

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
REGULAR MEETING AND PUBLIC HEARING
AUGUST 21, 2008**

A **Regular Meeting and Public Hearing** was held by the Planning Board on **Thursday, August 21, 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 Jamie Cameron, Eva Alligood, Rhoda Barr, Village Attorney Marianne Stecich, and Village Planner Angela Witkowski.

ABSENT: Boardmembers William Logan, David Hutson, Bruce Dale, Fred Wertz

I. Roll Call

II. Approval of Minutes

July 17, 2008 meeting

Chairperson Speranza: Does anyone have any comments or changes?

Boardmember Cameron: I can't remember the page. When we were talking about Cropsey, I said the lights point at the "ground." It was translated "G-R-U-D" or something. I'll give it to you after this.

Chairperson Speranza: This'll be tricky. We have four people. We'll just ratify the minutes next time when we have a full board if Rhoda is going to abstain.

Village Attorney Stecich: Rhoda can't, so you'd have to do it next time because you need four people who were at that meeting.

III. New Business

Chairperson Speranza: We've got a few public hearings on accessory apartments, so we will call to order the public hearing and we will handle all of the accessory apartments at once and then move into the other items on the agenda.

- 1. Public Hearing.** Accessory Apartment Renewal. Anthony LoSchavio, 770 Broadway; (Sheet 15 / Block 639 / Lots 1, 1A, 3). Two waivers required.

Chairperson Speranza: The first is an accessory apartment renewal for 770 Broadway. Angie, you want to tell us about this, and if the mailings are in order?

Village Planner Witkowski: Yes, the mailings are in order on all of them. The first is for Anthony LoSchavio, 770 Broadway. The property's on the easterly side of Broadway in the R-10 zoning district. The applicant's requesting renewal of accessory apartment approval. The 929-square foot apartment occupies 72% of the 1,350 square foot residence, therefore the apartment exceeds the 25% of floor area limitation by 47%. 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 and waivers for square foot area in excess of the 25% of total floor area limitation, and parking.

Chairperson Speranza: Okay. Is the applicant here? Can you just come up to the mic and give your name?

Abe Bratam, representing Anthony LoSchavio: I'm here on behalf of the applicant.

Chairperson Speranza: Is there anything you want to add to the description or anything?

Mr. Bratam: No, not at all.

Chairperson Speranza: Is there anyone in the audience that wishes to speak for, or against, the renewal of the apartment? Then we'll hold off on Board discussion, and vote on this when we get through the rest.

2. **Public Hearing. Accessory Apartment Renewal.** Linda Osborn, 17 Villard Avenue; (Sheet 16 / Block 645 / Lots 20-23). No Waivers Required.

Village Planner Witkowski: This property is on the north side of Villard in the R-7.5 zoning district. The applicant's requested renewal of accessory apartment approval. This 570 square foot apartment occupies 19% of the 3,000 square foot residence. Therefore, the apartment complies with the 25% of floor area limitation. There have been no changes to the existing apartment, and no complaints during the last three years. The action required is renewal of accessory apartment approval. The applicant's here.

Chairperson Speranza: Ms. Osborn, is there anything you'd like to add? Are there any members of the public who wish to speak for, or against, this application?

3. **Public Hearing. Accessory Apartment Approval.** Betty Ming Liu, 243 Farragut Parkway: (Sheet 36C / Block 785 / Lots 5, 6). No Waivers Required.

Chairperson Speranza: This is a new application, Angie? Is that correct?

Village Planner Witkowski: Yes, it is. The applicant is Betty Ming Liu. The property is on the easterly side of Farragut in the R-10 zoning district. The applicant's requesting approval of a new accessory apartment. This 802 square foot apartment occupies 23.4% of the 3,427 square foot residence, thus the apartment complies with the 25% of floor area limitation. It was all inspected and reviewed by the Building Inspector. The applicant's here, if she would like to add anything.

Chairperson Speranza: If there's anything you'd like to add you can come up and speak. No? Is there anyone in the audience who wishes to speak for, or against, this application? You just have to state your name and address, please.

Laura Hill, 241 Farragut Avenue: I live adjacent to the proposed apartment. I just have some questions for the Board. How is it determined with respect to parking that there's no waiver required?

Chairperson Speranza: That was going to be one of my questions. Anything else?

Ms. Hill: I have some other questions as well. I know that there's another accessory apartment a couple of houses up from us, going towards Ravensdale. They have an accessory apartment, but they have a much larger parking space. Looking at the proposed space for this apartment, it seems as though it would be quite a juggling act to get four or five cars in that driveway. I think on paper it looks good, that maybe you could fit four cars in there. But I think the reality is they won't all park in that space and will wind up on the street.

Parking on Farragut Avenue, as I'm sure you're aware, is problematic as it is. Backing out of the driveway can be hazardous in the mornings because there are always so many cars on the street. My husband and I have been here in the past with respect to a housing proposition across the street because we were concerned about the parking impact from that as well. So I'm concerned about the precedent that this brings, and I'm also curious how the parking plan is enforced. As a homeowner next door, what are my rights if they're not adhered to? Those are all my questions. Thanks.

Chairperson Speranza: Okay, thank you. Anyone else? What we'll do then, the public hearings are officially closed.

Boardmember Barr: Does the applicant want to respond?

Chairperson Speranza: Maybe we'll do it during discussion. I had a question about the parking also. Let me just take the other two renewals first, and then we can have more discussion about that. Boardmembers, are there any comments or questions about the accessory apartment at 770 Broadway?

Boardmember Cameron: The first one, I just had a nagging thing. Why is the accessory apartment only 72% of the place: 28% is the apartment, and the accessory is 72. Maybe we should be looking at the other piece. It just seems backwards.

Chairperson Speranza: It seems backwards, but I think it's got to do with the configuration of the house. Would you like to come up, and just say your name again?

Mr. Bratam: I'm actually here on behalf of my mother and Anthony LoSchavio, who both own the apartment jointly. I'm kind of confused on how that is determined since the space is actually significantly smaller in terms of living space in the accessory apartment. The upstairs is actually significantly bigger. I think it does have to do with the configuration of the house and the way that maybe the garage was included in that area. I think that has to do with that. The garage is a pretty significant piece of space.

Chairperson Speranza: And I know that this is a renewal.

Mr. Bratam: So I'm actually kind of confused on how that was determined, if I could ask.

Boardmember Barr: If it hasn't caused any problems.

Mr. Bratam: There haven't been any problems, any complaints. The parking spaces that are on our driveway -- we're actually sharing our driveway -- really don't cause any traffic problems or parking problems.

Chairperson Speranza: I think it would be good to correct the record as far as this application because it is kind of odd that the accessory apartment's 72%.

Village Planner Witkowski: Right. Maybe when we get the minutes I can take that page, when we have those done, and put that in the file for the Building Department.

Chairperson Speranza: No. I think it would be good. I have no issue with approving this, but I think it should be changed on the formal applications. So if you talk to Charlie and have him . . . because I don't remember anything for 72% before.

Village Attorney Stecich: You know what I'm wondering. I wonder if the 1,350 isn't the footprint. Is it a one-story or a two-story building?

Mr. Bratam: It's the basement apartment, the first floor, and a split-level second level.

Village Attorney Stecich: That's why he's doing it. He's not counting the basement in with the square footage, would be my guess.

Village Planner Witkowski: One-story brick.

Mr. Bratam: That could have been what happened, yes.

Chairperson Speranza: It's very odd. I'd be living downstairs if it was bigger.

Chairperson Speranza: So Angie, you'll let Charlie know?

Village Planner Witkowski: Yes, we'll clean that up.

Chairperson Speranza: Then action on this? Need a motion to approve the renewal of the accessory apartment.

On MOTION of Boardmember Cameron, SECONDED by Boardmember Alligood with a voice vote of all in favor, the Board resolved to approve the renewal of the accessory apartment with a waiver for square footage.

Chairperson Speranza: Then we go to 17 Villard Avenue. Questions or comments from the Board?

On MOTION of Boardmember Cameron, SECONDED by Boardmember Alligood with a voice vote of all in favor, the Board resolved to approve the renewal of the accessory apartment.

3. **Public Hearing. Accessory Apartment Approval.** Betty Ming Liu, 243 Farragut Parkway: (Sheet 36C/Block 785 /Lots 5, 6). No Waivers Required.

Chairperson Speranza: I also had a question as to why there are no waivers required for off-street parking. My understanding was that they had to be off-street.

Betty Ming Liu, 243 Farragut Avenue: May I say something?

Chairperson Speranza: Absolutely. Come on up.

Ms. Ming Liu: My driveway is actually wider than what you see on the survey. I asked the Building Department if I actually needed to redo the survey. They said it was fine because right now the front of the driveway is wide enough, where you come right off the sidewalk, to park two cars side-by-side. So in addition to being able to park two cars side-by-side, I can also fit two more cars down the length of the driveway. I actually don't need all these cars because I'm only looking for single-person occupancy. I do not want a family, I do not want a couple. So I didn't request a waiver because I have made every effort to provide off-street parking.

Chairperson Speranza: Okay. I do think it does require it.

Village Attorney Stecich: Yes. The parking space has to be accessible. It's not accessible, those other two, if two cars are parked there. So that would be considered two spaces, which are the two they would need for the house. So they would need a waiver.

Ms. Ming Liu: I actually have four spaces.

Village Attorney Stecich: No. The spaces have to be accessible no matter what.

Chairperson Speranza: Without moving cars.

Village Attorney Stecich: Without moving cars around.

Ms. Ming Liu: You can do it. You can't see it on that survey. I asked the Building Department if I needed to update the survey. They said, "No, just go with it. It's fine."

Village Attorney Stecich: You said it's wide enough for two cars.

Ms. Ming Liu: Two, side-by-side.

Village Attorney Stecich: So those two fit there.

Ms. Ming Liu: At the top of the driveway.

Village Attorney Stecich: And those two are parked there. Then the third car comes.

Ms. Ming Liu: I don't need a third car.

Village Attorney Stecich: It needs a waiver.

Ms. Ming Liu: It does? I don't understand why.

Boardmember Cameron: You need two parking spots for your house and one for the apartment.

Boardmember Barr: By law.

Ms. Ming Liu: Does that mean all three have to be able to get out without going in a row? And you do grant waivers.

Chairperson Speranza: We do grant waivers.

Ms. Ming Liu: Okay. And you'll prep me on the procedure on that?

Chairperson Speranza: We need to make sure. Again, we have to get with Charlie. We'll have the Building Inspector go out.

Village Attorney Stecich: This doesn't even show two.

Chairperson Speranza: It would be good to have a survey of the existing conditions.

Ms. Ming Liu: I can have that done.

Chairperson Speranza: Because it says it is the property as currently exists. That's what's listed on here now.

Ms. Ming Liu: And I made a point to check with the Building Department. Do I need to do it? I widened the driveway, did my little thing there. So it's plenty wide now for two.

Chairperson Speranza: Let's have it looked at again, and then you can be on the agenda for next month for a waiver.

Ms. Ming Liu: Okay, thank you.

Chairperson Speranza: We have to make sure. If you widened the driveway, we just have to be confident that there will be enough room.

Ms. Ming Liu: I understand. And I'd also like to say there's a lot of street parking where I am. My goal is to get someone who's compatible with my needs, which means I want them out during the day and they can be there at night. At night there's nobody there at Farragut. It's only during the lunch hour when it's really crazy busy. So I'm hoping that you won't see that there's a problem there. Okay, thank you.

Chairperson Speranza: Thank you. We'll hold that one over.

4. **Public Hearing. Site Plan Approval, Special Permit and View Preservation.** MetroPCS of New York, LLC (Sheet 9 / Parcel P-97 and Sheet 13 / Parcel P-109), 7 Maple Avenue (rooftop area lease for wireless service facilities). Application for site plan approval of addition of 6 Panel antennae and related equipment for Personal Wireless Services to the roof of the Hastings-on-Hudson Municipal Building. Recommendation to ZBA regarding Special Permit and View Preservation approval requests.

Chairperson Speranza: Angie, is there anything you want to say before we have the applicant give his presentation?

Village Planner Witkowski: Just that this is an application for site plan approval. It's a six-panel antenna and related equipment for personal wireless services to the roof of the Municipal Building and a recommendation to the ZBA regarding a special permit and view preservation approval request. The applicant included a copy of the executed lease with the Village. The existing AT&T antenna and equipment on the roof were approved by the Planning Board and the ZBA at the joint meeting on September 19th, 2002.

I included the minutes in the packets so you'd have background on it. I know the applicant's representatives are here to present.

Chairperson Speranza: Who would like to do the honors?

Daniel Laub, attorney - Cutty & Feder: I am here on behalf of MetroPCS as well as the rest of our team, personnel, our RF engineer, and our site engineers.

As you were alluding to, this is an application very similar to the existing AT&T facility which is already on the roof. This would be a co-location of sorts. Just for the record, MetroPCS is a new entrant into this market and is a wireless PCS carrier similar in nature with the services that you'd see with something like AT&T or Verizon. They do exist in other markets around the United States. You'd see them a lot probably in the Southeast, the South, and the Midwest. They've rolled out now, I believe, in Philadelphia. But basically there's also a building out in New York City, and then moving into Westchester. So you probably haven't seen any of their stores yet because they don't have any sites operational yet. So that's what this is all about, building out the network so that MetroPCS can become active.

As I mentioned, this is exactly the same as AT&T's facility that's up there now: six-panel antennas mounted on the roof, as well as equipment that's used to operate those antennas. The coverage area is basically for the area around the Municipal Building here. It would be covering the areas of Maple Avenue, Main, Warburton, and Farragut, as well as Metro-North, the train station. And that's the area that's needed. Being a new entrant to the market, there really is no network so there's no over-coverage that would be provided from any other facility, since there are none at this time.

Chairperson Speranza: Can I stop you for one minute, because you're talking about the area of coverage. We have two exhibits in our book, Exhibit 3 and Exhibit 4. Could you just clarify . . . one shows predicted reliable coverage in a portion of the Village, and the second one shows it in many of the outlying areas, not the complete Village.

Mr. Laub: Right. The difference being that Exhibit 3 is predicted reliable coverage for the proposed site alone, which is identified through MetroPCS as NY-6032, 7 Maple Avenue. Exhibit 4 is the proposed site in combination with other planned sites, which are probably search rings or sites that are also probably in zoning. I know there are sites, for example, in Dobbs Ferry which are listed. They're not as easy to see in Exhibit 3, but you can see that they're listed as NY-6033, NY-6021. So the idea is to try to demonstrate to you how this would be functioning with what the network is planned to be. So even if these other sites were operational, they wouldn't cover in Hastings.

Chairperson Speranza: I was going to say, there's still a lot of Hastings that doesn't get covered even with those sites.

Mr. Laub: Right. And it's difficult, I think. Topography, as you know, plays a big role in this, and that obviously is one of the defining features of Hastings. So this would be the site for a major portion of the downtown area, critical dense area. I'm not sure; as the network is developed, they may have to find another site and I'm not sure how that would work out at this time. But this was included to demonstrate to you how the network is planned and how it would be functioning with even the sites that are planned right now.

Chairperson Speranza: All right. Thank you.

Mr. Laub: As is often reviewed in instances of wireless applications, we've included a report from a radio frequency expert about the emissions from this facility. As you know, there are federal standards which we are required to meet, and we're well below those standards. Generally it's understood to be a power density analysis in terms of microwatts per centimeter squared, I believe, is the actual calculation. But there's basically a level set, and usually it's measured, as in this case, as maximum permitted emissions. Ours is a small percentage, a small fraction, of that. Combined with the AT&T facility and two municipal antennas that are also on the roof, we're still at 6% of what's maximally permitted under the federal guidelines. So it's well below that.

There are kind of two standards, one being for the general population, and also for the rooftop in terms of people working on the roof. Because of a function of the way the facility is designed the antennas have to be kind of around the edge of the roof and the signals projecting away from the building. As we've also demonstrated in the rooftop analysis, we're, I think, 1% of what the general population standard would be. The occupational standard is a lower standard, but we've actually met the higher standard, which is for the general population, if that makes any sense. The idea is, there is a standard for people and workers who would be familiar with this kind of thing. We've actually met the general standard. So anybody could be up there, and that's a function, again, of the way the facility is. The radio antennas are facing out and away from the roof.

In terms of site plan issues, obviously this is not a site that would need any water, produce any stormwater runoff, or create any issues as related to sewage, smoke, noise, or things like that. It would require one visit a month by a technician, who would use parking available for the building, just to make sure that everything's operating appropriately. And then the site is also monitored 24 hours a day, seven days a week.

I think, other than that, whatever questions you may have we're certainly available to answer them. But otherwise, we would respectfully request approval for our site plan and special permit, and then also the positive referral to the ZBA for our view preservation.

Chairperson Speranza: Just so people know, we do have in our packets -- and we can certainly make them available, and I don't know if anybody is interested in the view preservation -- photos that were taken for this application. Anyone from the public wish to speak about this application? Jamie, I know you had some concerns.

Boardmember Cameron: Actually I have a question first. I see you have three other sites. Have you applied to those other sites -- the three others listed -- the Dobbs Ferry, Ardsley, and I guess Greenburgh?

Mr. Laub: Let's see, Dobbs Ferry I think we've got one site. Was that 6021 is approved?

Boardmember Cameron: Maybe it's two Dobbs Ferry. Both Dobbs Ferry, and one that looks like Greenburgh. I was just curious. We're the first site.

Mr. Laub: From my familiarity with the network, 6021 is in Dobbs Ferry and I believe that was approved; 6033 is in zoning right now, and it has to go to the zoning board for a variance. And then I believe over in Greenburgh, 6030, I think the application is about to be submitted? It's a New York State Throughway site. That's going through the state process.

Boardmember Cameron: Going to the visual part of it, the thing that stood out the most was your equipment on top of the building. I guess my question is, and maybe the Village is forcing you on that, that equipment is really very visible when you go up the steps to the library and look back at the building. It stands out there in a big line. The AT&T equipment is saved by the fact that there's a big tree there, and also they are on a part of the roof which is further back. I guess my question is, did you talk to the Village about putting your equipment back maybe 10 or 15 feet from the edge of the roof so it wouldn't be visible? Because right now it's very visible, and if it's like AT&T's it's going to look very ugly. Most boxes are ugly. It's the picture S-1.

Mr. Laub: Right S-1, the simulated-1, and, as you look at the building, towards the left. Basically, in the process of working with the Village and working with the DPW people, inspecting the roof, this was the area of the roof where MetroPCS was directed. This was where, I think, they preferred the equipment to go in order to remain out of the way from some other equipment, and vents and whips and things, that are on the roof as it is.

In addition, moving it further back I think requires some different building and construction maneuvers. I was speaking with my engineers prior to the meeting. I think one of the concerns would be roof penetration -- which may be necessary if you move it to another part of the roof -- which exposes the building to leaks and things like that. I think one of the things was to put this in an area that minimized that kind of risk, and put this in this area. That's about as far as I know in terms of that.

Boardmember Cameron: If it leaks on the Village Manager's office and nothing else . . .

Village Attorney Stecich: You said you met with the Village engineer? Who? Was there a consulting engineer called in on this? Because we don't have an engineer.

Mr. Laub: No. I thought the meeting was with a DPW person or a building maintenance person.

Village Attorney Stecich: Just on that issue, I was negotiating with MetroPCS over the lease on this thing with the Board of Trustees. I'm not saying there was a big concern, but there's a lot of stuff going on on the roof. I think an engineer ought to take a look at it -- an engineer for the Village should take a look at it -- to make sure it can hold everything. That was sort of an understanding of the Board of Trustees that it would be done. It certainly was a contingency in the lease, that we had to make sure it was strong enough. From these minutes it didn't look like we had an engineer in, but I do remember in the previous application having an engineer. We had a telecommunications guy, Richard Comie, who

looked at it. I don't know whether that's necessary, but I do think . . . because whoever it is from the DPW isn't an engineer, I don't think. I don't think we have any engineers on staff.

Anyway, that would be one recommendation. The other, to sort of respond to what Jamie was saying, this application has to go before the ARB as part of the procedure. And maybe it would make sense . . . and also you have to declare yourselves lead agency on this, so there's some SEQRA stuff that has to be done. And you've got to wait the 30 days for that, and they've got to go to the Zoning Board, which they won't until September, right? Because the Zoning Board's not meeting in August. During that time you could have a structural engineer take a look at the roof, and in the meantime maybe the ARB would have some thoughts about how it's going to look on the roof and whether there are alternatives. The engineer may be of some help on that because the engineer might think there's a place it could be put further back that isn't going to compromise the roof; or that could be put there with some support or something.

Boardmember Barr: I have three questions. One is the compatibility of having these different things in terms of electrical charges. I'm sure you've discussed that. And two, whether there are other places in the Village that might be alternate sites, and whether they've been explored. And three, you made a few references to a lease. There's a reference to a lease here.

Boardmember Cameron: It's a sign lease.

Boardmember Barr: What is the lease? They've got a missing piece.

Village Attorney Stecich: In order for them to use the roof they have to have a lease with the Village.

Boardmember Barr: If it's still in the approval process, then how could there be a lease?

Village Attorney Stecich: The lease was made subject to . . . because they didn't want to go forward with this application until they knew they had the right to be up there. But the lease is subject to their getting all the necessary Village approvals, including the Planning Board.

Boardmember Barr: It's easier to get the approval before the lease.

Village Attorney Stecich: If they don't get their approval the lease doesn't happen.

Boardmember Barr: As I said, that seems backwards.

Boardmember Alligood: It's a tentative lease.

Boardmember Cameron: I agree with you it's backwards, but that's how they do it.

Boardmember Barr: One question is, were there problems with multiple electrical things? Another have they looked around and considered other sites in the Village?

Mr. Laub: One other site is available that would have worked in the Village for this search area. It would have been the Andrus building. They have some existing sites on there and they were not willing to lease another area for awhile as telecommunications carrier, which we submitted.

Boardmember Barr: None of the apartment buildings or any of the others are a suitable location?

Mr. Laub: No, in terms of serving the service area and having structural capacity. On the note of structural, obviously as part of our record we submitted a letter from a structural engineer who had done the survey for the purpose of the structural design -- that the building would support the proposed antennas and equipment. So we had submitted that as part of Exhibit F, which was from Tectonic engineers.

And just to clarify from before, I had it wrong. It was with the Building Inspector that the meeting was, and I think they went up on the roof and were directed to this section of the building. Part of the lease, as was operating in regard to the structure, is the final calculations were going to be submitted for the Village's approval, once the location was finalized pursuant to the approval process, the planning and zoning process. Obviously, we needed to have a lease first in order to have a property interest to come forward with an application. That's kind of how the dynamic works. We start up the lease, and then start up with the planning and zoning process.

I think one of the concerns you noted was electrical in terms of any kind of interference. We included a statement in here. There's no belief that we would have any interference with any of the equipment. The municipal antennas and AT&T's equipment all work on different frequencies from ours. And then if there is any kind of suspicion of interference there are certain protocols which have to be followed pursuant to the federal law. So the FCC has to be contacted and then it has to be worked out through there. We've noted in here, obviously, a willingness to take care of any of those issues pursuant to the regulations. But as it is, they work on separate frequencies and aren't supposed to interfere with each other at all.

Boardmember Cameron: I take it that the real weight in this thing comes from the batteries because [off-mic].

Mr. Laub: In terms of the equipment cabinets.

Boardmember Cameron: The weight. You guys were talking about the weight, which is why you wanted to put it in the corner. I take it it comes from batteries.

Mr. Laub: Right the batteries, but it's also some equipment that's related to the actual functioning of the antennas and processors.

Chairperson Speranza: In terms of process, we've got to declare ourselves lead agency on this. I do think it would be a good idea for the Village to hire an engineer and just review things. Jamie, I was bothered by the same thing that you noted with respect to how close the antennas and the equipment buildings, or sheds, would be to the edge of the building -- much more visible. Realizing, of course, that you don't walk down Maple Avenue looking up at the top of the Municipal Building, but I think from the photographs it is clear that particularly in the front of the building there would be more. And if there's a way to be able to set them back a little bit so that they're not so in your face that would be helpful. I think if

we add an engineer on board to ensure -- you know, not taking anything away from your engineers -- to watch over, the interests of the Village I think that would be helpful in terms of location on the structure as well. And then particularly you could always use the time also to go to the ARB. We've got to wait the time anyway.

Boardmember Alligood: I have a comment. I just want to say that one of our main concerns is view preservation. That's one of the things that is under our purview. I am very concerned, given the visual here, this does have a negative impact on our view with this very important site in our Village. That's one of the reasons we have that view preservation law which applies particularly to this part of our Village. I was just looking at the Municipal Building today, and I have to say I've never been bothered by the antennas that are there now. I hadn't really taken note of them. But I do notice big pieces of mechanical equipment on top of buildings. I think that's been a concern with new buildings that we have in our Village. I would be very concerned about where they're sited right now, given the picture that shows us they will be very visible and it is in our view preservation corridor.

That would be a concern to me. Aside from the engineering question, we have that question of preserving a very valuable view we have of an historic building in our Village. I just want to state that now, before we spend a lot of time going down this route. I personally feel that this is not the right place -- it's too visible.

Boardmember Cameron: Just for background, if you were to review some of the recent buildings built in our town you'll find that we did not let them put any equipment on top of the buildings. I understand you need equipment on top of the building, and I also know it's harder to put it where it's not on the corner with diagonal beams holding it up. But it is a very sensitive thing in this town, so I hope you understand that. We also love to have the service.

Village Attorney Stecich: One other thing besides the structural engineer. We do have a report from their engineer saying they don't expect interference with the other providers up here, but I think we should have our own radio frequency engineer look at it, especially since as landlords to the other providers up there we have an obligation that there not be interference.

Mr. Laub: Interference is not a question for the Village's review, though. That's the only problem. Interference would be a federal issue.

Village Attorney Stecich: As a lessee, you could have your radio frequency engineer look at it to confirm that there won't be interference.

Mr. Laub: But that wouldn't be part of this process then.

Village Attorney Stecich: I don't understand. Just as if we're having our structural engineer look at it, we have a radio frequency engineer review these reports to make sure that they're . . . just as you had to submit the report, we're entitled to have our own engineer confirm that it's . . .

Boardmember Barr: There's a very valid reason for it. I'm hearing what you're saying, but if it should in any way interfere -- and we, the Village, have sanctioned this and rented the space for that purpose -- then we become responsible for having done that. So we have to know what we're doing.

Mr. Laub: I'm not disagreeing with the point. I'm questioning the forum only because I think this forum is more for the site plan, special permit, not for the proprietary interest of the Village as a lessee. I'm just trying to draw the distinction on that, that's all.

Chairperson Speranza: The Village Board should be requiring this and not the Planning Board.

Mr. Laub: And as part of the record -- and part of the review of the site plan and special permit and the view preservation -- it would be separate and distinct from that particular issue. That's all I was driving at, that distinction.

Village Attorney Stecich: This thing was also contingent on that. The other thing, just in response to Rhoda's question of why not in the apartment buildings, they're not in the overlay district. The apartment buildings aren't in the overlay district. Andrus is, but not the apartments.

Boardmember Barr: Had all the other options been explored, there's a multiplier effect. You get a forest. It's one thing when one thing goes up; when a whole bunch go up it's a question. I figured there was no harm in asking the question.

Village Attorney Stecich: No, I'm just pointing it out.

Chairperson Speranza: Let's take step one. We need a resolution to declare ourselves lead agency for the purpose of the review of the proposed special permit, site plan, and view preservation recommendation.

On MOTION of Boardmember Alligood, SECONDED by Boardmember Barr with a voice vote of all in favor, the Board resolved to declare the Planning Board lead agency for the purpose of the review of the proposed special permit, site plan, and view preservation recommendation.

Chairperson Speranza: So we'll start the clock ticking on the 30-day lead agency. Clearly, it's got to go to the ARB. I'd like to see their report and what comes back from them first before we would take action, and also get the structural engineer. There is a sense of the Board that we should also have somebody, a radio frequency engineer, take a look at the report also.

Boardmember Cameron: I would ask the Trustees if they want to do that, since that's really theirs and not ours. But that's my personal feeling.

Village Attorney Stecich: I think it's one of the things you're supposed to consider in special permit.

Boardmember Cameron: In SEQRA review?

Village Attorney Stecich: Let me double-check.

Chairperson Speranza: To ensure that there's no interference.

Boardmember Cameron: It was in the minutes.

Village Attorney Stecich: We always have them go, as just a practical matter, before another board.

Chairperson Speranza: And review the information.

Boardmember Barr: There was a tectonic engineering consultant.

Chairperson Speranza: And Tectonic is one of yours, right? There's a report in here.

Mr. Laub: Right. That's the consulting engineer on our project.

Village Attorney Stecich: I thought we used Richard Comie, and he represents most of the villages or municipalities on these things. I can't find it, but part of their application to us is this engineering analysis.

Chairperson Speranza: Which is in here.

Mr. Laub: Which are we discussing? Which engineering?

Village Attorney Stecich: The non-interference.

Mr. Laub: The statement of need, and then the non-interference part.

Village Attorney Stecich: I don't know whether you want the radio frequency guy to review the statement of need or just the non-interference. I think you should decide that.

Chairperson Speranza: In my mind, it's the non-interference. The statement of need is they want to open up a new service and they want to serve the Village. We know the same problems that previous applicants have had with respect to our geography. So we'll see you back?

Mr. Laub: Okay. How does this interlock with the Zoning Board of Appeals, procedurally?

Chairperson Speranza: It's 30 days in either case.

Village Attorney Stecich: But on the view preservation. You're not going to be ready to make a view preservation recommendation, so I would think that it would have to be adjourned -- the Zoning Board's determination on view preservation -- until their next meeting because you're not going to be ready to do it.

Chairperson Speranza: But they do meet again at the end of September.

Village Attorney Stecich: No.

Chairperson Speranza: Just one meeting in September?

Village Attorney Stecich: One in September, and then the fourth week in October.

Female Voice XXX: Do you need to set up an escrow for the engineering?

Village Attorney Stecich: You should probably vote to do that.

Chairperson Speranza: I thought there was one in here. You've already set up an escrow, is that correct?

Mr. Laub: Yes. That was set up pursuant to our meeting at the direction of the Board of Trustees.

Village Attorney Stecich: It was set up for the Board of Trustees for review of the lease. So it's already been established.

Boardmember Cameron: And you should take a look at where your equipment is and see if it couldn't be put in a less viewable space.

Mr. Laub: Okay.

Chairperson Speranza: I think that's the big issue.

Boardmember Alligood: The escrow is for \$5,000.

Mr. Laub: Right.

Chairperson Speranza: And if you look at the photo of S-1, the front of the building it's a big difference.

Boardmember Cameron: And S-4, actually.

Village Attorney Stecich: They can't go through the EAO if they're not the lead agency yet. They just declared their intent. One thing just occurred to me. If they might move where it is, I guess you wouldn't want the engineer to look at it until they've made some . . . like how would you want to work that out?

Chairperson Speranza: Again, I think it would be good if the engineer could give some suggestions with respect to where the roof can hold the equipment. If one of the recommendations was for the Building Inspector to put it over here for building structural purposes, maybe the engineer could say, "Well, no, you could set it back over here if you do this." So I think it would be good to maybe, in concert, come up with your recommended changes.

Garrett Dukane, Tectonic Engineering: Yes, we were directed to this corner by the Building Inspector because we do take advantage of the parapets. The steel will be connected to each parapet; nothing will touch the roof. We could go in basically any corner. We could go in this corner, however the visual impact is towards Maple Avenue if we were to go here. We cannot go in this corner, obviously, because of the equipment from AT&T here. They have a lease space that would preclude that. This front corner is probably worse than this alternative. It would be more visible from both Maple and the front of your building. Yes, if it was set in the middle that would be optimal. However, as Dan mentioned, there are a lot of roof pipes, there is a lot of existing equipment there.

The most important thing is from a structural aspect. We would have to connect to load bearing walls if there are any, and most likely that wouldn't be the case. We would have to do significant structural upgrades to the roof, puncturing the roof in several different locations. We'd be happy to provide a letter stating that this is not feasible anywhere, setting it back towards the middle. We're almost forced to go in a corner so we can take advantage of the parapets. Really, as it comes down, I would see your only options are here or this corner here -- whatever you think is best for your town from an aesthetic standpoint.

Boardmember Alligood: Could I ask a question about the impact that it has on the parapets? How do you anchor that?

Mr. Dukane: Sure. We've done this hundreds of times all over. The parapet here is 6 feet high. We notch out into the brick, and then the steel will connect inside the brick and then be re-mortared with sealant in all four locations. That will support the equipment.

Boardmember Alligood: You can't anchor it to the brick?

Mr. Dukane: It goes about halfway through the parapet. It'll kind of notch in and hug into there. We've done it, as I mentioned, hundreds of times all over.

Boardmember Alligood: This is an historic building, so I just asked.

Mr. Dukane: You would not see from the outside.

Boardmember Alligood: I'm not just talking about visually, but affecting the building.

Mr. Dukane: Structurally. And as was mentioned, we've had our PE stamp a letter that it's going to be designed by New York State building code and that it's structurally sound. However, if we were to move it here we're not going to have somebody spend two days -- which they will -- crunching numbers to do the design if it's going to move over here. We would kind of like direction from the Board. But we know for a fact that there's absolutely no issue structurally. We will provide calculations at the building permit phase, as we always do; extensive construction drawings.

Boardmember Cameron: One thought would be, right now you have your work space so it's facing [off-mic] our building. If you were to turn units around 180 degrees and move them back from the platform maybe you'd get them lower down. I don't know, I'm not doing the planning for you. You have to do that yourself. But that's one way to get the visual down. And I don't know how much it will go down. Maybe there's [off-mic] that are shorter than 5 feet tall. That's another idea.

Mr. Dukane: If anything, they would push back maybe 2 feet.

Boardmember Cameron: [off-mic] 2 feet. Somebody should get with their architect's visualization software and see what happens if you drop back 2 feet. I don't know because right now it's really standing out. We understand you need equipment on the roof, but you've got to work with us to try to make it so it's not seen. So far I've heard [off-mic] diagonal beams [off-mic] we can only do it there.

Mr. Dukane: Shifting it a foot or two would have negligible difference. The only real option to hide this would be stealthing, and from my understanding with AT&T whatever board ruled on that at the time they did not want a vertical extension that would mimic the façade. I probably agree with that as well. I mean, it's tough.

Mr. Laub: Just to speak on that point procedurally as was in our submission, there was a letter from the state office of historic preservation that said this had essentially no effect. Not disregarding your comments about the impact about the building in general, I mention that only because as part of AT&T's application several years ago it's my understanding from looking back at the process there that I believe there was proposed to some sort of stealthing at that point. But the historic preservation office did not want that because they did not want to change the architecture of the building. So it was felt to have the antennas and some

minor amount of equipment up there rather than try to start creating more superstructure or some kind of façade.

Mr. Dukane: If I could just throw one more option out at you, we do have the option, because the roof is not that high, to potentially place it in the courtyard. But then you also get into issues that you'd be probably looking at a 10 by 20 fenced-in area. That also has problems. It's limited space, so that is another option that we could pursue. That would get the equipment off the roof, however it's on the ground. That's something you would have to give us direction on.

Mr. Laub: In the terms of planning this site and working with the Village, it was investigated to try to put the equipment in the basement of the building -- which is often done with rooftop sites -- but there was no space available. I know this is coming to you this way, but we had explored that option previously so those wouldn't be on the roof.

Village Attorney Stecich: What about a shorter cabinet, what Jamie mentioned? Are there shorter cabinets?

Mr. Dukane: No, these are the standard cabinets for MetroPCS. Many of the carriers have shelters that are much more expansive. This is the standard equipment that is necessary.

Chairperson Speranza: I seem to recall it's got to be the height of a person.

Boardmember Cameron: No, it's 5 feet.

Mr. Dukane: This equipment? It's 5-1/2 feet high.

Greg Sharp engineer: There are other cabinets available, but the size of cabinets that we're using is for capacity. In other words, we don't want to have to come back and add more capacity. We can look into possibly using -- this is standard Lucent equipment -- a compact cabinet, which is lower. But we'd have to look into that in terms of capacity, how much calling that can carry, and then look at what the growth potential is here. That's an option, but we need to look into it further before we can just say, yes, we can go with the lower cabinet. I think this is set with four, or is it two?

Mr. Dukane: Two radio, two battery.

Mr. Sharp: In terms of actual . . . leasing and zoning for four, we'd actually be constructing just one cabinet and then one battery. So there'd be a total of two initially. Whether we went to the third and fourth down the road, that could be five years, ten years. So we're planning for way in the future. What we actually build is going to be less, but I can look into smaller cabinets if it would be feasible for this particular site.

Chairperson Speranza: Let me ask you, how complicated would it be . . . if the concern is the capacity. Does it matter in the industry? Suppose you had smaller cabinets on one corner, and you needed more capacity and you put smaller cabinets again in another corner? Again, because they're not visible it's not such a big deal in terms of the impact to the Village.

Mr. Sharp: You'd have to check with the architecture of the equipment. In other words, you can do one cabinet and run all three sectors, you can do a compact cabinet and run all three sectors. But once you reach maximum capacity of that smaller cabinet, I don't think

you can just add another one and connect them. Other manufacturers you can; with Nortel equipment you can add one cabinet, then a second, and then a third and they all interconnect. I don't believe the Lucent will do that, but I'll definitely check into that.

Boardmember Barr: I have a ridiculous question to ask. Apparently these cabinets can be inside, because you mentioned basements and so forth. Does this building have an attic? Is there any inside space?

Boardmember Alligood: No, we're in it.

Chairperson Speranza: This is it.

Village Attorney Stecich: That's the roof?

Boardmember Barr: I was looking at this brick area above. What's in there?

Mr. Laub: The elevation, that's the parapet.

Chairperson Speranza: The other side is the wall. It's just the roof.

Village Technology Assistant Corso: If you go out in the hall, there's lighting in the roof. There's windows.

Boardmember Barr: I just was looking, and it was a crazy question. Or the basement at the library.

Chairperson Speranza: So you'll go back and try to find a better option for us, right?

Mr. Laub: Explore some options, particularly regarding the cabinets.

Chairperson Speranza: Okay. Now what about the antennas themselves? Do they also need to be mounted along the parapet? Is that why they are so up front?

Mr. Dukane: I don't want to speak on behalf of the RF engineer, but I could say the answer's yes, they need that height. The only other option is to mount them on the parapet. However, on this building the top of the parapet's 34 feet and that's . . .

Mr. Sharp: He's going right down the path. We have to clear the parapet wall. If the antennas are set back in the middle, then the actual pattern that comes out is just going to hit the parapet wall and the site's going to be pretty much useless.

Chairperson Speranza: So they would have to be higher if they were in the middle?

Mr. Sharp: We have to elevate a certain point to clear, which you can calculate. But our plans were not to add a 10- or 15-foot structure in the middle of the building or something. I don't know how high it would be, but we tried to keep it simple and kind of mimic what's existing, so that when we designed it and built it, it would just kind of go with what's already there.

Chairperson Speranza: One more question. I know at Andrus we also would have to act on the approval of the antennas. Where they did mount them to the parapet, that's something that could be an option? I don't know what it does to the structural integrity, how big they might be.

Boardmember Cameron: I'd rather have them back as far as they could put them and still [off-mic]. Because the closer they get to the parapet, the more visible they are.

Chairperson Speranza: Yes, but if they're flat -- my recollection is, the ones at Andrus -- you don't even notice.

Mr. Sharp: I think that sits up on high terrain, and I believe they have the ability to do that because it sits up so high. So they can still get the coverage. I mean, this is a very low building, in all honesty. If this were two or three stories higher it would be much more beneficial in terms of coverage, which you can see in the plots as well. If we were to actually put these on the outside we're now almost at the same height as the surrounding buildings and some of the trees, and it's really going to cut into the coverage of the site.

Chairperson Speranza: So you've heard our concerns. We did take the lead agency action. We will hear from you next month if you're ready. We'll also get the engineers on board.

IV. Old Business

1. Urban Green. 422 Warburton. Update on construction progress.

Chairperson Speranza: The next item on the agenda is a status report on construction from Urban Green. James, hi. How are you today?

James Huang, Urban Green Builders: Good evening everyone. I'm representing 422 Warburton as well this evening. I wish I was here asking for a variance to put a cell tower on one of my buildings. Marianne, is the lease agreement public knowledge, actually, when it's enacted?

Village Attorney Stecich: Whoa, you really have me confused, James. Sure, it was the subject of a bunch of meetings.

Mr. Huang: I haven't been at a meeting where this has been discussed, that's all.

Village Attorney Stecich: Not a Planning Board meeting, Board of Trustees.

Mr. Huang: Unfortunately it's not conducive with the topics I'm going to be talking about this evening.

Chairperson Speranza: I would agree.

Mr. Huang: One of the points is actually deliberately in conflict with that.

I want to give a status report on 422 Warburton. First of all, the last time I was here I thought we were going to be done and ready for people to move in sometime in, let's say, August. We're a couple of months behind. We're very sorry about that. We absolutely are projecting at this point that October 1st people will be able to move into 422 Warburton. The truth of the matter is that my conversations with Deven Sharma and Jim Drumm have been going very well, and the holdup is actually one contractor who refuses to go faster despite me wringing his neck week-to-week. That happens to be the guy who's building all the railings on the outside of the building, which are fall-protection issues.

Before we go into the site plan conditions, because it's been awhile since we've actually talked about them, I want to talk about some other issues that have come up and have been

floating around from the Board of Trustees meeting a couple of weeks ago, I believe, which I did not attend. But I know there were some issues brought up. First off, on the issue of parking, we're not charging for parking at this project. I know this has been an issue that was put to rest several years ago, then revisited, then, I thought, addressed again. But we absolutely are not charging for parking. Marianne's memo about the problems with that route was pretty clear.

There was an issue about the material of the paving in the parking lot. The original site plan approval in 2003 did include Grasscrete for the light-duty parts of the parking lot, which are the areas where the cars just park and don't drive. We studied that option pretty carefully after that design was implemented and approved in the site plan, and we decided between the site plan approval time frame and the time we went to permit, building permit, with Deven, that that wasn't the best material for that; and that we thought that a traditional asphalt parking lot was actually going to be more durable and a better performer over the long run. One of the reasons was that the Grasscrete option -- which was brought up in the first place to try and mitigate stormwater issues -- after talking with both the manufacturers and our engineers we realized that there would be a really minor benefit from setting a permeable material on top of solid rock. Because if you think about it, the water that was supposed to not sit on the paving would only go down about 3 or 4 inches and then come up again as soon as it met the apron of the area that was paved.

So we decided the benefit was not worth the increased maintenance, the increased likelihood of, during freeze/thaw cycles, the paving buckling and coming up. So that's one change that we did make from the site plan to the building permit plan. I know that was an issue at the Board of Trustees. Luckily, that is not a strict site plan approval, and if you check the minutes of the Zoning Board you'll see that the agreement we made was that we would seriously consider it. I think the Planning Board and the Zoning Board both wanted us to do that, and we did effect that.

I think those were the two main issues that came up at the Board of Trustees, if I recall.

Chairperson Speranza: Plantings. The plantings that were going to be included. That there was supposed to be climbing vegetation.

Mr. Huang: Yes, there's ivy that's planted at the base of the wall that, unfortunately, can not be sped up more than the natural growth rate of the ivy. So eventually that wall will be covered.

Chairperson Speranza: But that's the intention.

Mr. Huang: Yes, the ivy is planted at the base of that retaining wall so you won't see a massive, hulking concrete structure there in a season or two, hopefully.

Boardmember Alligood: You're talking about the retaining wall that's in that park area, but not in the parking lot area, right?

Mr. Huang: Right. That's correct.

Boardmember Alligood: Because the asphalt goes all the way up to the retaining wall in the parking area. There's no room for anything to grow there.

Mr. Huang: Right. That space is required for the compliant parking spaces, the length of each parking space. There's no possibility for plantings between the paving and the rear parking area.

Boardmember Alligood: Right. But the Grasscrete would have created some green effect there.

Mr. Huang: I remember the original conversation about the Grasscrete and we thought it was a great idea, and everyone when it came up thought it was a great idea. Our architects thought it was a great idea. The only people at the time who didn't think it was a great idea, and told us up front they didn't think it was a great idea, were our civil engineers. And they're the ones who actually, in the end, prevailed.

Village Attorney Stecich: Patty, there was one other issue. It was the number of benches in the public plaza. I think you've got one; somebody said they thought there was supposed to be two. When I looked at the drawings, I think I saw four.

Mr. Huang: You know, I haven't talked to Steven Tilley about this, but the original design did include more benches. You're right, the original site plan included, I think, four benches. When Steven instructed the civil engineers to redo the landscaping and the courtyard for the actual building permit he changed it to one.

Village Planner Witkowski: I spoke with Anthony Zaino -- county planning who did the design on that -- and asked him how many benches were to be put in there, and he said one. That's what he was told when he did the design for the plaza. I looked back at the IMA that was done. I think what may have happened was in trying to maybe cut the cost down there may have been, in the actual IMA, a change. I did speak to Anthony specifically, and he said that he was told one.

Village Attorney Stecich: I'll tell you, we never discussed the number of benches. It couldn't have been reduced from what was in there without it having been discussed with me because I did everything on the IMA. I just don't ever remember it being an issue until it came up at the last Board of Trustees meeting.

Mr. Huang: It certainly wasn't a question of cost because, actually, the housing infrastructure fund contract that we signed, or you guys signed at the end of the day, was much less than the allocated amount. A lot of extra work has been done around our project from the extra funds -- sidewalks, extra curbing, a lot of extra paving -- and Anthony from the county's been very generous with allowing the extra monies to be used that way because he could have asked that it be returned and kept in the county coffers. So it's absolutely not an issue of money. It's a nominal amount of money; those benches are \$600 each, I think. I don't know. If the Village is really set on getting a couple of extra benches it's really just a

question of Deven and the Village asking Anthony if he has a problem with providing the money for them.

Chairperson Speranza: And it's because that's the public part of the project that Urban Green's not going to do. It goes to the county.

Mr. Huang: Absolutely. That's right. Personally, we don't have any problem with one bench, two benches, four benches. I haven't talked to Steven Tilly about why he changed the design. He didn't do it under any conversation that I recall. It could be that he or his landscape architects thought it was too crowded in there and took out a couple of benches.

Village Planner Witkowski: That's what I think it may have been. Because there's that knee wall there that people could sit on, too, so they may have thought it was unnecessary to have that many when they were doing the actual design with the county planning department.

Mr. Huang: I'm not even sure where to proceed from this. If the Village really wants a couple more benches probably the route to go is the way the Village has managed to get some other work done over there, which is to have Deven ask Anthony if he has a problem with turning over a couple thousand dollars.

Boardmember Alligood: I just was going to say I would recommend that because the space actually looks kind of empty. It looks the opposite of crowded; it's kind of barren. I think it's right for benches so the Village just needs to ask the county for that.

Mr. Huang: Deven, in his defense, has been very good about getting some of that other stuff done.

What I really wanted to do tonight, besides giving you an update on some of these other lingering issues, was to make sure that as Deven and Jim Drumm and I work through the final signoffs required for the CO that no one has a problem with our fulfillment of the site plan approvals -- the original conditions from 2003. We've done this before, but I just want to go through them one-by-one.

Number one is obtain the ZBA approval for variances and view preservation. Obviously that was a requirement of the permit. Number two, that original condition was eliminated in 2005 because it was based on the original four-building plan without the plaza. Number three, the affordable deed restriction. That was a condition of closing. Number four is the one that prevents me from asking MetroPCS to offer me some money to put some cell phone towers up there. Number five, this is an interesting one. We have been in front of the Village Safety Council a couple of times, and I attached our application about the no-left-turn sign. We, frankly, have never been told or given any positive direction. So I think we fulfilled our obligation to the Planning Board in requesting permission to put the sign up. It's not an expense that's a problem -- it's \$200 to put a sign up. We just won't do it until someone in the Village with the authority gives us that permission. Number six was also a condition that was changed and eliminated by the new design.

Oh, I'm sorry -- the revised number six. Unfortunately -- and Marianne will know this, she and I have been in conversation about the easement that's required to the Village for the plaza -- somehow I forgot to alert Susan Maggiotto in time to get us on the agenda for this past Tuesday's meeting, which I would have liked to have done. So I believe we're on the agenda of the 2nd of September, and we're hoping, then, that the easement resolution will be passed.

Number seven, this is also a bit of an interesting one. Before Deven convinced Anthony to repave the entire lower portion of Division Street on the corner we had planned to groove, or scrape, the old road to improve traction during the winter, which is one of the complaints that people had during the site plan process. I talked to Deven. He still is having the HIF contractor do that work. It's really up to his discretion when he asks for that work, so it's not something that's any longer in our purview at this point because it's actually part of the HIF work contract. Number eight is relocate the bus stop. We did that, obviously, and we will request that the DOT return it to the original location whenever the Village feels that's appropriate. I'm not sure which body in the Village is the right organization to do that. Perhaps it's you guys.

Chairperson Speranza: I can't remember how it happened last time. It wasn't from us. It might have been just a call from the Village Manager's office. I don't recall.

Mr. Huang: When we did construction, we moved the county bus stop from the north side of Division Street to the south side so that it wouldn't interfere with the construction. And it would have been unsafe for pedestrians to wait there for the bus stop. So we can move it back at any time.

Chairperson Speranza: I think that's all it takes, just a request.

Village Planner Witkowski: I think just the Village Manager or the police department.

Mr. Huang: Okay, I'll send an email to Fran Fobel and ask him how he wants to handle that.

Boardmember Alligood: Can I just ask a question, because I did read those minutes, Angie, from the meetings years ago. That would be putting it back, basically, in front of the new building?

Mr. Huang: It's going to be in front of the new plaza, actually.

Boardmember Alligood: The new plaza, and there were some neighborhood concerns about it. So I guess I have a question about whether we want that. I know there's confusion about it.

Mr. Huang: This was a very interesting conversation way back when. Because half the neighbors, during our site plan approval, wanted us desperately to move it and never bring it back. That's not actually in our authority, and we really don't have an opinion on it. I think the new plaza is a perfect place for people to wait for the bus. But if the county doesn't want to move it back, I don't know what procedures there are for that.

Chairperson Speranza: And I believe that was how it came down. Some of the people did want it moved away, never to come back, and others said, well, that's not fair because then we have bus stops in both directions on our side of the block.

Boardmember Alligood: On one block.

Chairperson Speranza: My recollection was that we were going to say, well, why don't we get an opinion from the folks at the Bee Line bus system as to which makes the most sense operationally for where the bus should be located on that side of the intersection. So that's fine.

Mr. Huang: After talking to Fran, you know what I'll do? I'll send a letter to the county and tell them we're ready to return the bus stop. But I'll also point out that if they feel the temporary location is better as a permanent location, then we're amenable to that as well, I guess.

Number nine, the underground storage tank documentation. I attached the DUC Web site downloads for that. Then number ten is the ARB approval which was, obviously, a condition of our permit.

So what I really wanted to get from the Planning Board tonight was just really a release so that Deven Sharma doesn't have any lingering problems with issuing a CO when he's satisfied with completion of our building.

Boardmember Cameron: I'd like to return to parking, if I could, just before we nod our heads. I'm sure Marianne's memo convinced you of the wisdom of . . .

Village Attorney Stecich: Not charging.

Boardmember Cameron: But I'd like just to be sure that we actually do have an understanding. I guess the parking spots are allocated to units based upon their size. Is that what's happening?

Mr. Huang: That's right.

Boardmember Cameron: Okay. And it's their car slot? Each unit has their own designated slot?

Mr. Huang: Yes, the parking will be assigned based on the size of the units and the number of bedrooms.

Boardmember Cameron: So even if the person doesn't have a car, that's still their unit? It doesn't come back to somebody else who can then rent it out? That's what I'm trying to determine.

Mr. Huang: Oh, I see what you're saying.

Boardmember Cameron: I think we just need some clarification on this because other than that we may be revisiting this another time. Rhoda was the one who brought up what happens if you don't have a car. I don't exactly want people renting out spots, but I don't

want people seeing that they could . . . we want the cars off the street is what we're trying to do.

Mr. Huang: No, I understand that. I understand exactly the disincentive that charging for parking would represent. And I'm not quite sure about the situation you bring up: if someone doesn't have a car, what happens to those spaces.

Boardmember Cameron: Since the unit has the space, I suppose they still have the space and it'd just be empty at that point.

Mr. Huang: There was a lot of conversation earlier this evening about accessory apartments and a requirement for a parking space for an accessory apartment. The woman said that she might not have a car, or something like that.

Boardmember Barr: In a sense, the space belonged to the apartment owner and he or she could rent it out.

Boardmember Cameron: It would follow, if it's their unit, that they could.

Village Attorney Stecich: But isn't it actually assigned? Like are they numbered, and this is the parking space for apartment 1-B and this is the parking . . .

Mr. Huang: I think in the name order that's the way we will do it, even though it's not the same as it is over in the for-sale place where it's actually part of your deed. I think in the name of clarity, so that everyone knows that they're parking in the same place every night, it probably will be assigned. But I don't know if that then necessarily implies that it's your space as part of your rent even if you don't have a car.

Boardmember Cameron: I think we need to think about this, think about the solution. It would be much nicer if each space were marked with the number of the unit to which it belonged.

Mr. Huang: Oh, absolutely, I agree. That's what I'm saying we're going to do, but I don't know if that solves the problem. We certainly don't want to give someone who's got a three-bedroom but no cars the opportunity to rent out their two spaces.

Boardmember Cameron: Well, if they're paying the full price for a three-bedroom unit with two spaces -- that's what they're paying you -- it should be theirs.

Chairperson Speranza: Although I don't know. I could understand why you wouldn't want someone who doesn't live there parking their car there.

Boardmember Cameron: I wouldn't either, but that's going to happen either way.

Boardmember Barr: Why wouldn't you? It's getting those cars off the street.

Chairperson Speranza: You're getting them off the street, but I would think there could be some issues with respect to safety, and ownership, and "who is this person?"

Boardmember Cameron: The building owner rents it to somebody who's off the street?

Boardmember Barr: But I'm saying is there any virtue . . . first of all, it may be a moot question because everybody may have a car. But suppose somebody in apartment 3 doesn't have a car and is there some reason that that place has to be permanently empty, when we need to get cars off the street?

Chairperson Speranza: I don't know, that's a tough one.

Mr. Huang: And this may not follow, actually, under your purview at all, as I'm thinking about it more and more. With the analogy of private housing in the other parts of the Village, you guys don't get into minutia.

Boardmember Alligood: This is a management question, a building management question. It seems to me that there's going to be a need for visitors [crosstalk]. The fact that there's going to be a few empty spots on a regular basis will actually help that situation. So I could imagine that there really won't be much [crosstalk].

Village Planner Witkowski: The other thing, because of the fact that the tenants all have to meet the income limitations, you'd have to have some kind of restriction as to how much rent they could get because it could put them over the income limit. You have to comply with those laws, too, in the occupancy.

Boardmember Cameron: My preference actually is that you can't rent the space, but neither can the landlord; we just have empty space for visitors. It'll be a long time before we have a lot of empty spaces, unless there's a sea change. Gasoline would have to go up.

Village Technology Assistant Corso: I think I'm going to be a future tenant.

Chairperson Speranza: Do you have a car?

Village Technology Assistant Corso: I do have a car.

Boardmember Cameron: How many?

Village Technology Assistant Corso: One.

Mr. Huang: But she won't need it anymore.

Village Technology Assistant Corso: I'm not going to be using my car to drive to work anymore.

But I just wanted to say that I've been talking with the management company as a future tenant, and they're sorting out all these issues so these are good questions. I think a simple "you cannot rent out your space" in the lease would take care of anything like that. And if you have two cars you can put in that person's lease two parking spots. Or if they have a two-bedroom, however that goes, rent is not going to change on that. And then if someone else moves in, well, then, they're going to have a new lease so it's going to take care of the parking like that. And, of course, even if you don't have a car -- but your boyfriend who's visiting might have a car -- you might have that one spot in your lease. So they might want to park, or a friend or whatever. So visitor parking is very important, too. That's just my opinion.

Boardmember Cameron: I agree with your opinion.

Mr. Huang: How about if I get the management company to write a memo on the policy that they envision for this situation, which I don't know if they have yet or not.

Boardmember Barr: I think you just leave it. As long as we're not charging, leave it alone.

Chairperson Speranza: Right. I agree.

Boardmember Cameron: Assign spots, and don't permit leasing.

Boardmember Barr: No, I wouldn't even put the "don't permit leasing."

Mr. Huang: So other than the easement -- which is, unfortunately, my fault for not getting it on the agenda -- I think it's, to all effects, done. I think all the site plan approval requirements are satisfied.

Chairperson Speranza: I have one question, if you can check this for me -- certainly before I'm ready to say the site plan's all okay. And it's actually something within Deven's purview with respect to the actual review of the site plan, and matching it against what's been constructed. The Grasscrete, I'm just wondering whether or not that kind of a mitigating tool, so to speak, was factored into any of the stormwater calculations.

Mr. Huang: Yes, absolutely.

Chairperson Speranza: Because if it's not there now, and it is all asphalt, then it could have an impact on the rate of runoff. I think that's important, given what we have heard.

Mr. Huang: We did a lot of actual stormwater calculations with a lot of different scenarios before we designed the detention system. The Grasscrete was not a large enough factor to change the requirements of the sizing. As an aside, this is not related, but we also looked into green roofs; for instance, the idea of actually doing a roof that's similar to the courtyard garden we did at 45 Main Street. Unfortunately that wasn't a large enough mitigating factor either -- to reduce the size of the detention tanks significantly to offset the cost. So we did look at that on both sides, and neither the Grasscrete nor the green roof would change the size of the detention tank that we needed to design.

Village Attorney Stecich: That reminds me of another issue that came up before the Board of Trustees. What's the plaza made of, what's the surface?

Mr. Huang: The hard surface, you mean?

Village Attorney Stecich: What's the surface of it?

Mr. Huang: They're concrete pavers.

Village Attorney Stecich: Okay. That was the issue. They were concrete pavers, but underneath is asphalt, right? Again, the concern on that was, if the plans show concrete pavers the same question with the draining calculation. But these are concrete pavers over asphalt. Are they going to drain the same way as concrete pavers would -- obviously, they're not -- and were the stormwater calculations done based on there being concrete pavers there.?

Mr. Huang: That's a good question, Marianne, but don't forget that the plaza actually is not part of the stormwater runoff that the detention tank actually carries. There's an inlet from the plaza, actually, to our stormwater system up top. It runs to the street and then goes into the new catchbasins we built. So they're sort of like two different levels: one on top of our parking lot and one down below.

And I'm glad you brought up the issue of the pavers because that's actually exactly the same engineering principle that went into the reasoning that we don't have Grasscrete up top. You can do those pavers, those concrete pavers in the plaza, in what's called a "sand bed," where you just put them in tamped sand. You get a marginal improvement in drainage because the sand is more permeable than the asphalt, but the manufacturer's recommended specification for durability is to actually put it either on asphalt or put it on a concrete bed. So at the end of the day Steven Tilly decided to go with the manufacturer's recommendation, and Anthony Zaino from the county agreed. It's much more expensive, and the contractor would have loved it if we would have let him put it in a sand bed. He probably would have saved five or six thousand dollars. But that's exactly the reason there's not Grasscrete on the top part.

Boardmember Cameron: I think it's too bad it isn't Grasscrete because [off-mic] that it actually wouldn't look like a concrete jungle back there, that it would actually have some grass. [off-mic] asphalt.

Mr. Huang: You know, we're not fans of parking lots and we've been in front of this board several times arguing this point. We think that the amount of parking that we're required to provide off-site at 422 Warburton is excessive. We would have loved to have seen that parking lot half the size and we would have loved to have plantings and the rest of it, but that wasn't for us to decide.

Any other questions?

Village Attorney Stecich: What did you want to do about five, about the sign?

Chairperson Speranza: Seeing that they've gone to the Safety Council, they're now waiting and there's a commitment that it'll be put up once the Safety Council acts on it.

Boardmember Alligood: What's the location of the sign?

Chairperson Speranza: Pulling out of the driveway onto Division Street so you can't make a left.

Village Attorney Stecich: Then I would say I know it's not very much money, but you'll have to put the money in escrow or whatever -- give the Village the money for the sign if they decide to go forward with the sign. That would be the only thing because once they get their approvals, and if the Safety Council says yes we want the sign, then you're not going to go back to them later and pay for it.

Boardmember Alligood: Can I just get clarification? Urban Green actually went before them and presented the idea, and you just didn't get an answer?

Mr. Huang: We went before them twice, actually. We went before them the first time because the condition's actually not changed between the first approved site plan. We went before them in 2003 and, unfortunately, that was right around the time where the Zoning Board denied some of the variances we needed for that scheme. So we then came before the Planning Board again in 2004, got a new approval, and went in front of them in 2005 with the exact same request that they consider the sign. They have never given us a response.

Boardmember Alligood: They just didn't act on it?

Mr. Huang: They tabled it for discussion.

Chairperson Speranza: So maybe we'll have it three years later?

Boardmember Alligood: Is there something where we can request that we get an answer from them -- like, "*Officially, the Planning Board says, 'Could you determine your . . . '*"

Village Attorney Stecich: To tell you the truth, I've never worked with the Safety Council. I've never been to a meeting, I have no idea. But it seems to me it would be entirely appropriate for the Planning Board to just send a note to whoever, through Angie, to whoever's in charge.

Village Planner Witkowski: Joe Rodriguez is the chair.

Chairperson Speranza: Usually they meet the same night as we do, so maybe [crosstalk] at 7:30. I know they're not meeting tonight.

Village Planner Witkowski: Linda's their secretary, too. She does their agenda. When she gets back from vacation I'll just make sure she puts it on their next agenda. It doesn't have to be anything formal.

Mr. Huang: The truth is, we probably should have gone in front of them this spring but, honestly, it didn't seem like that big a deal and we had fulfilled our obligation. I mean, we don't really care one way or the other about the sign. The three years I've been here in Hastings helping to build the project I've probably taken a couple of left turns up there and it didn't seem like it was that dire.

Chairperson Speranza: So you just need concurrence from us that we feel the conditions of the site plan have been met, absent the formal site plan review and comparison -- the Building Inspector.

Mr. Huang: Okay, that's fine with me.

Chairperson Speranza: Is that something we want to move?

Boardmember Barr: Isn't that what they're asking?

On MOTION of Boardmember Barr, SECONDED by Boardmember Alligood with a voice vote of all in favor, the Board resolved that the conditions of the site plan have been met.

Boardmember Alligood: With the notation that we're disappointed about the landscaping. But it wasn't a formal condition of the site plan.

Mr. Huang: That's correct. For the record, we are disappointed that it wasn't a better match as well. Thank you.

Chairperson Speranza: And 45 Main, James? I'm just curious where we are with respect to how the leasing of the retail spaces are, the nonresidential spaces.

Mr. Huang: Patty, Eric is really handling the leasing more directly than I am, and I absolutely thought we would have a couple leases signed by this time. I know the last time I

was in front of you I said that we had two hot leads, which we did and I don't know where they are in the negotiation process. If anything comes up, we'll let you know, of course.

Chairperson Speranza: Great. Thank you.

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

Chairperson Speranza: We have this included in our packet.

Village Attorney Stecich: The steep slope ordinance *and* the definition of height. They're both totally separate.

Chairperson Speranza: Let's start first with Marianne. You raised a couple of things.

Village Attorney Stecich: Could I explain why I'm raising it? They weren't an issue. It just occurred to me when I was reading through the thing before -- and what we were doing was working from the old law and modifying that -- there wasn't really an issue under the old law because under the old law we were pretty much just looking at creep and drainage and stuff like that. And we were relying on the statement of the engineer that there wouldn't be any adverse impacts on drainage. This is a little different because now, under the revised Steep Slopes Law, you're looking at more than just physical engineering and things like that. Some of the other stuff really has to do with other issues, like aesthetics and how it blends with what's next door.

I don't know whether these standards work, but it just struck me. If you're going to be giving a permit or not, you need some standards.

Boardmember Barr: I say this very humbly. I go through all the minutes. I know there's been extensive discussion -- and I know I belong to the old concept that the idea is not to do any harm -- but we talk about general welfare. There's an interesting balance between creativity . . . you know, we talk about one of the things about Hastings is that because it's not been a flat piece, but because it's been hilly, we've had some very creative building and creative uses. Looking at this, I'm wondering, in terms of practical implications, are we saying that if someone has a part of their property that's steep-sloped -- and, again, it's only a part of the property -- that, first of all, we have to approve their landscaping plan.

My house is built on a steep slope, and there's a boulder and all the rest -- I have changed the front of it. In the time I've been there I've had trees, I've taken them out, I've put bushes in. Are we now saying that we're going to start . . . we're talking about a landscaping plan. What happens if somebody wants to change it after they do it? What happens if somebody else moves in and they want to change them? We talk about the general welfare, and let's say the property has had a hill on it and so forth, and I've enjoyed walking by and looking at the hill, it's not that water's going to come on my property or damage is going to be done. But gee, it's not going to look the same way it did, and I liked the way it looked. Do I have a

right now, under this law, to come here and say that that person shouldn't be permitted to do it because I like looking at it?

Boardmember Cameron: Are you talking about the steep slopes provision? Because the trigger for that is applying for a building permit.

Boardmember Barr: That's right.

Boardmember Cameron: So you wouldn't be applying for a building permit for trees and shrubs. You're building a house ,and . . .

Boardmember Barr: You're building a house, but you're being told that you've got to submit a landscaping plan?

Chairperson Speranza: Only if you're impacting a certain percentage of the slope though.

Village Attorney Stecich: Remember, the slope's pretty big. Isn't this slope 1,000 square feet?

Boardmember Barr: It says up to 15- to 20% of the property. I mean, it seems like we're putting a level of bureaucracy in here that is a little strange. That people have to submit a landscape plan on what kind of trees or bushes they're going to put in? And what happens . . . someone stopped me the other day on the street and I didn't have an answer. I guess it was one of the downtown buildings where the site plan provided for certain trees in a certain place. Those trees have now died. Does the Village have the right to go back and enforce it?

Chairperson Speranza: And I think the answer to that is yes.

Boardmember Barr: The whole point is that this is a community that is essentially almost all steep slopes. There are very few flat areas. And anybody who gets a piece of property, the whole idea was you don't do any harm with it. But what you're saying here is, they've got to submit . . .

Boardmember Cameron: Actually, Rhoda, we did two or three studies of the entire town. Actually, we have a very small part of the town which is actually steep slopes. We had computer studies done of the town. There are areas that have steep slopes that will be affected, but actually very little that is steep slopes. I'm sure you can find a corner of your property which is steep slope, but you don't have a house on it. There's actually not that many.

Boardmember Barr: Well, that surprises me. But the question is, are we now going to sit in judgment on people's landscaping plans?

Chairperson Speranza: No. The landscaping plan that's referred to in here is only with respect to someone who comes in to build on slopes in excess of the percentages that are on here when they come in here for the building permit. We always did have some control, and certainly exercised it as much as we could, when someone came in to build on a steep slope. Granted, there were fewer that came before us, but the ones that came in were, in a couple of instances, very substantial houses that were built that did have impacts to the neighbors. I think what we're trying to avoid is much more than people being able to have an ability to

say, "Well, I really like this hilly terrain. Put up a wall, but don't put up a wall that's 20 feet high, where I lose the sun and where I feel like it's right on my property line."

And that's why one of the things we had recommended to be changed and included in the building permit application was how the landscaping plan and other measures were being taken to mitigate construction on the steep slope from impacting their neighbors in the way, such as constructing big retaining walls or several retaining walls.

Boardmember Barr: No, that I understand. But I'm saying "*the landscaping plan for the property, including paved areas*" -- that's fine -- "*and ground cover, location of trees, ornamental shrubs.*"

Boardmember Cameron: Well, this is information you're providing.

Boardmember Barr: But the point is, if that's what has to be approved in a site plan, then from then and forever that can't change, and decide instead of junipers they want rose bushes?

Boardmember Cameron: There's no intention of that, Rhoda. I think this is the information which . . . and, in fact, it comes out of other sections of our code.

Boardmember Alligood: Yes, it comes out of the site plan.

Boardmember Cameron: It comes out of our site plan requirements. You'll find most of it in our existing . . .

Boardmember Barr: When you're breaking up a piece of property. It's not for individual homes.

Village Attorney Stecich: Well, it's part of site plan. But I think what Rhoda's saying is you don't generally have site plan review of single-family/two-family houses unless it's part of a subdivision, and then you would.

Boardmember Cameron: And one of the problems, of course, is that you don't have people breaking property, even if they want to build a bunch of condos on it. So you could have the same issue.

Boardmember Barr: I'm not talking about subdivision. That's something else.

Boardmember Cameron: But most people won't do subdivision anymore. They'll come in with a big piece of property and put 30 houses on it and will never subdivide it. So you won't have a subdivision.

Boardmember Barr: Well, then, it's cluster planning. But what I'm saying, if an individual homeowner comes in, are we requiring that they come up with a landscaping plan? And then once that's been approved, are we suggesting that they don't have a right to change it? Because you don't have a right to change it.

Village Attorney Stecich: Not that you're suggesting that anybody do it, but this isn't actually an approved site plan. You're not approving a site plan. The end product of this is a permit to build your house, even though you've got a steep slope on the property. So it is a little bit different than the question you raised before.

But, Patty, I just wanted to make sure that everybody understands that the way this reads, and the way it's always been, is you have to apply for a steep slopes permit if there's a steep slope on your property, even though you may not be building on that steep slope. Because, Patty, you said that you're coming in only for construction on steep slopes. Let's say you've got a great big piece of property and the steep slope is on the part of the property -- you know, you're working on another corner of the property -- you still do have to come in.

Boardmember Barr: Fifteen percent.

[crosstalk]

Boardmember Cameron: And that's the reason we have the section down here allowing us to waive the requirement for this information.

Village Attorney Stecich: That's right.

Boardmember Alligood: Yes, it's clearly not necessary if you're not going to touch the steep slope. We don't need to sit here and review it.

Village Attorney Stecich: That's pretty unlikely.

Chairperson Speranza: *"The Planning Board may, at its discretion, waive any of the requirements of subsection A."* Now let me ask you, how do we do that if we don't see any of those. One thing that I thought was very interesting, Marianne, in what you sent us was approving authority. It kind of ties into the level of information that needs to be provided on the submittal to us. Because it says here: *"An application for a steep slopes permit may be made on forms furnished by the Building Department."* I saw something in here that seemed to indicate maybe the Board doesn't have to do everything. I know we had talked about it.

Village Attorney Stecich: We talked about this before, about it only coming before the Planning Board on certain ones and then the Building Inspector would just do the other. I thought the Board did make a determination at one meeting within the last six months that you didn't want to have the distinction, and just everything would come before the Planning Board.

Boardmember Alligood: Because there weren't that many.

Village Attorney Stecich: There aren't that many. It's not burdensome.

Boardmember Cameron: And if someone feels it's a burden and they go and talk to Deven, Deven will say, "Let's write a letter to the Planning Board and tell them there's no stuff going on with a steep slope and they don't want to submit the documents." We look at it and we say it's going to take more than 30 days to build a house.

Chairperson Speranza: With respect to standards, I mean, these are the things that we're going to be guided by.

Village Attorney Stecich: These obviously don't all apply.

Chairperson Speranza: I don't know if we need to have them included.

Boardmember Cameron: In many ways, number one is already included, and C. We've got a whole bunch on sewers, and we don't have sewers anymore.

Village Attorney Stecich: I was hardly suggesting these as standards.

Boardmember Cameron: And then a whole bunch that we were supposed to require, and I was thinking as I was reading that Rhoda was going to be here tonight and she would point out to us that this one about how your driveway has to follow the contour of the land. Well, good luck. It's going to go straight up to the garage, wherever it happens to be.

Boardmember Barr: I think we ought to keep bureaucracy to a minimum.

Village Attorney Stecich: All right.

Boardmember Cameron: We don't have any ridge lines to speak of.

Village Attorney Stecich: A whole lot of those are irrelevant.

Boardmember Cameron: I think about 85% of them are irrelevant, and my comment would be let's get a few years of experience. If things come up and we want to put guidelines in, let's go back to the Board of Trustees and ask for them.

Boardmember Barr: We haven't had any problems with the old ones.

Village Attorney Stecich: But before there was no subjective . . . there really wasn't. If the engineers said that there's not going to be any drainage issue . . .

Boardmember Barr: And we never had any problem.

Village Attorney Stecich: Well, some people thought we did. That was why this was revised. Some people weren't happy. And I think why it came up was because there were a few things allowed on steep slopes, or issues that we saw, that weren't dealt with by the law, which is why it was revisited.

Boardmember Cameron: I have this one here which I thought was going to be impossible to administer, where you say we can let them do something if they can do it "*without increasing the possibility of creep or sudden slope layer XXX.*" The word "possibility" -- there's always a possibility, and I would not want to be on the other end of that one.

Chairperson Speranza: I had one thing, and I've seen this in many parts of the code. General references, what is that?

Boardmember Cameron: That was the old one. We just copied it. I drew it off the Web site.

Village Attorney Stecich: From the Web site is from general code. So if you look at our Steep Slopes Law right here, it doesn't have any. Oh, yes it does. Building construction. I don't know what those are.

Chairperson Speranza: I did catch a typo: 249(7)(a)(1)(a), just need the word "of" in there.

Boardmember Alligood: Here's another one: (d), fourth line down, it should be "*public places.*"

Village Attorney Stecich: Which one? Oh, on the first page.

Boardmember Cameron: Well, at least it was a word. I spell check it.

Boardmember Alligood: That's why.

Village Attorney Stecich: That's why it didn't pick up on it. I thought on 249-7(a), "*applications for building permits on lots that contain, or are proposed to contain, the steep slope.*" Remember, this now applies . . . so add the language "or are proposed to contain."

And then on 1(c) we had the location on the applicant's property of all existing water courses, wetlands, whatever. Would we want to see any water courses or wetlands on neighboring properties? It just strikes me that not everything on the neighboring properties is relevant, but I would think that any water courses or wetlands on neighboring properties might be important.

Boardmember Cameron: Where are you?

Village Attorney Stecich: It's 249-7(a)(1)(c). "*That this plan show the location on applicant's property of all existing water courses, wetlands.*" It just strikes me that it might be important. Not all of these things, but wetlands or water courses on the neighboring property.

Boardmember Cameron: Well, we have wetlands on the neighboring property. That's at the end of B.

Boardmember Barr: The chances are, if there's a wetland next door there's a wetland . . .

Boardmember Cameron: Well, we already have wetlands.

Village Attorney Stecich: Then if you just added to (b) "*wetlands and water courses.*"

Boardmember Barr: You have water courses and wetlands. You have it.

Boardmember Cameron: Neighboring properties.

Village Attorney Stecich: It's the neighboring properties. So if you just have "*water courses*" added there, it makes sense.

Boardmember Alligood: I see. In (b), you're talking about.

Village Attorney Stecich: In (b): "*roads, water courses, and wetlands.*"

Chairperson Speranza: No, that doesn't work. Here's our wordsmithing going. We'll get you home tonight, Jen. "*The location of the proposed area of disturbance on the applicant's property and its relation to neighboring properties, structures, roads, and wetlands.*" So it's neighboring properties, structures. Structures could be on the applicant's property.

Boardmember Cameron: No, we already have that.

Boardmember Barr: That's the one down below.

Boardmember Alligood: This is definitely "*neighboring properties, structures*" . . .

Chairperson Speranza: Then there's an apostrophe missing.

Boardmember Cameron: Maybe it shouldn't be "properties."

Boardmember Barr: That's what we need; an apostrophe instead of a comma.

Chairperson Speranza: "*Structures, roads, wetlands, and water courses.*"

Boardmember Cameron: What you actually need, since there's more than one neighboring property, is to put the apostrophe after the S.

Chairperson Speranza: There we go. Are we ready to send this on to the Board of Trustees for them to read?

Boardmember Alligood: Yes.

Chairperson Speranza: Together with the definition of height.

Boardmember Cameron: Okay, then can I hear a motion? Do we move this?

On MOTION of Boardmember Cameron, SECONDED by Boardmember Alligood with a voice vote of all in favor, the Board resolved to approve the proposed revisions to the existing steep slopes provisions and the height regulations in the CC and MR-C districts and recommend them for consideration by the Board of Trustees.

V. Miscellaneous

Chairperson Speranza: Our next meeting is September 18th.

Boardmember Alligood: And I'm happy to report I don't have a back-to-school night conference.

Chairperson Speranza: We're not exactly sure what we're going to have. We'll have the wireless people back maybe.

Boardmember Alligood: [off-mic]

Village Planner Witkowski: I spoke with Christina, and they're still waiting for the signed agreement from Chase.

I did get something back from BFJ on the new configuration that they had for the valet parking area, but we were going to wait until we had everything all together and put it in the next packet.

Chairperson Speranza: I know Saw Mill Lofts was not going to be coming back and, in fact, was making a presentation at the Board meeting.

Village Attorney Stecich: They were at the Board of Trustees meeting Tuesday. They're asking for an amendment. They're asking for approval of a new concept plan. The proposal that they had before the Board on Tuesday was just townhouses. I think it was nine buildings of six, or I forget how many buildings there were, all in separate, smaller buildings. Their proposal had 54 units; no one-bedrooms, the same number of two-bedrooms. So all the one-bedrooms then became three-bedrooms. According to them, there was no increase in impervious surface. It was just supposedly a sketch, the way they had it drawn. It did have quite a few issues with it: it was too close to the Saw Mill River but the buildings are closer to the Saw Mill River than the previous proposal. The others were just almost like shoeboxes sitting on the road.

Anyway, they came before the Board of Trustees, who had a lot of comments on it if you want to watch it on the video. They're going to respond to the Board of Trustees comments and, I believe, make a formal . . . they're going to have to really start over.

Boardmember Alligood: Is this all because they did further market research?

Village Attorney Stecich: What happened was, they had a lot of focus groups, apparently. He told me the number of people.

Village Planner Witkowski: Six, there were six focus groups.

Village Attorney Stecich: It wasn't flying with them. It was not a kind of housing that made sense to people. Apparently -- what Patrick Normoyle said -- after they listened, and it was explained to them, then it started making sense to them. But how do you get people's interest in the first place when you look at it and it doesn't make any sense. So this is the proposal that's coming back to them. There'd be no proposed commercial, just straight townhouse. They were still going to give the 1.75 acres to the Village and do the bridge to the county trailway and whatever.

The procedure is that they're going to have to get a new concept plan approval. There will have to be a Supplemental Environmental Impact Statement.

Boardmember Barr: Another 20 years.

Boardmember Alligood: It's going to be awhile.

Village Attorney Stecich: You can watch the Board of Trustees meeting and make your own judgment about what the Board of Trustees was saying, but they seemed to think that if they responded to those concerns it was something that the Board might entertain. So I think they're planning on coming back to the Board in September with an actual application. They didn't make a formal application. It was just sort of to get a sense whether the Board would ever consider it.

Boardmember Cameron: I think they should come back with a large storage facility. They can make a lot of money off it, no car traffic, a lot of taxes.

Boardmember Alligood: Let's put some cell phone towers on it.

Boardmember Cameron: I was going to call them up and say here's your chance.

Chairperson Speranza: Years and years and years.

VI. Adjournment

On MOTION of Boardmember Cameron, SECONDED by Boardmember Alligood with a voice vote of all in favor, Chairperson Speranza adjourned the Regular Meeting at 10:20pm.