most people knew that the Board of Trustees was about to enact this flood damage prevention law, which they have enacted, and that GDC was going to have to comply with this flood damage prevention law because it's a law in place before they're getting their building permit -- actually even before they're getting site plan approval. So somebody said, well, maybe we should have the consulting engineer we have now check for compliance with the flood damage prevention law. We had sent him the draft, and there was kind of a general response that wasn't really very helpful.

My immediate response was, okay, whether the consulting engineer for this project for the Board reviews it or not, it's going to have to comply with the flood damage prevention law. At whatever point it's going to probably get the building permit...probably they're going to have to show compliance before they get the building permit. Now, this permit... I'm just going to shorten it and say "flood permit" -- that the Building Inspector is going to be the authority for is going to be able to hire an engineer who specializes in this area to check for compliance with the flood law. Okay, that all said, nonetheless one of the Planning Board members said, "Well, why don't we send the plans to Rob Pape anyway and have him take a look at them and see if it complies?" You see from the letter he sent back, the problem is that to determine compliance with the flood law you need very specific construction drawings. Not for all aspects, but for certain aspects of it. He said, "I don't have specific enough drawings because those are generally the drawings that would go in right before you get the building permit." I said, "Okay, go through what you have and let the Board know which of the provisions" -- there's a section called 'construction standards' -- check for compliance with those construction standards. He went through, and on some of them he said, "You'll see for a good portion of them, probably at least half of them," he said, "I can't determine it because I don't have drawings yet." I'm not faulting GDC for not getting in the drawings at this point. I'm saying these are generally drawings that come up later in the process.

So there's two ways to deal with it. One would be to hold up site plan approval until all the construction drawings are in. Or, as I suggested last time, just say... it's going to be subject to the flood damage prevention law. And I actually did include as a specific condition that



the Village's flood damage prevention law, chapter 146, must be complied with. Now, whether I put it in that or not, it would have to be complied with.

So in short, there are open questions about compliance with the flood damage prevention law, but they would have to be resolved before a building permit's issued.

**Chairperson Speranza:** And if any modifications in order to comply with that law impacted the site plan or any of the other conditions, it would have to come back to us.

**Village Attorney Stecich:** Correct. Let's say it involved the building had to be shifted a little bit. Sure, then it would have to come back to this board.

**Boardmember Cameron:** I think what happened is, at a couple meetings before we actually asked Ginsburg Development to move ahead on the mechanical floors and mechanical drawings. In fact, you brought it up, as the minutes showed the last meeting. You promised that you would have them well in advance of this September meeting and we could then have our fellow take a look at them, and they aren't forthcoming. So I guess that's a little problem I have in where we are because you were given lots of letters to provide them and you said you would, and now you haven't. So I guess that's a little issue for me.

**Mr. Normoyle:** Well, I apologize. We asked our mechanical engineer to proceed and, unfortunately, I think it was a little more involved than I thought. I did bring photos. You had specifically brought up issues about the electrical equipment. I'm going to say a few things here just for the record. I actually do have photos from another building showing what the real issues are there. As far as electrical equipment goes, you know we do have mechanical rooms in the garage proposed. Essentially, the three items that will not be on the ground are the panels -- the electrical panels -- the electrical meters, as well as the electrical service coming in. They're going to be several feet...and, again, when we have a detailed building design we'll have specific numbers. But those items will not be on the floor. So if the concern was the garage getting flooded and affecting that, those pieces of equipment, that's going to be a non-issue because they're going to be 4 or 5 feet off the floor.

The one piece of equipment which will be, or which is typically, on the floor -- and I have a photo here -- is the switch gear. I'll pass it around. This is from one of our buildings up in Haverstraw. It's a 70-unit building so this may be a bit bigger than what we have in our 30-unit buildings. As you can see, it's probably about 7 feet in height. What I did put in the transmittal letter is that we could place this equipment on a concrete pad of a foot. Depending on final design...again, we're working with a constraint in terms of the garage. You know, garage to first-floor level is basically about 10 feet. In this photo here you can see that there's about a foot clearance to the ceiling in this building. You know, if we could do more than a 1-foot concrete pad we'd like to do that, but in terms of addressing flooding in the garage the one piece of electrical equipment that could be affected is this switch gear.

Our proposal, not having detailed design, is that we can already commit to raising this one piece of equipment a foot off the ground. All the other items I mentioned we can already assure that they're going to be 4 or 5 feet off the ground level of the garage.

As Marianne had said, typically this detailed design happens after we have site plan approval in hand because obviously there are a lot of costs when you move forward with detailed design. And then if things change, you know, there is a serious cost there. So I apologize for not having it. We have asked our mechanical engineer to produce it, and I thought it could happen quicker than it could. So my apologies.

**Mr. Castillo :** If I could basically walk this project through and explain to you how the floodplain development law does, and does not, affect the project I think maybe that will educate everybody in the room so we get a little more clarity as far as what really needs to be regulated on this property as a result of this new regulation.

Let me just explain. As we've shown -- we've represented since the beginning -- this extent of floodplain, according to FEMA, is considered the extent of the base flood elevation, which is that 100-year storm everyone talks about. This new study -- it's just about to be published, September 28th, 2007 -- the latest plates, which are available at the town and also on the Internet, indicate this area is considered as zone AE. What that means is, FEMA has undergone a rather extensive analysis of the floodplain in the Saw Mill River. What they've done is developed base flood elevations at certain sections across a stream -- all the way from its headwaters down into Yonkers, where it empties out into the Hudson.

More specifically though, what they've also looked at is they've actually measured what's called the floodway. So what you really have in this Saw Mill River floodplain system is you have two segments. You have the entire floodplain divided into two. The outer section -- which means from the outer edge of the floodplain to this floodway line -- that's called a "flood fringe." Within that area, in this channel area, there's a word that's called a "floodway." What does it all mean? What it really means is that FEMA has actually undergone a synthetic analysis. It's an iterative process. They've said, Well, for the Saw Mill River, let's play some numbers. Let's encroach, let's squeeze the floodplain as much as we can, given the 100-year flood. And let's see at what point, by shrinking that floodplain -- shrinking it down to such a width -- that the resulting change in elevations in the 100-year flood does not increase by 1 foot.

So they've done that. They did this iterative process, and they shrank the floodplain, if you will, to this width called a floodway. This river had a floodway line that's been depicted. What we've done is, we've always, all along, tried to accomplish two things on this project. One is to stay away as much as possible from the floodplain as a whole; most importantly,

completely stay outside of this floodway. Extremely important. The reason why is, FEMA's very concerned that if you go into this floodway area -- this width, this hypothetical width -- what would happen is you really run the risk of increasing flood levels in the Saw Mill River by more than a foot, period. That's why, in these regulations that they put forth -- and a lot of the municipalities in Westchester accomplished it -- they focus on two things. The first is a section 146-12B-1, which says this: basically within zones A-1 through A-30 -- and AE, which we have -- on streams without a regulatory floodway there's constraints here.

They're restricting any new construction, including fill, because they're concerned that it's going to increase flooding by over a foot. The reason for that is, FEMA didn't study that type of stream in as much detail as they studied the Saw Mill River. So that particular section of your proposed floodplain development rules doesn't apply to this project.

**Chairperson Speranza:** So are you saying this differentiates, then, on streams as opposed to the Saw Mill River?

**Mr. Castillo :** Right. What I'm trying to say is, there's a two-tiered regulation here. One has to do with streams that do not have a floodway -- if this river did not have a floodway analyzed by FEMA. My obligation as a designer is to make sure that whatever I do in the floodplain -- if I propose any fill -- that I cannot increase elevations in that floodplain by more than 1 foot. However, this stream has a floodway. FEMA has tables of plates that show a floodway on it. So as a result, what we have done is, yes, there is fill in this outer flood fringe, but there is no fill in the floodway proposed. So what I'm trying to say is, we have accounted for that in this area that is located in this low-gore area that has been the issue here from the beginning -- originally going with the proposed 15-something foot high retaining wall, then switching over to grades addressing the health and safety issues. By proposing this fill area here, by staying out of the floodway, we are insuring compliance with FEMA that we are not going to increase any flood elevations in the floodway because we're out of it; we're out of the floodway.

Now, one other thing I wanted to explain. These buildings -- I know that Ginsburg has always tried to take a step ahead and try to be proactive in establishing and placing all these utilities above the base flood, and that's a very noble thing -- I want to make sure these buildings are not part of the floodplain development regulations. Because they're outside of zone AE, period. It's not even up for discussion for the reason that the only areas that the Village can regulate in this area -- it's only areas within zone AE. So therefore, the only issue that we have to discuss here is this minor grading that was proposed as a result of addressing the issues with the wall way back when. That is the only issue that we had to discuss. But again, since we are not proposing any fill in the floodway, FEMA acknowledges that because we're not filling in a floodway we are not going to increase flooding in this river. There are not going to be any increases at all.

I just want to point that out. I know there have been some questions as far as what should be regulated, and what shouldn't be regulated. But let me make it clear, the buildings are not part of the floodplain development law for this application because they're not in zone AE. I notice this is a very thorough review that Mr. Pape did, and I did speak with him quite a bit. He had some questions for me. But the focus, and we have said before and it's been in the record, is that we do comply with the floodplain development regulations that are now in effect because we have stayed out of the floodway. Our buildings have always been outside of zone AE -- outside of the floodplain. And, most importantly, they've always been located and elevated completely outside of the floodplain.

**Boardmember Cameron:** I think if you were to ask the average person in Hastings whether we believe a 100-year floodplain line is actually going to be around and be a realistic measure to what kind of water damage we'll have in the next 20 years, probably 99% of the population would say of course we're going to have a flood above the 100-year line. And what's going on here is that people are defining themselves by taking a federal regulation -- which we know does not have great believability due to Katrina and things like that -- and saying, "Don't worry, this line's magic." Just because it's magic, I understand that you think you have regulatory ability to say we do or do not need to do certain things.

I guess I'm looking at it from the point of view of this town, the responsibility it's going to have if those basements flood. And I do notice that we have, written here, a line that says we have no responsibility. Of course, the law says "larger floods can and will occur on rare occasions. Flood heights may be increased by human-made or natural causes." Whatever you do in the floodplain or on the floodway, I understand you don't think you're increasing the water because you're not blocking the flow of the water down the river. I understand that concept.

However, unfortunately, there's lots of people up the stream from us -- buildings' parking lots, paving things -- and that's all going to increase the amount of water coming down the river. And I, for one, believe quite firmly that we need to take great care on this building. You know, we talk about passing this wonderful law. You're the only new project we have which is in, or next to, the floodway. We already have a whole bunch of people who've built their house in great confidence down on Nepperhan and now they're flooded all the time. I think that one of the interests I have before we give you approval -- of getting you to tell us what you're going to do in the basement -- is maybe we need to do things a little bit better, and that we don't have that risk the water's going to come into that basement and knock out all their power, knock out their gas service, and knock out other things. That's why I asked for that. I'm interested in still having it before I want to really give approval, but that's me. And I understand the technical arguments. That's why the last time we had this discussion

on it I said please don't get our engineer to just go and tell us whether it complies with the law or not. We all believe it probably does comply with the law. The problem is, we don't know the real risk, and it's not one in 100 years that we're going to be adversely affected.

I think what they're saying is, one in 100 years if you don't change anything in this valley. And we know things are going to change in this valley, so it's not going to be one in 100 years. That's my problem with the analysis you just gave. I understand where you're coming from as a technical person, and that's what you are, but it doesn't give any comfort as that person sitting on this board.

**Mr. Castillo :** If I can respond, I appreciate your comment. Since our involvement with the project our main goal has been from a site-sustainability/development standpoint. We've looked to accomplish two major things here. We've always realized that, number one, flooding is a major issue in the Saw Mill River. No secret about it . It's always been that way since day one when we started here. So we've always taken a critical eye to -- number one, most importantly -- how do we reduce peak flows and peak volumes for storm events. So that we're not exacerbating the problem. We're trying to be part of the solution to the stormwater issues in the immediate region. That was the first issue.

And the second issue was treatment. We wanted to make sure that this project was state of the art in the sense that the stormwater quality of the runoff coming off this site going into the river was optimal. Those are the two benchmarks we tried to establish from day one. We're very fortunate and very proud of the fact that we were able to create a project that accomplishes those things. We've actually proven that to the DEC. We've gained coverage under their stormwater permit because they were satisfied with the fact that for all the storm events, up to and including that 100-year storm, we are not only reducing peak rates of runoff, but we're reducing volumes. And also we've provided the treatment.

But in addition to that, from the beginning -- even way before this floodplain development law was a thought in Westchester County -- we always wanted to make sure that the bottom floors were at least at or above the base flood because we were concerned about the flooding issue, absolutely. For a very long time now we've always come to this board showing at least 2 feet above, even before the rule was promulgated. We were always trying to be forward-thinking and not trying to hide behind any regulations. We're just trying to be very good neighbors and really create a project that is responsible and forward-thinking. I will say that we're very proud of this project and we're looking forward to seeing it, at some point, constructed. I think it's a very noble project and it really does, I believe, meet the intents and purposes of your regulations.

Now, as far as the mechanical -- making sure that those elements are elevated -- absolutely that will be done. There's no reason why we would ever add mechanical or electrical element so that they can add to any risk at all. So we most certainly will make sure that they're elevated, no question about it.

Just to conclude, I just want to say that it always has been tried to make it a forward-thinking project, to address and make sure it's not part of the problem, but somehow part of the solution.

**Boardmember Cameron:** I have no doubt it's not part of a problem because I think many people on this board who spend a lot of time thinking about runoffs and have worked with you and tried to make sure it wasn't contributing to the problem. My concern is more that it may be subject to the problem, and the problems being caused by people upriver and not by you. I personally do not think that 2 feet is much of a contribution. I understand that's what the law says. And I think we all know instinctively that we're in a period of time in which later on we're going to suffer from these kinds of decisions.

**Boardmember Dale:** Jamie, I agree with you. I have the same concern you do. Have you thought through what kind of criteria would be more appropriate?

**Boardmember Cameron:** Well, I'd want to see what they could do in the basement; what they could do to try to raise the level. Maybe it won't happen. I have no doubt the basements could flood at some time. For example, they could have put pumps in there, gasoline-powered pumps and what have you, to try to pump the thing out if the water came in. I don't know whether you can keep Mother Nature back. But you hear stairwells are in the floodplain, that one there. I know you're going to fill in the land so it's now above the floodplain. It's just an issue going forward that I hadn't seen enough out of you guys. I thought you did a great job on the landscaping and everything. But I just think, as we're looking at the basement, I'm not actually worried about the units. I don't think the water's going to go up and flood the units, and I said that last time. I'm worried about what's going to happen in the basement. And I'm not sure, with all that electrical equipment, that we're there yet.

**Village Attorney Stecich:** Jamie, a suggestion. At several meetings GDC has said, "Listen, we're willing to put the equipment up on the wall." Actually, today was the first time I realized that the buildings wouldn't be subject to this flood damage law. So I would suggest you could add to the list of conditions one -- and maybe you can help me with the wording -- that all electrical and mechanical fixtures and equipment in the basement must be located at least 4 feet above the floor level except whatever you were talking about, which must be located on a concrete pad at least 1 foot thick.

**Boardmember Cameron:** Well, I don't know if that solves the problem.

**Boardmember Logan:** Where do these numbers come from? Four feet -- Jamie, you say you want to raise the bar here, but what's the criteria for raising the bar? I think we have to look at science and the research that's gone into this.

**Boardmember Dale:** You have to have a rationale for whatever we...

**Boardmember Logan:** You could say 4 feet, I could say 6 feet, he could say 2 feet.

**Boardmember Cameron:** Or you could say not in the basement. I mean, that would be the best thing to do, but there you are.

**Boardmember Logan:** But ultimately this boils down to raising a piece of equipment a couple of feet, and I don't see how that affects the basic site plan.

**Chairperson Speranza:** I have to agree with you, Bill.

**Boardmember Logan:** I don't think that could be a deal breaker because we don't have a detail of how the switch gear is supported on straps off the underside of the slab.

**Boardmember Cameron:** I think we all know the switchboards will be on the wall -- I mean, they are in every place I've ever seen -- and not on the floor. So the fact that you're going to mount them on the walls is no big surprise.

**Boardmember Logan:** And it is normal, I think, that we do not have detailed design drawings of all the mechanical systems in the building at this stage of site plan approval. I mean, it would be too big a risk for an owner to go that far down the road, to develop detailed electrical, mechanical, plumbing drawings, without a site plan.

**Boardmember Cameron:** But they could come in and say what they're going to do without giving a detailed plan of it.

**Mr. Normoyle:** Well, that's one example. I don't know the size of the structure at the roof of the garage to the first floor -- it could be 18 inches, it could be 24 inches -- and I don't know the size for certain of this equipment. That would require me completing the structural design of the building, finishing the MEP design for the building. I know for a fact one foot we can do. Making any promises beyond that would require a more detailed design. As Bill was saying, that would be fairly costly. And we're at risk until we have a real project in place.

**Boardmember Hutson:** What is this piece of equipment again?

**Mr. Normoyle:** I'll pass this around. This is the electrical switch here.

**Chairperson Speranza:** What I'd like to suggest we do is...certainly there are lots of other things in the proposed resolution, and rather than get stuck on this one element right now I think it would be good that we go through and determine whether or not there are other areas that we need to see where we're comfortable and where we're not comfortable: if there are other places where we need to make a determination.

**Village Attorney Stecich:** Do you want this?

**Chairperson Speranza:** Yes, please.

**Village Attorney Stecich:** This is a revised draft from what I gave you because material was coming out until about six this afternoon.

Just so you know how I came to this draft resolution, I went through all the minutes that this was discussed at since the site plan review process started which, I think, was about a year ago. I went through all the correspondence from all of our engineers and any memos that were in the file. I think I picked everything up, and I added a few things that I thought of.

The other thing I should say is that in addition to this, assuming you pass this resolution or some form of it, the applicant has to meet all the requirements of the concept plan approval that the Board of Trustees passed. So they have to satisfy that in addition to all of these requirements. That concept plan approval included all of the recommendations that the Planning Board had made, both in their SEQRA findings and in their recommendation on the concept plan approval.

The first three pages of this document are just history of the site plan application. The only thing I added -- you'll see on the bottom of page three -- was a letter that we got from Patrick O'Mara today -- who is the Village's traffic consultant, who had reviewed the revised site plan and, in an e-mail that we got today, noted that the travel lanes at the exits were modified as he had previously recommended. You would have seen some reference to it in one of the earlier "whereas's." He also recommended that the light poles that are on the current plan, between the parking stalls, be located on or behind the perimeter patio wall. And then the "whereas" relating to the ARB specifies the three conditions. My understanding earlier was that there were just two, and that would have been on your draft one. This has three -- these will be repeated in the conditions. And then the last new "whereas" is the one relating to the fire department having reviewed the latest plans and saying they're okay, and also making a couple of recommendations.

Then it goes on to say that "the Planning Board takes the following actions" because you're doing more than just a site plan review. The first one here: "In the course of site plan review, before the recreation fees can be charged to the applicant, the Planning Board has to make a finding that a proper case exists for requiring additional recreational facilities and programs." Now, the Planning Director had done a study back in August, 2005 of the need for additional recreation facilities that are generated by new residential construction, so I referred to that. And that was the study that we used in fixing and setting the rec fees at what they are. So this initial thing is a finding that the need exists for recreational fees and that it doesn't make sense to put those new recreational facilities on this site. The findings of this study were: you get new people -- what you need is more facilities at the pool, more tennis courts and whatever so it doesn't make sense to put them on the site. So that's what number one is -- making that determination.

**Boardmember Cameron:** And when would those fees be paid in?



**Village Attorney Stecich:** That's unclear. Ordinarily in other municipalities the fees are paid before the first certificate of occupancy is issued.

**Boardmember Cameron:** Well, what is the resolution of the Board of Trustees?

**Village Attorney Stecich:** Can we get back to that?

**Boardmember Cameron:** Sure.

**Village Attorney Stecich:** Because that condition is further on. Right here, this is just the finding. This isn't a condition, okay?

The second thing is a determination that the six affordable residential units in the Saw Mill Lofts development comply with the requirements of 295-112-1, which is the affordable housing set-aside of the zoning code. Again, this is something in the code that says you have to determine whether they're suitable, and this would have you make that determination.

The third is granting the steep slopes approval. "That the Planning Board finds that GDC's application for steep slopes approval for the Saw Mill Lofts development meets the requirements of 249.7 of the code of the Village of Hastings-on-Hudson and hereby approves the steep slopes application."

The fourth is actually the site plan approval. Now, you see it got very specific in here because you want to make sure that the site plan approved is the site plan in these exact drawings. So if we do get -- I'm not sure, we're going to have to clear this up -- a new drawing that, for instance, shows where the fire hydrants are, if it's just a tiny change it's part of the condition. Then we would renumber it because there are so many of these documents floating around. And if *you've* got a lot, imagine what it's like down in the Building Department. So we'd have to identify exactly which plans were the ones that were approved.

Then A relates to that; that condition, if anybody's wondering what it means. "The Village of Hastings-on-Hudson Building Inspector must confirm that the drawings noted 'reissue' have not changed from the corresponding previously-issued drawings." Some of the drawings came to us and just said "reissued," as if they weren't something new. And I'm sure they're not, but I had an experience in another village I represented where the reissued drawing was actually different. So the first thing is, we have to have the Building Inspector -- it could have been an accident -- but we have to have the Building Inspector go in and compare the plans so that you've actually approved what you've reviewed.

The second condition is pretty obvious: "All construction, landscaping, and other elements of the development must be done in compliance with the approved site plan for MUPDD Saw Mill Lofts. Any amendment to the approved site plan must be approved by the Planning Board."

C: "All conditions of the Board of Trustees' June 23, 2006 resolution approving the Saw Mill Lofts concept plan must be complied with." On these obvious ones, I'll go quickly. If somebody wants to stop me, please do. "The Village's flood damage prevention law, chapter 145 of the Village code, must be complied with. The Village's stormwater management, erosion, and water pollution control law must be complied with." Now, that law is in draft form now. There's been a public hearing. It will probably be enacted within the next couple of months, and they'll have to comply with the law as passed. "The Village's Building Inspector must issue a tree removal permit under chapter 273," the chapter on tree preservation. You could see in the "whereas's" the Tree Preservation Board did recommend the removal of 10 trees.

"All other federal, state, and local laws must be complied with. Recreation fees in the amount of \$465,000 must be paid" -- I showed how that was computed. "These fees shall be deposited into a trust fund to be used by the Village exclusively for park, playground, or other recreational purpose, including the acquiring of property." Jamie's question was when they have to be paid, and that issue came up at the Board of Trustees meeting the other night as well. In fact, we've had this rec fees law on the books for a long time. It's just we never had a fee amount in there. So it was just recently that we put the fee amount in. So the one condition in the concept plan approval that related to the rec fees, other than they have to be paid...well, let me read it to you.

**Chairperson Speranza:** Marianne, I might be able to shortchange this discussion just because of something that at the last meeting or two meetings ago, Patrick, you had provided us with your list of the conditions and how you've complied with it. With respect to this issue, recreation fees, it's listed: "Recreation fees to be paid to the Village upon site plan approval shall not be reduced or offset by the cost of any elements of the proposed action." GDC, in how they've addressed it, says: "GDC will pay \$465,000 in recreation fees upon issuance of the site plan approval."

**Village Attorney Stecich:** Do you want it at the time of issuance? Not right now you write the check, or whenever.

**Mr. Normoyle:** When I first read it, that's how one could interpret it.

**Chairperson Speranza:** If they were willing to pay this, if that was their interpretation, let's go with it.

**Mr. Normoyle:** It was.

**Village Attorney Stecich:** Okay, fine. The next condition: "The public must be permitted to traverse the Saw Mill Lofts site in order to reach the pedestrian bridge to the county trailway and to park in the 10 spaces closest to the pedestrian bridge. No signage may be put in place to inhibit public access to the pedestrian bridge." This is something I put in because it just makes sense. "The pedestrian bridge must be maintained by GDC, and subsequently

by the homeowners association or other body organized for the Saw Mill Lofts development. The Architectural Review Board must approve the colors and materials for the exterior of the development” -- which was one of the conditions you saw in the ARB approval. “The stone wall facing Saw Mill River Road must either be a solid stone wall or have a neutral stone facing with dry laid-looking veneer” -- again, in the ARB recommendation. And the third ARB recommendation: “Any changes to the buildings or walls or other exterior elements of this site plan must be approved by the ARB.”

So becoming part of the site plan approval, these become conditions, see, because the drawings don't show the mechanical equipment on the roof. But I know there was some discussion about it so I inserted the condition: “All mechanical equipment on the roof must be set back at least 30 feet from the front of each building, and shall not exceed 4 feet in height above the roof.” This was what was discussed.

**Boardmember Logan:** Is this physically possible? What is the width of the building?

**Mr. Normoyle:** Seventy.

**Village Attorney Stecich:** And then [“N” are the conditions from the R. Pape letter]. The reason I have that crossed out is because the Board can decide whether they're comfortable with just “comply with the flood prevention law.” Because the things from his letter all related to that. The reason I have it crossed out is because they weren't really conditions. There were too many open questions to say that they were conditions.

O, and this was a fire department recommendation: “Two additional fire hydrants must be added to the site plan, one located on a north shoulder of the north access road and one located on the south shoulder of the south access road.”

P is: “The fire equipment closet shown on the site plan may be eliminated.” You may think that's a funny condition, but the problem is it's right now on the site plan -- and you're approving the site plan -- and we don't want to have them have to come in for a change for an approval of a change of the site plan.

Then the next one: “GDC will pay for the water rescue equipment listed in the September 18th, 2007 letter from the Hastings-on-Hudson Fire Department.” They listed five or six things that amounted to \$18,000.

**Boardmember Dale:** Do you have a date issue as well on this? When will it be paid?

**Village Attorney Stecich:** If you want to say when it should be paid, say when it should be paid.

**Boardmember Cameron:** You could just say upon its purchase by the fire department. And on a rec fee, won't it be useful at the end if you put “upon the issuance of the building permit” at the end of that sentence?

**Village Attorney Stecich:** “On the issuance” doesn’t work. I think you have to be more precise. That’s the problem with the language “upon,” because upon means afterwards. It could be any time afterwards.

**Boardmember Cameron:** How about “on, concurrently with.”

**Boardmember Hutson:** “At the time of.”

**Boardmember Cameron:** “Concurrently with.”

**Village Attorney Stecich:** How about “before the issuance of a building permit?”

**Boardmember Cameron:** I’d give them “concurrently.” You can do it any way you want.

**Village Attorney Stecich:** I think “before the issuance of a building permit.” Then we avoid all this, you know, what does “upon” mean. Let me write that down. So you got a few days.

**Boardmember Dale:** You’ve got to get us another check.

**Village Attorney Stecich:** Condition R came from Patrick O’Mara, the traffic consultant’s, letter: “The light poles must be removed from between the parking stalls to on, or behind, the perimeter patio wall.”

S: This was one of the recommendations from the Tree Preservation Board: “That the two Norway Spruces remaining on the site have to be protected during construction by spreading a 2-inch layer of wood chips around the two trees at least 1 foot past the drip line. In addition, a fence must be installed around the trees and maintained until construction is complete.” I added that language because we don’t want the fence there forever.

T: “The 1.75-acre parcel to be conveyed to the Village shall be conveyed to the Village at the conclusion of construction and in the condition as stated in the Board of Trustees’ resolution approving the Saw Mill Lofts concept plan adopted June 20th, 2006. Subdivision approval shall be obtained prior to the conveyance.”

“The deeds to each unit in Saw Mill Lofts must include restrictive covenants imposing the conditions in paragraphs 15 to 23 of the Board of Trustees June 20th, 2006 resolution approving the concept plan. The deed language must be approved by the Village Attorney.”

And the same provision for the declaration of condominium, that’s what V is.

W, I just thought of this this afternoon: “The deeds to the affordable units must be approved by the Village Attorney and the Hastings Affordable Housing Committee to ensure that the units remain affordable throughout the lifetime of the approved buildings.” Because we don’t want them sold as affordable, and then the next person makes a profit on it. Now, the

Affordable Housing Committee has a way of doing that -- they've got all the documents -- but we just have to make sure that's done.

X: "All of the conditions listed, or referred to above, must be complied with before any certificate of occupancy for any of the units is issued.

Then Y: I put in that the Planning Board "shall have continuing jurisdiction over the site plan for MUPDD Saw Mill Lofts." Continuing even past the construction so that if something happens later on, it's a violation of the site plan -- they're blocking access, saying no-parking where those 10 parking spaces are -- the site plan can be called in by the Planning Board or whatever.

The only other thing that I thought of, and it wouldn't have to be a condition in this, but that the Board may want to clarify. One of the conditions of approval was that there be a traffic signal adjustment at Lawrence Street and Saw Mill Parkway. Patty talked to me about it this week, and she said, "I don't understand that. I don't know how it got in there." I don't know how it got in there either. I think, Patty, your sense of it is that it's something the DOT wouldn't approve.

**Chairperson Speranza:** Right. Well, the parkway being what it is, any modifications, the state DOT is going to be completely and totally involved in. I mean, they're not going to say...like they permitted Saw Mill River Road and Jackson Avenue. This is a much different kind of intersection than the parkway. But that said, your traffic consultant is having discussions with the state DOT. The state DOT, I know, does have a copy of all of the conditions for this development. Should anything be required at any point, well, you may have to make a fair-share contribution. At this point, though -- the state DOT being the jurisdictional agency over the parkway -- it just seems ridiculous to say that you have to do signal timing modification while we have no idea what the state DOT might require for the parkway.

**Mr. Normoyle:** Yes. We had discussed this at the August meeting when I'd spoken with our traffic engineer. He said GDC cannot make any traffic signal improvements to Saw Mill Parkway. The DOT determines those signal improvements based on demand. That is condition eight. I handed this out previously. This is basically an updated listing of all the conditions, with updated status as far as how each of them stands. Again, these are the approvals from the concept plan approval. So I'll just hand this out. Did you already distribute it?

At the rear of that document there's also the actual concept plan approval. So if anybody wanted to check the exact language, it's there for you.

**Chairperson Speranza:** Did we get that already?

**Mr. Normoyle:** You got that in July, and I updated it. Sorry, I e-mailed it today so you already got it.

**Village Planner Witkowski:** And I made copies.

**Mr. Normoyle:** The only difference on that is, attached to my update is the actual concept plan approval.

**Village Planner Witkowski:** In a separate package.

**Chairperson Speranza:** That's right. They came in the extra package.

**Boardmember Dale:** And she promised us she'd deliver them. He did.

**Chairperson Speranza:** Anything else you want to say? I'm wondering, from Boardmembers, in terms of this resolution, if there's anything else with respect to conditions.

**Mr. Normoyle:** I had one more minor item. I think Bruce had asked last month were there louvers on the rear side of the building as well, and where they are as far as that visual goes. So just to answer that question, I think I had indicated they were. But just confirming, sunshades essentially on the third floor basically go around the entire building.

**Boardmember Hutson:** On this question that you were just talking about, this traffic light, is this beyond number 9 on page 7? In other words, having to do with Lawrence Street and 9-A. That's what we were talking about.

**Chairperson Speranza:** The resolution actually says Saw Mill Parkway.

**Mr. Normoyle:** Number 8 says Saw Mill Parkway.

**Boardmember Hutson:** But I think number nine's the only thing that we really...the site distance improvement. Oh, I see, and signal timing modification. Yes, I don't remember us really even thinking that we were going to do something with the signal.

**Chairperson Speranza:** On the parkway, right.

**Village Attorney Stecich:** I didn't write this part.

**Boardmember Hutson:** Is there a light at the parkway?

**Chairperson Speranza:** Yes.

**Mr. Normoyle:** Yes, definitely.

**Boardmember Hutson:** As well as on 9-A on Lawrence Street.

**Mr. Normoyle:** There's no light at Lawrence and Saw Mill River Road yet. If there is a light, then we're obligated to pay our fair share if that's ever determined. So we do that six months after the project's completed, and then if there is a light we pay our fair share.

**Boardmember Wertz:** It seems very thorough and meticulous to me.

**Boardmember Alligood:** I didn't find anything missing. It seemed to have everything.

**Chairperson Speranza:** Jamie, anything other than the flood plan?

**Boardmember Cameron:** If I can come back I'll have something else.

**Chairperson Speranza:** Bruce?

**Boardmember Wertz:** So moved.

**Chairperson Speranza:** Bill?

**Boardmember Logan:** Very thorough.

**Chairperson Speranza:** David, anything?

**Boardmember Hutson:** No.

**Chairperson Speranza:** So let's see if we can find a way to address flood improvement. I'm a little concerned because we have a letter from our consultant, the Village's consultant, that requests certain things be done. I think it would be very prudent, the fact that technically the buildings are not in the AE zone. I think Jamie's absolutely right. The technical line drawing, which these days can be how you measure that -- the width of the line -- I think it is important still to make sure that the mechanical rooms, that these buildings, are protected, and the equipment, and the people who are going to put their lives in these buildings, are protected to the extent that they would be if they were 3 feet closer to the river. I want to make sure that the recommendations and the commitments, the discussions that we have had with respect to where the equipment would be placed in the rooms, would still be adhered to and not just be, "Well, I'm sorry, we're out of the AE zone and we don't have to worry about this at all."

**Mr. Castillo:** I only brought that up just to collect this as a fact, not that we're going to take the additional measures. That's not what I wanted to imply. I just want to make that very, very clear.

**Mr. Normoyle:** And I noted, I think, at the August meeting we sent the draft -- I sent the draft, flood damage prevention laws -- to our architect, MEP, and structural engineer. They have, hopefully, the change, but they have that law in hand already.

**Village Attorney Stecich:** The question is, did they review the construction of the building assuming that it was a building that had to meet those construction standards.

**Mr. Normoyle:** Yes. That was my probably inaccurate direction. But yes, I basically sent them...saying the building construction design has to comply with these standards. So that's what we we're moving forward with.

**Village Attorney Stecich:** And they said that it would.

**Mr. Normoyle:** Well, we're proceeding with the design.

**Village Attorney Stecich:** So I guess the thing is, will you accept as a condition that the buildings have to meet the construction standards of the law whether or not the buildings are technically in the AE?

**Mr. Normoyle:** Yes.

**Village Attorney Stecich:** So that would be the way to write the condition.

**Boardmember Hutson:** But isn't the issue that it's really a 2-foot requirement? That technically they would need it even if it were in the floodway?

**Village Attorney Stecich:** But there are other conditions besides how high the panels are. There are conditions about anchoring and other pages of conditions.

**Boardmember Hutson:** Right. But I think the only thing to instruct us is that question: What would happen if the electrical switching equipment in this building had to be on the first floor? There's only one such unit in each building, right?

**Mr. Normoyle:** Correct. Unfortunately, given the floor plans, essentially that would be somewhere...the only place we have to work with is in that center module where you enter the building. On the first floor there's essentially the elevator, mailboxes, probably the concierge or doorman area -- and that's what you have. On the second floor that same exact space will have an elevator and probably the fitness center. On the third floor it would have the elevator and probably some kind of lounge/conference room. So that's the only area -- that central module is the only area. Again, that's something we could go into, but we haven't designed it. Typically, or in a lot of the buildings we're doing now, where we can we put all of the meters on each floor. So we'll have a meter bank on floor one, floor two, and floor three. But we don't have the switch gear in that.

**Boardmember Hutson:** Right, but those aren't the key elements anyway.

**Mr. Normoyle:** Right, but that's the only thing we try to work into the floors.

**Boardmember Hutson:** If we want to have something in there, and it's going to be in the basement, it should simply say that it has to be as high off the floor as is feasible, as is possible, in the construction.

**Boardmember Cameron:** The problem with your suggestion, Marianne, is that the law says that the electrical wiring and switches shall be elevated to, or above, the base flood elevation and the basement floor is 2 feet above.

**Boardmember Logan:** Required by code.

**Village Attorney Stecich:** Jamie, that's only one small piece of it.

**Boardmember Cameron:** I would just have thought that good design, when you're building so close to a floodplain, might be to put your electrical stuff up on the first floor or someplace other than the basement.

**Boardmember Logan:** Yes, but we're speculating about design issues that are beyond our level of expertise here. Do we really have to say in this resolution that it must meet all codes and requirements?

**Boardmember Hutson:** That says that in there.

**Boardmember Logan:** Do we have to say this meets all the laws of the state of New York? We don't need to say that.

**Boardmember Hutson:** Well, it's in there.

**Boardmember Logan:** It may say that, but isn't it redundant?

**Village Attorney Stecich:** I guess, Bill. You know, you could cross it out. You're right. You have to, whether it's in there or not in there, but it was just sort of to give a comfort level to everybody that these other things were...

**Boardmember Logan:** It complies with all local code requirements.



**Boardmember Dale:** A general statement, then boilerplate language that you meet all codes in the state.

**Village Attorney Stecich:** I'll tell you why, Bill. With the new laws -- and I guess you would, but I don't want anybody to be able to make an argument later on -- we got the approval before that law was in place. So we had our thing before you before the law was in place. I want to avoid that argument. They would be, but I don't want to have to argue about it. So you just say, and they understand from the outset that they're subject to it.

**Boardmember Logan:** Because it's a new law, we're capturing the time frame.

**Village Attorney Stecich:** Yes, and then you're right about the other ones. You have to comply with all other laws. I guess you could cross it out, but it doesn't hurt to have it in there either.

**Boardmember Hutson:** But Jamie's concern is not that it comply with the law. It's that it be...

**Village Attorney Stecich:** Beyond it.

**Boardmember Cameron:** I think a lot of it's instinct. Maybe other people don't believe that if we look forward 20, 25 years a map drawn today of a 100-year floodplain will not be that same spot 20 years from now.

**Boardmember Logan:** No, they might be 20 feet above. If you look at Lower Manhattan in the year 2050.

**Boardmember Cameron:** I understand that. But you have to take a reasonable estimate of what risk you want to take, and that's my feeling.

**Chairperson Speranza:** So we have a resolution. Do we want to include in here that the buildings will be constructed in accordance with the floodplain law as if they were in the floodplain?

**Boardmember Hutson:** It certainly can't hurt a thing.

**Boardmember Logan:** Why not?

**Chairperson Speranza:** So my understanding is, we have a couple of steps now. It's not just passing this resolution. Or that's it, and then we go back and do the recreation fees, etc., etc.?

**Village Attorney Stecich:** No, that's all part of the same resolution.

**Chairperson Speranza:** It's all in here, so it's not a separate one?

**Village Attorney Stecich:** No, that's why I put that in. I hate that word "hereby," but that's why I put "hereby" in. It means in this document, granting steep slopes approval in this document.

**Chairperson Speranza:** Can I have a motion to adopt the resolution for site plan approval for the Saw Mill Lofts project?

**Boardmember Hutson:** And steep slopes.

**Chairperson Speranza:** Site plan approval, steep slopes.

**Village Attorney Stecich:** As amended.

**Chairperson Speranza:** As amended this evening.

**On MOTION of Boardmember Dale, SECONDED by Boardmember Wertz with a voice vote of all in favor, with one abstention (Boardmember Cameron abstains) the Board resolved to adopt the resolution for site plan approval, and steep slopes approval for the Saw Mill Lofts Project.**

**Mr. Normoyle:** Okay, thank you.

**Chairperson Speranza:** \$465,000 please.

## **V. Discussion**

### **1. Steep Slopes Law Revision - Prepare Recommendations To Board of Trustees**

**Chairperson Speranza:** The next item on our agenda. You may recall we started discussions about steep slopes. For some of us it's been a discussion that's been going on for several years. I don't know if it came up, Marianne, at the last meeting, but I got an e-mail from one of the Trustees to come to the next meeting and report on our progress with respect to steep slopes.

My recollection is that at the work session that we had there were a couple of things. We did not have broad consensus with respect to either completely overhauling it or keeping it exactly as it is. My recollection is the discussion fell somewhere in between there. In preparation for tonight, I did go back through our Steep Slopes Law. After having looked at several other laws, and considering the discussion that we had at the work session, I think there are a couple of points.

I'm just going to start this off. There is an issue of whether or not the Steep Slopes Law should apply to lots and subdivisions. Right now a portion of the law applies only to subdivisions. My sense is that there are a couple of things. The restrictions on steep slope disturbances that are now written into our code are specifically to a subdivision, and has a restriction that on slopes in excess of 15%, but not greater than 25%, not more than 35% of such steep slopes shall be developed, paved, re-graded, or stripped of vegetation. I'm not sure that it need necessarily apply to every lot. I think it's got to be more than a subdivision, but I'm not sure that it needs to be every single parcel to be developed. And I'm thinking, that maybe -- because I'd seen this somewhere in the Village of Croton's code, where there's the potential to apply this to lots for which a special permit is being requested -- it's not

necessarily the lot, but a kind of development for a kind of a zone. Maybe, for instance, a property that's zoned for multi-family use should be required to comply with steep slopes, this kind of a steep slope regulation.

**Boardmember Hutson:** My feeling is that it should apply to all lots, but I think there has to be a workable hardship exception route available.

**Boardmember Alligood:** I think it needs to apply to all lots.

**Boardmember Hutson:** I just think that that's the way to deal with it. Because it's true; if you have a single lot and you don't want to have a taking situation where you're, in fact, saying the person can't do anything with it -- unless it's really an extreme situation where it doesn't make any sense for anything to be done with it -- then I suppose you could get to the point where you say, "Yes, it's too bad you really can't build much on there, it's just a circumstance that it would cause all kinds of harm to neighbors," or something. But by and large you'd allow people to build something.

**Boardmember Wertz:** If I remember our discussion, were we concerned that too many cases like that would come before the Board? And then I think there was a thought that actually when you look at the topography of the Village there aren't all that many that really would, so we were moving maybe toward the conclusion that this would be not only the right thing to do, but feasible in terms of workload and all that.

**Boardmember Dale:** My issue was very much that. There was a question that any homeowner would then have to be subjected to the law.

**Boardmember Wertz:** Yes, and we didn't want that to take place.

**Boardmember Dale:** In the same way, when we talk about various work that could be done on a slope and retaining walls and terracing etc., we were talking about 2-foot high walls and 4-foot high walls. The Village is filled with 2-foot high retaining walls. Everywhere you go there's a 2-foot retaining wall.

**Boardmember Cameron:** I think 2 feet's ridiculous. We were talking about 4. Something like that would work.

**Boardmember Dale:** I just feel uncomfortable with the hardship for these people. It means everybody then is a hardship case. I like what Patty was saying, where you exclude a certain classification of types of property, and restrict the law to those where you really are concerned that people are exploiting it.

**Boardmember Wertz:** But how do you define those?

**Chairperson Speranza:** Single-family houses are excluded, or it only applies to properties to be developed with multi-family homes, or multi-family properties, or multi-family and commercial.

**Boardmember Cameron:** I thought the Croton one was fairly well laid out, and maybe we should study that.

**Boardmember Dale:** We also talked about New Castle because New Castle had approached it in a different way.

**Chairperson Speranza:** And frankly, we don't have to choose. What we've been asked to do is to report back to the Board of Trustees. I can report back that there is still discussion and that these are the two ordinances.

**Boardmember Cameron:** But there's also movement as well as discussion.

**Chairperson Speranza:** There is movement. Maybe that's it. We've got to be forced to take a position at 11 o'clock at night.

So I will note that we looked, and the Village of Croton seems to be good; New Castle seems to be good. They've both got aspects that are beneficial and that seem to be workable. That we do have a concern with respect to hardship and too many individuals having to come to us for something which, in the end, may not be an issue.

**Boardmember Dale:** Were we discussing a way the Building Inspector could handle this, or whether it would need to come to the Planning Board?

**Chairperson Speranza:** But it ends up being the Building Inspector is the one who tells the applicant that they have to come back for approval.

**Boardmember Dale:** My approach was that he should be able to approve it. The law should be sufficiently clear that he can approve it, period. And only when somebody requests an exception to what the law allows should it come back to us.

**Boardmember Cameron:** Let's look at that once we get there. I think we don't want to get taken by surprise either. It may be that we have a method whereby the Building Inspector deals with it and reports to us, and if we want to pick one of them up we can. I, too, would like the Building Inspector to handle most of them, and we have a fine Building Inspector present tonight. But as we go forward I think we need to have the ability also to get involved if we feel we need to.

**Boardmember Dale:** It's a question of control. How much control does this board need?

**Boardmember Logan:** I think we need to identify clearly what's broken with the existing law, and I think we also need to be able to test any new language that we're contemplating. I think this alludes to some of that. I think we have to make sure we're not taking any pivotal properties out of play, for example, in the central business district or central commercial district. I'm thinking of 10 West Main. We're sort of neutering that site for any future potential. I happen to think that's a very important site, and I'd like to see appropriate density there. I want to make sure that nothing that we're considering here would minimize the potential of that site to benefit the Village in terms of density and proximity to the central district and the train station.

So I think we do need to go through a couple of tests with this language. If we can somehow conversely use this to limit McMansions I'd say then it's a great tool. So maybe it can work

for us positively, but I think we have to make sure we're not having some unintended consequence if we're changing the law.

**Boardmember Hutson:** I don't know if this speaks to the size of the house. This speaks to what you're doing to the slope.

**Boardmember Dale:** But if you assess sites specifically, as 10 West Main would be, there is a strong slope there. And by limiting your ability to build on this slope you're saying you can only build on a small piece of that site.

**Boardmember Hutson:** I don't think you would inherently say anything about any restriction that couldn't be reviewed and like you say, there may be inherent benefits to the location that would suggest that more disturbance should be allowed. I think we've had more problems with the single-family home issue -- that's where our problems come. So that's why I think it should definitely cover those sites.

**Boardmember Cameron:** I think we should actually read sample language. Because the Croton one doesn't say "we exclude" single-family sites. It says that you won't deny a single-family person the ability to have a house on their site, but there are restrictions that they have to demonstrate. So we're not trying to stop them from having a house. We're trying to get some management control where they try to build an oversize house or try to build it in the wrong manner.

**Boardmember Hutson:** You know, there is something in there now that talks about the siting of things in the most practical way. But I think where the rubber hits the road is on the reductions that come with a slope. I think you have to be prepared to use reduction to control the situation where it's merited. And I don't think there's any hard and fast formula for doing that because there can be so many factors that would influence how much you should give on the reduction in a circumstance.

**Chairperson Speranza:** You know, it's not a bad idea to actually test this; to pick a few properties. You know, we've got the maps, the topo maps. We can just pick a few parcels and see what some of the consequence would be. Because if you're going to prohibit development on a lot, I mean we'd have to play it out. What does it mean that not more than 35% of a property with a steep slope can be developed, paved, or re-graded?

**Boardmember Hutson:** Unless it's considered a hardship case, which you'd make an exception for.

**Chairperson Speranza:** Yes, but what does that mean?

**Boardmember Hutson:** If somebody had a situation that otherwise was a large enough lot, but when you did the reductions they would only be able to have a one-bedroom house, you would probably say that's a hardship.

**Boardmember Dale:** That becomes fairly subjective.

**Boardmember Hutson:** Of course. I mean, that's the nature of the business we're in. It's called judgment. You can put it pejoratively, or you can put it positively.

**Boardmember Logan:** Well, there are tests for hardships, so we have to define those.

**Chairperson Speranza:** In preparation for the next meeting, everybody look at Croton, please.

**Boardmember Hutson:** Look at it again.

**Chairperson Speranza:** I have heard a little bit about what they're doing. I know some of the reason they're looking to change this has to do with applicability for two-family homes or something. That was just on their Website.

**Village Attorney Stecich:** I called the village engineer over there --- he really runs all the accountability, Dan O'Connor -- to ask him why are you changing the law. Because I knew this board was using it sort of as a model. He said that it's not really that bad; they haven't really had issues with their steep slopes law. It's just that they were looking at all their environmental laws, their wetland laws, and some other ones so they just threw it in. I was trying to find out from him, if there were particular issues with it. He said, "Nah, I'm not saying there's any particular issues. They just threw it in with the package of environmental laws," -- which is why they looked at it. I'm just saying that so you don't be scared off by the fact that they're revising it.

**Chairperson Speranza:** Yes, I thought I read in their minutes something about someone wanted to build a two-family home and there's no place in there to get a hardship exception for a two-family home. There's single-family home and there's nonresidential uses, and there's affordable housing, but there's nothing for a two-family home. So I don't know if that was part of it, or what.

Okay, I will report this discussion back to the Board. Marianne, you're going to be there.

John, did you have anything? I know you've been here and you sat through the rest of the meeting tonight. So was there something that you wanted to say specifically?

**John Picone:** Not really, but just that I thought that the central commercial district was exempt from the steep slopes.

**Chairperson Speranza:** No. It's got a different definition for building height. That's what you're thinking of?

**John Picone:** Okay, okay. Only existing lots like the south Main Street lot? That has no steep slopes at this point, just from listening to different meetings, because it was never a product of a subdivision.

**Chairperson Speranza:** That's right.

**Boardmember Cameron:** It only applies to subdivisions.

**John Picone:** But he wanted to preserve that, and it's preserved under your current law. And you also have the right to give all the exemptions that you want; any hardship -- it's all there. You actually have a very restrictive law. The only thing I can get from people who might sense it over the last few years -- because I've been listening in on it intently -- is,

everyone's all upset about these walls like the one you have on -- what street? You just re-approved one off the Saw Mill there. Cliff Street? The wall thing -- that's everyone's problem.

My particular problem is my lot goes like this. Now, I would require an exemption. When my lot was approved, it was approved and the Board made the subdivider show that it was buildable.

**Chairperson Speranza:** Right, I remember it.

**John Picone:** They poured that house way up on top like this on a little area in the front, and the lot does not make any sense to do that. What makes sense on my lot is to go down 100 feet into a lower area and have a situation where you have a longer driveway -- which I'll need a zoning variance for the length of a driveway. Also, I can just serve about 5,000 square feet. When you start adding the driveway and all that stuff in it gets really tight. I can do a house about 40 by 40, only 2-1/2 stories high, because of the way the perpendicular line is. You know, that's very restrictive. So I have a lot to work with, and then I need a little cushion around the foundation, around the driveway, and around the circular driveway. There's a lot of things there.

**Boardmember Hutson:** Access is one of the easiest hardship exemptions to give. I mean let the person have access.

**John Picone:** And I've watched: three or four driveway variances have been given. I know them all; I've been watching away. But all I'm saying is that those are issues as I see them. But you have a very restrictive law. I can't find any problem that I've been seeing. It's only been walls that I hear people getting upset about steep slopes. Because they don't like to see this big thing like this coming up. So that's my two cents.

## 2. Set Date for Additional Meeting in October

**Chairperson Speranza:** Next, I see Dave Skolnik. Do you want to come up and talk?

**Dave Skolnik, 47 Hillside Avenue:** I just came from a very late Safety Council meeting.

**Chairperson Speranza:** I think we're done. We were going to try to get another meeting, an extra meeting, into October. Angie, I know you had spoken about a joint meeting with the Board of Trustees to talk about the transportation plan.

**Village Planner Witkowski:** Right. They didn't set a date, I don't think. No, they haven't set a date, but I told Fran that I thought that it should be a night when the Planning Board could also be there to just discuss the plan. I think also they wanted to maybe talk about steep slopes at the same one; just have like a work session.

**Boardmember Hutson:** What I heard from the discussion of the Trustees when I saw that meeting, the level of enthusiasm there regarding the proposals for the traffic thing seem about as much as for a rash.

**Boardmember Dale:** I don't know if that was the whole consensus of the Board.

**Boardmember Hutson:** As a matter of fact, I was kind of pleased with the discussion that you guys had the last time about it.

**Chairperson Speranza:** Well, you weren't here.

**Boardmember Hutson:** No, I wasn't here, but I did read the minutes. Finally, at least, the roundabout got some hearing. Not from our chairperson, of course. But I frankly find it amazing that preservation has gone to the point that we want to preserve Five Corners.

**Chairperson Speranza:** I don't say preserve it to preserve it. I say preserve it until we can afford to do it. Because I think there are other priorities first.

**Boardmember Alligood:** Patty, I read the minutes and I thought your question was exactly where I stand on it, which is, tell me what problem that we have identified -- what key priority problem -- it is solving, and then I'll be there.

**Chairperson Speranza:** It's not that roundabouts aren't a good idea.

**Boardmember Logan:** You can watch women pushing their baby carriages across the 100 feet that it takes to cross Main Street with cars turning...

**Chairperson Speranza:** I think I've done that.

**Boardmember Dale:** We spent two weeks this summer on roundabouts. The only real issue is pedestrian crossing, even in a roundabout.

**Chairperson Speranza:** Oh, you filled out your form.

**Village Planner Witkowski:** What I wanted to say is that I also distributed this to the Safety Council, this form that I put together. The problem that people seem to be having with the concept of the roundabout is that...I mean, it's made a low priority anyway because obviously you can't do it until you have the funds available for it. And the idea with this being a plan is that it's already in the plan, so that if it does become a problem five years from now it's already in a plan so you can go for a grant if need be. We do have the apartments going in, so it may be more of a problem.

**Boardmember Hutson:** But wait. Read the problem part. The problem is critical, but we also talk about being creative. We always talk about a chance to make things more village-like, we talk about the key spots, the key view spots and so on. This is the biggest opportunity to really do something for a relatively small amount of money compared to other things. Matter of fact, most of these things on here having to do with sidewalks, there should be a sidewalk plan where every year you do some sidewalks and so on. This shouldn't even be in the rating. If people need sidewalks, have the sidewalks.

A couple of other things here have to do with some resolutions to try something: the Olinda Avenue turn, so many things. That's a good idea. These are a couple things you just try for a couple of years and you see if it makes sense and so on. But there are only about four things in here that really matter -- in terms of traffic calming, safety, and the aesthetics, and



Village quality and so on -- and nobody wants to discuss those; none of our leadership people. And I realize I'm way in the minority, probably on this board and in the community in general.

**Boardmember Logan:** I think part of it is it's so hard to visualize. Just take the example of the roundabout at Five Corners. To visualize what that could be as a greenspace, with some kind of amenity or a feature or a water tower or aqueducts or the horse trough or something in the middle, transforms the scale of the Village like that overnight.

**Boardmember Hutson:** That's what I'm saying.

**Village Planner Witkowski:** Make it a nice entry point.

**Boardmember Logan:** Right now it's this asphalt sea, where it could be really great landscaping.

**Boardmember Dale:** But I think also traffic flow is an issue there.

**Village Planner Witkowski:** That's right.

**Boardmember Cameron:** A roundabout would work for traffic, no question about it. My only real concern is whether it fixes pedestrian needs. I'm not sure it does.

**Boardmember Dale:** As I said, we spent two weeks in a country where every corner was a roundabout, and they work beautifully.

**Chairperson Speranza:** The city of Mount Vernon has a roundabout now, a modern roundabout -- Grammaton Avenue, and I think it's Lincoln is the cross street. There's a fountain there, and that's one that's been recently completed, if anybody wants to go to Mount Vernon.

**Boardmember Hutson:** But the main thing is, what I'm amazed at, is not that it's not approved or anything, but that it doesn't seem to merit consideration from the key people who you would think would be the more creative, forward-thinking folks in the world.

**Boardmember Alligood:** One thing I want to add to the sidewalk question is that I don't underestimate what it's going to take to actually get these done. Because where do we get the funding, where do we get the approval?

**Boardmember Logan:** We just got a check tonight for \$425,000 for open space.

**Village Planner Witkowski:** The sidewalks in the CDBG area are going to be done.

**Boardmember Hutson:** We get grants for things...

**Chairperson Speranza:** I was going to say, money's kind of the problem.

**Boardmember Alligood:** When is the last time we put a new sidewalk in, in this town?

**Boardmember Hutson:** I guess because it takes a major referendum to build a sidewalk.

**Village Planner Witkowski:** It takes money, and that's why the CDBG is going to...

**Chairperson Speranza:** The policies, too, and who's responsible. There's clearing and there's right-of-way.

**Boardmember Hutson:** No, that's true. Anyway, I'm sorry to take license. But after 11 o'clock I feel entitled.

**Village Planner Witkowski:** What I was proposing to do is get everyone to finish filling out their forms and give it back to me. I only received it from a few people. Then I will go through them, tabulate them, and see where people stand. And then that can start the discussion going.

**Boardmember Hutson:** I understand. All I'm saying, Angie, is, normally you need a certain environment in which to even ask a question and expect a reasonable response.

**Village Planner Witkowski:** I know. That's what we're trying to do. You know, I don't want our \$50,000 plan to go to waste.

**Boardmember Logan:** Angie, do we still have some of that graphic material that Buckhurst Fish gave us, like for example the video simulation?

**Village Planner Witkowski:** Yes. In fact, I found some other things too. I found a lot of examples of different roundabouts and things. There's all sorts of stuff on the Web.

**Boardmember Cameron:** Also he wrote all those articles you and I were looking at. He wrote a whole bunch of articles, very scholarly articles, on roundabouts, and I suggested you get copies of them and give them to the Board to educate themselves better.

**Village Planner Witkowski:** Yes, he's a real expert on it. He's done them all over the world. He's known as "the roundabout guy."

### 3. Miscellaneous - Other Discussion

**Mr. Skolnik:** Do I need to identify myself after 11?

**Chairperson Speranza:** For the camera, yes.

**Mr. Skolnik:** First, with regard to sidewalks, I think Eva alluded to it. The sidewalk issue is really rather complex, more complex than you're giving credit. Is there some mechanism that can begin to actually formally study the issues, which would involve in many cases surveys of properties that we don't seem to have records of, at least in the Village? One of the issues is simply who owns property. A lot of properties that have, over the years, been built out to the curb -- that's one of them. The other is, as you said, I know that Greenburgh last year or the year before had been looking into this very seriously: the issues about how to go about it, but also the responsibility. If I don't have a sidewalk and you want to put in a sidewalk, which I then am going to be responsible for...

**Chairperson Speranza:** ...maintaining.

**Mr. Skolnik:** ...I'm not sure what the legality is there either.

**Village Planner Witkowski:** I can respond to that, at least in terms of how the CDBG project will be done. We have to have all of the areas where the sidewalks are going to be done -- they all have to be surveyed. A detailed survey has to be done that'll identify where the property owner is. Before they do the sidewalks we have to have a survey done and give that to the county, and then the county planning department will be designing the sidewalks.

**Chairperson Speranza:** But Angie, those are primarily in areas where there are sidewalks now, right?

**Village Planner Witkowski:** There's going to be some new ones though.

**Chairperson Speranza:** Along private properties?

**Village Planner Witkowski:** There may be some. Some may be private.

**Mr. Skolnik:** Consider the example of Rosedale.

**Village Planner Witkowski:** The target area is basically the downtown west of Broadway. So it's going to be the other side of Maple Avenue across from here, and then down Broadway there needs to be some replacement done.

**Mr. Skolnik:** This is not my role to convey what goes on. You can tell me if it would be inappropriate to convey any of the conversation that took place this evening in the Safety Council.

**Chairperson Speranza:** Not at all. Go ahead.

**Mr. Skolnik:** Because they did, in fact, have to move the meeting from here to the library because there were a lot of people there specifically addressing the Broadway issue and Broadway sidewalk issue. And I'm sure that they'll be then communicating with you. But even there, this issue clearly has come up for years, and there are clearly very significant obstacles to achieving this.

**Village Planner Witkowski:** Right, and that'll have to be done as those areas are identified. It would have to be surveyed and there would have to be some sorts of agreements reached with the property owners.

**Chairperson Speranza:** Can we get a copy for Boardmembers? Can you give us a copy of the policy, or the code, or whatever the requirements are with respect to sidewalks in the Village?

**Village Planner Witkowski:** Yes.

**Chairperson Speranza:** That would be great. I mean, there's got to be...maybe there's not. Raf, you're looking at me like I don't know.

**Village Planner Witkowski:** Yes, I can get that.

**Chairperson Speranza:** Just to see if there's something that says the homeowner is responsible...

**Village Planner Witkowski:** There is a section on sidewalks.

**Boardmember Cameron:** I shovel mine.

**Chairperson Speranza:** If you could just send the site to us, wherever it is. Several owners on our street had to redo the sidewalk. And then, of course, the water company came in and had to do the connections.

**Boardmember Cameron:** I redid mine two years ago, half of it.

**Boardmember Hutson:** By the way, you say there are obstacles. We don't need big obstacles to stop us, you know.

**Mr. Skolnik:** No, I didn't intend to supply you with any. Just a little.

The other thing, I'm going to convey is this. This is partly my own sentiment, but partly my observation. I'm glad that we're moving towards an actual discussion of the plan and the information, but there's a pretty significant disconnect I think, if that's the right way to describe it. At least what I hear -- I don't solicit these comments -- there's a pretty wide-ranging sentiment against, as you know, the roundabout -- the expenditures that seem to be indicated. And a sense that in many cases the plan didn't seem to address areas of real concern, specifically around the school. It does address it in some cases, but I'm just saying that as you go in there and as you, again, sort of keep the idea of the roundabout...

**Boardmember Hutson:** It's almost unanimous. What you're saying is almost unanimous. That's the amazing thing.

**Mr. Skolnik:** Against it, you mean.

**Boardmember Hutson:** Yes.

**Chairperson Speranza:** And I think when the meeting is set up, the work session -- and they have requested a work session with us to talk about the transports plan -- that's certainly something on which we'll hear everybody. And I have my opinion of those things, too. So there will be an opportunity to really get a sense of where should we go now, rather than this dialogue that we have.

**Boardmember Hutson:** I think the sense is pretty clear, from what I've heard, is all I'm saying.

**Chairperson Speranza:** I don't know, right here on the Board it seems like it's a good idea.

**Boardmember Hutson:** Well, we just find it amazing that it's dismissed out of hand, that's all.

**Chairperson Speranza:** Okay, anything else? We'll poll for dates in October based on when we will have the work session with the Board of Trustees. I thought it was going to be the 23rd, but I don't want to say.

**Village Planner Witkowski:** Fran and I, I think, had talked about that but I don't think they came to any kind of decision at the Board.

And then I just wanted to mention -- on the consultant for the former Hastings House, 555 -- Jamie and I and Fred met, and we agreed that BF& J should be selected. So I've got to pull all the information together for George Jacquemart so he can get started on that.

**Chairperson Speranza:** Okay, so that may be an October item.

**Village Planner Witkowski:** And he teaches on Thursday nights.

**Chairperson Speranza:** And he'll have somebody come and represent.

**Boardmember Hutson:** Yes.

**Chairperson Speranza:** You should have known that before you submitted a proposal.

**Boardmember Hutson:** Yes. You've got us mixed up with people who care about that. No, if he's got to be here, or somebody, he's got to have somebody here.

**Village Planner Witkowski:** He'll have somebody.

**Chairperson Speranza:** One other thing that I wanted to bring up. I just saw this on an e-mail yesterday or this morning. The Board of Trustees has set up the committee members for the comprehensive plan effort, and they will be having a meeting next Tuesday at the Harmon Center. My recollection -- I know there were 11 members -- I know at one meeting I was at I felt very strongly there should be somebody from the Planning Board, Zoning Board, and Board of Trustees on the committee. My recollection at one of the meetings was that they were okay with that, but in a non-voting role. Which, as far as I was concerned, was fine. But I thought that the boards who have to implement some of the recommendations should also be able to provide our experience with respect to how things actually can get implemented, to be able to smooth out obstacles so that things can be implemented in a specific way.

So the Board of Trustees is meeting with people next Tuesday. I am planning to attend. Certainly, they've got to be open meetings. I want to invite people, if you can make it, to the board meeting. I'm going to plan to be at as many of the comprehensive plan committee meetings as I can.

Our next meeting is in October. It doesn't have a date here.

**Boardmember Hutson:** The normal Thursday, you're saying.

**Chairperson Speranza:** October 18th. See you then. Thank you.

## **VI. Adjournment**

**On MOTION of Boardmember Alligood, SECONDED by Boardmember Cameron with a voice vote of all in favor, Chairperson Speranza adjourned the Regular Meeting at 11:30pm.**