

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

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

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

I. Roll Call

II. Approval of Minutes

June 19, 2008 meeting

Chairperson Speranza: Does anyone have any changes or modifications to the document?

Boardmember Dale: Two little ones. On page 14, top of the page where I'm speaking: "*We presume that the units are supposed to be free and that the people who are moving into . . .*" cross out "*that*" ". . . *have to pay for that 'space'*" . . . instead of "*unit.*" Second sentence, second line, when I'm speaking.

And on the next page, towards the bottom: "*Does he not have any parking spaces more than 'he's' providing . . .*, rather than "*they're.*"

Boardmember Wertz: Angie, you can put me in as absent.

Chairperson Speranza: I just had one, on page 9. In the first paragraph there's a couple of "Xs." It's the last sentence. It says: "*If you recall, this is something which had come up a couple of years ago, where they wanted to be able to . . .*" see where it says "*pep XXX*"? It should read: ". . . *they wanted to be able to charge a fee for parking in order to, quote, make ends meet.*"

On MOTION of Boardmember Hutson, SECONDED by Boardmember Dale with a voice vote of all in favor, the Minutes of the Regular Meeting and Public Hearing of June 19, 2008 were approved as corrected.

III. New Business

- 1. Public Hearing. Accessory Apartment Renewal.** Serge Ciampa; 185 Warburton Avenue; (Sheet 3/Block 607/Lots 28B, 29, 30A, 30B, 31, 32A). Need waiver for excess sq. footage.

Chairperson Speranza: Angie, are the mailings in order on this?

Village Planner Witkowski: Yes, they are.

Chairperson Speranza: Do you want to walk us through this?

Village Planner Witkowski: The applicant is Serge Ciampa, at 185 Warburton. The property's on the west side of Warburton Avenue in the R-10 zoning district. The applicant's requesting renewal of accessory apartment approval. The 509 square foot apartment occupies 39.49% of the 1,289 square foot residence. Therefore, the apartment exceeds 25% of floor area limitation by 14.49%. 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 the square foot area in excess of the 25% of floor area limitation. Are you the applicant?

Serge Ciampa, applicant - 185 Warburton Avenue: Yes, I am.

Chairperson Speranza: Is there anything you'd like to add?

Mr. Ciampa: No.

Chairperson Speranza: It's a public meeting. I don't know if there's anyone who's here. No comments from the audience? Okay, then we'll consider the public hearing closed and we can make a motion to renew the accessory apartment, if the Board so chooses.

On MOTION of Boardmember Wertz, SECONDED by Boardmember Hutson with a voice vote of all in favor, the Board resolved to approve the accessory apartment and also the waiver for excess square footage.

Mr. Ciampa: Have a good night.

Chairperson Speranza: See you in three years.

- 2. Public Hearing, Site Plan and View Preservation.** Newington Cropsey Foundation; 25 Cropsey Lane; (Sheet 10/Block 625/Lots 1, 14,26, 90). Site Plan Review and approval and View Preservation recommendation for sun room addition to be used as an art studio at the museum.

Chairperson Speranza: Site plan approval is completely our jurisdiction. For view preservation we make a recommendation to the Zoning Board of Appeals. Angie, anything you want to start off on?

Village Planner Witkowski: Yes. This is site plan approval, approval, and view preservation recommendation for a sun room addition to be used as an art studio at the museum. The proposed 641 square foot freestanding structure will be on a concrete slab foundation adjacent to the existing studio building. The southern portion of the parcel is zoned MR-1.5, however the proposed building is entirely within the CC district. The architect and contractor provided additional information to clarify where the building is in relation to the MR-1.5 zoning district line as there are relevant side and rear yard setback requirements for buildings adjacent to a residential zoning district.

Please review the email I sent to them. There's also a memo from the Building Inspector, with his comments. So the applicants are here, and I think may want to present.

Chairperson Speranza: Yes, if you'd like to explain what you'd like to do.

Gary Swatro, architect: I'm here to just explain the basics. Also we have here John, who's the contractor and supplier of the greenhouse, and Tony, the director of the foundation.

I think we all know the site. It's in the ravine. The object of the design is on an existing concrete slab so there are no additional impervious surfaces -- not covering any extra surface. The space is two manufactured units, greenhouse units. They'll be white-framed with insulated glazing and be used as a studio space. The view of this site is that it's 20 to 30 feet down from either side of the ravine, so it's not blocking any view of anybody. It's behind the building so it's not affecting the building or the setting in front, the pond, or anything else.

These are just manufactured units put together and fit into a shape of a retaining wall. So it won't disturb any additional surfaces, soil, or any items like that. It works around the existing area. This doesn't require any variances. It's basically a very simple review here. No lighting on any neighbors. The parking requirements are met, where they get the required parking within 24 hours of when they request it of the Metro-North line. The height is only a little over 12 feet. Again, it's 20 below anything, below the ridge of the house. It's well-hid in behind there. In the parking lot you would probably see it if you looked through the trees, but it won't be visible to the general public at all and needed space. Do you have any questions about the units?

Chairperson Speranza: Since it's a public meeting, let me just see if there's anyone here who's got any comments about the application. Hearing none, then Planning Board members -- questions, issues, concerns, comments?

Boardmember Cameron: I have a comment. It has a glass roof?

Mr. Swatro: Yes.

Boardmember Cameron: Okay, and you're just below, a little beyond, the bridge.

Mr. Swatro: Yes, a good distance. Still back, behind the house.

Boardmember Cameron: I know you look over. And the lighting you have is lighting facing down, or up?

Mr. Swatro: It would be interior lighting to work with, and required lighting just for the egress of the doorway.

Boardmember Cameron: The lighting faces the turn?

Mr. Swatro: Yes, down -- from the ceiling down.

Boardmember Wertz: It looked perfectly okay to me, and I certainly didn't see any obstruction of any views of the river at all, not even close. I didn't think there was a view preservation issue.

Boardmember Alligood: I looked at the site, and it's really tucked away there. It reminded me how beautiful the site is. It's a spectacular view.

Boardmember Wertz: It seems like it would be an enhancement really to have a studio like that.

Boardmember Cameron: I only brought it up because of the problems you had had a few years ago with people dropping things off. Having a building down there with a glass roof, I was just questioning it.

Jofford Stefi, Four Seasons Red Alford: We're the contractors. One of the things we were looking at is, instead of using glass on the side facing the bridge maybe using a polycarbonate plastic, which would be non-breakable and look similar to the glass. That, we're going to leave up to Newington though.

Boardmember Logan: The only issue with the roof glass is that I think code requires it to be unbreakable -- either laminated if it's overhead, or --

Mr. Stefi: It's all tempered.

Boardmember Logan: Well, tempered's not enough. It's got to be laminated so if it breaks it doesn't go through. Or if it's polycarbonate it's not an issue, overhead glazing.

Mr. Stefi: Code calls for safety glass, which could be tempered over tempered. It doesn't call for a laminated glass, but if you guys require that -- if the Building Department wants that -- we can easily do that.

Boardmember Logan: I think the New York building code requires any glass that's greater than 15 degrees from the vertical to be laminated or wire glass.

Mr. Swatro: If it's over 16 square feet in any piece -- and all of our glass is going to be 10 to 12 square feet -- that's 602.3 New York State code.

Chairperson Speranza: I had a question of our attorney. We have a SEQRA Environmental Assessment Form in the packet with this, too. There wasn't much information in it. I'm just wondering if it was something we have to . . .

Village Attorney Stecich: [off-mic] it's not a one- or two-family. The reason you usually don't do SEQRA is it's one- or two-family, houses or type 2s. This isn't a one- or two-family so you wouldn't have to.

Chairperson Speranza: So it's site plan approval.

Village Attorney Stecich: For any action you take [off-mic]. [off-mic] I would think the short form on something like this [off-mic] enough because [off-mic] essentially go through the process because there really aren't any environmental issues XXX.

Chairperson Speranza: I guess my question is, then, there's not a lot of information on the Environmental Assessment Form because it is such a very small project?

Village Attorney Stecich: [off-mic].

Chairperson Speranza: I'm just wondering, based on what we have heard and the information that's in there and the sense of the Board, that there would be no environmental impact.

Village Attorney Stecich: Oh, I see. They were given the long form. But you know what? It's easy enough to just do the big questions: is there going to be physical change.

Chairperson Speranza: Okay, so we'll go through that.

Village Attorney Stecich: [off-mic] little boxes because it's really clear. [off-mic] on everything. So if you started at page 11 and said will it result in physical change . . . like I said, this is a case where you probably could have gotten away with the short form. And probably the Building Department is giving the long form, which is better [off-mic].

Chairperson Speranza: Okay, then we will go through it. I'm just going to go through them quickly. If anyone has an objection to what I say, please let me know.

“Will the proposed action result in a physical change to the project site?” Yes, but it's a very small to moderate impact, that should say.

Boardmember Hutson: That should say “yes.”

Chairperson Speranza: Instead of “no” -- because it will be a change.

“Will there be an effect to any unique or unusual land forms found on the site?” No.

“Will the proposed action affect any water body designated as protected?” No.

“Will the proposed action affect any non-protected existing or new body of water?” No, because we know it’s not doing anything to the duck pond -- which is not known as the duck pond anymore -- probably.

“Will the proposed action affect surface or groundwater quality or quantity?” No.

“Will the proposed action alter drainage flows or patterns, or surface water runoff?” No.

“Will the proposed action affect air quality?” No.

“Will the proposed action affect any threatened or endangered species?” No.

“Will the project action substantially affect non-threatened or non-endangered species?” No. I don’t know why we would care.

“Will proposed action affect agricultural land resources?” No.

Boardmember Wertz: We care about all species.

Chairperson Speranza: Yes, squirrels.

“Will the proposed action affect aesthetic resources?” No.

“Will the proposed action impact any site or structure of historic, prehistoric, or paleontological importance?” No.

“Will the proposed action affect the quantity or quality of existing or future open spaces or recreational opportunities?” No.

“Will the proposed action impact the exceptional or unique characteristics of a critical environmental area?” No.

“Will there be an effect to existing transportation systems?” No.

“Will the proposed action affect the community sources of fuel or energy supply?” No.

“Will there be any objectionable odors, noise, or vibration as a result of the proposed action?” No.

“Will the proposed action affect public health and safety?” No.

“Will the proposed action affect the character of the existing community?” No.

Village Attorney Stecich: [off-mic]

Chairperson Speranza: “Is there likely to be public controversy related to the potential adverse environmental impacts?” No.

Boardmember Hutson: Then why do it?

Village Attorney Stecich: [off-mic]

Chairperson Speranza: So we have a couple of resolutions. The first is a resolution to issue a negative declaration on the proposed addition to the Cropsey property.

On MOTION of Boardmember Wertz, SECONDED by Boardmember Dale with a voice vote of all in favor, the Board issued a negative declaration on the proposed addition to the Cropsey property.

On MOTION of Boardmember Dale, SECONDED by Boardmember Hutson with a voice vote of all in favor, the Board approved the site plan for the proposed changes to the property.

On MOTION of Boardmember Wertz, SECONDED by Boardmember Logan Boardmember Dale with a voice vote of all in favor, the Board recommended to the Zoning Board of Appeals that the proposal will have no impact on views.

Mr. Swatro: Thank you very much.

Village Planner Witkowski: I just wanted to remind you that this is in the CC district so they will have to go to the Architectural Review Board because it’s a non-residential within the district. They meet the first Monday of the month so you should call Marie in the Building Department and ask her to just put you on the agenda for the next meeting.

Mr. Stefi: We’re coming next week also. What do we do with zoning, by the way?

Village Attorney Stecich: Same thing on the view preservation.

Village Planner Witkowski: It’s the first Monday in August, so just give Marie a call tomorrow and she can let you know.

IV. Old Business

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

Chairperson Speranza: We did receive Jamie’s proposed changes to the steep slopes ordinance, and then some additional changes from Eva with respect to the kinds of information we should have for the plan.

Boardmember Alligood: For the review, right?

Chairperson Speranza: Right. To enable us to do an adequate review. Jamie, you want to go through them?

Boardmember Cameron: Through the steep slopes thing?

Chairperson Speranza: We started last week with a revision to the existing code that I had

proposed with a dramatic substantive change, but not a lot of changes to the words. There was a sense that we should add additional language with respect to why we're doing this. And I think what you've done here, Jamie, is good in terms of what you've added.

Boardmember Cameron: Right. I can't claim entire credit because I worked with Marianne on it and she and I exchanged things back and forth. So essentially on the purpose and intent, I think the first addition -- and I did see that it was general before welfare -- that was the phraseology, "general welfare" rather than just "welfare" that you find in many legislations.

Item D comes out of many of the similar laws in the other jurisdictions, and we modified it slightly to make it more clearly apply in Hastings; to make it go to adjacent and nearby properties. We added that language in there. So this is to give you a feeling of what we're trying to do with steep slopes in working on the visual side, even though it still is the mechanical test that we had in the previous law. I think this comes more in bearing when you get to the hardship exemption probably than anywhere else.

Going over the page on E, and I can't claim credit for this but I agree with Marianne, maybe the old E was something that was apt when steep slopes were just coming into place. But now they're firmly around, and maybe we could take out our whole E.

Chairperson Speranza: Right. The history of zoning.

Boardmember Cameron: And the public interest statement does come out in quite a number of them, and most particularly in the Ossining one which I saw, so a little bit of change here. And then F, we added the language "*both to adjacent and nearby properties in Hastings as a whole,*" and that came out of points you brought up.

Village Attorney Stecich: Jamie, one other thing. I think it was language eliminated [off-mic]. Wasn't that the thing about [off-mic] managing, by careful management. It doesn't show up on this. And concern about getting that language in, it seems to say [off-mic] you do it as long as you manage it right. I think that certainly was the goal first go-round. I think the goal in this amendment is somewhat different. It includes that, but it also includes [off-mic].

Boardmember Cameron: That's a mistake on my part. There should be a bracket just before the new language indicating the language that came up, which arguably said if you could manage the steep slope you could build anything you wanted there. So an engineering statement.

And the last one, G, is a sort of statement of intent of why we are not including the MR-C and CC districts within steep slopes. Basically the idea that we have existing development, we desire additional density downtown, and that there are other measures being adopted to control the heights of buildings in these districts. Those are the three reasons.

Chairperson Speranza: I just had a question about the wording of that one, and just the end part, where in a year from . . . let's say this is on the books and someone reads it and says "*desire density in these downtown districts and other amendments to the zoning code being adopted.*" It's got to be due to other provisions in the zoning code?

Village Attorney Stecich: [off-mic]

Boardmember Cameron: Maybe just cross off "*other provisions in the zoning code.*"

Village Attorney Stecich: Other provisions in zoning to control the heights of buildings in these districts.

Boardmember Cameron: Okay, that's fine with me. So it's the other provisions in the zoning code to control the height of buildings in these districts. It's sort of the chicken and the egg -- we didn't know which one's coming first.

So then you come down to 249-4, and there we are stating that 294-5 will not apply to MR-C and CC. That's the cutback. All the other provisions do apply, as they should.

Then we have Item C, which we added, which was to put into effect the discussion we had: what happens if in doing a site we create more steep slopes. Shouldn't that be part of the cutback provision. So it's sort of a circular thing, and this is the statement Marianne and I came up with which basically says that if you're going to do some construction that creates more steep slope it goes back into the formula above on the 25/35, which it should.

Village Attorney Stecich: Jamie, on that section maybe we should bounce it off the rest of the Board whether they see any reason to include [off-mic] or any portion of the subdivision. The way it reads now, it's [off-mic] or any portion of the subdivision. I didn't see why that language "*any portion of a subdivision*" needed to be in there.

Boardmember Alligood: I thought it was coming the way it reads here.

Boardmember Cameron: For any lot that contains.

Village Attorney Stecich: No, it is coming up. The question was, Jamie. [off-mic] that language doesn't seem to make sense anymore. But I just want to make sure I'm not missing something.

Boardmember Cameron: When I drafted it the first time and sent it to Marianne it said "*for any lot, or any portion of a subdivision that it contains.*" Then Marianne said we probably don't need that language "*any portion of a subdivision*" because it starts out as a big lot, and then if you subdivide it ends up with a bunch of lots.

Boardmember Wertz: They're always lots.

Boardmember Alligood: Right. It covers it.

Boardmember Cameron: My only concern was that when we subdivide something which has steep slopes in it we would force the person to subdivide it into lots, which would take into consideration the fact that part of the slope wasn't available to them. Because we don't want to have the person subdivide it into a whole bunch of lots that wouldn't work, and then run down to the hardship provision and try to get them all approved.

Village Attorney Stecich: [off-mic] the one thing that really does work, that did work [off-mic] came in for a subdivision, you did the subtraction of the all the steep slopes before you . . .

Boardmember Cameron: . . . divide it.

Village Attorney Stecich: So if they came with 20,000 square feet and they wanted it in a 2,000 square foot lot -- and they had 2,000 square feet of steep slopes -- no problem.

Chairperson Speranza: Do you think that's clear, though, the way it reads now? That this does apply to a subdivision before it's divided into lots?

Boardmember Wertz: I think it is really clear. If somebody did that they would be rendering the lot unusable and, of course, that would be a very foolish thing to do. I don't

know that we need to inform them of that; it's written into the code that that would be the concept plan. But I think it's clear enough.

Chairperson Speranza: Because that doesn't affect the density. Well, maybe it does affect the number of units.

Village Attorney Stecich: [off-mic] big parcel for 100,000 square feet, and you have to make subtractions. And then let's say it's in an R-10 district and you could get 10 units, but you have to subtract 30,000 square feet of steep slopes or the percentage. Then you get down to 70,000 and you can only have seven lots. So that really doesn't make sense.

Boardmember Wertz: Anyone subdividing would have to consider what they could do with the lots after they subdivide it and they would have to apply all the regulations concerning the lots.

Boardmember Cameron: We wouldn't let them subdivide in that manner.

Boardmember Wertz: Yes, we would catch it, but they should see it themselves just based on the code.

Boardmember Cameron: I was the cautious type, and I was going to leave the language in. But Marianne said, well, we really can take it out because it doesn't make any difference.

Village Attorney Stecich: No, I'm not sure.

Chairperson Speranza: I'm thinking, somebody comes to us and they've got a 4-acre piece of land. They come to the Village and say, "I want to subdivide my land, I want to make four lots out of it," and we say to them, "Well, okay." So they just come with a subdivision plan with four lots.

Village Attorney Stecich: That big 4-acre thing is a lot.

Chairperson Speranza: Got it.

Village Attorney Stecich: Which is why they're coming to subdivide.

Chairperson Speranza: Okay, you're right.

Boardmember Cameron: But the potential problem we have is if we approve the division of this lot into four pieces and we don't recognize that it has steep slopes. Then the person comes back later -- I mean, we can't do anything about it -- the person comes back later and they now want to build four houses and we've allowed them to divide it.

Village Attorney Stecich: [off-mic] you have to be careful on subdivisions [off-mic].

Boardmember Cameron: And we couldn't do anything about it even if we changed the language.

Village Attorney Stecich: So I think [off-mic]. And I think that language made sense before we distinguished between lots and [off-mic].

Boardmember Hutson: Yes, that's why we had it. You're trying to think of what are the permutations as far as the way things could be divided. Are there unintended consequences that we just don't recognize, but it's hard to see what they would be.

Chairperson Speranza: The subdivision regulations, do they now reference the steep slopes ordinance?

Village Attorney Stecich: No. It does say that you have to show that you can make compliant lots. And if somebody came in with 100,000 square feet and was trying to do 10 lots they wouldn't be compliant, so [off-mic] subdivision. So the language in there is pretty broad, and you catch it that way. [off-mic].

Chairperson Speranza: Right, compliant. In compliance with all those regulations or all laws.

Boardmember Hutson: I think once we've got it down to a lot . . .

Chairperson Speranza: You're right because the lot is a lot, the big piece of property is the lot. It's not just the components that the subdivision would be broken down into.

Boardmember Hutson: C is still unusual in my mind, but I see where you're going with it. It's like saying if you create a steep slope you have to treat it as if it were there all the time -- as if it was always a steep slope.

Boardmember Cameron: The irony of the whole thing is that we let the person create a steep slope and that steep slope is not going to be part of a building, you're actually freeing up other parts of their steep slope to do something with because we only take a certain percentage of it off. It's just sort of backwards. It can go sort of backwards. Since we only take away from the person, they can use 35% of a steep slope. So they have a piece of property with a steep slope on it and they create another 1,000 feet of steep slope over here. Therefore, they create 350 feet of more usable steep slopes that are allowed to be used, and they go back to first place and use it, theoretically.

Boardmember Logan: They move the steep slope.

Boardmember Dale: By giving up flat land and by creating the slope they've reduced it themselves.

Boardmember Cameron: But of course they're also giving up flat land, too.

Boardmember Hutson: It's hard to see the gain.

Boardmember Dale: No net gain.

Boardmember Allgood: There may be a gain. What if the flat piece is right next to a highway or a very undesirable location, and your steep slope is where you want to build.

[CROSSTALK]

Boardmember Hutson: It's says in our purpose we want to have steep slopes in places

[CROSSTALK].

Boardmember Dale: No, that's an improvement to the property.

Boardmember Cameron: Anyway, we have some approval process over the creation of steep slopes as well.

Boardmember Hutson: It's one of those things that it'll be interesting to see if it ever comes into play.

Boardmember Logan: I just have a question about A and B, and this may be totally implicit in the language. Don't we want to have it read so no more than a total of 35% shall be A(1), -(2), -(3), -(4)? These are cumulative, so you can't add 35 times 4 and get 100%. But in B they could say, "Well, we've developed 25%, we've paved 25%, we've re-graded 25%, and we've stripped the vegetation of 25%." Does reading the way it is now imply that it's a cumulative total of all these actions that we're addressing? I don't want to tweak the language unless it's obvious.

Boardmember Hutson: That language is not changing. We've never had an issue with it, but that doesn't mean that we couldn't.

Village Attorney Stecich: I think [off-mic].

Boardmember Logan: I was just wondering if the “or” should be an “and,” and then not more than a total. I rely on the wordsmiths.

Village Attorney Stecich: It wouldn’t be the worst thing to put “and/or.”

Boardmember Logan: “And/or “ would do it?

Village Attorney Stecich: I don’t know. The only thing that concerns me is that if it’s confusing one of the architects . . .

Boardmember Logan: I’m easily confused, though.

Village Attorney Stecich: [off-mic] reading this law.

Boardmember Cameron: Reading “or” makes the entire regulation a farce, quite frankly.

Boardmember Logan: Right.

Boardmember Cameron: And I think “or” is fairly read that only on 35% can you do these things.

Village Attorney Stecich: [off-mic].

Boardmember Dale: It may be a comma instead of a semicolon to link them.

Boardmember Logan: Yes.

Boardmember Hutson: Again, we’ve just never had that problem.

Boardmember Logan: I know. So we don’t want to fix something that’s . . .

Boardmember Dale: Don’t fix something that’s not broken. But it really might be a comma instead of a semicolon to link the sentence.

Boardmember Cameron: Well, the advantage of the semicolon is it makes it even clearer Item 4 is all one thing, and it’s by itself. So the words “*without appropriate measures to prevent erosion*” only applies to 4; it did not apply to 1, 2, and 3. That’s the reason why lawyers put semicolons in.

Village Attorney Stecich: [off-mic] because I wanted to make sure that it’s included, that modified everything. And that’s why I didn’t [off-mic]. You’re right, Bruce, you wouldn’t just put a [off-mic].

Patty, I looked back to the subdivision regs and I think you made a good point. It says that [off-mic] the preliminary plat which then, subsequently, has to [off-mic]. “*Such application shall be [off-mic] the Building Inspector, and part of the regular Planning Board meeting at which it will be considered, and the plat shall comply with all the requirements of these subdivision regulations in this chapter.*” Now, this chapter is the zoning code. The steep slopes are not in the zoning code. So we should probably also have just a little amendment to this section that says “*comply with all the requirements of these subdivision regulations in this code, not just the steep slopes [off-mic].*” [off-mic].

Chairperson Speranza: Stormwater, yes.

Village Attorney Stecich: [off-mic] and everything else. So I would just put that on as a separate sentence to go along with [off-mic]. I’ll make a note.

Chairperson Speranza: So we’re going to leave the re-graded “or?”

Boardmember Wertz: What’s the downside of changing it if it really is clearer, and it seems like we all agree that it is, even if we haven’t had a problem with it so far? Why not change it just to make it clearer, now that we’re looking at this and discussing it, if we all feel that way. I think it is clear with the “and.”

Chairperson Speranza: “Re-graded and/or.”

Boardmember Cameron: No.

Boardmember Wertz: Just “and,” I think. Putting “total” in, total is very clear: “total of.”

Boardmember Cameron: Which we say “not more than ‘a total of’ 35%?”

Boardmember Alligood: I agree, Fred. We might not have seen a problem yet, but as more and more land gets developed and people are looking for creative ways to . . .

Boardmember Wertz: Yes, that’s what I’m thinking. While we’re going over the language, if we see something that could really be improved, why not do it.

Boardmember Cameron: So we’re going to add the words “a total of 35% and 25%.” And we’re staying with the “or.”

Boardmember Dale: That’s in A and D, right?

Boardmember Wertz: Right, both.

Boardmember Cameron: Okay, now we come to 6, and these were a couple of changes Marianne thought were clearer; put the cluster and clustered subdivision in there.

We come over to 7, and what I would suggest we do at this point is switch to the way Eva has drafted it. I would mention that the scale that she suggested was one which I also asked Deven about, and he was in favor of that scale, too.

Boardmember Alligood: By the way, Jamie, I just took that from our own language in our site plan. So we have it in the code already, that’s where I started. So we’re consistent.

Boardmember Cameron: Well, that’s clever.

Boardmember Alligood: 295-106, Section E, and the language comes straight out of there. So “a detailed site plan showing at a scale of not less than 20 feet to the inch on sheets, not to exceed 30 inches by 40 inches.”

Boardmember Cameron: But you didn’t put the sheet language in.

Boardmember Alligood: I didn’t do that.

Boardmember Cameron: I’m sure that’s fine.

Boardmember Alligood: We could be even more detailed. I was trying to be brief, but that’s where it came from.

Chairperson Speranza: Okay, good.

Boardmember Cameron: So we now have this language here, which Eva’s put together and I’ve made comments on. You might make comments on my comments, and then we could have a single language.

Boardmember Alligood: I’m fine with the suggestions you made to my language. I just told him earlier they were good, lawyerly corrections. They’re fine.

Boardmember Cameron: And I took that as a compliment.

Boardmember Alligood: He’s very precise. Actually, my changes are a combination of wording that I got from our own code where it lists what’s required in the detailed site plan that must be submitted for site plan review, as well as a couple of sentences that I got from the New Castle steep slopes code. I kind of looked at both, and I can try to remember which ones were from where. That’s where the septic systems and wells came from. I know that was a comment on that. Point A -- “the location of proposed structures, septic systems, and wells” -- came from New Castle.

Chairperson Speranza: And that’s what we were talking about earlier. We can’t have septic systems and wells in the Village.

Boardmember Alligood: I just literally took it out of their code, so it’s fine.

Village Attorney Stecich: [off-mic]

Chairperson Speranza: We do have wells.

Village Attorney Stecich: You can't have any new ones. I think there are some, so [off-mic].

Boardmember Alligood: But there are some. There are definitely some.

Chairperson Speranza: You're right. So we've got to leave it.

Village Attorney Stecich: [off-mic] need to know.

Boardmember Cameron: So maybe we should put in "*and existing septic systems and wells*" so we know where they are.

Boardmember Dale: Well, just all existing.

Village Attorney Stecich: [off-mic] "*of the proposed*," yes. It's not just proposed; it's [off-mic]. And then you know what? [off-mic] the location of any septic systems and wells.

Chairperson Speranza: Although I think that was one of your comments, Jamie, was to have existing and proposed.

Boardmember Cameron: Right. So you could start off "*the location of existing and proposed structures, and existing septic systems and wells.*"

Boardmember Wertz: That would do it.

Boardmember Alligood: So it's clear that we're not allowing any proposed septic systems and wells.

Boardmember Cameron: Then I didn't have any suggestions on B and C.

Boardmember Alligood: Didn't you have something on C?

Boardmember Dale: On C, yes.

Boardmember Cameron: Yes, and I just thought it should say: "*and it's relation to neighboring properties, structures, roads, and wetlands.*" It's not up to them to decide whether wetlands are affected or not. We decide that in our process whether they're affected.

Boardmember Alligood: A similar comment that I have under 2, the landscaping plan. That language that talks about "*the need to describe wooded areas, rock outcrops, single trees with a diameter of 8 inches or more measured 3 feet above the base of the trunk, and all other significant existing land features.*" That comes out of our code, and I think it's important to have the applicant really show us all the natural features of the land in terms of our determination of wetlands, and to change it. I was trying to think of applications that have come to us where we've said, "Wait a second, where is the information we've looked for that hasn't been there."

Village Planner Witkowski: I had a suggestion on how that might be worded, though, so it was a little clearer as to what was a significant feature. Because that's kind of subjective. Who decides whether it's a significant feature? I suggested maybe putting "*other existing landscape features recognized as significant by the Village Conservation Board or other experts selected by the Planning Board.*" So if somebody came in and just said they thought something was a significant feature just because they like it, it's not necessarily a significant feature. I thought that way we could leave it up to the Planning Board if they needed additional information.

Boardmember Alligood: I'm confused. They have to go to those boards before they decide what information . . .

Boardmember Cameron: We can decide if they're significant.

Boardmember Alligood: Exactly. It's our purview.

Boardmember Wertz: We decide.

Boardmember Dale: She's setting up a measure for what is significant. If the owner decides that it's not significant, and hence left out, we say but there's such-and-such there.

Boardmember Alligood: Yes, but now we don't have to do that. Site plan review gives us that authority to determine anyway, so we're putting another step in there.

Boardmember Cameron: All we're doing is asking them to show how the landscaping plan affects other significant existing land features. We're not giving it historical rights; it's just how it affects significant land features. But it is part of what they're showing us.

Boardmember Alligood: This is the language that we have already in our code, so I'm not sure why . . .

Boardmember Cameron: All right, that's probably good to keep it.

Boardmember Alligood: I'm saying it's not in our steep slopes code right now, but let me find it.

Chairperson Speranza: I think at this point, when the applicant is making application for a building permit, they haven't come to us yet. This is what they're supposed to do before they even get here. It is kind of confusing as to, yes, the property owner may say, "This isn't a significant feature," when it comes to us. If any of us or any of the public knows that this is a significant feature that was left off of the plan, we then have to have them go back and include it or discuss where it is.

Boardmember Dale: The requirements support our asking them to go back and include it.

Chairperson Speranza: But see, we're trying to figure out what it is we want them to do. This is first blush, their first submittal to us. I don't know that we would have, for instance, a list of things which have been recognized as significant.

Boardmember Alligood: But Patty, under Section E of our existing code where it says site plan, when you apply for site plan approval we have a very detailed list under E, (1) through (19). Point number 8 is exactly the wording I just provided, which is "*the location of all existing water courses, marshes, wooded areas, rock outcrops, single trees with a diameter of 8 inches or more, measured 3 feet above the base of the trunk, and all other significant existing land features.*" I think we're making it more complicated if we now, on this language, suddenly provide more detail about what we say is a significant existing feature.

Chairperson Speranza: I'm not disagreeing with you.

Boardmember Cameron: She's agreeing with you, actually.

Chairperson Speranza: I'm trying to think through the process. An applicant says, "Well, this thing over here" -- I don't know, whatever significant thing it could be, but let's just say rock outcropping -- "oh, that's not significant." So he doesn't show it on a plan. And there is no place, Angie . . . you know, your comment had been that it should be recognized as significant. I don't know where an applicant would go to find out what's been recognized as significant.

Village Planner Witkowski: I was just thinking in terms of, say, they came to a public hearing and somebody said that something was significant that was left off. Just because somebody happens to like some little plant that may be a weed, I think it's up to the Planning Board to tell them what's significant. Otherwise, anybody could come in and say anything was significant.

Chairperson Speranza: Agreed, and that's when they get here. It can't be in the application requirements.

Village Planner Witkowski: But maybe there should be something . . .

Chairperson Speranza: Because it's going to come to us for us to decide. If somebody stands up and says, "Well, this is very significant, it should be on the place and the impact should be shown," then we say, "Yes, go back and do it."

Boardmember Cameron: We can't possibly conduct a survey of this entire town and discover everything that's significant and put it on a list. So somebody comes here, and we're all going to tromp around the block and look at it. We're going to say, "Omigod, I never knew that existed." So they can't know ahead of time, and we can't be bound by the fact that no one saw that at the time.

Boardmember Wertz: And also specify here who the experts would be and that would be the arbiters of that judgment. You just can't say that beforehand. You have to go on the basis of the specifics of the situation. And it would be our judgment to say that this would be the expert who would be able to do it.

Village Planner Witkowski: If there was a dispute you could require a vegetation survey be done.

Boardmember Wertz: But to list all the possible consultants that . . .

Village Planner Witkowski: No, that's not what I'm saying there.

Boardmember Wertz: You wouldn't need to do that.

Boardmember Logan: A question for Eva. On this list of 19 things, does it give you the frequency of gradients you're supposed to indicate on the plan, like topographic lines at 2-foot gradients or something?

Boardmember Alligood: You mean on the site plan?

Boardmember Logan: Yes, on the list of site plan . .

Chairperson Speranza: There might not have been 2-foot . .

[CROSSTALK]

Now you can get them easy.

Boardmember Logan: That would now define a rock that's 4 feet high, and the contours would be fine.

Boardmember Alligood: Number 18 says: "*existing soils, and existing and proposed topography of the site, including existing and proposed contours with intervals of 5 feet or less.*"

Boardmember Logan: Five feet, okay, it may be fine. The other thing is, the 20 feet per inch is a very small drawing and you can't get a whole lot on there. So we should be talking about a much bigger scale. If you want people to indicate features you won't be able to see them.

Boardmember Cameron: We're saying not less than.

Boardmember Logan: Not less than, but . . .

Boardmember Cameron: And we can ask for more. We're going back and forth because someone has a 100-foot wide property we'd hope they wouldn't do it 20 feet to the inch, which is 5 inches.

Boardmember Logan: A typical R1.5 lot is, 40 feet wide by 8 feet deep, or something like

that? So we're talking about a drawing which is sort of this by that. We're trying to see any kind of significant feature, when we need it bigger.

Boardmember Hutson: Again, we've never had one of those.

Boardmember Cameron: I think we have the ability farther down to ask for more information.

Boardmember Logan: You know, bigger drawings give you more information.

Chairperson Speranza: What's your recommendation?

Boardmember Logan: I would say at least 10 feet to the inch, or 1 inch equals 10 feet. So the least typical lot is this big, and you can read it without getting a magnifying glass.

Boardmember Cameron: Not less than.

Boardmember Logan: Now we have more information, and if they didn't put it on we have a way to filter that.

Boardmember Alligood: Okay, that's good.

Village Attorney Stecich: [off-mic] suggestion. On 2, the stuff [off-mic] location of existing water courses and all that really should be in 1. That's really not part of a landscaping place; that's part of what's existing now. I think the points are good, but 1 is showing what's there, 2 is what you proposed: the landscaping plan, [off-mic] obtained [off-mic] trees. But you want a detailed plan showing all this stuff. So I would just move the stuff that was added into 2 someplace [off-mic] 1.

Chairperson Speranza: But do you want it in a landscaping plan, though, specifically? Because that's the way that it's reading now. You have the site plan, and then you have a landscaping plan.

Village Attorney Stecich: But generally a landscaping plan is the plan where an applicant comes in and shows what they're going to be doing with the property with the landscaping. It's not a plan of what exists now. Nobody's going to be putting in water courses or rock outcrops or wooded areas. That's not stuff that would be in a landscape plan; that would be in your survey of the property.

Boardmember Dale: There's a lack of clarity, I think. Are you asking for two separate plans? One that shows all existing conditions, and another one that shows proposed conditions with alteration to the existing?

Boardmember Logan: Yes, I think so.

Boardmember Dale: So you're really asking for two site plans -- one existing and one proposed.

Boardmember Logan: Whether we call it landscaping or just another site plan, the plan should have proposed and existing.

Village Attorney Stecich: [off-mic]. Whatever you do with what remains [off-mic] of 2 I think this other stuff has to be in 1.

Boardmember Logan: I think we're covered if we strike the word "*landscaping*" and put "*plan indicating existing and proposed*," blah, blah, blah.

Boardmember Hutson: Maybe have them on one plan.

Boardmember Logan: Well, it could be two separate plans, but we need both.

Boardmember Dale: What we're asking for -- and I'm thinking about projects that are presented to us where the boundaries end at their lot and there's nothing across the line, there's no house next door or down the block or there's no trees, etc. -- is an existing site

plan, and then how you propose to change the existing conditions. So it's an existing site plan plus a proposed site plan.

Village Attorney Stecich: And I think if you're showing also what's on adjacent properties, I think the water courses on adjacent properties are significant, and even the rock outcroppings because they would affect drainage.

Boardmember Logan: That's a tough one to ask people to do, though.

Boardmember Alligood: I think this exercise has brought out something that's potentially confusing in the way it's worded now. Because we have a requirement for site plan of the property, but it doesn't give much information about what the site plan needs to contain, which is why we started this exercise. Then it says: ". . . a landscaping plan, indicating proposed paved areas, storm drainage facilities, retaining walls, and ground cover as well as the location of trees and ornamental shrubs." I think that's where I ended up putting this information because it sounded like that's where you describe trees and shrubs. But I think you're right, I agree with you, Marianne, and Bruce. The point that 1 should be existing site, and then the other proposed -- if we want to call it -- landscape design, or whatever.

Village Attorney Stecich: I know where you're going on this. I can [off-mic].

Boardmember Logan: I think the requirements have details about adjacent lots. Isn't that really onerous? How do you know what your adjacent properties are?

Village Attorney Stecich: [off-mic] trees on the adjacent properties?

Chairperson Speranza: There's a reasonableness to this also. Because if you've got a small lot you could show all the trees on your neighbor's property that abut your property and maybe the location that abut your property line. But how far would you go? You could have a big parcel next door to you and you're not going to show all of the vegetation. We'll use Jamie Cameron's house as an example.

When you think about your property -- and let's say the folks next door were going to do something, and I know they don't really have a steep slope like the back of your yard -- should they decide to do something they would have to identify . . . I don't know what the need would be to show all of the trees on your property.

Boardmember Cameron: Certainly I don't think they'd need to show all the trees on our property, but where does it say they have to show all the trees on the property. I don't think it says that.

Village Attorney Stecich: [off-mic]

Boardmember Alligood: Adjacent properties.

Village Attorney Stecich: If you move the stuff from 2 up to paragraph 1, Section 1, [off-mic] the plan showing everything [off-mic] . . .

Chairperson Speranza: Adjacent properties.

Boardmember Cameron: That's the way C was done, it didn't cover everything. So I would say that if you do move it up you put it into a new D, making the existing D to an E. And the D really talks about the landscaping plan on their property. Then you're not getting onto the adjacent property owner's trees. So you move what's in 2 up into a new subsection.

Village Attorney Stecich: It seems to me that the relevant question is, do you want them to have to show all that stuff on neighboring properties. Do you need to show the other vacant property's parking areas?

Boardmember Cameron: No.

Village Attorney Stecich: So that's the point. Then I think [off-mic] we should do because the 1 [off-mic] uprights, the A, B, C is clearer than A, B, C, D. You have to do a site plan showing this stuff on the applicant's [off-mic] -- A, B, C, D, whatever's under there -- on the applicant's property, adjacent properties, and existing streets. So presumably you would have to show A, B, C, and D on the adjacent property.

Boardmember Alligood: Yes, that's too much information. That's definitely onerous.

Village Attorney Stecich: It seems to me that if you took out the adjacent properties you've got on C the location of proposed area of disturbance and its relation to neighboring properties. If somebody came in and you didn't think that they showed enough -- you thought it was really going to affect something -- you could ask for more information.

Chairperson Speranza: Which is generally what we do.

[CROSSTALK]

Boardmember Dale: It's what we end up doing all the time. So what I liked about this was, it said if you're going to talk to me about a steep slope show me what the impact is going to be.

Boardmember Wertz: But is it sufficient to just have it in C?

Village Attorney Stecich: Well, yes, its showing the relation of the disturbance to neighboring properties.

Boardmember Alligood: But I guess the question is, what do they have to show. Do they just write "*neighboring property*" and what the zoning is? Can they be that basic, or what . . . ?

Boardmember Hutson: The neighboring property owner usually has something to say. We've never had a problem finding out what the neighbor thought about it.

Chairperson Speranza: That's true.

Boardmember Hutson: Theoretically you could. What you're looking at in regard to the neighboring property is really usually where people dwell or where they play or where they have a patio that's going to be impacted. You're not looking at whether they have big trees or don't have big trees, or whether they have a creek or not.

Boardmember Cameron: I think the lead-in in 1 is valuable, but I misinterpreted what you were writing. In my writeup I said that A would cover the information desired about the applicant's property, other than driveways; B would cover driveways; and C would cover the information on the neighboring properties. So I think if we fix A so it says "*location of existing or proposed structures and septic systems on the applicant's property,*" and then B goes, "*the location, layout, and servicing of all existing and proposed driveways*" -- A being an off-street parking and loading area, blah, blah, blah -- "*on the applicant's property,*" and C then gets you into the neighboring property, I don't think we're asking as much.

Boardmember Wertz: You're asking the applicant to specify what disturbances there are in relation to the neighboring property. You're not asking them to specify everything on the neighboring property.

Boardmember Cameron: So I think it works at that point.

Boardmember Wertz: Yes, that's the right way to do it, I'm pretty sure.

Village Attorney Stecich: David makes a good point. [off-mic] procedures, I don't know that the neighbors would know.

Chairperson Speranza: There's no notice, right.

Village Attorney Stecich: There's no public hearing, there's no notice to neighbors. I don't know if anybody wants to think about that, but we don't.

Boardmember Hutson: What do you mean?

Village Attorney Stecich: If it was steep there's no public hearing under steep slopes law so there's no notice to neighbors. If they happen to read, look online, to see what the agenda is, they wouldn't get a notice the way they would for [CROSSTALK].

Boardmember Hutson: Oh, you mean if it's just a single-family house they wouldn't . . . there's no other site plan requirement or anything.

Village Attorney Stecich: There is no notice on the steep slopes law. So the neighbors would come in if they knew about it, but they might not. And I don't know if you want to make that [off-mic].

Chairperson Speranza: That has bothered me. I remember that. So someone could put up something next to you, and if you don't know about it . .

Boardmember Alligood: But significant enough that it required our review.

Boardmember Wertz: It's a procedural issue.

Chairperson Speranza: But they didn't need to be informed about it.

Boardmember Hutson: You know, on several occasions we had people come to us where it was just a single-family. How did they get here?

Chairperson Speranza: In one instance, the person who was building the house did involve people from that neighborhood. If you're thinking of the same case I am, she actually came down to support the development of that property. And then when she realized what it was going to look like next to her, it was, "Omigosh."

Boardmember Hutson: I'm thinking of three or four times when we had people doing something on a neighboring property.

Village Attorney Stecich: It's possible that they knew. Maybe the people started the work, did the work, and somebody came out and said, "Ooh, wait a minute. You need a steep slopes approval."

Boardmember Hutson: That's probably what happened.

Village Attorney Stecich: But anyway, there's nothing in the law that requires them.

Chairperson Speranza: Maybe to keep going we should just finish going through this, and then address that.

Village Attorney Stecich: [off-mic].

Boardmember Cameron: I would suggest we take A and B, in A we add the applicant's property; B we add applicant's property, so it's clear. Then picking up on Marianne's point, we pick up this thing about water courses, blah, blah, blah, and we make it a new C, again adding applicant's property to it.

Village Attorney Stecich: Well, water courses, you're probably going to want to know more than the applicant's property. Maybe not all of these things, but I would think water courses you would want to know more than the applicant's. You need to see where it's going and [off-mic], and it would be significant if there is a water course. Let's say there's a water course on the property next to you. It doesn't run onto your property, but it may be affected by the work you're doing and then it can run down to your property. Of anything

that's important to know about adjacent properties, I would think water courses [Unintelligible].

Boardmember Cameron: We could take C and do everything but water courses and put water courses at the end. Add the word "*applicant's* and "*adjoining properties.*" And then we have existing C that comes back into D. And then the existing gray contour lines is E, and it right now says: "*within the area of proposed construction or alteration,*" so it only covers the applicant's property. So we're okay. I think that gets it.

Cruising forward, we then have back to 249-7. Moved down to Item 4 we have a new additional item, Item C -- which I think came out of comments that you made, Patty. Is that where it came from, Marianne? It's the one, "*methods used to minimize the impact of changes.*" So we put it in there. Going over it, we did decide to put in semicolons and ands in 249-8 on A, B, C, D, and E. They probably were intended to be there, but they didn't exist.

Village Attorney Stecich: So that you have to satisfy all of them.

Chairperson Speranza: So we're set with that?

Boardmember Cameron: Yes.

Chairperson Speranza: Now let's talk about public notice.

Boardmember Hutson: If you hadn't noticed it, it wouldn't have to be as extensive as the other notice. It would just be the immediately adjoining properties, I would say. Those would be the notice folks.

Chairperson Speranza: Even accessory apartment is a big notice area. There's a difference in notice right between Planning Board for site plan approval, and then the zoning variances, right? I believe the accessory apartment is . . .

Village Attorney Stecich: The problem is, now I'm working with [binders with colors]. I think it says it's the same as [off-mic]. I think it's just one.

Chairperson Speranza: I thought the Board of Trustees, when they modified the accessory apartment rules, relaxed the notice requirements so they wouldn't be so onerous.

Boardmember Hutson: That does ring a bell. Some of these were discussed.

Chairperson Speranza: But is there a sense that there should be some notice to living next door?

Boardmember Wertz: It sounds like there is.

Boardmember Hutson: If we're writing a whole separate code, might as well let people know it matters. I mean, if we think it matters this much, then it probably matters to the neighbor.

Village Attorney Stecich: For site plan. "*A hearing shall be conducted upon the same notice as that in [off-mic] zoning areas.*" I'll see what they did on affordable accessory apartments.

Chairperson Speranza: Was it within 500 feet? Neighbors within 500 feet of the property?

Boardmember Wertz: If we're making reference to adjacent properties in this document, then there should be some procedural mechanism to inform people that this is an issue.

Chairperson Speranza: Instead of being an application that's heard.

Boardmember Wertz: That makes it more consistent procedurally with the content.

Boardmember Cameron: But we don't want 500 feet to be the determinant for adjacent

properties because otherwise you'll be getting far too big of a diagram. We should avoid that.

Chairperson Speranza: Oh, yes. In terms of the map? Yes, you're right.

Boardmember Hutson: We want to know what's happening in your neighborhood, the whole thing.

Boardmember Dale: Shouldn't this be the immediate adjacent properties?

Village Attorney Stecich: The accessory apartment: ". . . *the hearing shall be held upon the same notice as that required for zoning variance.*"

Chairperson Speranza: So they're all three the same. Everything's the same.

Boardmember Hutson: But this one, I think, can be different.

Village Planner Witkowski: Maybe just put it right in there, just adjacent property owners will be notified.

Boardmember Hutson: Is "*adjacent*" legally . . .

Boardmember Dale: "*Immediately,*" in all four directions.

[CROSSTALK]

Village Attorney Stecich: What's adjacent? Is across the street adjacent? Yes, but it's not that [off-mic].

Boardmember Logan: Contiguous.

Chairperson Speranza: You'd want them across the street.

Boardmember Hutson: Why do you want it across the street?

Boardmember Dale: If it's downhill, yes.

Boardmember Logan: It doesn't affect the grade.

Chairperson Speranza: You're downhill. If you go here, and you've got a street, and then you're . . .

Boardmember Logan: The street mitigates any kind of drainage issue, etc. The street has its own contour, its own storm drains. It's a clear boundary, and physical as well as drainage.

Village Attorney Stecich: Why would you say that site plan people would be more interested in a site plan than they would in a steep slope application?

Boardmember Hutson: You mean why should it cover a wider area?

Boardmember Cameron: Why should an accessory apartment have a bigger notice than a . . .

Village Attorney Stecich: You know why? Because it's everybody on the street parking. That makes some sense. It seems to me maybe a steep slope could be even more developed. It would be even more important.

Boardmember Cameron: I think we should stick with one definition of who gets noticed.

Boardmember Logan: Yes, keep it real simple. Historically, are we fixing a problem that really exists or not? I mean, has this ever come up, where people say, "Why didn't you notify me about this?"

Boardmember Hutson: You were probably on the Board. I want to say it was over on Clinton. It wasn't Clinton, but right off Ravensdale over there. Now, that one was a new home being built. That was already underway, and the person became alarmed with what

was happening above their house.

Chairperson Speranza: When he saw what was being built.

Boardmember Hutson: It was up the hill, but it wasn't much of a hill. It probably would have been good to have a notice on that to get at it earlier.

Boardmember Logan: Was it the immediate neighbor who was alarmed?

Boardmember Hutson: Yes.

Boardmember Logan: I think we should keep this as simple as possible and just stick with immediate neighbor or something so we don't have this 500-foot radius thing, which just drives everybody crazy.

Boardmember Hutson: People complain about the cost and the effort involved in this whole notice process.

Boardmember Logan: Somebody's putting in a flagstone patio or something at the back of their house.

Village Attorney Stecich: It's 300 feet, not 500. They can't make it 500. I'm not sure what the Building Department's doing, but the code extends to 300 feet. And then the other thing is, do you want to require newspaper notice.

Chairperson Speranza: No, I think it can go to the neighborhoods.

Village Attorney Stecich: You can't say the same as [off-mic]. Just say the notice you want, then you may as well [off-mic].

Boardmember Cameron: No. If it's a subdivision, does that get the bigger notice?

Chairperson Speranza: A subdivision, yes, because that's a separate process.

Village Attorney Stecich: Everything gets noticed if a subdivision's going to come in.

Boardmember Cameron: Okay, so we've got subdivision covered with the regular notice.

Chairperson Speranza: Right. I'm kind of hearing two things -- immediate property/adjacent property owners. Or do we stick with the one that's already there?

Boardmember Dale: The 300 feet could be five houses, six houses away.

Boardmember Hutson: It's just overkill, I think.

Boardmember Logan: I do, too. I think it's overkill. We're micromanaging this thing.

Boardmember Wertz: Adjacent. That's the language we already have here.

Village Attorney Stecich: [off-mic] adjacent, and no newspaper notice.

Boardmember Alligood: Keep it simple.

[CROSSTALK]

Village Attorney Stecich: So there's not going to be a public hearing. There's just going to be notices to the neighbors, no public hearing, because the public hearing has to be noticed in the newspaper.

Chairperson Speranza: No, just notice. Wow, I think we've come to consensus. So moving forward, we'll get a revised version. Marianne, do we have to think about SEQRA?

Village Attorney Stecich: If you do it, it's going to be a neg dec. You just include it [off-mic]. Let's see, though. You don't do it.

Chairperson Speranza: The Board of Trustees.

Village Attorney Stecich: The Board of Trustees is going to have to do SEQRA on it because they're the only ones that have an action to take. I guess you do in the sense [off-

mic]. Again, it's going to come back.

Chairperson Speranza: Oh, that's right. We still have to do that, right? We have another agenda.

Boardmember Cameron: So where does that leave us? Do we vote on this? Do we vote when the language comes back?

Chairperson Speranza: When it comes back. Let's see it all together, with the modifications, and vote it out at our next meeting and recommend transmittal to the Board of Trustees. And that would include also, Jamie, the height recommendations. Next meeting we'll be prepared. Okay.

Village Attorney Stecich: My suggestion is maybe be put into a local law form that you just recommend. It would just be two separate local laws, and talk a look at it [off-mic].

2. Recommendation to Board of Trustees. Proposed Zoning Code amendments

Chairperson Speranza: Speaking of amendments to the zoning code, we have to recommend these back to the Board of Trustees. Marianne, there is nothing that was changed from our discussion in here, at least that I noticed. I don't know if anybody else noticed anything. I did see the public hearing the other night on that. As many people spoke at that meeting on this item as were here tonight to speak, meaning there was nobody there. No public discussion at the public hearing. I don't know that there's any reason to change anything, so do we need a resolution to send these back to the Board of Trustees?

Village Attorney Stecich: You just recommend. Yes, do that.

On MOTION of Boardmember Wertz, SECONDED by Boardmember Alligood with a voice vote of all in favor, the Board resolved to recommend that these go back to the Board of Trustees with recommendation for approval.

V. Pending Items NO DISCUSSION NO ACTION AT THIS MEETING

Chairperson Speranza: Now the most important item of the evening -- meetings. Let's talk about August. David is not here August 21st. Bruce is not here.

Boardmember Logan: I'm probably not going to be here either.

Boardmember Alligood: I'm here.

Boardmember Cameron: I'll be here.

Chairperson Speranza: We could see if Rhoda could be here because it's very possible that we'll have a couple of very, very interesting applications that there have been a lot of discussion about. I don't know if Hastings House Restaurant may be ready to come back for approval. Have we heard anything else from Saw Mill Lofts?

Village Attorney Stecich: I've spoken to them. You're not going to see them in August.

Chairperson Speranza: Oh, they won't be here. That's good.

Village Attorney Stecich: [off-mic] just so you know the status. I did call them when I saw the agenda and said, "You remember, your approval expires in September." And he had some changes he wanted to make. I said, "If you don't get up to the Planning Board by this month it's never going to get approved by September." He said, "If we come back [off-mic]

we're going to be coming back for an extension of the site plan approval.”

Chairperson Speranza: Okay, so if they come back they'll be coming back to extend the site plan approval and not for us to take action on any modifications at that time.

Village Attorney Stecich: We don't know, but they're certainly not going to be ready to go for their building permit by September.

Chairperson Speranza: That's fine.

Boardmember Cameron: So three people here won't be able to be here for the meeting on the 21st?

Chairperson Speranza: Right.

Boardmember Cameron: Do we want to move the meeting?

Village Planner Witkowski: We already advertised a public hearing.

Chairperson Speranza: For what?

Village Planner Witkowski: I can't remember, but I know there's at least one. I don't think it's a big deal, but it is advertised for the 21st.

Boardmember Dale: I actually might be here. It's in between two things.

Village Planner Witkowski: I'll ask Rhoda.

Chairperson Speranza: And Rhoda might be able to be here, too, depending on what it is. If it's an accessory apartment renewal, then that's something which could go very quickly as well.

Village Planner Witkowski: I know what it is. It's the towers on top of the Municipal Building. That's what the public hearing is for.

Chairperson Speranza: The antennas?

Village Planner Witkowski: Yes. Because that's going to require a recommendation to the ZBA, and they're going to be meeting the beginning of September. That's what it was, so it is kind of an important one. But I'll give Rhoda a call. I think she said she was going to be around later in August, but I'll call her just to make sure.

Chairperson Speranza: And Bruce, you may be.

Boardmember Dale: We're making plans. I have one thing that ends on the 18th and then I may be leaving -- I'm not sure when -- the 20th, the 21st, or the 22nd. Our plans aren't final as of yet.

Chairperson Speranza: The 22nd's a really good day.

Boardmember Dale: Some time in that period we're going to be leaving, in those three or four days, but I don't know which yet.

Chairperson Speranza: If we were to move this, would the 14th work for people, more people?

Boardmember Wertz: The 14th wouldn't work for me.

Boardmember Alligood: I could do this.

Boardmember Cameron: I could be here.

Boardmember Logan: I think I can. My uncertainty is I have a business trip that's kind of floating between those two weeks. I'm a little vague about it.

Chairperson Speranza: Why don't we leave it as the 21st for right now. Angie, if Rhoda could be here that would be great. Bruce, if you could let us know?

Boardmember Dale: I'll let you know.

Chairperson Speranza: And then we'll have to see what it means if we re-advertise for a

different day that's earlier. We'll have to see. Work that through. Either way we're not going to get everybody on both days.

Village Planner Witkowski: It looks like right now you'll have four people because I'm pretty sure Rhoda told me she was going to be around.

Chairperson Speranza: I was going to see what else comes in the calendar to be heard that evening.

Boardmember Cameron: We could also think of the 27th or 28th.

Boardmember Alligood: I'm definitely not around.

Chairperson Speranza: I'm not around either, and you're not around.

VI. Adjournment

On MOTION of Boardmember Wertz, SECONDED by Boardmember Logan with a voice vote of all in favor, Chairperson Speranza adjourned the Regular Meeting at 9:45 p.m.