

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
REGULAR MEETING AND PUBLIC HEARING
APRIL 17, 2008**

A **Regular Meeting and Public Hearing** was held by the Planning Board on **Thursday, April 17, 2008 at 8:15 p.m.** in the Municipal Building Meeting Room, 7 Maple Avenue, Hastings-on-Hudson, New York, 10706.

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

I. Roll Call

II. Approval of Minutes: March 20, 2008 meeting

Chairperson Speranza: Does anyone have any changes or comments?

Boardmember Dale: I have a couple of small ones.

Boardmember Logan: I have one while Bruce is getting his. Page 8, my first comment there, the end of the first sentence where it says: "We could have a very high building going up the hill, but cheating the building on the upper end. . ." I think that should be "but potentially' cheating the builder on the upper end. . ."

Boardmember Dale: Page 16, my last comment on the bottom of the page, it should read: "That's why I think the architectural view would be interesting because it 'is' 40 feet of viable dimension," as opposed to "it 'if' 40 feet of viable dimension." It should read: "'is' 40 feet of a viable dimension." Cross out "if," and change "if" to "a" and add a question mark.

On page 19, towards the bottom, about two-thirds of the way down, where my comments are about somebody moving into a house. On the second sentence, instead of "exits" it should be ". . .exists is unmanageable." Then the next sentence: ". . .'if' you drove down." So you're changing "exits" to "exists," and adding "if" in front of the "you."

On the last page, the middle of the page: ". . .except that in doing so he would be blocking . . ." and to make it make more sense I would just cross out "it all goes parallel" and just say "blocking the side of the house: windows and doors."

On MOTION of Boardmember Wertz, SECONDED by Boardmember Logan with a voice vote of all in favor, the Minutes of the Regular Meeting and Public Hearing of March 20, 2008 were approved as amended.

Chairperson Speranza: I will abstain, since I wasn't here.

III. New Business

Chairperson Speranza: We have several accessory apartment renewal applications and, as a matter of fact, a whole series of public hearings. I'll have public hearings on all the accessory apartments at once, and then we'll have Board action on the accessory apartment renewals.

1. Public Hearing. Accessory Apartment Renewal. Marie Artel-Wallace; 79 Southgate Avenue (Sheet 28/Block 688/Lots 31 & 32. Waivers for Sq. Ft. and parking.

Chairperson Speranza: The first application is a renewal for property at 79 Southgate Avenue. There are waivers required for square footage and for parking. Again, this is an accessory apartment renewal. Angie, do you have background on this? Are all the mailings in order on all these applications?

Village Planner Witkowski: Yes they are, on all three.

The first one, the applicant is Marie Artel-Wallace, 79 Southgate Avenue. The property's on the west side of Southgate in the R-10 zoning district. The applicant is requesting approval for an accessory apartment renewal. The 587-square foot apartment occupies 25.2% of the 2,332 square-foot residence, therefore the apartment exceeds the 25% of floor area limitation by 0.2%. There have been no changes to the existing apartment, and no complaints during the last three years. Actions required are renewals of the accessory apartment approval for the waiver of excess over the floor area limitation, and the waiver for one parking space.

I don't know if the applicant is here.

Chairperson Speranza: Do you want to add anything? Are there any comments about this application? Questions, concerns?

2. Public Hearing. Accessory Apartment Renewal. Silvana Spinozzi & Augusto Carrozzi; 31 Farragut Avenue (Sheet 23/Block 671/Lot 15).vice-president

Village Planner Witkowski: The property's located on the east side of Farragut and is zoned R-7.5. The applicant's requesting approval of accessory apartment renewal. The 825-square foot apartment occupies 12.9% of the 6,380 square foot residence, thus the apartment meets the 25% floor area limitation. There have been no changes to the property, and no complaints during the last three years. The only action required is accessory apartment approval renewal, as there are no waivers to renew.

Chairperson Speranza: Any questions, comments? Is the applicant here, or wish to speak? Do you want to add anything to that? Any comments from the public about this application?

3. Public Hearing. Accessory Apartment Renewal. Dan Hsu; 81 Summit Drive (Sheet 18/Block 654/Lots 15-19). Waiver required for parking.

Village Planner Witkowski: The property's on the west side of Summit Drive in the R-10 zoning district. The applicant's requesting approval of accessory apartment renewal. This 523-square foot apartment occupies 24.3% of the 2,150 square foot residence. Therefore, the apartment meets the 25% floor area limitation. There have been no changes to the existing apartment, and no complaints during the last three years. Actions required are approval of the accessory apartment renewal, and the waiver for one parking space.

Chairperson Speranza: Is the applicant here, and wish to speak at all? Is there any member of the public that wishes to speak on this application?

Close of Public Hearing

Chairperson Speranza: The public hearing on each of those is closed. We'll have Board comments.

Boardmember Cameron: I went by this building today, and unless it's got a fourth occupied floor at the bottom I can't understand how it can only be 24.3% of the space, just looking at it. I suggest we ask the Building Inspector to take a look at it. I'm not against the apartment. I think it's a fine apartment and should be renewed, but if you have this one floor you're looking at, Patty, and then you have two floors above that going up, the one immediately above that is bigger by the size of the porch on the left. But it's smaller because it doesn't have the bath on the right. And the one above that is exactly the same size of this one here, without the bath on the right. I just couldn't figure out why it was only 24.3%. I'm just saying we should keep our eyes on it.

Boardmember Hutson: Didn't the Building Inspector originally actually measure it?

Village Planner Witkowski: Charlie Wucherer goes out and inspects them all.

Chairperson Speranza: Right. The measurements are done by the Village.

Boardmember Cameron: I guess the bottom has been measured, but I just see it's crossed out and new measurements put in.

Village Planner Witkowski: There may have been a difference in the way it was measured previously, but Charlie initialed it so I assume maybe there was a mistake the first time it was measured or something like that and he was correcting it.

Chairperson Speranza: He inspected it in December of '07, final 1/10/08. Let's go through, take them in order. Any other comments from Boardmembers on any of the applications?

On MOTION of Boardmember Hutson, SECONDED by Boardmember Dale with a voice vote of all in favor, the Board resolved to approve the accessory apartment for 79 Southgate Avenue.

On MOTION of Boardmember Dale, SECONDED by Boardmember Hutson with a voice vote of all in favor, the Board resolved to approve the accessory apartment for 31 Farragut Avenue.

On MOTION of Boardmember Logan, SECONDED by Boardmember Wertz with a voice vote of all in favor, the Board resolved to approve the accessory apartment for 81 Summit Drive.

Chairperson Speranza: We will make a note for the next time.

Boardmember Cameron: I have no problem with approving it, even if it had to have the waiver.

Chairperson Speranza: We will so note that the size should be reinspected prior to the next three-year period.

Boardmember Cameron: The size of the other floors.

Chairperson Speranza: The proportion.

4. Public Hearing. (Continued from February 21, 2008) Site Plan Approval. 555-565 Broadway; Coolidge Hastings LLC. Additional parking spaces for apartment complex (Sheet 11 / Parcels 100A and 100C).

Chairperson Speranza: This is a continued public hearing, and the reason that this is a continued public hearing is that it first initially was placed on our agenda and noticed back in February. My understanding is, the applicant was not available that night. It was on the agenda for the meeting in March. The public hearing was continued to that date, and the application was not complete so it's on the agenda again now. This is for site plan approval for additional parking spaces at 555 and 565 Broadway. Angie, do you want to introduce us and then we'll hear from the applicant, whom I see is here.

Boardmember Logan: If I could just add something, I live within the notification district so I think I have to recuse myself from some parts of this. But I'd like clarification from counsel whether I can comment.

Village Attorney Stecich: No.

Boardmember Logan: Can I comment on it as a member of the public?

Village Attorney Stecich: Yes.

Boardmember Logan: So should I step down?

Chairperson Speranza: So we have to let you speak during public comment, I guess.

Village Planner Witkowski: I wanted to mention that the applicant's here. The Building Inspector had the runoff calculations. He looked over the run off calculations with the engineer in Dobbs Ferry. They had a few changes that needed to be made on that, which they are going to present tonight. Then the Building Inspector will be looking those over.

Chairperson Speranza: So he hasn't done the review, the Building Inspector?

Village Planner Witkowski: He did on the previous plan, but there were some changes that needed to be made that the architect will explain tonight that he did respond to. Then the Building Inspector will go over them with the engineer in Dobbs Ferry as well. The other thing is that there won't be any variance required because the only variance was going to be for the width of the parking spaces and they've been increased to 9 feet.

Chairperson Speranza: Well, I'm glad you raised that because I had a question about that. You will do your presentation.

The zoning code for parking shows a requirement of a side yard of 10 feet. There can be no parking within 10 feet of a side lot line in a multi-family residential district. I see on the plan that there are spaces that are within 6 feet. I wasn't sure, since we didn't have an application or a hearing notice, whether or not it was noticed also as a variance.

Village Attorney Stecich: I don't believe so. I never saw an application from him.

Village Planner Witkowski: I didn't either.

Village Attorney Stecich: The Zoning Board . . . the last time, the only issue was the size of the parking spaces. Your revised plan shifts them all. So are some of them closer to the lot line?

Andrew Whitelaw - Architects: : Not really. It doesn't shift them any closer.

Village Attorney Stecich: Whether it's the change or whether it wasn't picked up before, it would require a variance.

Mr. Whitelaw: It was my understanding that it was 5 feet for multi-family on this site, given the zone. But that was what we went over originally.

Village Attorney Stecich: I'll double-check.

Chairperson Speranza: It's in the parking section.

Village Attorney Stecich: Let me just ask, is this the MR-2.5 or -1.5?

Mr. Whitelaw: The 1.5.

Village Attorney Stecich: I understand what you're saying, Patty.

Mr. Whitelaw: We're looking to add 16 parking spots to the northwest section of the property by utilizing the existing exit lane and expanding that area, the paving and drainage to accommodate those new spaces, and new striping just in that one area. We had some spaces in the back that we were adding that we deleted. And, as she stated, we increased it; all the stalls are now 9 by 18 instead of the foot-width. All the spaces are currently 8 feet, but all the new ones will be 9.

I did revise the plan to show the impervious surface coverages. The existing coverage is approximately 40.2% and, with the new 6,131 square feet, the impervious surface will increase from 40.2 to 43.9. I'll get you some more copies.

There's existing shrubbery in the front. This is a row of hedges. There's also some large evergreens along the exit lane that we're not going to touch; we're working to the left side of that. Plus, there's a chain link fence next to those hedges so I think the screening is already in place.

We're looking to start as soon as possible.

Chairperson Speranza: I just want to ask you the reason for increasing the number of spaces. That's the decision by the property owner.

Mr. Whitelaw: Yes.

Chairperson Speranza: You just need more parking.

Mr. Whitelaw: We did an analysis of the parking, and you see the parking is way under code by today's standards. They have 75 outdoor stalls and 46 indoor, so they have 121 total. But 198 is required by the code, so they're 77 spaces shy and we're helping to bring them further into compliance.

Chairperson Speranza: It's a demand by the residents.

Mr. Whitelaw: It's a definite demand.

Chairperson Speranza: Okay, there's nothing else that's driving the improvements.

Mr. Whitelaw: Right. It's to prevent them from walking off-site to park.

Chairperson Speranza: This is a public hearing, so let me find out if there are questions or comments from the public.

William Logan, 532 Broadway: I live across the street from this complex. I notice on the site plan that there are new light poles indicated -- O-(S) -- implying that there could potentially be more than one. I'd like some specifics about the type of lighting that's being proposed, the number of poles, and where they're located.

I'd also like to point out that I was copied on a memorandum from the Building Inspector which cites that the current property's in violation of the existing lighting regulation in the Village, section 295-49. It has a number of lights mounted on the side of the building which project onto public streets, into adjoining properties. I'd like to make sure this is not aggravated, and is a condition of site plan approval that the violation be corrected and removed, and the lights be directed away from adjoining properties, and that they submit details of what these lights would be like and show they're fully cut off so there's no light trespass and glare into adjoining properties in accordance with the Village code. Thank you.

Chairperson Speranza: Anyone else wish to speak?

Village Attorney Stecich: In response to your question -- then I have another comment -- do you know the height of the building?

Male Voice XXX: About 70.

Mr. Whitelaw: Seventy, seventy-five feet probably.

Village Attorney Stecich: Oh, gosh. What it says is: "parking can't be in a required yard, but in no event shall it be less than 10 feet." Now, the required yard is 12 feet, or half of the height of the building wall nearest the side lot line. Is the one nearest the side lot line 75 feet? Then it means your required yard is 37 feet.

Mr. Whitelaw: Every parking space in there . . .

Boardmember Hutson: They were before.

Village Attorney Stecich: That's an issue. Then the other thing I'm assuming, since Bill says he's across the street -- I know where you live, that's a one-family district across the street -- there are additional requirements. When a multi-family residence adjoins a one-family residence district there has to be a landscaped strip at least 10 feet. This landscape strip, I think, is just 6 feet, right?

Mr. Whitelaw: The width or the height? The width you're talking about?

Village Attorney Stecich: No, the width of the landscaped strip.

Mr. Whitelaw: It's a row of hedges on the front.

Chairperson Speranza: And there are no changes that I can see to that front.

Village Attorney Stecich: There's no changes in the front?

Mr. Whitelaw: It stays the same in the front.

Village Attorney Stecich: These spaces here, these aren't new?

Mr. Whitelaw: Yes, these are new. But these would be behind the fence and the hedges.

Village Attorney Stecich: The problem is, there are new spaces created in the boundary adjoining the one-family district, in which event there needs to be a 10-foot landscaped strip.

Boardmember Hutson: You went over this with the Building Inspector as far as the need for a variance on this?

Mr. Whitelaw: We did, and the stall width was the only thing that came up. I don't remember if it went over the 5-foot side yard.

Village Attorney Stecich: That would have been the first plan, with the stall width. I guess the question is, did you go over this revised plan?

Mr. Whitelaw: The area here, along the side yard, really hasn't changed. We just took this line, and went from here out to increase the area.

Village Attorney Stecich: I would suggest, since there seems to be some other issues, that maybe I'd talk with the Building Inspector about zoning code compliance on these things.

Boardmember Hutson: These plans that we were just doing, how are they different from the ones we have?

Mr. Whitelaw: It just stipulates the impervious surface area. There was a note that the engineer was concerned about the drainage system being able to handle a 5-inch rainstorm over a 24-hour period. I explained we didn't do any perc tests, but we'll make sure that it can handle that. The bases were designed for a 2-inch rainfall over an hour period.

Boardmember Hutson: The new plans address those is what you're saying?

Mr. Whitelaw: Right. There's a note addressing the 5-inch rainfall, once we get in there and start doing perc tests, to make sure that meets . . .

Boardmember Hutson: Well, I'm not sure how you're going to avoid going for a variance on some of these issues. But I think you really have to go into detail with the Building Inspector to get us clarification on it.

Mr. Whitelaw: We spoke a number of times.

Chairperson Speranza: Have you been to the Zoning Board already also, or not yet? Or you modified the space?

Mr. Whitelaw: We did go in front of them. They weren't sure about the stall width. They were going to go around town looking at stall widths. So we just decided to make them all 9 feet instead so we wouldn't have to go back in front of them.

Village Attorney Stecich: Just to clarify, it wasn't only that they weren't sure about the stall widths. There was a lot more information they needed that wasn't on the plan.

Mr. Whitelaw: They wanted to know the number of parking stalls, existing stalls.

Chairperson Speranza: Let's hear if there are any other comments from the Board.

Boardmember Dale: My question is, looking at the plan, the stalls at the bottom of the drawing -- those are existing, or are those new?

Mr. Whitelaw: Yes, where it says one-way, where it's coming in, those are existing.

Boardmember Dale: To the left of one-way?

Mr. Whitelaw: Yes, those are all the existing stalls.

Boardmember Dale: So the ones closest to the building are all existing. The new stalls are the ones that are closest to the outside wall?

Boardmember Alligood: All of these are new.

Chairperson Speranza: These are all in the space.

Boardmember Dale: Oh, these are all new.

Chairperson Speranza: Yes.

Mr. Whitelaw: Where you come in from the one-way -- the building is over here -- we're taking this lane out and expanding it.

Boardmember Dale: So all of these spaces shown on this drawing are new?

Mr. Whitelaw: Yes. We took eight spaces out so that we can fit this new lot in. Some were deleted in order to make this work.

Boardmember Dale: Then the dimension from the building is an issue.

Boardmember Alligood: I have a question. We were given the survey, and then this set part of a site plan here. One of my questions is, on the survey we have a highlighted area in yellow that says "area" . . .

Chairperson Speranza: Do you know what we're talking about here?

Village Planner Witkowski: I highlighted that area.

Chairperson Speranza: I want to make sure they know what it is.

Village Planner Witkowski: I highlighted the area because I wanted him to show the area where the work was being done. I just went ahead and highlighted that area.

Boardmember Alligood: Oh, that wasn't from you. The reason I ask it is that the highlighted area is much larger than what you've shown on the other plan.

But the other question is, on this survey it says "concrete pavers." Right now that's grass.

Mr. Whitelaw: I think that was just a note that was written on it. See, that's hand-written. It doesn't look like that was part of the design.

Boardmember Alligood: I want to be sure.

Mr. Whitelaw: I can certainly clarify that for you, but yes, it is grass.

Chairperson Speranza: It might have been there when the survey was originally done. There might have been a pathway through.

Mr. Whitelaw: I think someone just jotted a note on there before prints were made up.

Boardmember Alligood: So I definitely would want clarification about where -- and this leads me back to the other part -- where is the outline of the new surface? I'm not sure. It says "existing grass area." Is that going to remain? I can't tell from the lines here how much of this is going to be paved over.

Mr. Whitelaw: This dotted line is the edge of the exit lanes. From here to here is the new piece. This is the new asphalt area.

Boardmember Alligood: From here to this line, okay.

Mr. Whitelaw: So all this grass area, and whatever [off-mic] furtherest XXX will remain.

Chairperson Speranza: We have to figure out a way we can do this on-camera and on-mic. I'm willing to hold it up. This way people can see as we talk, except for David.

Boardmember Alligood: You were just explaining that this is remaining grass.

Mr. Whitelaw: That's right. This dotted line denotes where the existing lane is, the exit lane. And the new asphalt will be from that line to the back of the stalls here. That's the 6,131 square feet. And the existing grass and shrubs on the outside will remain.

Boardmember Dale: And the existing eight spaces are where exactly?

Mr. Whitelaw: They're back-to-back spaces right along the roadway.

Boardmember Dale: So on the top side towards the outside, or close to the building?

Mr. Whitelaw: Towards the outside, yes.

Boardmember Alligood: One of my concerns is addressed by the fact that you're not doing any work here. Because there's 14 trees here which are not shown on this plan, but they exist.

Mr. Whitelaw: Right. We're not taking out any trees to do this.

Boardmember Alligood: The site plan should show all the trees, all the landscaping, and the rest of the site. It's confusing to take in all the information unless you go to the site, so we should have that.

Mr. Whitelaw: You want to see the trees on the whole site?

Boardmember Alligood: There's a list in the site plan requirements, and it lists specifically what we need. But that way we don't have to ask you to bring the information -- it's just all there for us.

Chairperson Speranza: Mr. Cameron. Comments, questions?

Boardmember Cameron: No, I have no questions.

Boardmember Hutson: I just wondered if you could comment on the issues that Mr. Logan raised in terms of the type of lights. Do you know what that is yet?

Mr. Whitelaw: That was a good question. We weren't specifically addressing the lighting. Obviously we have to have minimum foot candles on there for safety, so that had not been finalized as far as what type of light fixtures were going to be used, and the height of the poles.

Brian Sullivan - building agent: We're not putting in any additional lighting where this parking lot expansion is. Everything we have on the building when we did lighting was just replacement of what was existing at the time. So this has nothing really to do with the lighting situation of the building. I think that would be a separate issue.

Boardmember Hutson: Are you or the owner aware of the issues that Mr. Logan raised, that the Building Inspector has raised, that the Village has raised about the current lighting?

Mr. Sullivan: I received a letter, and I was waiting for a response. I did call Deven, and I was just waiting for a response from him. Obviously, we'll look into that further.

Chairperson Speranza: And your statement that there's no light. There are new light poles that are shown on the drawing.

Mr. Sullivan: Can I look? I apologize. I didn't realize there was [off-mic] there.

Chairperson Speranza: Any other comments on this application? Are you clear in terms of direction? You've heard good comments from the Boardmembers here, comments from the public. You have to work out the information on the plan with the Building Inspector and the Village Attorney with respect to proceeding, given what seems to be a need for variances.

Mr. Whitelaw: Yes, we'll look into that side yard variance.

Chairperson Speranza: That's it. Thank you.

5. Public Hearing. Site Plan Approval. Recommendation on Variance to ZBA. George Capuano, Riverview Manor Hose Company, 85 Euclid Avenue (Sheet 18/Block 642/Lots 32B, 33 & 34A) enlargement of existing fire truck garage.

Chairperson Speranza: Angie, you want to go through this, and then I know there is a representative here.

Village Planner Witkowski: The Fire Department is getting a new truck, and there was a need to expand the existing firehouse to accommodate the new truck because it wasn't large

enough. They're putting an addition on, and Jim Gibbons is the engineer that's been working with them. He'll explain what they're doing.

James Gibbons, architect - Gibbons Engineering: What we have at Riverview Manor Firehouse, located at 83 Euclid Avenue, is an R-10 district. The lot that the firehouse is on is preexisting /nonconforming. It's only 50 feet wide and about 146 to 148 feet deep on the side yards.

What we want to do is extend the front of the firehouse where the new proposed truck is going to be backed into. We need to extend the building about 6 feet out. So the architectural features of the building will pretty much remain the same. That area of the building will be the first story, but in coming out 6 feet we're going to need a host of variances because the existing side yards are not acceptable. They don't meet the code on both sides. And the front yard, in its current condition, doesn't meet the 30-foot setback; it's 15 feet and change existing. We're going to come out 6 feet so we're going to need a variance for that. But because of the balance here, we wanted to ask for a positive recommendation from the Planning Board to the Zoning Board.

This fire truck is state of the art. It has excellent emissions. It's very environmentally friendly. And in order to get a better, environmentally friendly fire truck, the truck itself is a little bit bigger than what's conventional out there. Speaking with our Fire Department, it's my understanding that this fire truck is the smallest possible truck with all these new environmental features to meet the standards. So I think it's a balancing act of getting the best environmentally friendly machine we can get and fight our fires. And with that, we have to extend our fire building out about 6 feet.

I wanted to just explain that, and then entertain any questions the Board may have.

Chairperson Speranza: Thank you. This being a public hearing, I'm wondering if there is anyone from the public who wishes to make a comment or ask a question. Yes, sir. You've got to come to the mic, and state your name and address for the record.

Andre Bernard, 77 Euclid Avenue: I live next to the firehouse, or I should say *right* next to the firehouse.

I do want to say tonight that the firehouse has been exemplary in communicating with the neighbors about its plans. I came down here tonight to express very strong support for what they want to do. I think it's very beneficial to the neighborhood, and we're very lucky to have them as our neighbors.

Chairperson Speranza: Great. Thank you. Anyone else wish to speak? Jamie?

Boardmember Cameron: I just have one comment. Fortunately you have a good stone wall builder here in the audience. One of the nice things about the feature right now is that you have those low stone walls which are about 6 feet high coming up both sides, and they

do come out past the front of the building. One thing I think would help, and would look prettier -- but you can talk to the neighbors about that -- is if you extended those stone walls out another 6 feet on either side. I think it would actually hide a lot of the building from your next door neighbors.

It's just a thought while you think about what you're doing. I'm totally in favor of getting the fire truck into the building, but it's just a thought on that. You would have to move that nice ring you have so the stone wall wouldn't bump into it, but I'm just throwing that out. The stone wall you have there is the classical stone we have in Hastings, and to extend that another 6 feet out would really help hide the white front of the firehouse from people going down the street. But just a suggestion.

Mr. Gibbons: Okay, thank you.

Boardmember Alligood: I fully support and think it's necessary, and I'm glad the neighbors support it and have no issues with it.

Boardmember Wertz: Same here. The tradeoff's worth it.

Boardmember Hutson: What is the thought in terms of the nature of the construction, the kind of siding and so on that might be used there, that would be the most neighborhood-friendly? Has that been given any thought yet, or are you not to that point?

Mr. Gibbons: The building is a block structure in that area so we were thinking of just merely extending it forward and matching what's there. I'm open to any suggestions you may have, but I think the easiest thing would just be steel construction -- to put a beam in the front, the same type of door if not the same door, and extend the concrete structure forward and match it and just paint it. But I think in the discussions over the weekend -- because the firehouse had invited the neighborhood in -- none of those comments came up to really ask for anything different than what was proposed.

Boardmember Hutson: Maybe it's the best to leave it rather plain and nondescript as opposed to getting too much into the aesthetics.

Boardmember Alligood: Garish.

Boardmember Hutson: We could have the Architectural Review Board take a look, but it might generate more issues than it solves in terms of people getting a little more creative than is healthy in the situation.

Mr. Gibbons: The Fire Department really wanted to get the input from the neighborhood, and I asked them.

Boardmember Hutson: It's important. I'm thinking at this point, when it comes out another 6 feet, you're getting pretty close to the street there. It's going to impact a little more the visual impact of the street itself -- you know, driving on the street. Not that it's going to be an eyesore or anything, but maybe the aesthetics come a little more into play than they have now. But I think the suggestion regarding the wall and so on does help to offset that and soften the impact. I don't know exactly what the visual impact will be with another 6 feet. It protrudes out now, but somehow it doesn't . . . I mean, maybe we're just used to it.

Mr. Gibbons: We could take a look at it. I'm not sure myself.

Boardmember Cameron: Still, the wall is not that low. It's about 6 feet high, the one that's there right now.

Mr. Gibbons: That'll definitely help.

Boardmember Cameron: And that would help chop the building in half visually. You don't want to just see the top white part as you're coming down the road.

Boardmember Hutson: That will be able to remain? The part that's there now?

Mr. Gibbons: Everything should remain. It looks like a very simple process of just extending the building; extend the walls, and leave what's existing there.

Boardmember Hutson: Okay, good.

Chairperson Speranza: Bill?

Boardmember Logan: No real comments. I guess you could probably recycle the existing doors you have and just move the whole assembly on. Save some money.

Mr. Gibbons: We hope to do that, but in case something pops up.

Boardmember Cameron: That's a pretty tight fit now.

Mr. Gibbons: It's very tight.

Boardmember Dale: I also was in favor of the recycling of it if it's at all possible, and not adding to the cost of building the extension by changing the architecture significantly I think would make sense. But I think clearly it's a necessary improvement.

Boardmember Alligood: Bruce, you stole my words. I was just going to say I didn't want our suggestions to add to the cost because I'm mindful of that. It's a very simple design, and I think over-designing it might actually be worse than just extending what's there. So I'm with you on that, Bruce.

Mr. Gibbons: If I could comment on that. That is a good point because of the community nature of this building, but initially an architectural firm had looked at this. I'm an engineering firm. Together we decided, with the Fire Department, to make this more of a simple process and less costly. So I'm the end product of those discussions, just trying to make this happen. But we were sensitive to that.

Chairperson Speranza: I have one question. Is the truck going to be red, or is it going to be green now?

Boardmember Hutson: Earth tones.

Chairperson Speranza: Any other questions or comments about this? Marianne, I have a SEQRA short form assessment here. Do we have to do a negative declaration on this, site plan approval?

Village Attorney Stecich: [off-mic] site plan, yes.

Chairperson Speranza: So a couple of actions here. The first is the SEQRA document that we have simply to go through. We have the information before us, for those of you who are watching here on TV and here in the audience. There are a number of questions as to whether or not the action will result in different kinds of effects, such as impacting existing

air quality, architectural aesthetic, agricultural resources, vegetation, fauna, fish, a community's existing plans or goals, growth, subsequent development, long term/short term or other effects not listed in the questions above, or any other impacts. The form, as it's filled out, shows no change, no impacts, to any of those areas. I tend to agree. Any of the Boardmembers disagree, please speak up. Is it located within a critical environmental area, and is there any controversy.

Clearly, there's no controversy. So we need a motion. Marianne, make sure I'm saying this right.

On MOTION of Boardmember Dale, SECONDED by Boardmember Cameron with a voice vote of all in favor, the Board resolved that the extension of the firehouse won't have any negative environmental impact, and the Planning Board therefore issues a negative declaration under the state Environmental Quality Review Act.

On MOTION of Boardmember Dale, SECONDED by Boardmember Allgood with a voice vote of all in favor, the Board resolved to give site plan approval for the expansion of the garage of the Riverview Manor Firehouse.

On MOTION of Boardmember Cameron, SECONDED by Boardmember Logan with a voice vote of all in favor, the Board resolved to recommend approval for the required variance to the Zoning Board of Appeals.

IV. Old Business

1. 45 Main Street. Presentation and Discussion of Traffic Light in relation to Site Plan Approval Condition.

Chairperson Speranza: For those of you who may recall, the building is almost up. I see James, and Mr. Anderson here. Angie, do you want to brief us on this? This is something also before the Board of Trustees.

Village Attorney Stecich: Yes. About a week ago James met with me and Deven and the Village Manager to see about the possibility of getting a certificate of occupancy before all the conditions of site plan approval are met, and I went into the meeting ready to fight. Of course not: I didn't realize that, apparently, the only one they're seeking to get is a C of O before the traffic light is finally installed. They did understand that not just your conditions, but all the other site plan features like the landscaping and burial of the Con Ed lines, would be accomplished before then.

But at that meeting it occurred to me that I know it was a condition of the Planning Board that a traffic study be done; and then, if the traffic study warranted that a light be there, that they fund the light. It occurred to me you need to amend the Village code before you can put up any traffic signal, no parking sign, or anything. For the last Board of Trustees meeting I drafted a resolution, which they passed, to call for a public hearing to amend the zoning code to put up a light on Main Street near the firehouse.

So they have set the public hearing for May, I forget which day. In the meantime, the Board of Trustees is going to look at the traffic light at their work session on Tuesday just to get a look at it before. That's where it's at in terms of the Board of Trustees.

James Huang, Urban Green Builders: Marianne's summary is correct -- where we are with both the building and with the site plan conditions. About half of you, I think, on the Board were part of the site plan approval process back in the fall of 2003. So the letter I sent to you for tonight goes over those site plan approvals again -- those eight strict approvals -- just to refresh everyone's memories, especially the people who were not there four or five years ago.

I was just going to read them, actually. I would like everyone's agreement on where we are with this. The first one, of course, is the Zoning Board and view preservation approval. That was, of course, satisfied prior to construction of the project. No rooftop mechanical equipment is to be installed: that is true. ARB approval: that was, again, satisfied prior to the beginning of construction. The Main Street sidewalk agreement: recall that the new sidewalk for pedestrian traffic in front of that building sits on our property, and the property that used to contain the old sidewalk has been given over to a new traffic/parking lane. Though it says here "pending BOT resolution," that was passed on Tuesday evening, I believe.

Village Attorney Stecich: Yes, I wasn't thinking about that. The Board of Trustees took two actions on Tuesday. One was to approve an easement agreement because the sidewalk is on their property. They have to give a public access easement. That was approved by the Board of Trustees. So it's a permanent easement for public access, although it's not on this list of conditions. James is just reading the conditions of the site plan approval. In addition to that, there's the fact that anything that showed up on the site plan itself becomes a condition of the site plan approval.

Christie Terrace in the back, they created a new stairway back there. It wasn't a Planning Board condition, but was a condition of the Village at the time that they maintain the stairway. So the other agreement approved by the Board of Trustees the other night was a maintenance agreement for the stairway, the landscaping back there, the lights, the fencing, and a retaining wall; everything they're putting up back there -- not for the whole of Christie Terrace -- and the pedestrian walkway. Those were approved by the Board on Tuesday,

signed by the Manager, and then will be recorded. I'll record them at the Division of Land Records.

Mr. Huang: I think, strictly, the Christie Terrace arrangement that Marianne is talking about is just a side agreement we made after the Planning Board . . .

Chairperson Speranza: I remember talking about it.

Mr. Huang: We talked about it.

Chairperson Speranza: That the access was going to be open because lots of people cut through there.

Mr. Huang: The access is open. The document Marianne and I were talking about and agreed on is who is actually responsible for shoveling snow on that staircase, who changes the light bulb when the street lamp goes out.

Village Attorney Stecich: Because it's on Village property.

Mr. Huang: But we're going to do it as if we were the owners of those amenities. So that was number four

The environmental certification: that was additional documentation that the Planning Board asked for related to the tank removal, which was satisfied. Number six, the Warburton certificate of occupancy. The original resolution, you'll recall, requested a complete C of O on 422. We've gone back and forth on that several times. The new revised site plan approval condition is satisfied, with the exception of three units in 45 Main Street, at this time. You'll recall that in January of this year we came before you to discuss that, and we probably in all likelihood will be before you again in the month of May to follow up that conversation. I know Sue Smith from the Affordable Housing Committee has weighed in more positively this time than what happened in January.

I'm going to skip number seven briefly. Number eight is assigned parking spaces. That has been satisfied as well.

Chairperson Speranza: Those are the internal parking spaces.

Mr. Huang: That's inside the garage. The question came up to make sure that the tandem parking units were assigned to the same units so you would never have the situation where you couldn't get out because someone else was blocking you in.

Number seven, I want to talk about the traffic pole. The strict requirements of Planning Board approval from 2003 only required that we, as the applicant, pay for a traffic study related to the possibility of needing a traffic device. The report itself didn't happen until the spring of 2004. The report did recommend that a traffic device be put up on Main Street to the east of our project to mostly mitigate the new parking situation that was going to happen to our retail space, I believe. I think that was one of the major concerns of the Village traffic consultant: that there was not going to be parking on the north side of Main Street because of the new parking lane that previously did not exist. The consultant's report was quite

vague. It didn't actually give a true design and it left many, many of the details of the traffic device to the Village. Unfortunately, at the time I didn't talk to Marianne specifically about how. We assumed we would have to give a traffic device to the Village at that point, and we did assume we would be paying for it.

My letter goes into the long history of what happened to the design of the traffic device since that point. For over a year, the Village and I -- through mostly Deven and a little bit through Fran -- have been in discussions about how to design the traffic device; bringing the fire chiefs in to get their input on what sort of needs they would have for the traffic device. We finally have completed a design and a bid procedure whereby we have awarded a contract to a subcontractor who will build us the traffic device. One problem is that the lead time item for several of the specialized components is quite long, and we probably are not going to see the traffic device actually installed on Main Street until late summer of this year. We will be done with the building much before that -- hopefully in the next four weeks. And this, of course, is subject to Deven and the fire chiefs' approval of all our signoffs.

We would not like to be in the situation where we have a completed building and we can't allow future residents of 45 Main Street to move in because of this single issue of the traffic device. So that's the purpose for which we come to you tonight.

Chairperson Speranza: So you would like to have us consider that condition pending.

Mr. Huang: Actually, Patty, I think we need to rewrite . . .

Chairperson Speranza: Pending, but -- okay, go ahead and finish.

Mr. Huang: We actually need to probably revise entirely site condition number seven because we need to add to it the fact that the Village is accepting the traffic pole and that yes, you would accept the work to date on the design and the award of the contract for the traffic pole; and some sort of guarantee as well, that's amenable to all parties, that the traffic pole will be, in fact, delivered in as due manner as possible.

Chairperson Speranza: Anything else, Marianne?

Village Attorney Stecich: I wouldn't think you have to correct it to say it needs the approval because that's a Board of Trustees thing that really doesn't have anything to do with the Planning Board. But what you could do is just say that the condition is satisfied by the posting of a bond -- whatever bond would pay for the traffic, a bond or some other security device -- that the Village would have just in case they didn't follow through on putting up the traffic light.

Chairperson Speranza: Questions, concerns?

Boardmember Hutson: The new parking lane you mentioned was a particular concern, and a reason, that established the need for the traffic light?

Chairperson Speranza: It's funny because I don't remember the parking lane being so much of an issue as the sight distance, particularly coming out of the Ambulance Corps building because of the length of the new building.

Boardmember Hutson: That's right, but you had suggested that the Fire Department members had brought that up. Or did I misunderstand.

Mr. Huang: This condition was added at the very last second of our site plan approval process, if you remember, in October. My recollection was that the fire chiefs had a concern about the fact that there were going to be vehicles now on the north side of Main Street, stationary vehicles, that were not there previously.

Boardmember Hutson: Right. I guess the question is whether not having vehicles there for the time until this light is put in, whether that is another matter.

Chairperson Speranza: It was on mitigation.

Boardmember Hutson: Whether that matters or not, in other words. If that's a reason for it -- or one of the things that exacerbates the problem -- then maybe not allowing parking there. But I wondered whether that presents a problem to you in terms of whether you expect those stores to be . . .

Mr. Huang: In all honesty, the expectation on the building is that we will have residents moving in on the upper floors before we get new retail tenants. So if that was actually a requirement of the condition in front of you, I think we'd be okay with that.

Boardmember Hutson: If it matters . . . I'd just like to hear, for me, from the Fire Department or from you folks, how significant that is. I really don't know because, as Patty says, that wasn't really a lot of our discussion that I recall.

Chairperson Speranza: We do have some firefighters here. I don't know if any of you want to speak to that or not. I know Chief Pecylak does.

Mr. Huang: It's mostly been Steve and Jeff Bannon who have been handling the conversations. As per my letter, Police Chief O'Sullivan was also in on it as well.

Chairperson Speranza: Let's see if there's anything else.

Boardmember Wertz: What I'm not understanding is whether the occupation of the building has any real relationship with the light. I recall Patty's comment being great: that it was a question of the sight up the street. So if that's the issue, the delay of the light is unfortunate because the sight problem exists. But that's there regardless, so I think you're moving as quickly as you can at this point to get it in and the assurances are there. But I don't see this as having a necessary bearing on the occupation of the building. So therefore I'm not sure I'm seeing why we would object to it, but maybe I'm not thinking of something.

Boardmember Cameron: Just one comment. This letter caused me to go and look at your building. I'm standing up the hill looking down over the top of your roof and I don't see any strictly mechanical equipment. But you have these -- I call them -- aluminum candy canes sitting up there. With all candor to you, in this afternoon-setting like this time of year, they stand out like crazy. I would suggest that you actually spray them with something because they really look pretty awful, with candor, at this time of year.

The other three things sticking up, I guess, are the tops of the elevator tower? Is that what it is? And then the other two were what? Stairs to get out there, or something like that?

Mr. Huang: The strict requirements of the Planning Board, again, in 2003 was for mechanical equipment such as the chiller that's on the Harmon Center, for instance.

Boardmember Cameron: The first comment was for your benefit, not to a requirement.

Mr. Huang: We can certainly paint those.

Boardmember Cameron: Stand out there about 4 o'clock in the afternoon as the sun comes over.

Mr. Huang: Tell me exactly where you were standing again?

Boardmember Cameron: Next to the church as you come through the churchyard is the best, but you can also see it standing in Five Corners.

Mr. Huang: We'll take a look next week.

Chairperson Speranza: Eva?

Boardmember Alligood: I think what you said made sense to me. I wasn't part of those discussions as to why these requirements were put into place, but I can't think of any additional ones.

Boardmember Wertz: The stipulation that Marianne suggested that there maybe be a bond so the funds are there in case, for whatever reason, the builder doesn't put the light in, then at least the Village is protected. But that would seem to me to be about the only thing.

Chairperson Speranza: Bill, Bruce? Anything?

Boardmember Dale: No objection.

Boardmember Logan: I think it's to the Village's advantage to get this building occupied as soon as possible and bring more life to the streets. It's not Urban Green's fault that there's this situation. I just have a question. Why is there so much water coming down this side street? Is that a natural spring, or what's going on? Is that part of your obligation, to mitigate that?

Mr. Huang: Bill, that is a natural spring. There was a stream, apparently, that ran through the property that's just north of Christie Terrace. And it ran, apparently, at the depth that was not noticeable until we actually cut down the road in order to make the improvements on Christie Terrace which we've done. In fact, the first retaining wall we poured last summer didn't result in any additional water on Whitman. We poured another retaining wall last fall that was also on Christie that didn't increase any water. Then we poured a very small wall that was the last wall we needed to pour. That was poured sometime right before Christmas, I believe, and immediately we must have diverted a stream that no one has anticipated and it is a much higher volume than anyone would have known about. It's running onto Christie and, unfortunately, down onto Whitman.

Deven and I have looked at it a couple of times. We do agree that's our responsibility, and what we've done is add extra drain pipe back there. The first plan was to take it into our foundation drain which runs around the perimeter of the building. Unfortunately the capacity

of the foundation drains was not sufficient to handle the flow so what we're actually going to do is tie it directly into our storm drains inside the building with additional piping. We hope to have that done in the next week or so.

So in answer to your question, yes, you will not have the same problem you had, from the last couple of months out, on Whitman as soon as we're done.

Boardmember Logan: You could bottle the water and sell it as Hastings . . .

Mr. Huang: I wish we actually had had a geothermal well back there because we could have found a way to just tie it in there.

Boardmember Cameron: But the water's actually coming from Bill's place across the road.

Mr. Huang: We don't know exactly where it's coming from. As I said, it's slightly mysterious what the source of it is, but it's very wet under that rock up there.

Boardmember Logan: But it's a hazard in the winter. It freezes when there's salt on it.

Chairperson Speranza: And how are things going with Con Ed?

Mr. Huang: The pole is down.

Chairperson Speranza: They're down already?

Boardmember Logan: It's unbelievable.

Chairperson Speranza: I haven't walked through in about a week.

Mr. Huang: The pole came down on Monday. It just shows that if you give Con Ed a six-figure check, then within eight or nine months they will actually take care of what you pay them for.

Chairperson Speranza: Great.

Mr. Huang: So we're very happy. I think it makes the entire streetfront look a lot better. I think the first half of the sidewalk's going to be poured tomorrow, so you'll actually start seeing the definition of the new parking spaces being developed.

Boardmember Logan: Just a quick question. Is it your responsibility to re-asphalt the street to widen the road, or is that the Village?

Mr. Huang: Yes, it is actually.

Boardmember Logan: You're going to do it.

Mr. Huang: Yes, the contractor who is pouring the sidewalk will take care of that as well. He will also repair a small scar that was made on the Ambulance Corps property as a result of that small retaining wall coming down, if you recall. So there's about 3 feet of asphalt that has to be poured onto that side of the Ambulance Corps as well.

Chairperson Speranza: I have one comment to make, and I know this was not your design. When we had talked about having a signal, my recollection was to have it provide simply for someone who's in the firehouse or in the ambulance building to be able to stop traffic. I had in my mind a blinking yellow like I see in so many different places, so I'm struck by how large it has to be. I do understand, though, that there are not XXX different kinds of

standards that have to be met for traffic signals, which warrant now the large traffic signal that we're going to have.

Mr. Huang: Patty, we would have been happy to give you nice, elegant, 8-foot high, two lights on a stanchion pole, intelligently placed, that blended into the streetscape of the Village. The chiefs -- who, unfortunately, are not here -- and Deven, will attest to the amount of time we spent with our engineers going over what the requirements are. Now, the pole you're getting is basically to the Department of Transportation standards, which is what, I think in the end, the chiefs wanted and I think, at the end of the day, the Village wanted; partly for liability reasons so that at the end of the day -- if there was a problem ever, and someone said, "What is the design, where did it come from?" -- it wasn't the Planning Board and us that decided a nice cute little 8-foot pole is what we wanted.

Village Attorney Stecich: Be careful what you wish for.

Chairperson Speranza: I know. Well, I drive on Route 22 right before Concordia College every other day, and it's a blinking yellow light until somebody pushes the crossing signal and it turns red.

Village Attorney Stecich: Central Avenue, too.

Boardmember Dale: It seems there would have to be something like that in the emergency vehicle, just before they leave, they push a button and it goes off and everybody stops.

Chairperson Speranza: And traffic stops.

Village Attorney Stecich: The same thing will happen. This won't be on all the time. It's self-activated.

Boardmember Dale: It's immediately after another traffic light at Five Corners, and it just seems totally unnecessary.

Boardmember Cameron: They have a light more like this in front of the fire station in Millwood. If you go up there you'll see it.

Chairperson Speranza: We need a motion. What are we actually doing? Amending the requirements of the site plan to permit the issuance of a certificate of occupancy pending completion of the traffic signal on Main Street.

Village Attorney Stecich: Subject to the posting of a bond or other security to . . .

Chairperson Speranza: To insure completion of the work.

Boardmember Dale: You're allowing this temporary certificate of occupancy, but not the permanent, until the traffic light is installed. Are you allowing them a certificate of occupancy regardless of whether the pole is in?

Chairperson Speranza: Yes, it has to be a certificate because there's no real temporary.

Village Attorney Stecich: You can give it, but not really in those situations.

Chairperson Speranza: That's right. We've talked about this. The problem with a temporary C of O is, if you have it . . . you've just got to make a decision, in my opinion. You make a decision because you're not going to go back and throw individuals out after they have it.

Boardmember Dale: The object is you want to allow them to have the certificate. Fine.

On MOTION of Boardmember Wertz, SECONDED by Boardmember Dale, with a voice vote of all in favor, the Board resolved to amend the requirements of the site plan to permit the issuance of a temporary certificate of occupancy pending completion of the traffic signal on Main Street subject to the posting of a bond or other security.

Mr. Huang: Thank you. We'll see you soon again.

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

Chairperson Speranza: This, again, is a continued public hearing. I see Mr. Weinstein is here.

Edward Weinstein, Edward Weinstein Architect and Planning: My office is on Spring Street. I'm here this evening to try to bring some focus first, and then possibly some closure on this subject of the proposed subdivision that was originally proposed by Mike Foley. The owner is now Ben Foley and his siblings.

Just to briefly summarize, the property is located just to the north. I guess it's now the Valero Gas Station. It's in an R-10 zoning district. It's also just north of an adjacent 2-R zoning district. The property is a little over 40,000 square feet. Because I'm talking generally about the concepts here, I'm not going to focus on the specifics of the geometry and all. But this proposed subdivision was something that we had presented to this board. It would allow two additional building lots on the property. One of them would be fully compliant; that's the lot second in from the lot on the street. Their third lot would require two variances, dimensional variances -- one relating to lot width, one relating to lot frontage. That's the way it's drawn here.

I feel, as a registered architect and a certified planner, comfortable in stating that in terms of the impacts of this site, number one, in terms of the density the lot is 40,000 square feet. If it were not for the geometry of the property, in theory you might be able to do four parcels. So in terms of density, it's not out of character. All the properties have the 10,000 square feet, even after the deductions for steep slopes. In terms of traffic, it's almost obvious that under SEQRA the additional traffic that would be created by two one-family homes, at peak hour, would be minimal.

In terms of community character, it's actually this parcel and the adjacent parcel to the north that are somewhat out of character with the neighborhood, in that they are much larger than the properties that surround them. In fact, if you took a 300 or 400 foot radius you would find that some of the properties are compliant with the R-10 zoning district. But most, especially to the east and west, are not compliant. They are dimensionally nonconforming as far as frontage and width. And many of them are 5,000 to 7,000 square feet, especially the ones directly across the street and behind the property back on Burnside. So I don't think we would be impacting community character. Another thing that makes this property unique is that it's adjacent to a nonconforming little commercial district, little neighborhood shopping area, with the stationery store and Amjo's.

Finally, safety is not an issue. We've gone through this with Jim Drumm, the Fire Inspector. The private road that would be created would be compliant with New York State fire code. What you see in orange on that drawing is a turnaround that was requested by Mr. Drumm. The buildings that would be created would, of course, be sprinklered because new buildings are required to be sprinklered. We'd be safe.

So at this juncture we're asking the Planning Board to look at this one more time and to sort of help guide us with your recommendation. I'd like to present to you what we see as the two options. One is this one, the one we presented. If I could take the travel mic . . . what we're showing on this diagram, if the Board were to feel comfortable recommending this -- and we realize we'd have to go to the Zoning Board for those variances -- the applicant would be willing to work something out with the Village for this parcel, which is about 8,900 square feet and adjacent to Pulver's Woods and could, in some way, become an expansion of that Village park. The applicant would also be willing to, within the 24-foot proposed private road and right-of-way, provide and allow some easement for public access from Farragut Avenue into the Pulver's Woods property in order to make it more accessible to people on Farragut.

Option two, we're pretty confident, is an as-of-right situation. It would create one additional lot. The lot would meet the frontage requirements, frontage on a private road, and would meet the lot width requirements. And it certainly would be large enough. It would be about a 33,000 square foot lot. But in the event that the Planning Board doesn't see it the way we see it, then the applicant would not be offering to provide parkland to the Village and would not be willing to provide access through an easement through the property to Pulver's Woods.

So in the interest of reaching closure, we'd like to open this up for discussion, and will be guided by your recommendations.

Village Attorney Stecich: Patty, could I just correct one thing.

Mr. Weinstein: Only one?

Village Attorney Stecich: I think, yes. We're a lot closer. They're not exactly as-of-right, even the second proposal. You wouldn't have to go to the Zoning Board on the second proposal, but both of them don't have the required frontage on a street improved to Village standards. The Planning Board can waive that requirement. So it's not exactly as-of-right. You would have to waive.

Mr. Weinstein: I stand corrected. The 24-foot right-of-way is not . . . I think the Village standard is something like 50. It is something very large.

Village Attorney Stecich: It could never meet Village standards with the configuration of the space, but the Planning Board has the authority to waive that requirement as long as there is a right-of-way providing access.

Mr. Weinstein: I stand corrected.

Boardmember Allgood: Marianne, can you repeat that? Does it have the required frontage?

Village Attorney Stecich: Any lot, if the required lot width is 100 feet, which I think it is here, there has to be a street frontage of 70 feet. There has to be street frontage on an improved Village street of 70% of the required lot width.

Chairperson Speranza: Bruce, do you want to weigh in on this?

Would you like for us to guide you in terms of what you think would be acceptable so you could develop, or get the regular formal subdivision?

Mr. Weinstein: Of course, preferred is what we've proposed. We feel that it's a reasonable solution for the reasons I've expressed, and it would be, we think, consistent with the neighborhood character in just about every way. We understand there have been some objections, primarily from the neighbor to the north, who also has a large piece of property. Of course, if you had your druthers you'd like to live in isolation in the middle of a park. That would be nice, but we think we're making a reasonable case.

So what we'd like is for the Planning Board to give us some direction. Either send us to the Zoning Board with a positive indication that this is something the Planning Board would like to see, or tell us there's no way. If the Planning Board thinks this is reasonable, then we can go back to our engineer and come up with a plat for the one additional lot.

Boardmember Dale: Being a relatively recent member of the Planning Board and not yet familiar with the various zoning issues, could you describe for me a little more the variances you would need from the Zoning Board?

Mr. Weinstein: Because of the geometry of this parcel it gets somewhat narrow as you get to the rear portion of it. It's about an acre. But this first lot would have 100 feet -- not on a standard Village right-of-way, but on a 24 foot right-of-way -- which is certainly adequate from the point of view of the New York State fire code for access for emergency vehicles.

This second lot, the specifics are that it would only have a lot width of 55 feet 8 inches, when 100 feet is required; and a frontage of about 32 feet, where 70 feet is required. Those are the two variances we feel would be required.

Village Attorney Stecich: And a side yard. It's only a 5-foot side yard.

Mr. Weinstein: Side yard? One is 12, two is 30. We are providing 15 for one and 30 for both.

Village Attorney Stecich: Then the drawings [off-mic].

Boardmember Dale: I think the one got lost.

Village Attorney Stecich: [off-mic].

Mr. Weinstein: Okay, that's what happened.

Village Attorney Stecich: Because they look about the same.

Mr. Weinstein: We would meet the side yard requirements.

Boardmember Dale: The one other comment I have is, I think the owner's decision whether or not to give the property, the 8,900 square feet, to the park is irrelevant in terms of our decision, on whether to permit the third house. I sort of react to that as if it's blackmailing, and I don't think you can buy zoning approval or planning approval based on making a gift to the Village. I think that's a separate decision independent of whether or not we think the third house is adequate and should be allowed.

Mr. Weinstein: I would object to the term blackmail. What it is, if the owner has to make a reasonable return on a single lot that is 30,000 square feet -- which is far beyond anything, or most properties in this Village . . . I know I'm in 7,500 foot zoning -- most of the Village is 10,000 square foot zoning. In order to achieve the highest possible price for that property you would have to make it more private than if he had another lot which could help support giving that property to the Village. There's a practical consideration. If any of you know Mike Foley, he's a very generous man, but he's also a businessman. That's what entered into this proposal. Certainly not meant, in any way, to put any pressure on this board. We came here with two very distinct plans. And we are, as I said, willing to abide by that.

Chairperson Speranza: Bill? Anything?

Boardmember Logan: I see value for the Village in two ways in going with lot 3, two additional houses. One is, I believe the tax revenue to the Village would be increased. On the other hand, there may be more kids in school. And the second is, I think there is a value to having an extra parcel for Pulver's Woods and having easement. In my mind, that tips the balance.

Boardmember Hutson: I don't like either one of them, actually. On the larger, the single-house thing, normally the front yard and rear yard are defined by the streetfront. In this case there really isn't any streetfront at all, basically. It comes up to the house, and what you're calling the front yard -- the angle there for the front yard -- it's a reach for me to define that as a front yard the way this house is going to be positioned and everything. It really has hardly any frontage on the street except the width of the street, basically.

Mr. Weinstein: It meets the technical requirements, the dimensional requirements, of the zoning code. The 24-foot right-of-way is discretionary on the part of the Planning Board, and that's true in either case. We couldn't do this at all if we had to provide a 50-foot right-of-way. It's compliant with the zoning. That's all I can say.

Boardmember Hutson: I'm just saying that if you took the one house in the two-house thing, that's about the only thing that really fits the site in a reasonable fashion. Maybe it could be a little larger, as opposed to this angled into the corner.

Mr. Weinstein: You're talking about adding the two lots.

Boardmember Hutson: No. I'm saying using the kind of configuration on the side -- which I realize they're not interested in doing just for economic reasons probably -- but this kind of configuration, where you have front yard and rear yard of some size. Because here, really, the side yards are really the front and rear yard the way this house is going to be situated, for all practical purposes.

Mr. Weinstein: The code sometimes allows you to select which yards are which. The variance issue is a separate issue. We believe there's a hardship. It's not an argument for this board, but the applicant, Mr. Foley, is paying real estate taxes on a 40,000 square foot lot that he has one home on. An acre is far beyond what most of this village . . . certainly this surrounding area, which has two-family on 5,000 square feet and one-family on 10,000 square feet within close proximity.

Boardmember Hutson: I know. But Ed, as we've said many times, it really has to do with the layout of the property.

Mr. Weinstein: We understand that the geometry of that third lot would require a variance, and I'm laying that out as clearly as I can.

Chairperson Speranza: You've heard three different opinions already.

Mr. Weinstein: This is Hastings.

Boardmember Wertz: I, too, think the basic problem is the layout of the lot itself. It's very long and narrow, and it's going in a direction that . . .

Mr. Weinstein: Fred, which plan are you talking about?

Boardmember Wertz: Both of them, really. It's the nature of the lot itself. The two houses, I think are much less preferable than the one, and there are more variances needed. But the orientation of the one house strikes me as off, and I guess what I'm seeing is the same thing that David was saying: there really is no front yard at all, the way it looks. It looks like a house that's just put in there because one wanted to build on that land. It really doesn't afford a house in the character of houses in that area, so I'm not thrilled with that either.

Mr. Weinstein: But as a practical matter -- if we wanted to sort of complicate things and go to the Zoning Board -- we could draw that line that separates lot 1 and lot 2 straight across and have insufficient lot frontage, and then we'd have a huge front yard.

Chairperson Speranza: Can you point that out? What you were just talking about?

Boardmember Wertz: Show us how that would work.

Mr. Weinstein: Most people in real estate configure lots to make it work for you. In an effort to avoid the issue of a variance, we extended the private road in so we would have sufficient frontage. If we drew this line straight across we would have a larger lot with a lovely front yard here that would be about 80 feet long. In effect, it would look no different except this would become not a private road but a driveway.

Chairperson Speranza: Let me ask you. Does the road have to be a separate lot? I see that it's broken up in both scenarios. In the scenario where there are three lots, it's lot 5. In this one, it's lot 3. Does it have to be separate?

Mr. Weinstein: That's what distinguishes it from a flag lot. It's a private road. It's not part of the lot, it's a separate lot. In the case of there being two lots, that road would be maintained by a homeowner's association of the two homes. In the case of the one lot it would still need to be a private road. I can't answer the question as to whether the private road could be owned by the owner of the house.

Chairperson Speranza: So who owns that lot 3?

Mr. Weinstein: In this instance it would probably be owned by the same owner as lot 2. And in the other case it would be owned jointly by both of the new lots as a homeowner's association, and they would jointly be responsible for its maintenance.

Chairperson Speranza: Okay, I see what you're talking about.

Boardmember Alligood: I think I've said before, option one with the two buildable lots I don't feel any differently than I've expressed in the past -- which is, I think it's too much for the property. I think it's an oddly configured lot, and I think it's squeezing too much in there. I appreciate that you went through all the points, the issues that have been raised -- mainly by the neighbors. You disagree with them, but I think the neighbors did raise a lot of legitimate concerns about the traffic coming out where the gas station is, when you have two houses there and the big . . .

Mr. Weinstein: The gasoline truck. We've realigned that road. Currently there is a road that leads to the back of that property that's used by the Valero Station. The way we have realigned the access road, by doglegging it off to the right here, that would allow sufficient room for the gasoline truck to be parked and not block that right-of-way.

Boardmember Alligood: Not stick out into the road anymore?

Mr. Weinstein: Not block that right-of-way.

Boardmember Alligood: I just remember that being raised.

Mr. Weinstein: That was an issue, and we addressed it by relocating that right-of-way.

Boardmember Alligood: Okay, thank you for clarifying that.

Anyway, I'm really not very supportive of option one for many reasons. But option two, I understand the owner needs some way to build something here. I get that. I'm not crazy about this layout for the reasons David expressed. It's a very odd way of siting this building, so it's not something I'm particularly excited about in terms of how it's sited here. But I

don't want to say that I wouldn't support going forward in some way in building just one buildable lot.

Mr. Weinstein: Just to address that, I'm not sure the building would look exactly like this. The purpose of this diagram is to show that we could build a building that would be compliant. This building, obviously you can see compared to the existing home, is rather large.

Boardmember Alligood: What's the footprint of it?

Mr. Weinstein: I don't know. That's probably about a 3,500 square foot footprint.

Boardmember Alligood: That's enormous.

Boardmember Cameron: Right. The biggest one they could draw to specs.

Mr. Weinstein: If there were only one lot which could be yielded from this parcel the applicant would try to achieve a reasonable return on the value of that property.

Boardmember Hutson: Right. But, Ed, just to remind you again, there are no lots that are inherently there. There are none.

Mr. Weinstein: Certainly we understand that the Planning Board has discretion, and I think at this point we've narrowed that discretion down to the 24-foot road. Even for the one additional lot, certainly we could present a plat to you and you could turn it down. That's, I guess, your prerogative as a planning board. But that would not leave the applicant without options either.

Boardmember Hutson: There are always options to do all kinds of things, but there's nothing inherent in the property. It just seems to me that the one lot, in order for me to feel enthused about it or comfortable with it, would have to be something reasonable, we felt, in terms of what was proposed there. That's all I'm saying.

Boardmember Alligood: In other words, David, you're saying it's not as-of-right because we have to grant a special exception to allow it to happen.

Boardmember Hutson: There's a reason why.

Village Attorney Stecich: Could I just say also, subdivisions aren't as-of-right. So there are two things: there's the waiver that the Planning Board would have to give for the street frontage, and then there's whether you give permission for subdivision at all. And that's in your discretion. So there are two critical discretionary decisions by the Planning Board.

Boardmember Hutson: It's not just to hold the power over it. It's just that making sense out of it is not so easy. Therefore, it's a bit of a stretch to try and do something there. In trying to do something there it would have to make a lot of sense is, I guess, my point.

Mr. Weinstein: I'd like to understand because I haven't heard the rationale other than feelings about not liking it as to why the Planning Board might have an issue with creating an additional lot.

Boardmember Hutson: Impact on neighbors largely is the thing in a situation where you have such a tight fit for things.

Mr. Weinstein: But even if the structure were compliant with the required setbacks it would have undue impact on the adjacent property owner?

Boardmember Hutson: Because it's not compliant. There's no way you're going to make it totally compliant with what the code requires.

Mr. Weinstein: But the impact on the neighbor issue relates directly to the setbacks.

Boardmember Hutson: Of course it does. And the whole configuration of it and the access and the frontage, it's all interrelated. As a matter of fact, do you, we have something, Ed, that has the neighboring structures on it or not, here tonight?

Mr. Weinstein: I do.

Village Attorney Stecich: I just have one thing relevant to what David has been saying. I'm looking at it, and something's bothering me about it, too, about the location. There's a provision on the subdivision regs that side lot lines shall generally be at right angles to street lines unless the Planning Board allows a variation from this rule to give a better street or lot arrangement.

Boardmember Hutson: That's what I'm talking about.

Boardmember Wertz: It's what I call orientation.

Village Attorney Stecich: Exactly. That's what people were getting at, and that's actually one of our subdivision regulations.

Boardmember Logan: Look how far it is from the neighbors.

Boardmember Dale: No, I don't see an impact there.

Mr. Weinstein: If you look at the red dot on that diagram, that's the existing home at 270 Farragut. The adjacent property, which is the other large parcel, is 250. That's about as far away as one house is from another house in this village.

Boardmember Cameron: I guess we expressed some views previously on the two-lot option, and I actually haven't changed my view on that either. I feel the same way. On the one-lot option, I look at the size of the building the same way I think Bruce looked at getting the right-of-way and the piece of land in the back to Pulver's Woods. It's sort of if you don't like two buildings, watch how big I will try to build one building. I do understand, not that you said that much. I can't imagine somebody wanting to buy a building like that, but there you are. And I suppose we could find a way of getting one lot split off, even though there are some considerations Marianne has brought up on how it fits in there. Those could have impact on what size of a building one builds there, and I use perpendicular lot lines as one of them.

So I'm decidedly not enthusiastic about splitting up two building lots, but I could get my way to one, providing an adequate plan was presented for doing it. Presenting something with a 3,500 square foot footprint -- and I know you just drew it as big as it would fit on the lot -- is not . . .

Mr. Weinstein: I just drew pretty much the building envelope, not necessarily intent to build.

Boardmember Cameron: It's not exactly helping to advance your client's objective.

Chairperson Speranza: So we've got mixed opinion, and we don't want you to leave without having some direction. What I'm hearing, and what I think would be very helpful . . . my sense from hearing the comments from the Board is that the most would be a one-lot subdivision. You've heard the concerns about the way the building is situated and sited. I think David's got a very interesting point, and I don't know how we can control it.

Marianne, maybe you can give some thought to it. Suppose this lot 2 and the orientation of the building were included in the subdivision approval, should there be one, so that, in effect, it ends up oriented or constructed as lot 2 on the three-lot plan. Is that within our purview?

Village Attorney Stecich: Yes, it is. The reason is because under this provision, if it doesn't have the required frontage the Planning Board has to approve the building permit. So you could approve the subdivision without a house on it, but later when they come back for a building permit it would have to be approved by you because it doesn't have the required frontage. I think that's what I said -- let me just double-check.

Mr. Weinstein: I should note, though, if you look just to the south of the Foley parcel you'll see there are two 2-family flag lot parcels, 97 Rose Street. Those side yards are directly in opposition to what the subdivision regulation talks about.

Boardmember Hutson: We didn't do those.

Village Attorney Stecich: Let me read the section so everybody's aware of it. "If a building permit is sought for the establishment of any use or construction on a lot that has street frontage of less than 70% of the required width for the district in which the lot lies, the application for a building permit must be reviewed and approved by the Planning Board."

Chairperson Speranza: And the application for the building permit is how we have input into the siting of the features.

Village Attorney Stecich: Sure.

Chairperson Speranza: Never having approved a building.

Village Attorney Stecich: I know.

Boardmember Wertz: What section is that?

Village Attorney Stecich: It's 295-19b.

Chairperson Speranza: Just one other thing. There is "extortion," "blackmail" -- wonderful terms.

Mr. Weinstein: I still object.

Chairperson Speranza: Question. Because there are ways to extort and blackmail people for anything, no matter which side you're on.

Mr. Weinstein: As an alumnus of this board, I would never do that.

Chairperson Speranza: The recreational fee requirements for subdivisions. That applies for subdivision, right?

Village Attorney Stecich: Right.

Chairperson Speranza: It may be a possibility, and I don't want to speak for my fellow Boardmembers . . . I can't remember how much it is.

Mr. Weinstein: It's \$10,000.

Chairperson Speranza: There might be consideration given to maybe a little bit of the back portion of a second lot to be created to be annexed to Pulver's Woods.

Mr. Weinstein: I will bring that back to Mr. Foley.

Boardmember Hutson: That's horse trading.

Chairperson Speranza: It's implementing our regulation, that's all.

Boardmember Alligood: I would rather that stay in the hands of the public to decide how to use it. And if we want to buy it as part of Pulver's Woods, to add onto Pulver's Woods, that's fine. But I have to say that I agree with Bruce's sentiments. The tone of the way that was presented does not make me feel good about it, so I'll put that on the table.

Boardmember Dale: I have one question on the lot size on the three-building proposal. There's a tail on lot 2 that goes behind the building on lot 3.

Mr. Weinstein: This was an earlier plan. I wouldn't take that literally. That is not the current plat that we're looking at.

Boardmember Dale: Is that necessary to get the square footage?

Mr. Weinstein: I've worked on a lot of subdivisions on different properties. You play around with the lot lines in order to get the minimum lot size. And sometimes that results in some kind of anomaly or awkward line. It doesn't make it noncompliant, but it does look awkward.

Boardmember Hutson: And over the years people say, "This is a weird lot" as they go look at it for the first time.

Boardmember Dale: Not unlike the tail that the 40,000 foot lot has.

Boardmember Hutson: I really think there's probably a way to build a very nice house on a second lot -- perhaps not as large as they would like, but that would work.

Boardmember Alligood: Reasonable.

Mr. Weinstein: I think someone made the point that there probably is not the market for a huge house at that location, and I think that's probably true. You always have to respond to the marketplace, and this would be no different.

Boardmember Cameron: The one comment I have on why the land back there is nice to have, and fairly useless for the owner of the house whatever size it is . . . we don't actually need that piece of land. Because what we're trying to do -- and we unfortunately blew it when the Ceccolini property was divided -- is get a pathway going through. We already have the tail of the pathway going through, crossing their land back here. What we need to do now is work on that fellow who was here to get a piece through his, and then somehow over this way. You can add this to it, but right now this park is underutilized because of lack of access.

Mr. Weinstein: Is it possible to take a poll so I can go back and say it is likely that the majority of the members would support the one additional lot?

Boardmember Wertz: I think you can say we wouldn't support the first proposal.

Mr. Weinstein: That I heard.

Village Attorney Stecich: The Board's not allowed to do that. They can't give advice or opinions.

Mr. Weinstein: Just asking.

Village Planner Witkowski: He can watch the videotape.

Chairperson Speranza: What I'd also like to request, because this has been on the agenda -- it's been carried over and carried over and carried over I think it's almost a year, if not a little more than a year now -- when you're ready to come in for subdivision approval, please re-notice.

Mr. Weinstein: Fair enough.

Chairperson Speranza: I think that's fair to the neighbors. Thank you.

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

Chairperson Speranza: I know, Marianne, you've got to leave in a few minutes.

Boardmember Hutson: Several of us are riding with her.

Chairperson Speranza: We have a few other topics on the agenda. I want to at least talk about them briefly. Jamie, you provided some additional information for us? My thought is that we'll talk about what it is, and Bill and I have something to bring up.

Boardmember Cameron: Since our last meeting of the Planning Board Marianne and I worked on changing the language. I'm not sure we've got it down pat yet, but we made a lot of changes to the language. I took that language, submitted it to the Architectural Review Board, and had a very good meeting with them. I think they understand the concepts. They actually appeared to agree that a step-down concept was a great idea and they liked it. And I actually suggested this to them because it was obviously unfair to ask otherwise. I said, "Well, why don't we come back next month. You'd have a chance to really look at this thing, and I'll come back and we'll talk about it again." They were very much in favor of that.

The only thing I think is sort of interesting in this document, which I gave you that you didn't have previously, is the back of it, the slides in the back. I put in a chart showing the difference between perpendicular and vertical. It's the last diagram, 14. It shows that at a 45-degree slope -- which is very steep, I agree -- your 40-foot building can actually be 56 feet high. That is the difference between vertical and perpendicular. On a more reasonable 33-degree slope your 40-foot building can be 47 feet high. This is the diagram, the next one, that shows you why it happens.

The other thing I discussed with them, which would be useful for us to think about, is the language in the present law which talks about certain protuberances on a building not counting their full height. That's the language on roofs with gable, hip, mansard, or gambrel roofs -- where we only basically measure the mean point. Actually, that does add considerably to the height of a 40-foot building if you start looking at it. I think we could just look at that language because 40 feet is quite a bit. They actually have permission to go up 45 because they have roofs of certain kinds.

I did bring a document which I can give you that describes all of these and what they look like and what they have for those of you who don't know it intimately, like I didn't. But that's something else I think we should think about as well, as we look at what people can build.

Chairperson Speranza: I did go through the minutes, and I caught part of the last meeting on video. I do want to thank you for all this work you've been doing. It continues to be very impressive.

Boardmember Hutson: It really is good.

Chairperson Speranza: So we will take this up at our next meeting. Angie, we'll try to keep the agenda items very small for the next meeting.

V. Discussion

Report from Patricia Speranza and Bill Logan on "Greening Our Code" techniques presented at Land Use Training Institute by Sean Nolan.

Chairperson Speranza: Bill, you want to talk about how we were inspired?

Boardmember Logan: Probably a bunch of you went to the Westchester Municipal Planning Federation Land Use Training courses.

Village Planner Witkowski: Institute.

Boardmember Logan: In any case, Patty and I happened to go to the "Greening the Codes" section session, which maybe some of you also did, with Sean Nolan, who is the director of the Pace Land Use Law Center. He brought up a bunch of interesting issues. But there were a couple of points that I thought maybe we could start to think about here in Hastings. One is, in terms of greening the codes, initiating a community action plan on climate change. I know there has been some rumblings and movement already in the Village, and all the activity that took place at the Harmon Center a couple of weeks ago, the ball is already rolling, I think, to some extent on that.

But maybe we can zero in on a couple of things we could do. One of them was a Village energy use inventory, and there is some software available so you can sort of slot in the values of that and see where you are. The other is the extension of the LEED program,

which stands for Leadership in Environmental and Energy Design. There's now a neighborhood development segment to that, too.

Chairperson Speranza: Yes, I printed out a summary sheet.

Boardmember Logan: I think a bunch of architects . . . I'm involved with LEAD points in scoring buildings, and there's a huge interest. It's amazing how it's really taken off in the architecture and building profession in really being embraced. I'd be curious to see how it translates into a neighborhood development.

There are a couple other things that came up, too, which I think we should be looking at. One is related to the environmental issues: McMansion laws, which have been instituted in a couple places across the country. We're seeing this as a trend; teardowns and oversized houses being put up. We got a glimpse of what might happen on this property, with a 4,000 or 3,500 square foot footprint. The McMansion Law, one of the languages uses 4,000 square feet as a threshold that would trigger an additional review under site plan for a proposed addition. There's also potential language that would require a larger building to consume the same amount of energy that a 3,500 square foot building would use. So you put a cap on how much additional watts per square foot you would put in a larger building. I think that's one tool we should also look at as another way to get a handle on these McMansions that are looming everywhere.

I'm not sure what the mechanism would be; whether we would propose language and submit it to the Board of Trustees to amend the current zoning code that would institute this threshold. Maybe that's something we can do fairly easily if we came up with some language.

Village Planner Witkowski: I'm familiar with a few communities that I know of, in Michigan in particular.

Boardmember Logan: Madison, Wisconsin, I think.

Village Planner Witkowski: Birmingham, and I think Ann Arbor also has something.

Also, I think in June the Planning Association is having some kind of a seminar on green building as it relates to neighborhoods in Chicago. It's either in May or June, I think. I saw it in the APA newsletter. But I'll find out more about that. I'm going to the APA conference.

Boardmember Logan: You're going to that. Could you collect some sample language?

Village Planner Witkowski: There'll be a lot, yes.

Boardmember Logan: Just the same way we've been testing language for steep slopes, we could test some language and see what might apply in our Village to address our particular constraints, and use this tool of supplemental review or maybe some other mechanism to control this.

In the paper today there was an issue about some communities 30 years ago that banned the use of outdoor clothes racks for drying your clothes. I couldn't find anything in our code.

Chairperson Speranza: And of course now that's something that we want people to be able to do.

Boardmember Logan: Now you want people to be able to . . . I couldn't find anything in our code that prohibited hanging clothes.

Boardmember Alligood: I think it was in gated communities. They almost always have prohibitions.

Boardmember Dale: But I don't recall seeing a clothesline in Hastings.

Boardmember Alligood: Oh, I have. Come to my house.

Boardmember Logan: Those electric dryers consume a lot of energy.

Boardmember Dale: Because actually electric dryers are the only thing they don't have an energy efficient standard for.

Chairperson Speranza: One of the things that came up in the Town of Greenburgh right now in their zoning code requires Energy Star appliances. It may not be zoning. It may be the building code.

Boardmember Dale: The dryer is only one that doesn't have an Energy Star.

Chairperson Speranza: So I think there are some simple things we can consider as part of whatever ordinance, wherever they fit; just techniques that would help. I'm very interested also in the LEAD neighborhood development. But again, how it extends.

Boardmember Cameron: I'd like to bring in some of the lighting things you keep bringing up, even for single homes. That they can put in certain kinds of lights, only down light.

Boardmember Logan: On the lighting issue, there seems to be this plague of lights. I counted six new lights in the Village, called wall pack fixtures, that just shine bright metal halide lights directly out onto neighboring properties and streets. There's a new one on the side of Citibank. Three new ones have been added to the Blue Moon Café facing the back, three huge projector lights aimed straight north. I don't know if they have the C of O there yet, but we should make sure they're complying right now because those lights shine directly into neighbors' yards.

Village Planner Witkowski: Did you mention that to Deven?

Boardmember Logan: I haven't yet. I just noticed it this evening on the way down here. St. Matthews church, God bless them and well-intentioned, have put some additional lights out there. But they're shining straight into neighbors' . . .

Village Planner Witkowski: Bill, I'm not going to be around next week because I'm going to be heading out West to the conference. There's a conference I'm going to in Detroit on Brownfields the EPA is doing. You might want to just shoot a quick email to Deven in case I don't see him.

Boardmember Logan: About the lights? We've spent a lot of time as a planning board trying to bring these things under control. The Bank of New York, we went through photometric studies, we adjusted the lights, we got them in compliance. Citibank, when they

put the big lights up we did foot candle measurements. David, you were on the Board. We have blinkers on at the pool, blinders on that. So now all of a sudden this is getting out of control again. Deven has issued notices to some of the offending properties, but nothing has happened. So we have to make sure there's a mechanism where they understand what they have to do. We have to start putting teeth into this -- second notice, a penalty. We can think of what those mechanisms might be, but they have some reasonable choices, like they could just turn them off.

Village Planner Witkowski: Now, I did talk to George Foster at the school about the lights. Remember last year he said he just turned them off. But he said a lot of people were complaining about the lights being off. So he said to just feel free to give him a call and he can talk directly to you about how it could be shielded.

Boardmember Logan: There are simple means to shield the lights.

Village Planner Witkowski: But he said just to call and the two of you can figure that out together. Because he said there were some people complaining about the lights being off.

Boardmember Logan: But it seems to snowball. I think if one commercial institution starts putting these lights in, the other ones say, "Oh, well, this is what's done in the Village so we'll do it, too."

Boardmember Cameron: There was a superb article about a year ago in *The New Yorker* on this whole topic, and that's something we should start circulating.

Boardmember Logan: Absolutely. The Dark Sky Initiative. Have you got the date of that article?

Boardmember Cameron: I have copies of the article. I keep those things.

Boardmember Logan: I kept it, too, but I can't find it.

Boardmember Cameron: I have it on my desk right now. I can give you a copy. Just send me an email.

Village Planner Witkowski: Bill, I'm sure they'll have a lot at APA about that, too. I'll just plan on bringing an extra bag.

Boardmember Logan: We need some immediate action in this village. I know Deven's doing the best he can, but we have to have an enforcement mechanism that puts some real teeth into this.

Village Planner Witkowski: And there are some models around that are pretty good.

Boardmember Cameron: Patty, actually Sun Valley has got very tough regulations. You might try to find out what their regulations are.

At the last meeting we decided, even though we didn't manage to get it done, that we were going to invite Deven to our next meeting. Because one of our issues on steep slopes -- we were talking about height regulations -- was that we have two versions of steep slopes, one of which would take a certain amount of your property away from you.

Chairperson Speranza: The deductions.

Boardmember Cameron: The other one is a set of principles. I think there's some puzzlement among the group about why we need all these principles. I think since Deven is on the planning board in Croton -- assuming he's willing to come and talk about this sort of thing -- and since they have principles rather than a cutback, it would be really useful to have him come here and talk about why. So maybe he could be invited to the next meeting, too.

Chairperson Speranza: I did speak with him about it, and tonight he couldn't make it. He's rather busy -- he's got night meetings, zoning board meetings -- because he is on the planning board in Croton. But I will speak with him more. We're going to try to get something out of him with respect to a rationale. He might put together a memo for us.

Boardmember Alligood: It actually said what you just said, Jamie. I was thinking about the comments you learned on reading our code; that a lot of things, I think, that would be helpful is just developing a set of principles that we use. It's not necessarily embedded in any particular part of the code, but it would be something that we make known to applicants, make known to the community, this is sort of the direction we're heading in and it helps us in our thinking.

For instance this evening, when we did have something before us that we have some discretion over, we can say -- when the applicant wants an explanation for what our reaction is -- we can raise those principles: "Well, this 3,500 square foot footprint of a building really doesn't mesh with the direction we're taking our village in. We can't point to a specific place in the code where you can't build this house," except that we can say, "we're not going to grant you the access you need." In other words, we express that, and use it as a way to guide our decisions and explain our decision-making to the applicants.

It's the same ideas, the principles you're talking about, with steep slopes. And some of them are environmental, you know: this is what we value and it has to do with light, it has to do with energy use. So that was my thinking on it.

Boardmember Logan: All of us could draft something, and we could put it together and make it a group document.

Boardmember Hutson: The thing is, I think you have to root it, though, a bit somewhere -- if not via the Trustees, somewhere -- for it to have standing. Because it can easily be used against you as being kind of a subjective . . .

Boardmember Alligood: Arbitrary.

Boardmember Hutson: We'd have to talk to Marianne about that. I'm not refuting what you're saying. I'm just saying the way you structure it and the context . . .

Boardmember Dale: It also begins to interface with the Comprehensive Plan.

Chairperson Speranza: That's what I was going to say. There has to be coordination with that.

Boardmember Alligood: I imagine that other places in this country have come up with something -- maybe not the way I phrased it, but along those lines -- so we don't need to reinvent the wheel. I'm sure that legally they've dealt with that.

Boardmember Hutson: Or the original planning principles. That's what it grew out of.

VI. Adjournment

On MOTION of Boardmember Logan, SECONDED by Boardmember Dale with a voice vote of all in favor, Chairperson Speranza adjourned the Regular Meeting at 10:25 p.m.

Village Planner Witkowski: I just wanted to mention [off-mic].

Boardmember Dale: That's my company.

Village Planner Witkowski: [off-mic] Main Street [off-mic].

Boardmember Dale: We have an office in Hawthorne that covers the six counties north of New York City. Sadie McEwen is the director of that office and put together the Main Street Plan for New Rochelle. We were instrumental in implementing it, and it's been repeated in a couple of areas in the six counties north of New York. Actually, our Brooklyn office is now trying to do the same thing in Red Hook. I'm not a part of this discussion.

Chairperson Speranza: When is this?

Village Planner Witkowski: It's June 12th, and it's an all-day [off-mic]. I have some [off-mic] as to what [off-mic].

Chairperson Speranza: Is it APA credit?

Village Planner Witkowski: [off-mic] and I'll check with [off-mic] APA. I think as far as our [off-mic]

Boardmember Dale: There are some useful planning principles on how she put together the organization necessary to do something; the kind of participation necessary by the town, the merchants, and the other organizations in the towns. It's actually a fairly successful plan.

Chairperson Speranza: You know Kathleen Sullivan, the chair of the Comprehensive Plan Committee? Maybe if you could get one to her, or Angie, that would be great.