

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
REGULAR MEETING & PUBLIC HEARING
MARCH 20, 2008**

A Regular Meeting and Public Hearing was held by the Planning Board on **Thursday, March 20, 2008 at 8:15p.m.** in the Municipal Building Meeting Room, 7 Maple Avenue, Hastings-on-Hudson, New York, 10706.

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

ABSENT: Chairperson Speranza

Acting Chairperson Hutson: Ms. Speranza is away this weekend. I'll be chairing the meeting tonight.

I. Roll Call

II. Approval of Minutes: February 21, 2008 Meeting

Acting Chairperson Hutson: Anyone have any corrections?

Boardmember Alligood: I have a couple, starting with page 20. It's just missing a verb. On the very last paragraph, where I'm speaking at the bottom of the page, it should read: "I think your logic 'is' . . ." -- just insert the word "is."

And then the other one, page 23, I think the last part of the sentence on the second paragraph. First sentence of the second paragraph, where I'm speaking, is missing. It should say: ". . . between private enterprise and public good."

I think that's it.

Acting Chairperson Hutson: Anyone else?

Boardmember Wertz: A couple. On page 13, first line at the top, it says ". . . business owners, and said, quote "what would you say to them to reassure them, question mark, close the quotes. Then you can put a comma, "because we've heard . . ." Get that?

And then about nine lines down, it's the end of the second place where I speak: ". . . so the question is, what is reality'?" question mark rather than a period.

That's it.

On MOTION of Boardmember Wertz, SECONDED by Boardmember Alligood with a voice vote of all in favor, the Minutes of the Regular Meeting and Public Hearing of February 21, 2008 were approved as amended.

III. New Business

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

Acting Chairperson Hutson: I also have an objection for the Board. I'm just going to change the order on the agenda a little bit. First of all, the first item is not going to be addressed tonight. The application was not complete. Everything was not available for the parking spaces addition at 555 Broadway so that'll be held over until the next meeting.

In regard to the two items that are on the agenda for public hearing -- but no discussion and no action tonight -- unless someone has an objection I'd just like to go over those two things at this point. And then the only thing we'll have on the agenda is reviewing the recommendation to the Trustees regarding steep slopes.

IV. Pending Items

NO DISCUSSION NO ACTION AT THIS MEETING

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

Acting Chairperson Hutson: If that's all right with everybody, just let me see if there's anyone who wants to say anything, from a public hearing point of view, about the first item, the Foley subdivision. And if not, I'll go into the next item.

- 2. Public Hearing (Continued). Site Plan Approval. 555 Warburton Restaurant Renovation. Thomas Devlin, 555 Warburton Avenue. Sheet 12 / Block 630 / Lot 28. Establishment of expanded restaurant in the former Hastings House Restaurant.**

Acting Chairperson Hutson: I know one gentleman has something he would like to address the Board with. Come up and state your name and address, and tell us what you have to say.

Joseph Dos Reis - Tony's Steak & Seafood: As with most of the business owners in this Village, we went around, we had a signed petition from about 95% of the business owners. Basically the problem -- the same problems we all face, the number one complaint -- is the parking. I know they had claimed that they would use valet parking. Unfortunately, most of us know that if you go to a place that has valet parking you're going to use a regular spot, if it's open, before the valet parking.

There are 10 reasons here. I don't want to go through all of them, but I'll give you this. It's signed by 90% of the business owners. Right now everybody's in stress. Business is rough. If we miss a spot here or there it can close up a business. We've been there 20 years at Tony's Steak & Seafood. We're struggling; now everybody's struggling. We don't oppose new business coming into the Village, we welcome it. But a catering hall, we feel there's not a place for it in the middle of the Village. There basically is no parking, and that's one of the issues most of our customers have: they ride around, they look for a spot.

Right now, 19 Main's going to be opening. We have the Comfort that's going to be opening. Again, Hastings House, we had no problem when it was open prior to that. It was a bar, basically, with a little business once in awhile. It didn't hurt anybody. We have no opposition to that. We do oppose the fact if it's going to be a catering hall. If you bring 100 cars at once, it's going to clog up this Village.

Acting Chairperson Hutson: If you turn those in we'll definitely put them in the record. Is it your thought, and the thought of most of the people that you have talked with on this, that there's really nothing that would help to alleviate that in the way of not only the lot next door at Chase, but also in terms of if they require -- just for the catering services, as much as they can require -- that people either use a shuttle bus to the commuter lot or to Zinsser?

Mr. Dos Reis: There are only so many spots. Regardless of what you're going to do, I can't see a plan that would help out the situation at all. I mean, if it's valet parking, if I go to a party and there's a spot open prior to the valet parking I'm going to take it. Most of us will take a spot that's open before going to a valet. The valet's the last resort to most of us. Some of us enjoy it, but the normal person's going to take a spot. If there's a spot open on Warburton they're going to take the spot before they go to valet. There's no way they can guarantee you that all those people's cars are going to be driven down to valet. It's impossible to guarantee that.

Boardmember Wertz: How about the restrictions that might be possible on the times of operation of the catering business? That's one thing that we were exploring. In fact, one of the business owners downtown who was initially critical of the proposal had suggested that,

possibly, restrictions in the hours of operation of the catering business could make it much less of a problem for the business owners. Have you taken that into consideration?

Mr. Dos Reis: When you say restrictions, restrictions during business restaurant hours? The Comfort's going to open up, Tony's over there, 19 Main is going to open up. Right now if you check out all the parking lots, they're all full. While we're busy, most of our customers have to search around for a spot on a Friday or a Saturday during business hours. That's when you're going to have catering, would be around that time.

Boardmember Wertz: Well, I think it was going to be more restrictive than the regular business hours, but we can look at that specifically when we get to it.

Mr. Dos Reese: I don't understand what you mean when you say restrictive.

Acting Chairperson Hutson: He's talking about the fact that at least when most of the other businesses in the Village would be open, and customers there would be taking spots, that at least during those hours the catering hall couldn't operate. The restaurant could, but the catering hall wouldn't be allowed to operate in those hours. So at least you wouldn't have the competition from all of the other businesses besides restaurants.

Mr. Dos Reis: Yes, that's correct. But unfortunately you do have quite a few restaurants that you'd be cutting into their time. You know what? We welcome competition. It's good for all of us. If you bring new people into the Village, great. We don't oppose that. We oppose the fact of a catering hall. If they open up a bar it's fine, what was there is fine. Something like that, it doesn't hurt most of the businesses as badly as a catering hall. When you bring 100 people or 200 people to one spot it brings a lot of vehicles. There's just no place to put them.

Acting Chairperson Hutson: All right, we'll be happy to receive what you have, and we'll distribute it to the Board.

Mr. Dos Reis: Okay, thank you.

Acting Chairperson Hutson: Angie, if we could have copies in our next packet of that. Any other comments from the Board on any of these other items?

V. Old Business

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

Acting Chairperson Hutson: Okay, let's look at Jamie's handiwork and some of his ideas here. Marianne, I was going to ask you first of all on this whether, in looking at this -- aside from whether something's a good idea or not -- are there glaring things that would be difficult, as you see at this point, to put in the form we need for the code.

Village Attorney Stecich: It wouldn't be easy, but it could be done. I probably would do it a little bit differently than Jamie did, but not a lot. The reason I didn't bother fooling around with the language is, let the Board come to some agreement on what they want.

Acting Chairperson Hutson: Then it becomes your problem, right?

Village Attorney Stecich: It won't be a three-line definition, you know. It's going to be long, but if it does the trick it's worth doing.

Acting Chairperson Hutson: There's nothing glaring that you see that this is a problem vis-à-vis the rest of the code or anything like that.

Village Attorney Stecich: No.

Acting Chairperson Hutson: Jamie, if you could just kind of summarize any of the additions that you made. I know you handed out an additional amendment tonight to what we received in the package, but just give a quick summary and we can open it up for discussion.

Boardmember Cameron: I did change it around a bit from what we distributed previously. Previously we had a system where you had mandatory modules of a certain length.

Acting Chairperson Hutson: Let me interrupt for one second. I didn't say it. For the sake of the public, we're talking about the height of the buildings in the commercial district and in the MR-C district -- the way that's calculated, and how the code might be amended to present that in a more usable fashion.

Boardmember Cameron: Previously I had it in modules, so you had an additional module of 40 feet and then you had 20-foot modules. I decided that was actually unnecessary. We could leave it up to the builder how long they wanted the modules to be by saying to them, "Well, fine. You do get the first 40-footer, and you can take it or not. But you can make it longer than 40 feet if you start with the building a little lower." Because the idea was that you have to come down once you've pierced this imaginary plane for more than 20 feet. So if you actually started your second module at only three stories it might go out for 30 or 40 feet before it pierces the plane. This gives the builder a lot more flexibility.

So it's no longer every 20 feet you've got to come down. It depends how you're building. I gave a couple of examples in here where somebody could choose to build a lower-story building. In diagram 7, for example, in which they're only doing a three-story building, and I did that to recognize that, in fact, the four-story is discretionary with the Planning Board -- we either give someone the fourth story or we don't. This is just to give an idea how you could actually constantly stay underneath the top of the envelope and get longer floors. It does seem to fit pretty well.

The other thing I did, because I drew the first diagrams the wrong way, we don't actually have the ability to give anybody four stories until they can get the fourth story under the level of the street. So as you go along, the fourth story has to be completely under the level of the street, as I read the law. I depicted that, and got rid of the fourth story. That's why there were only three stories appearing.

Village Attorney Stecich: Jamie, could I just ask a question about the diagram, just so I understand? The building in diagram 7 would also meet the height definition that we use everywhere else in the Village?

Boardmember Cameron: That's correct.

Village Attorney Stecich: Okay. But the problem with using that definition in the CC district, from your perspective, is that you think there might be some instances where somebody would have to pierce the plane, in the words you're using.

Boardmember Cameron: I think one of the stated purposes of changing the zoning in the CC district when it happened was to try to get increased density into the downtown area. So this thing has been drawn not with the aim of taking that away, but putting it lower down -- more Italian-style, as we say -- as they step down.

Acting Chairperson Hutson: Jamie, your top line is calculated based on a vertical line as opposed to the perpendicular, right?

Boardmember Cameron: I've done everything on vertical, yes. As you all know, our current law uses perpendicular in determining the height of a building, which is perpendicular to the lay of the land. So actually, rather amusingly, as the land gets steeper, the height of the building goes this way, theoretically. So I think actually near the end it gets lower, and to begin with it gets higher. But I'm not quite sure, and we're going to take a look at it and try to draw two lines and see where that goes. I just have problems with perpendicular. And that is, it's really hard to calculate. And it's really hard, I think, even for a builder to figure out where it is because they're trying to build a building. You can all remember what it is this way; you measure the inside of the walls. But the other way, you're drawing a diagonal line across the room trying to figure out where it is. That was actually suggested by our Building Inspector, that we look at it, but we had not acted on that as of yet.

The other thing I did -- and that's in this thing I handed out just as we were coming to the meeting -- one of the problems we had with our current law, in my view, is that we measure the height of a building from a single point on the front of the building. That leads to some odd effects. For that reason, I put in diagram 12, which shows a building which actually faces onto a slope of a street. It could be one side of Washington as it goes down the hill, for example. It shows what happens. The two light-ish lines running horizontal, or the envelope under our current law -- which is 40 feet in the midpoint of the site because I put a 120-foot building in here -- produces a 52-foot building at one end and a 28-foot building at the other end because that's what happens when you take a midpoint. Whereas the four modules I put in there as an example, would be an example of how the law that I'm suggesting would work, and you just step the modules in -- which I think works much better on the hillside.

I also thought that this issue is raised when you have a multiple-site situation going down a hill where it slopes in without directions. So I have written out the definition of how you tackle that, and that's the document I distributed today. In my example I divide it into

30-foot pieces. It could be 35 -- I don't know what the number is. We should look at the width of most of the single lots in these areas and pick a number just slightly bigger than that so we don't face this thing as much for the single lot. We don't have to run around and have multiple planes. But where you have someone building on two, three, or four lots it would be wise to have something where you get multiple planes going down the hill so if the land slopes both down from the street and to the right you don't have overly tall buildings at one end compared to the ground. So that's the purpose of that additional amendment that I made.

I did put together 12 diagrams. I just did that because once you get rolling it's not hard to do, and I wanted to make sure everybody had every alternative we could possibly think of. Obviously, if we go forward and adopt this law we should probably put maybe two diagrams in the regulations. I suggest which two, but we can choose which ones we want when we get going on that.

Acting Chairperson Hutson: We could just maybe have each Boardmember see if there are any comments on this, and then try and boil down what the fundamental issues are that we really are making a decision about here. Eva, did you have anything in regard to this?

Boardmember Alligood: I was hoping you wouldn't start with me.

Acting Chairperson Hutson: Bruce?

Boardmember Dale: I wasn't here for last month's discussion, although I did watch some of it on TV and read the minutes. I want to compliment Jamie on a really excellent piece of work. What I like most about it is that even though it does restrict development rights, it does so with a clarity and a consistency that's not arbitrary. Setting a height is arbitrary, but once that decision's been made by the Village it's consistent throughout. If you start stepping down, how much it has to step down is really just a fact to determine by the site itself. So it's not something that's being imposed arbitrarily during the discussion of design review. I like that characteristic of it. Somebody who owns a piece of land knows exactly what they can expect to accomplish.

I asked Jamie if there was an issue around lot coverage, and I gather in this district there's not because there's really no percentage of lot coverage.

Boardmember Cameron: Right. That's in the CC. This also applies to the MR-C, which is an 80% lot coverage, whereas in the CC I could not find anything that restricted lot coverage.

Acting Chairperson Hutson: It's got setback.

Boardmember Cameron: Setbacks. Ten feet on the side, and then 10, 20, or even 30 feet on the back.

Boardmember Dale: So the only question left in my mind was whether there was enough square footage left to build a building; that's economic to build a building. I don't think what's being proposed limits that or would cause additional troubles. The size of the lot may be a problem, depending upon where and what lot was being purchased.

Essentially, I didn't get a chance to study them individually and try and figure out what kind of architecture they would produce, but I think it's a fairly ingenious solution to a problem because it does take away the arbitrariness and gives a consistency to what's being proposed.

Acting Chairperson Hutson: Bill, anything?

Boardmember Logan: This is a great piece of work here, and I think it really clarifies a whole bunch of issues. And it does protect us against some of these unintended consequences, especially this diagram 12 where we could have a very high building going up the hill but cheating the builder on the upper end.

I guess my question -- and I don't have an explicit answer for this -- is that if what we're really trying to do is limit the impression of bulk of structures that we build in the downtown do we really have to lock somebody into the slope that they actually have, or should we think about what is the intersection of the maximum density with the maximum perception of stepping. For example, in diagram 8 -- which is a 35% slope -- if we're prepared to accept basically that level of stepping, why don't we just say that the imaginary plane in all circumstances is 35%; which would allow a builder to get higher density and not have to calculate, where is this slope -- is it 20%, is it 15%. But if we could live with a definition of stepping that is in scale with the building. This is analogous in New York City to the sky exposure plane idea, where you say, okay, things have to step back so we can get light and air and not have an overbearing presence of the buildings. What does the Village really gain if somebody slavishly sticks to the existing site's slopes. The same way we say 40 feet is the maximum height, why don't we say 35 degrees is the cutoff plane where nothing shall pierce that for either end -- from either going uphill or downhill. This may help simplify the language.

I also want to think about a couple of specific sites. We all know the one we're thinking of, but there's another site which the Village actually owns. That's the site next to Maud's parking lot and the Steinschneider lot. This came up in the Comprehensive Plan Committee meeting which we had last week; sites in Hastings, and the opportunities we have to develop those. That's a site with a retaining wall which isn't actually sloped, but it probably originally was sloped and they built a retaining wall; there's the Steinschneider lot; and there's the Maud's lot. As we look at the future of Hastings and how that's such a pivotal property -- near the train station, near the library, near the core, the downtown -- how would this apply to a site like that with a retaining wall, and would this in any way prevent us from getting an appropriate density there. I don't know the answer, but I think these are the kinds of tests we want to apply to this idea.

Jamie's gone a very long way here in clarifying the issue. I think we just have to see.

Acting Chairperson Hutson: Your two issues, take them one at a time. The 35, I don't quite see how it would work. Your first point, just as an example, assume a 35% grade. If you had a situation where the grade was much less than that you would still assume it's 35 feet. Wouldn't you still end up then with buildings that were disproportionate?

Boardmember Cameron: If you look at diagram 1, you would end up with the person losing a bunch of floors because you have a line going down at 35 degrees and it would intersect.

Boardmember Logan: No, I would say you would start that from the back side, for example, in that case. If this is diagram 1, we'd still hold the 40, but the stepping would occur from the downhill side looking up.

Boardmember Cameron: But if you do that, you end up with about a 65-foot high building on the street side.

Boardmember Logan: No. We respect the 40-foot height on both the front and the back. That would be cast in stone; that would be a limit on both sides. For example, looking at the train station. Here's our nice little Village, and then we want to avoid this kind of fortress impression from downtown. But we want to give people enough so they can overcome some of these issues like the difficult grade, and providing parking, and cutting into the hill, and providing infrastructure, etc. I'd say just this diagram, as an example -- let's say that this is 35 degrees -- that somebody could step up in a different way, still maintain the 40-foot height at either end to allow them to get more density in the middle without creating a building which looks like it's out of scale with the Village.

Boardmember Cameron: In your diagram there of a 100-foot long building, which is in the 35, I don't think you get more than one more floor in the center column if you did that.

Boardmember Logan: I think what you would get, if you can see this from here, is basically the builder would be allowed to fill in that zone, which adds probably 20% to the buildable square footage.

Boardmember Cameron: Ten percent.

Boardmember Logan: As an example -- and I'm not locked into 35 -- maybe we say 25% is the right number.

Boardmember Cameron: The issue I would have with that would be if I owned the adjacent lot. Because many people only have a 40-foot, or a 50- or 60-foot, deep building. If you're building a 110-foot building, and you can add your 35 degrees at the far end, you're going to tower over me in the middle and I'm going to lose my view on the left and the right, and the sunlight. So I think the idea of this thing was, with the different grades, that everybody would be stepping down about the same and you'd have this nice feeling looking left and right, up and down the river.

Boardmember Dale: The advantage that Bill's idea has is, what happens when that grade is inconsistent. A retaining wall isn't a good example of that. You have a certain grade, and then it drops down and it's a different grade.

Boardmember Cameron: I actually have dealt with that with a methodology that you should look at carefully. What I have done actually, if you think about it, I have taken the average grade in the front of the lot and the back of the lot. So there isn't actually a line going down the hill. It actually doesn't matter whether the hill goes like this and then goes down. It's a line going straight down.

Boardmember Logan: You could cut a retaining wall anywhere in that.

Boardmember Dale: It could go up or it could go down. If it goes down, then he's got a basement. He doesn't have to excavate as much. But if it goes up, now he's got a real problem.

Acting Chairperson Hutson: There's nothing to say he couldn't knock it down.

Boardmember Cameron: I've actually gone through the Village -- the CC district and the MR-C district are not that big -- and I've gone through and actually looked at every site. I would suggest we all do that. In fact, there are houses . . . and one of the purposes for this 40-foot provision was to give these houses -- which actually sit on a fairly flat piece of land, before the land absolutely plummets down behind them -- an opportunity to replicate the house on that piece of land without having to run down the land to the bottom. If you get close to the bridge in town, those houses sit on about 40 feet of land, and the land goes straight down like an arrow. The purpose of the 40-foot provision was to allow them to build on the first 40 feet. They've got a nice house there and, God help them, they won't have to excavate to put the next floor in, but they'll be down two floors at that point because it's so steep.

So I think we should look at it with that in mind. I really did try to go around and look at all of it.

Acting Chairperson Hutson: Is there anything in regard to Bill's point here on this? Bill, does Jamie's response on that make sense to you?

Boardmember Logan: I could see how at midpoint through here the building could potentially loom over a neighboring property. But I think the odds of it blocking its view, it's just as likely that this will block the view of an existing building. What Jamie's diagram would do would be to avoid sort of a moving effect.

Acting Chairperson Hutson: And it creates the odds that there would be an open view corridor.

Boardmember Cameron: I would point out to you the first three houses from the bridge in the middle of town heading towards the parking lot. They would all have something next to them which would be, in your example, five stories high. I don't think that exactly works. This idea here is to give a lot of capacity to this thing. In fact, I tried to maintain the same amount of density that they currently have. It's just to make them put it farther down the hill so it doesn't stand out as much.

Acting Chairperson Hutson: Does everybody feel comfortable with the idea that you would be working from a straight line from the bottom of the lot to the top of that lot? That that's where you start to determine the height from? It's not following any contour.

Boardmember Cameron: Yes, it's a little different than our normal one, which is just 35 feet.

Acting Chairperson Hutson: Bill, just restate the second issue you had. Let's just discuss that as we go through.

Boardmember Logan: I would just supply the test of this to a site, for example, like Maud's parking lot. We all like the fact that it's open and there's a tree there and steps. But if you think about the future, that lot is really, I think, underdeveloped. I see it as like a missing tooth in this.

Boardmember Cameron: Under this, you could have a 40-foot high, street face.

Boardmember Logan: Which actually would step down in 20-foot increments, 30-foot increments?

Boardmember Cameron: Not stepping down at all. It starts on the street at 40 feet.

Boardmember Logan: No, I'm thinking of the Southside Avenue direction, the north-south direction, where all those buildings kind of step down because the hill pitches down quite steeply.

Boardmember Cameron: I don't know if that parking lot actually steps down at all. As I recall, that parking lot, as you go into it, you actually go up a little bit when you drive in.

Boardmember Logan: But there's a retaining wall that comes around.

Boardmember Dale: The retaining wall holds it.

Boardmember Cameron: In the back side.

Boardmember Logan: And in the front. The retaining wall wraps around.

Boardmember Cameron: Well, we should go and look it. I don't think it's more than 4 or 5 feet, I really don't. And I think if you put a 40-foot high building in there you may, depending on the depth . . . I actually went and looked at this. I didn't look at the site. I was looking actually at Maud's. You go in and you put one more story on the back side -- on the top, once you get in 20 feet. That might be very nice. This is the step-up version you see here in the last diagram -- 11, I think it is. These diagrams seem to have been done in the wrong order. I've got two diagrams 3s in mine.

Boardmember Dale: Diagram 10 shows it.

Boardmember Cameron: I think, Angie, you lost one of them. Or maybe I put the wrong one in. You can see the step-up.

I'm sorry, it's not here. There was an actual diagram of stepping up a hill, and I've misplaced it.

Acting Chairperson Hutson: Diagram 8 even steps up quite a bit there.

Boardmember Cameron: Diagram 9. So depending on the depth of the site, you could be looking at the two modules on the right in diagram 9, with the second module in the back facing onto the upper parking lot which I think would be quite a bit of capacity in that space.

Acting Chairperson Hutson: Bill, anything else? Fred?

Boardmember Wertz: Like Bruce and Bill, I want to commend Jamie. I think it's a tremendous piece of work, really well thought out. I think you seemed to have really taken into consideration all the basic principles that we wanted to guide the Steep Slopes Law, including the limitation on heights -- which is not arbitrary, but really pretty consistent with what we wanted and what we see in the best examples of other Villages.

Also preserving the density is a good thing. I think it's very flexible. I think it gives builders an opportunity for creativity that will really be architecturally good for the Village; flexibility, in terms of doing things in different ways according to different sites and their demands, as well as architecture that's really interestingly nuanced. So I really like it.

Boardmember Alligood: What I like especially, Jamie, is that you helped us kind of define a couple of key issues that we wanted to grapple with and come up with some solutions for. Because there are so many that were involved with this particular area -- and I think you have a very clear strategy for addressing it to the point about density -- from these diagrams we can allow for quite a bit of density with this methodology. I want to see density in the commercial district, so I would not want to lose that. If this had potential to curtail density I would see it as a problem, but I think there's a lot of opportunity here to maintain that. Also, I think the simplicity of your method of determining how to measure the slope makes a lot of sense.

My final comments would be, it would be interesting to get a couple of architects to look at the language -- not developers, architects who are not looking to maximize what they want to do with the property -- just simply to get a take on how translatable this is to design; how they could work with it as a code from the design perspective. And that would help us tweak, if there are any kinds of issues that we're just not seeing, because it seems to make sense to us.

Acting Chairperson Hutson: I was thinking for sure that we should have you present this to the Architectural Review Board, since they are a Village-related group, and maybe others as well. I don't know, maybe the thing to do, if we know architects that might just come to that session of the Architectural Review Board, I think it would be a good thing to set up.

Boardmember Alligood: Just to sum up, I think it's a great strategy, and that we should go with it and just tweak whatever.

Boardmember Cameron: But the language obviously needs work. Every time I look at it I come up with a different way of saying it, and I think we do need to get it as simple as possible. I believe, actually, a picture tells a lot of words. So we may need a couple more

diagrams -- not as many as I have here, but a couple more diagrams -- in the law, when we get around to it.

Boardmember Dale: A nasty question. This is limited to two districts in the downtown area. What about the rest of the Village?

Acting Chairperson Hutson: The one thing that he did suggest is that the way you determine heights, this would be changed. The suggestion is that we recommend that working from a vertical calculation as opposed to a perpendicular calculation be used across all the areas. But you're thinking that maybe there's even more application than that?

Boardmember Dale: I'm not certain. I have a fat envelope of proposals on steep slopes which we've wrestled with without really arriving at anything that we were comfortable with. This clearly makes a lot of sense in the two districts you're concerned about. I just wonder about its applicability to a residential development at the area of the Village up on High Street or any of the other ones.

Boardmember Cameron: I think the concept with what I call piercing the envelope, which is what we're doing here, came about because of how very steep the area is in the CC and MR-C districts; much steeper than it is anywhere else. And a feeling which I got from the Board is that maybe we have a hard time taking the normal steep slopes ordinance and applying it to these. You could take away so much property, and you didn't know where you were going, and a realization by the Village that we have this downtown and we're going to have buildings sitting on this downtown. We're to let people build where we might, under a steep slopes ordinance, not allow them to build in other places because of the well-developed nature of this.

Now, looking at the rest of the town, we do have an envelope which offers a stiffer task than this one does, quite frankly. It says 35 feet, basically, and you can't ever pierce that envelope except with a chimney or something like that. You know, I haven't actually heard people say they need something taller. We did have one person here who was worried about what they could build. And what he was really worried about, the best I could tell -- and you were all here so you know as well as I do -- was that if we applied steep slopes to his area that he would somehow lose more of his building rights than he'd already lost when we blessed it as a place to build. I think if we do apply steep slopes to the rest of the town, which I hope we do, that we should make sure it doesn't work wrong for him -- for all the reasons we all know.

Boardmember Dale: So you feel that the existing law, sort of integrated with this, would make sense in the rest of the Village?

Boardmember Cameron: My thought was that we have this for these two areas, and that the steep slope ordinance -- the provision that takes land away from you -- does not apply to these two areas. And that for the rest of the town we have the steep slope ordinance apply overall, whether it happens to be a subdivision or multiple lots. Because my fear is that if you look at all the open spaces we have in town -- some of which are on steep slopes --

probably the way it will be developed going forward is, somebody will come in and put in multiple housing units not as a subdivision, but as condo units or what have you. And we don't have some of the provisions that we ought to have under a steep slopes ordinance applying to those, and they are quite exposed.

We're looking at the Croton one for that reason. We haven't really done our work on it yet, but I think that's what we should be looking at.

Acting Chairperson Hutson: Marianne, in moving this forward to the Trustees now, if we want to have the interim step of the Architectural Review Board take a look at it, that's probably the next thing to do, I think. And then have it come back to us actually for action after that.

Village Attorney Stecich: I think that's a good idea. Run it past the ARB and whatever other architects you might want to try it out. And then we're going to have to really work on the language, too, to make sure that works. I think that has to be run past them, too. I think the Board's going to have to look at the language first, and then it would get referred to the Board of Trustees.

The thing is, for the next few months the Board is kind of tied up with the budget anyway. So by the time you got through all that . . . the Board probably wouldn't be ready before then anyway.

Boardmember Cameron: Well, I'd like to take one more pass over the language, and integrate in the things I already put. Every time I look at it, after a week or so you see a different way of expressing it and it gets more compact. You think about it without thinking about it.

And it would be useful when we go before the architects to actually ask them for their comments on the language, and what they've seen before, and what their thoughts were. I'd be happy to be the Guinea pig who presents it to them.

Boardmember Dale: One thought I had on the language was that it should be more a series of formulas rather than the individual descriptions that you've done. That was sort of the thought process you went through. But in the diagrams, for example, all your sections are of equal width. Today you said that didn't necessarily have to be the case.

Boardmember Cameron: Well, there are a couple that aren't of equal length, and I tried to do that at the end.

Boardmember Dale: Equal width, not length.

Boardmember Cameron: Width, you're looking at it from the side.

Boardmember Dale: You put a section through the building, and each of the sections appears to be 20 feet or whatever.

Boardmember Cameron: Well, it all depends.

Boardmember Dale: It's as if you said that if the site is 100 feet, you divide it in X number of equal portions and then they step down accordingly. Or can those sections vary?

Boardmember Cameron: They can vary, but once they pierce for 40 the first time, and 20 after that, they have to stop. But you could have one that started lower and ran for 10 feet without piercing, then pierce for 20 feet, and then drop -- giving you a 30-foot plaza effect.

Acting Chairperson Hutson: It all depends on how far they go once they're outside the envelope.

Boardmember Dale: Right. That's what determines it.

Boardmember Cameron: I tried to do that. If you look at the second diagram from the end, which isn't really diagram 3 -- I just misnumbered it, that's what happened -- you can see there I tried to make them all different sizes. It's called diagram 3, but it really isn't. It's actually diagram 11 or something. You can see there, by starting a little lower, the person got, let's say, 50 feet before they came down. And then they got maybe 30 feet, almost 40 feet. Then they came down, and by doing that you can get a different sense.

Acting Chairperson Hutson: Twenty-five or whatever.

Boardmember Cameron: And there's nothing to say a person can't decide to drop down earlier -- it's not a builder's natural instinct -- or when offered an opportunity to drop down half a floor decides to drop down a whole floor and thus can run the second one farther along.

The interesting thing to look at when you look at these diagrams, if you just take a look at diagram 1, in fact in this one there's only one drop-down and you don't even know where the drop-down is occurring on the three-floor structure because it's only three floors, the first two. You could have ended up with the bottom floor going all the way through the entire building, if you look at it. Bill made a good point when we were talking earlier, that sometimes when you have half drops you can have half stairs going up and half stairs going up the other way. You get a very nice effect in these buildings.

Boardmember Dale: The split-level houses are designed like that.

Acting Chairperson Hutson: Okay, anything else on this? Angie, can I ask when is the next ARB meeting? Do you know? Not that it would have to be at their regular meeting.

Village Planner Witkowski: They meet on the first Monday of the month, so whenever the first Monday in April would be -- depending on if they have anything on the agenda.

Boardmember Cameron: March 31st is a Monday.

Acting Chairperson Hutson: So you could see whether that's possible with them, and then see Jamie's availability?

Village Planner Witkowski: I'll check with Marie.

Acting Chairperson Hutson: And then they might have some feedback perhaps by the next meeting.

Village Attorney Stecich: Could I just make one suggestion on dealing with this so it's not confusing? There really are two sets of things going on. One is the steep slopes, which has a

lot more issues besides this. This is really, rather than a steep slopes issue, a revised definition of height for the CC and MR-C districts, just to make it clearer for everybody. And, of course, it's only significant because of steep slopes in the CC and MR-C districts. But if we define the issue really as an issue of redefining heights in the CC and MR-C districts it might make it clear to everybody.

Boardmember Cameron: That's why I entitled the memos "Height of Buildings in CC and MR-C."

Village Attorney Stecich: No, it's just that everybody's been referring to it as the steep slopes issue. And it's part of the steep slopes issue, but there's a lot more.

Boardmember Dale: That's why I asked the question I did: really, what happens elsewhere?

Village Attorney Stecich: What I wanted to say to that is, what happens elsewhere is we have actually a similar definition of height throughout the rest of the Village even where there are really steep slopes. The only difference being through the rest of the Village you don't have the leeway that this gives for what Jamie calls piercing the plane -- which makes sense in those. It's an issue that I raised with Jamie I think at the last meeting, that is why don't you just use the regular definition of height. It's because you do want, as several people have said, to permit more density in those districts, and this allows you to do that.

Boardmember Cameron: An example can be, if you walked along and looked carefully -- just after you go across the bridge and you're on the other side -- you come to that row of houses, three of which are new, and you look down next to the first one. Well, it's got 10 feet just when it starts. Its curb line actually is a plunge of 10 feet. So if they were to rebuild -- the 40 feet and then step-down, and you put the line down like this, they would be plummeting straight down immediately after they got into their front door. And that would be very difficult, so I didn't think that worked.

Boardmember Dale: How did you get the 40 feet?

Boardmember Cameron: The other law that I looked at used 20-foot modules. I just thought that if you used a 40-foot module and you had a 25-foot wide interior structure you were giving someone 1,000 feet on the top floor -- which is a good-sized chunk of space.

Boardmember Dale: A small two-bedroom.

Boardmember Cameron: Right, but there it is so I just chose that. Also, I did notice as I went through the town and I looked at a lot of sites that an awful lot of them have already done that. They've got 40 feet of dirt like this, and then the thing plummets right behind them.

Village Attorney Stecich: Did you measure, Jamie?

Boardmember Cameron: I paced off along, yes. Anyway, we can go and look at them closer, but I did the best I could. One good stride is a yard.

Boardmember Dale: That's why I think the architectural review would be interesting because it is 40 feet of viable dimension.

Acting Chairperson Hutson: I think 40 feet, two floors.

Boardmember Dale: Because there are also issues of light on either side.

Acting Chairperson Hutson: I don't think that it's that small, given the kind of properties we're talking about.

Village Attorney Stecich: No, 40 feet's not.

Acting Chairperson Hutson: So we're set on that?

Boardmember Cameron: The one thing I'm going to do on the 30 feet, which is where you take a whole chart of plane measurements, is go through all the houses in these districts and see how wide those lots are. I think they're 35 feet, so I may change the 30, to 35 or 36. We don't want to have multiple planes where it's just a single row house.

Acting Chairperson Hutson: You're dealing with 6 feet.

Boardmember Cameron: So I've got to go and look at that and figure out what it is.

Acting Chairperson Hutson: Is there anything that we want to say regarding the rest of our steep slopes assignment at this point in terms of moving it along? Or do we feel that addressing this, which is not steep slopes, is close enough to steep slopes to qualify it?

Boardmember Cameron: I do have a couple of comments on it. We essentially have sort of two laws that we've seen. One is the one we have, which has some mandatory cutbacks depending on how steep the land is in a formula. And then we have another one, which is the one from Croton, which doesn't actually have any real cutbacks but it has a whole bunch of principles that you're supposed to follow. I think it'd be very useful for us to get someone in to talk to us about those principles and why they're there. I know a lot of us have looked at those principles and said, well, there are just too many of them. But I think there's a reason for them, and I think we should get educated on that and make a judgment once we know what they're designed to do.

So I don't know who. Our Building Inspector was on the Croton board that worked on that. Maybe he has some ideas and, I don't know, maybe he doesn't want to be the person talking to us about that -- because it goes on for several pages.

Acting Chairperson Hutson: Do you have thoughts, Marianne?

Village Attorney Stecich: Actually I was going to suggest Deven because he's on the Croton Planning Board and I know they're in the process of changing actually from the version we saw to a new version of the Steep Slopes Law.

Boardmember Cameron: A further new version since the one we got?

Village Attorney Stecich: The one you have is not the new version. That's their old law. They had one awhile ago, which is what ours is based on. Maybe the one Deven just handed out to you?

Boardmember Cameron: Yes.

Village Attorney Stecich: I don't know. I know the board was working from the Croton law that I gave them.

Boardmember Cameron: Yes, because he gave us a local law filing as of 1-14-08.

Village Attorney Stecich: That's the brand-new one. There are two. Because there was another Croton one that had provisions in it that Patty liked. That was the previous draft. Okay, this is the one they're working on now.

Boardmember Cameron: This is the one with 16 review standards.

Acting Chairperson Hutson: Myself, I kind of liked the coverage reduction, the reduction in allowable coverage with the grade. But there are certain places where it doesn't work well, as opposed to trying to always come up with this formula sort of thing based on somebody's judgment as to when you're really following the principle and when you're not. But again, maybe it's just being a little too rigid and compulsive on my part.

Boardmember Cameron: Everyone has their preference, but I think we should hear what they're for. And I also think it's very important that we get it so it does apply to all our large tracts of land. Because we're going to face some of that in the future and we should have something that works for us.

Acting Chairperson Hutson: I guess we don't have an idea yet how heavy our agenda will be for the next meeting, but that might be something we can talk with Patty about having on the agenda for next time if we could get Deven to come and address that with us, unless we wanted to do that in a work session or something. But if you'd just bring that up with her and try and get some clarity.

Village Planner Witkowski: I'll check with her when she gets back.

Village Attorney Stecich: Can I just mention one other thing? It's sort of in that context. Right now we don't have on our books an excavation and fill law. To give you an example, my piece of property -- which isn't in Hastings, it's in Ardsley -- we have a very, very steep slope in the back. The houses are flat for awhile, and then a very, very steep slope -- all the houses on the block. The next door neighbor at some point -- I think her father was in the construction business or something -- just every day had truckloads and truckloads and truckloads of dirt brought in. It doesn't really matter to me because it's way back in the back, but you could see why it's an issue. My yard goes like this for about a half-acre back, and theirs goes like this. So it totally changes the drainage.

Boardmember Dale: It runs off onto your property.

Village Attorney Stecich: It would run onto it. So I called the Town of Greenburgh to say, "Wait a minute. Can you *do* that?" And they said, "Well, yes, the properties are just under an acre, like 7/8ths of an acre". And then it occurred to me, I think you can do this in Hastings, too, because we don't have an excavation and fill law. We saw that as an issue in the one steep slope application we had where the guy came in and wanted to put in a pre-fab house and has these huge retaining walls and stuff.

Deven gave me a draft -- it could have been a Croton draft -- of the excavation and fill law. The two of us were going to go through and make sure it worked for us. But I would also suggest maybe we could take a look at that whenever we're looking at the other meeting. Because that comes up quite a bit, even in this context. We say, "So what do you do if

there's a retaining wall?" It also maybe would help deal with retaining walls, which come up a lot.

Boardmember Cameron: Did we finish with the retaining wall? We were talking about how much up before you go back, and up or down.

Village Attorney Stecich: No.

Boardmember Cameron: Well, I think we should put that back on our agenda.

Village Attorney Stecich: No, that's still out there and any of the amendments related to it - - because remember, I had a big list of amendments. We decided to put them off until we got to the retaining wall one, so we have those as well.

Acting Chairperson Hutson: We settled on most of those others, right?

Village Attorney Stecich: They're in the form of a local law that I presented to the Board of Trustees. And I'm not sure when they're going to have the public hearing on it, but yes, those are moving along.

Boardmember Dale: Even in Jamie's proposal, where we have inconsistency in the slope and it bulges in the middle -- when you have excavation because the developer has to maintain the slope -- all that earth has to go somewhere. Either you have to ask for its removal from the site for disposal somewhere, or they're going to build up their lot using that earth; distribute it around the building.

Village Attorney Stecich: That's another issue. No so much in excavation, but in fill, what's getting filled? What's coming in as the fill?

Acting Chairperson Hutson: I'm glad I did so much work on my house so many years ago. I brought in 32 dump truck loads of dirt to make a back yard.

Village Attorney Stecich: And its done?

Boardmember Alligood: Grandfathered in.

Boardmember Dale: Somebody moved into a house and has a steep slope, the houses are on an extremely steep slope, and the driveway that exists is unmanageable. You drove down and you weren't going to get back up or you really run the risk of having an accident. They want to level the driveway so it's at the level of the street so they can use it as a parking area, and then have a retaining wall of some sort that would hold that earth in place.

Acting Chairperson Hutson: There are a lot of situations like that in the Village where that's been done.

Boardmember Dale: The Steep Slopes Law that we're considering would make that illegal, or require a variance, because it's actually going to be a retaining wall of some size.

Acting Chairperson Hutson: It would be a structure, you mean.

Boardmember Dale: Oh, it would certainly be a structure, but it would be a retaining wall. The street level is here. The house starts back so he has a front yard, then the house steps down four stories. It's that steep. The driveway now goes straight down to a garage that's in the bottom-story unit, totally unusable. So what he wants to do is build out a platform where he can park his car on the street level.

Boardmember Cameron: Right next to the street.

Boardmember Dale: Add a retaining wall, a structure, that would hold that in place.

Acting Chairperson Hutson: And you're saying that retaining wall would be higher than what we had discussed being allowable.

Boardmember Logan: That's where the step provision would come in and protect us to some degree.

Acting Chairperson Hutson: He'd have to step down his retaining wall. So he'd have a more interesting retaining wall.

Boardmember Dale: Except that in doing so he would be blocking. It all goes parallel to the side of the house, and has windows and doors.

Boardmember Logan: Of *his* house.

Boardmember Dale: Yes, his own house.

Acting Chairperson Hutson: You're talking about skylights.

Boardmember Dale: Well, it's an existing situation.

Acting Chairperson Hutson: Anything else the Board wants to raise?

VI. Adjournment

On MOTION of Boardmember Logan, SECONDED by Boardmember Dale, with a voice vote of all in favor, Acting Chairperson Hutson adjourned the Regular Meeting at 9:20 p.m.