

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

A **Regular Meeting and Public Hearing** was held by the Planning Board on **Thursday, November 20, 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, Jamie Cameron, Eva Alligood, Bruce Dale, Ed Dandridge, Village Attorney Marianne Stecich, and Village Planner Angela Witkowski.

I. Roll Call

II. Approval of Minutes: October 16, 2008 Meeting

Chairperson Speranza: First order of business is approval of minutes from our meeting of October 16th. Questions, changes, comments anyone?

Boardmember Cameron: I had one change, page 19, the paragraph near the bottom of the page where I'm speaking, the second sentence read: "*I trust you understand that all you're applying for here, because that's all. . .*" it should be "*that is being reviewed' in view preservation.*"

On MOTION of Boardmember Logan, SECONDED by Boardmember Dale with a voice vote of all in favor, the Minutes of the Regular Meeting and Public Hearing of October 16, 2008 were approved as amended.

III. New Business

Chairperson Speranza: We're doing public hearings on three accessory apartment renewals. We will have public comment on all three of them, and then we will close the public hearing and have Board action on them.

Village Attorney Stecich: Two are renewals. One's new, I think, isn't it?

Village Planner Witkowski: Right.

Chairperson Speranza: No. They're all renewals, but one's a new owner.

Village Planner Witkowski: One's a new owner, right.

Angie, are the mailings in order on these?

Village Planner Witkowski: Yes.

- 1. Public Hearing. Accessory Apartment Renewal. Paul Faraone; 19 Marianna Drive; (Sheet 39/Block 732/Lot 38). Waiver needed for excess square footage and parking.**

Chairperson Speranza: Okay, great. The first application is for an apartment renewal at 19 Marianna Drive. Angie, would you like to take us through this, please?

Village Planner Witkowski: Yes. This is Paul Faraone. The applicant's requesting renewal of accessory apartment approval. The 550 square foot apartment occupies 25.9% of the 2,125 square foot residence, therefore the apartment exceeds the 25% of floor area limitation by 0.9%. The residence is at the end of a cul-de-sac, and was granted a waiver to allow on-street parking for the accessory apartment.

There have been no changes to the property nor complaints during the last three years. Actions required are renewal of the accessory apartment approval and waivers for the excess over the floor area limitation, and for parking.

Chairperson Speranza: Okay, thank you. Is there anyone here in the audience that wishes to speak for, or against, this application? No?

Then we will move on to the next one. As I said, we'll take Board action after we close everything.

2. Public Hearing. Accessory Apartment Renewal. Kathy Carrozzi-Battacharia; 31 Stanley Avenue; (Sheet 35/Block 716/Lots 8-10). Waiver needed for excess square footage.

Chairperson Speranza: The next application is for an existing apartment. It's a renewal, 31 Stanley Avenue. Angie?

Village Planner Witkowski: The applicant is Kathy Carrozzi-Battacharia. The property is on the west side of Stanley Avenue in the R-10 zoning district. The applicant's requesting renewal of accessory apartment approval. The 845 square foot apartment occupies 26.3% of the 3,216 square foot residence, therefore the apartment exceeds the 25% of floor area limitation by 1.3%. The residence has a two-car garage, and space is available in the driveway for parking.

There have been no changes to the property, and no complaints during the last three years. Actions required are renewal of the accessory apartment approval and waiver for the excess over the floor area limitation.

Chairperson Speranza: Okay, thank you. Again, is there any member of the public that wishes to speak for, or against, this application?

Hearing nothing, we'll move on to the third one.

3. Public Hearing. Accessory Apartment Renewal. New Owner. Gina LoBreglio; 21 Flower Avenue; (Sheet 15/Block 639/Lots 1A2, 1B, 3A). Waiver needed for excess square footage and parking.

Chairperson Speranza: This application is for renewal, by a new owner, at 21 Flower Avenue. Angie?

Village Planner Witkowski: This applicant is Gina LoBreglio. The property is located on the west side of Flower Avenue in the R-10 zoning district. The applicant's a new owner since 2006, and is requesting accessory apartment approval. The 442 square foot apartment occupies 27.8% of the 1,593 square foot residence, therefore the apartment exceeds the 25% of floor area limitation by 2.8%.

There have been no changes to the property, and no complaints during the last three years. Actions required are accessory apartment approval for the new owner, and waivers for the excess over the floor area limitation and one off-street parking space.

Chairperson Speranza: Okay, thank you. Again, any member of the public wish to speak with respect to this application? Just come up and state your name just so we can hear you on the record.

Matt Closky, husband of owner: Ms. LoBreglio is working and wasn't able to be here. I came on her behalf.

Chairperson Speranza: Okay, thank you. That's it for the public.

I had one question about this. Isn't there a requirement to renew the application six months?

Village Attorney Stecich: I didn't bring my code. It's the [off-mic]. [off-mic] six months.

Chairperson Speranza: Mr. Closky, if you'd come up just for one minute. Do you have any idea why it's taken so long since you moved in before you came to get the apartment renewed?

Brian Higby, Yonkers: The reason they didn't immediately, or within six months, ask for the permit renewal is because they didn't know that there was a permit in place. What changed is that their mother's home was foreclosed on so now they have a desire for her to live with them and occupy that space. It woke them up to the fact that they could get an accessory apartment permit -- that there wasn't one in place, and that they needed to renew it.

Chairperson Speranza: So there had been nobody occupying the apartment from the time you moved in?

Mr. Closky: No, it's been vacant.

Chairperson Speranza: All right. That's fine.

Village Attorney Stecich: [crosstalk], but an accessory apartment permit "*expires automatically upon change of ownership in the principle residence when the owner ceases to occupy the residence. In such event, the tenant of the accessory apartment shall be permitted to remain in a apartment for 60 days.*" So it does automatically expire. Since the notice was

sent out and everything, I think this could be treated as a new application rather than a renewal -- to keep the file clean -- because the other one would have expired.

I guess the one thing you want to confirm, since it's a new one, is that the apartment is going to where the previous one was so it's in an existing part of the building.

Male Voice XXX: [off-mic].

Village Attorney Stecich: Patty, wasn't there something where they had to live there for awhile? Let me just see something.

Chairperson Speranza: Do Boardmembers have any other comments or questions about this? What we think we're going to do -- since it's technically not a renewal, since it expired with the new applicant, or the new owner -- if there's no objection and no reason why we can't, we'll consider this as a new permit for you. Marianne?

Village Attorney Stecich: For some reason I have in my head that you had to be there for awhile before you could apply. But you could go on with the other -- close the public hearing and decide on the other ones -- and let me find this section.

Chairperson Speranza: I'll declare the public hearing closed on all three of these applications. Let's go back and take them in order.

First, the 19 Marianna Drive, we need a motion to approve the renewal of the apartment with waivers for exceeding the 25% limit and waiver for one parking space.

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

Chairperson Speranza: Next, apartment 31 Stanley Avenue.

On MOTION of Boardmember Dandridge, SECONDED by Boardmember Dale with a voice vote of all in favor, the Board resolved to renew the accessory apartment.

Chairperson Speranza: And the apartment at 21 Flower Avenue. Any issues, any comments? Marianne, I think it had to be in existence on the date that it was passed.

Village Attorney Stecich: Well, that's one thing.

Chairperson Speranza: Which this one was.

Village Attorney Stecich: Here we go. I think we're okay. There was something. "*Should the new owner maintain an accessory apartment, but fail to apply for the permit within 60 days, the new owner shall be deemed in violation.*" But they didn't have the apartment and they weren't renting it out.

"In addition, the new owner shall be precluded from applying for an accessory apartment permit for a period of one year from the day on which the [crosstalk] is transferred." So then

we're okay. I think there must have been some discussion at some point on three years because that's what I had. But one year, and you've been in there since '06? So that's okay.

On MOTION of Boardmember Dale, SECONDED by Boardmember Wertz with a voice vote of all in favor, the Board resolved to approve the new accessory apartment for 21 Flower Avenue, with waivers recognizing that the square footage exceeds what's permitted by code by 2.8% and that there is a waiver of the parking requirement.

IV. Old Business

None

V. Discussion

1. Steep Slopes

Chairperson Speranza: Even though the agenda says we have no other discussion tonight, we do have a couple of other discussion items. Shall we do the easy one first, Mr. Cameron?

Boardmember Cameron: Which one's that?

Chairperson Speranza: Steep slopes. The Board of Trustees the other night held a public hearing on the recommendations that we submitted to them for changes to the steep slopes ordinance as well as to a change to the zoning code with respect to the definition of height in the MR-C district. There were no comments at that meeting -- surprise, surprise -- however, there was an email communication from Kathy Sullivan, who had been in to see us at our last meeting about her experience going through the steep slopes ordinance and trying to figure out the way to handle things.

So the Village did receive comments from her. There will likely be additional comments submitted. There was a representative from Ginsburg who requested additional time to submit comments, likely in relation to their property out on 9-A which does have a steep slope in it. So I'm sure their attorney is going to be preparing something and submitting it to the Board. I think they have until the Monday after Thanksgiving so we'll find out what their comments are. After the meeting, Jamie and I spoke with the Mayor and Trustees and said, "Well, could we respond -- would you mind if we responded -- to Kathy Sullivan's questions and comments about the proposed changes to the ordinance?" So we thought that at least we would go through them tonight -- her concerns -- and then how we would propose to respond. There was one good point that she did bring up with respect to the notice permit

Jamie, would you mind, so I can stop talking?

Boardmember Cameron: Her first two comments, as you may recall or you may not recall, when we used the phrase “steep slopes” we didn’t say steep slopes area, we just said steep slopes. Because if you look back earlier on, the term “steep slopes” means an area of 1,000 feet or more of a slope, bigger than such-and-such. So we didn’t think we needed to use the word “area.” She wanted us to stick the word “area” in, and I think the answer is no, we don’t need to. And we’ll explain that to her probably in an email going back to her.

The second thing is that she didn’t like the idea that we were . . . as you all recall when it came up, we had a provision in there that said, well, look, if someone creates a steep slope we want to include that in the cutback, the 15- to 25% cutback. Her point was that this law should be protecting steep slopes rather than dealing with creating steep slopes. I guess our response to that is, well, no, it’s not to protect steep slopes; it’s to protect your house and homes from steep slopes, whether they’re existing or they’re created.

Boardmember Dale: Protect the environment.

Boardmember Cameron: Yes, we go back with that comment.

The fourth one -- because there were two on the area -- deals with the fact that we took the CC and MR-C districts out of the provision of the steep slopes which deals with cutting back the amount of property you have for the building of a house because we were concerned that if we had that apply to the CC and MR-C district we would get rid of all the density we are hoping to achieve down here. I can’t say for sure, but from her discussion and her comments it seems that she didn’t realize that that’s the only provision we were cutting out. Because she refers, over to the engineering provisions, “You shouldn’t be getting rid of those,” and, in fact, we’re not. We’re only dealing with the cutback provision.

The last action has a variety of comments, one of which is the one Patty just raised -- and I’ll deal with that one first, which is that we actually have the ability, the way it was worded -- since under clause 8 we can raise any of the aforementioned things -- we can, in fact, waive notice. We don’t think we should waive notice either, so I think we’re going to go back into the next session, the 16th of December, with a small amendment to it which would say we can waive anything except notice.

Chairperson Speranza: Just to make sure that the adjacent property owners will get noticed. If it’s going to come to the Planning Board we shouldn’t have the ability to waive it. If it’s coming to the Planning Board it *should* be noticed.

Boardmember Cameron: I wouldn’t want to be the person suggesting to an irate property owner that we waive notice. So there you are.

The other provisions in there are things which we discussed. I think this is where we came up with -- and we can certainly discuss it again tonight -- the fact that we have left all of the review of this thing back with the Planning Board and not granted some of it over to the

Building Inspector to decide by him or herself. Other communities have done that. They have taken different grades of slope on a site. And I think my memory of our discussion was that this is too new for us. We need a year or so of experience, we'll see what happens, and if it seems pretty easy to go with letting the Building Inspector make some of these decisions we should assign them over to him. But not yet, since we don't have the experience with that. Others may have a different view, but that's my memory of where we came on that.

The only thing I have with that, which gets slightly tricky, is how you combine notice -- which comes to us -- with assigning some of it to the Building Department. Because the person who gets noticed wants to go and speak to somebody about how they don't want this thing to happen next. So it's a little tricky.

The other problem she had with the materials I think comes out of her experience here; that is, it's hard to decide which comes first, the chicken or the egg. She had a situation where we did waive most of the document requirements, but she's not quite sure. You know, she goes and sees Deven, and then Deven can't waive any of the document requirements. It appears that it takes two visits to see us to get through. Indeed, I think it does. The first one, she goes to speak to Deven. And Deven might say, "I don't know what the Planning Board will do, but I rather suspect they'd waive all these document requirements but not everything." Then she comes to speak to us, and we say, "You're right. We don't need this stuff. Just give us these two things," or, "Don't give us anything. And now send out your notice, and come back at the next meeting and we can deal with it then." I think that's the procedure. It doesn't say that specifically, but I think Deven knows enough about it that people, when they go and see Deven, can deal with that.

Village Attorney Stecich: I don't think so, Jamie. I think you take a chance.

Chairperson Speranza: That's the way the practice has been.

Village Attorney Stecich: You know, the truth is almost everybody submits those engineer . . . this is the first application I ever saw where anybody has to have the engineer's statements waived. I don't think that ever happened before.

But in any event, you could take a shot, as Kathy Sullivan did, of not submitting this stuff, and coming to the Planning Board and saying can it be waived. "They say, yes, you have to do the notice. Yes, we waive it, and here's your steep slopes approval."

Boardmember Cameron: No, we can't do that. You have to do the notice.

Village Attorney Stecich: No, no, if you *did* the notice. You do the notice, and the worst that happens is that if you did the notice, and it was continued -- because the Planning Board said we don't have it waived -- you still have your notice. You don't have to do notice again.

But it is possible that you'll come and ask the Planning Board to waive C&D, whatever, and they say no. Then you have to come back. And there, your comment makes sense about

Deven having a sense of what the Board would waive or not waive. But he might be wrong. Or it may be that once you have the public hearing, since there's been notice, that somebody comes. It raises an issue that makes you realize you can't have waived that thing.

Chairperson Speranza: See, often times what has happened is people will come and they will have, say, 75% of the information that was required. I'm trying to remember if there was ever a steep slopes application that was . . . well, I think there was. I think there were a couple. It was just building on the steep slope, and they came in with all of their information. It was fairly straightforward, they had the calculations done, and we waived it and that was it that night. But that is taking a chance. The notice, actually, would happen when our agenda's put together.

Boardmember Cameron: It might be best to tell them, even if they're coming here, to ask to waive the documents that they give notice since it's a very simple thing.

Chairperson Speranza: They should do that, definitely.

Boardmember Cameron: Because at that meeting, while we're deciding whether we would waive getting certain documents, we have the neighbor here if the neighbor's anxious, and we can hear about it in making our decision whether to waive the documents. Maybe we should encourage at all times that notice be given, since it's a very simple procedure.

Chairperson Speranza: The notice is given when it's put on our agenda. In order for it to be put on our agenda, notice has to be given.

Village Attorney Stecich: There was one other issue she raised, and that's that our amendment didn't lay out specific notification provisions. The way this was done . . . otherwise in the code, we always say "*notice required to be given as for a zoning variance.*" So you just look to that. I think the Board's intention was to just let it be more casual than that; that it's enough notice for somebody to knock on the doors of each of their adjacent neighbors and say, "Hey, I have this application out for steep slopes, this is what I'm going to do, this is when the meeting is." And then they would let the Board know that.

I think that was the intention of the Board -- it could be something just under the door. If that's, in fact, the case, then I would just leave it the way it is and have a discussion. But make sure the Board's on the same page about that.

Chairperson Speranza: I know we didn't want to have it geographically as large as what's required, 300 feet or 500 feet; that we simply said adjacent property owners. But I think it should be that they have to give us something to prove.

Boardmember Allgood: That's my recollection, Patty. Was it more that we didn't want the area to be so wide that you had to notice people that live a block or two away? But I don't recall us saying we would change the way that notice is given because it's leaving this very loose and up to confusion, then, as to what really satisfies that.

Boardmember Cameron: At one time I thought you were going to go into the back formal notice section and make a reference to this new section on notice.

Village Attorney Stecich: That's an easy thing. It can be done.

Boardmember Cameron: That's the easiest thing, to put it in there. In other words, back where it says how notice must be given.

Village Attorney Stecich: We're going to have to do it differently. The problem is that by kicking back to that section, that section includes -- in the paragraph with how to give notice -- the 300 feet. But I can come up with some language that fixes that.

Boardmember Cameron: That would be the simplest way to do it.

Boardmember Dale: But notice would have to be given not just to the adjacent, but across the street if it's downslope.

Chairperson Speranza: Adjacent this way, adjacent that way.

Village Attorney Stecich: Across the street's adjacent.

Boardmember Dale: In all four directions.

Village Attorney Stecich: Right.

Boardmember Cameron: So I think the idea is that somehow, Patty, you will decide how we're going to send a note to the Trustees and to her.

Chairperson Speranza: Yes. So that's item number one.

2. Comprehensive Plan Committee

Chairperson Speranza: Now I can give this stuff to Fred. Fred, by the way, is our representative to the Comprehensive Plan Committee, which leads me to something else I want to talk about, another item. I received a request from the Comprehensive Plan Committee to provide them with information related to . . . well, you know what? I'm just going to read it:

"We are asking each commission, board, and committee to create a review, a summary document, with the history, current and future plans, and goals for your group to provide to the consultant. What are we working on, what is it that we're going to be looking to achieve."

I guess we could write whatever it is. As you know, they're hiring a consultant to undertake the work, and they do want to have input from each of the boards and committees. They would like to have something, we're supposed to submit something to them, by mid-November. So the timing is right.

The only thing that I could come up with, which is another topic for another night, is, we've talked about greening our code and looking at different ways on what's going on in terms of planning practice to actually look at requiring energy savings and carbon footprint reduction within our zoning code. So that was one thing that I wanted to give to them, and I'm certainly very open to suggestions.

Boardmember Wertz: What about the large tracts?

Chairperson Speranza: Large tracts, that I've already turned over to them. They already have that.

Boardmember Wertz: Are we going to carry that any further so that we should inform them of what we're doing with that?

Chairperson Speranza: I was not planning to carry it any further, given the charge of that group.

Boardmember Dale: The Affordable Housing Committee had the same request, and their response was basically to send over their mission statement, which defined in a broader sense what their role is. And that has to be given priority in whatever planning is done, but under the comprehensive plan.

Chairperson Speranza: You're right. That's a good idea. We could make sure . . . and it's certainly in the code what the roles and responsibilities of the Planning Board are.

Village Attorney Stecich: They're statutory. In a lot of ways, your board is different. Both you and the Zoning Board are different from any other boards. Your main functions are subdivision and site plan review, and then you have the additional stuff. But your responsibility is largely statutory.

Chairperson Speranza: Now, they've asked for a summary document. I'm wondering, Angie, is that something you could prepare for us -- the kinds of actions that we've had before us, say, for the past year? It's almost the end of 2008; probably 2007 will be almost the same, given some of the projects. But there are things that are outstanding on our plate.

Boardmember Cameron: The same projects.

Village Planner Witkowski: I could basically go through the agendas and kind of do a summary; summarize the agendas and just say what's where.

Chairperson Speranza: It would be kind of interesting to see how many view preservation applications we've had and how many accessory apartment renewals we've had. We've never had a real tally of anything like that.

Village Planner Witkowski: I was thinking about maybe having something like that, where you kind of keep track of things a little better. And I've been setting up folders on my computer, so I think I have all the agendas back to 2004, 2003 by year. So I could go through those and just put together a whole summary by year.

Boardmember Cameron: Do we send people notices who have accessory apartments that they need to renew it?

Village Planner Witkowski: Linda handles that, and then Charlie goes and does the inspection. She gives them the labels and stuff to do the mailing. So she handles all that.

Boardmember Cameron: Along with your reading, one thing which has come up -- comments I've got on 45 Main -- is that the soundproofing isn't that good. We might look and see if there is a standard for soundproofing in multi-family dwellings. Some people have been saying to me they can hear people talk in a normal tone of voice right through the wall. I don't know if there is a standard.

Also, the Architectural Review Board said to me, when I visited them some time ago, that they were going to go and do sort of a review of that building to see how it turned out compared to what they were looking at when it was being built, and whether we want to do any sort of thing like that.

3. Broadway Pathways, Greening Village Code & Miscellaneous

Boardmember Logan: We're talking about 45 Main now. There is one thing, if we get into just a little bit of detail on that. One thing that affects me personally is the trip to the train and the shortest possible path so I can sleep in as long as possible. It used to be possible to walk between the 555 Broadway apartment buildings, through where the driveway now is. That was identified by the Trailway Committee as a trail basically, a linkage. I went up there about 10 days ago. The stair is built. All the pathway on the 45 Main property basically conforms to that covenant, which is part of the conditions.

Chairperson Speranza: It was part of the setback.

Boardmember Logan: But there is a chain link fence and there's a lock on it, and you can't get through. Now, I don't know whose fence that is -- whether it belongs to 555 Broadway.

Village Attorney Stecich: I think that piece of property belongs to the church. That issue has come up, and I don't know what we can do about it. First, the building owner had it closed off. I think he may have put the fence up because there was some concern about going over the property because the property was untended. I think there might be a slice of property between 555 or 565, and 45, that's owned by the church.

Boardmember Logan: I think we ought to sort of identify what these issues are and see how we can get it solved.

Village Attorney Stecich: I'm not sure what the Planning Board . . .

Boardmember Logan: At least from the position of the owners of 45 Main, they probably spent thousands of dollars doing their piece of this; and it is something which is a desirable trail to have; and whether we somehow secure an easement for a couple of feet through the church's property or whatever we have to do to make that happen.

Village Attorney Stecich: I wish I knew that was an issue for tonight. I would have brought my file. There was some correspondence with the Village Manager on that. It was only recently that the ownership was sorted out. Before, it was sort of blaming it on 555 Broadway.

Boardmember Logan: Can we determine where the property lines are?

Village Attorney Stecich: I'll talk to the Village Manager again about it and find out what the status of it is. I think somebody was going to talk to the church and see whether they had any issues. Maybe it'll get worked out. I think Deven was involved, too. I don't know why I'm so faint on this because it wasn't all that long ago. But you know what happens when you write something down, it's sort of out of your mind. I did write notes, I've got a file on

it. But you know what? Before the next meeting I'll find out what the story of it is and I'll get back to you on that.

Boardmember Logan: I would appreciate that.

Village Attorney Stecich: Like Bill said, they spent a lot of money on that.

Boardmember Logan: And there are a lot of people in that apartment building who go to the train. Otherwise, they're going to have to walk around.

Village Attorney Stecich: That's where the complaint started, with the people in the apartment building. Remember for awhile it was closed off while it was going on? I think they were probably looking forward to resuming the shortcut.

Boardmember Dale: The kids use it when they go hang out downtown so as to not have to walk in traffic.

Boardmember Cameron: It would be good to take another inventory of what trailways we have in the town and look at the key blockages, and have an alert list so we know what we should be looking to try to get and what we have the opportunity to get and what we don't want to lose. That would go in my version of the mission statement.

Chairperson Speranza: Trailways, and what has always long fascinated me are the stairways. I know the stairways are a huge issue -- there are maintenance issues, there are liability issues -- but they are just so neat.

Boardmember Cameron: They are.

Boardmember Logan: It's part of the character of Hastings to have these.

Chairperson Speranza: Growing up, I remember we just went . . . and you never thought of them. As a kid, you don't really think about private property until somebody comes and yells at you. But as an adult now, realizing these are Village stairwells, it's . . .

Boardmember Dale: Having moved to Hastings as an adult, I know there's a trailway across the street from me that goes from High Street down to . . .

Boardmember Cameron: Pulver's Woods.

Boardmember Dandridge: Exactly. And I feel funny to even go and explore because I'm on people's properties.

Boardmember Cameron: The problem is that it's very hard to get out once you get down the hill. The problem is, we lost one that went from Pulver's Woods over to Burnside. That was a great way for the kids to go down into Pulver's Woods across to Burnside. But that was lost, in part, when we did the Ceccolini subdivision.

Boardmember Logan: One other thing, I think we should try to keep this list fairly compact. This might be a subheading of greening the codes, but I think we ought to continue to try to improve our lighting standards.

Boardmember Dale: I think the statement has to talk about mission statements -- that we define what we're reactive for and what we're proactive for. I think you're asking for a list of proactive items at this point.

Chairperson Speranza: Oh, definitely. Ed, any ideas? I know you're the newest member here, so if there's anything that's, "Hey, when I'm on the Planning Board I'm going to make sure I . . ."

Boardmember Dandridge: I'll withhold. I'm sure I'll catch along as we go. I have some thoughts, but I think given the general nature of guidance we're supposed to give the consultants we have enough specificity; broad enough that any issues I might have I'll find a way to make them fit underneath.

Boardmember Alligood: Patty, I have one that came up today. It was a very interesting workshop that you had sent notice around about. I did attend "Protecting Historic Character: Taming the Tear-Down Trend." Really, the broader theme of this workshop was just what are effective preservation tools and protecting community character. And, of course, the tear-down trend is a huge part of that. But there were lots of good tips in terms of planning boards and local preservation commissions -- how they can help preserve the change of towns throughout Westchester and New York State. So it's not something we've talked a lot about, but I think it's a consistent theme in a lot of what we think about when we review projects.

Chairperson Speranza: Preserving the character of our Village.

Boardmember Alligood: And we even have some buildings that may not be on the national register, but are of significant value to our town and the character of the town. You know, we haven't really been confronted with that problem, that there's a special building in our downtown that everybody has just never even thought might disappear one day. But somebody may propose to do that. We may want to think proactively about how we think, ahead of time, how we would deal with that, and identify not just buildings, but areas that we want to preserve. Allow development, but also ensure that there wouldn't be some drastic change in character through a renovation that would encapsulate a building.

They had great examples. The slide shows were amazing. They were scary because in a lot of other communities throughout the country you have this trend of people saying it's a renovation, but they're really just kind of putting a bubble around an old building. They might as well have torn it down, putting vinyl all around it and that sort of thing. I think those are really important issues that, again, I don't think we've had to confront too much. I think the one that comes to mind is the debate about whether the buildings on the waterfront should be saved. Because that is a character question. We want to preserve our look. And that's a long-term kind of thing to think about, but I'm sure there are lots of other examples.

Chairperson Speranza: Well, you think about Hastings House.

Boardmember Alligood: That comes to mind, yes.

Chairperson Speranza: The application that we've seen, suppose it was to be something different.

Boardmember Cameron: I was only briefly at this conference, but one of the interesting things was all these pieces they have of neighborhoods with relatively modest houses. And

you see them in Hastings, where houses go one after another and they all kind of blend together. Developers who come in, they have this three-times formula. They put up a house three times the size of what was there before, and they make three times what they invest in the house back in profit.

Boardmember Logan: Those are the old days.

Boardmember Cameron: But the pictures of these houses, one next to another -- and then suddenly right in the middle of this thing, which is just twice as tall as anybody else and twice as wide as anybody else -- maybe the requirements we have for side yards and what have you will protect us. But that's something I think we should just look at. We want people to have bigger houses, and if they want to have them they should. But we want to keep it within some reasonable realm.

Boardmember Logan: There's a greening element to this.

Boardmember Alligood: There's a green issue that they talked about.

Boardmember Logan: Like a threshold level; the energy consumption of that property shouldn't exceed the threshold for a standard 3,000 square foot house or something like that. Further language about that -- I can't recall it exactly -- is a tool which we could use, along with the setback issue.

Village Planner Witkowski: I think probably the most effective way of doing that is to have a local historic preservation commission. One of the things you have to do in order to set that up is to do a whole inventory of all the potential properties. So that might be a good thing for the Planning Board to work on. I have a lot of information on that because I've worked with communities that had local historic preservation commissions. I have some examples of inventories.

There are grants available from the National Trust -- I think the National Endowment for the Arts and others -- where they have grants available to use for doing the actual historic preservation planning and inventory that has to be done in order to set up a commission. We've got the Historical Society, but they don't really have any clout in terms of saving properties that may be eligible. So really the most effective way of doing it is with a local historic preservation commission. I can pull some of that information together and get it to you all so you can take a look at it. And I'll take a look and see if they might have any funding rounds coming up for doing an inventory.

Chairperson Speranza: I think the Historical Society could certainly do that.

Village Planner Witkowski: Oh, they've got so much information, and they probably have a lot of it inventoried. But they're really specific that you have to use black and white photos of a certain size to inventory all the properties.

Chairperson Speranza: I think we start small and see exactly what this entails. At least I feel I need more of a learning curve.

Village Planner Witkowski: I'll put some stuff together that I can put in the packets next month.

Chairperson Speranza: You know, what exactly this is, and what's the role, and what are we committed to or not committed to?

Boardmember Dandridge: What are the limits of power?

Boardmember Alligood: This presenter today was a great resource. He spoke exactly about what Angie's saying about setting up this local commission. He goes around and advises villages and towns. He was fabulous.

Chairperson Speranza: Where is he from?

Boardmember Alligood: His name is Julian Adams and he's with the New York State Office of Parks, Recreation, and Historic Preservation.

Chairperson Speranza: Oh, so he's a free resource?

Boardmember Alligood: He's the community liaison, a free resource just bubbling with energy, and loves to advise localities on how to do this. I thought he was great. I got his card so we can follow up.

Village Planner Witkowski: We have a guy here for this region up in Staatsburg that I've spoken with. He's very helpful, too. He's been there forever.

Boardmember Dale: One thing that's useful for the inventory is if you can have somebody help define the standard; approach one of the universities or a school and actually have a class do the surveys. The Columbia Preservation Program did that for a number of communities.

Chairperson Speranza: I've heard a lot about the program recently.

Village Planner Witkowski: There are some schools that have historic preservation programs where they specialize in that. Yes, that would be an excellent class project.

Boardmember Dandridge: I just want to confirm where we are in the discussion. We are trying to identify additional points of inquiry where we would want to be consulted, or have input in, the comprehensive plan consulting. Is that what we're doing?

Chairperson Speranza: No, I think it's more things that we as the Planning Board would like to see. We start the ball rolling on some of this. These are things that we may have noticed that have come up in conversation that we feel should be in some way acted on. Now, let me preface by giving as an example the steep slopes. For years and years and years, and you know this, Bill, we talked about steep slopes and amending the steep slopes ordinance. We started the discussion many times, and it kind of fell by the wayside. Dare I say that there are back-burner projects, things that on evenings like this when we take care of the formal applications and we have time, hey, let's do a little bit of planning.

We are all going now to the continuing education programs because we have to, because we have an interest in planning. We can go to them, and bring them back here and say, "Hey, how would something like this apply in Hastings?" There were a couple of programs I went to on parking. When you're in the room they sound really great, and then you come back to Hastings and you think, "No, it's never, ever going to work here," or, "Hey, this is a perfect area. Let's dig deeper into this neighborhood." We talk about neighborhood preservation,

you think about some place like Amjo's and the stores up in Uniontown that are all nonconforming uses. I mean, I can't imagine what the Village would be like if that little retail area wasn't there anymore. Should we do something about that?

Boardmember Dandridge: So we're really now beyond sort of giving a list of areas that would be germane to our mission for the comprehensive consultant to take note of and more sort of brainstorming about things that we want to look at.

Chairperson Speranza: Yes.

Boardmember Dandridge: I just want to make sure we were all on the same list.

Chairperson Speranza: We're kind of doing both.

Boardmember Wertz: My sense of the request is that they're really at the outset of this process, and I think we'll have opportunities for input at various points throughout the process. But this is an outreach to the village agencies that have investments and commitments and knowledge background in various areas of village life that may be relevant to comprehensive planning as the process proceeds. And I think they're collecting information: who's doing what, what's going on in the various agencies. We want to be aware of how this project's going, is it going to relevant use, who has information and background charges of activities that we want to know about. So I don't think we need to take this as an occasion to inform them about everything we're doing, but so that they know what our interests are so that as they proceed they can interact with us.

Boardmember Dandridge: I agree that less is more.

Boardmember Wertz: These are good.

Boardmember Dandridge: But 15, 20 minutes into this conversation I wasn't sure if this is for our edification, or if somehow this is all going to end up in that . . .

Boardmember Wertz: It's for them; what kinds of things we're interested in, and what we would want to have input on if they should get involved with them.

Village Planner Witkowski: Another thing that's really important to keep in mind is, if you have a project in a comprehensive plan that's even mentioned in it, if you do go for funding, if you already have it in your comprehensive plan that this is something the Village wants to pursue, then that gives some validity to your grant application. It demonstrates that there's some community support for it. That's another major reason for having a comprehensive plan. You can go through the different boards and commissions to find out what projects they'd like to pursue and implement and it can be at least given a mention as a goal, objective, or policy.

Boardmember Wertz: You'll find so many things going through the agendas. There are a lot more, like traffic issues and sidewalks. There are so many things we get involved with that really are going to be a part of this -- pedestrian-friendly transportation routes and so many things. But I think when you do your inventory of our agendas there will be a lot there.

Chairperson Speranza: That's true.

Village Planner Witkowski: Oh, yes.

Boardmember Dandridge: Now that I see we're taking a more expanded view, I would revisit this and say I would like to see some more formalized evaluation of developers' economic plans and models for proposed projects. Especially now, before we even entertain the aesthetics or compliance, we need to know it's an economically viable plan and that they've got a series of options given the environment we're in. I say that as the new person, but sort of reflecting the fact that we have enduring projects that are kind of evergreen on our plate.

Boardmember Logan: So we don't spin our wheels.

Boardmember Dandridge: Because we're wasting money.

Boardmember Dale: That's an interesting thought. Those questions, we danced around them a little bit on West Main Street. Whether or not the project was economic or not was not to be one of our considerations. At least that's the feeling I got in the discussion. Because Eric clearly raised the point that if he took away one more unit it wouldn't work financially anymore.

Boardmember Logan: That cuts two ways.

Boardmember Dale: I don't know, maybe Marianne has to answer when, legally, there's a concern about that. Are we endorsing the economics of the projects.

Boardmember Cameron: I look at it a little differently, and that is that it's up to the developer to figure out whether he or she's going to make money or lose money on the project. We can't know that. But I take the comment I heard a little different: that we can't have developers throwing projects at us for us to spend our time on if they aren't going to actually work. I know it's a tricky thing, but I'm not going to be in a position where a developer says, "I can only build this building if I have another five units." I need to make the decision to give him five units so he can build it. That's not my problem.

Boardmember Dale: No, but what's being said is, if you don't give him the five units then it's no longer economic. So he needs to establish whether or not -- at what point is it his project is economic. And if he doesn't get those five units, if he has demonstrated that the project doesn't work without those five units, then I don't know.

Boardmember Dandridge: There's another way to look at this, and it was observed about 15 minutes ago; that in a residential context there is a standard model for a tear-down, which is three times the investment, three times the footprint, three times the return. There's a built-in economic model there that's fairly transparent -- good, bad, or indifferent. We need to be mindful of the message we're sending to developers. On the one hand, we're saying we might explore in Architectural Review Board. That has very specific meaning to developers. It limits their ability to think expansively; possibly drive economics. I don't have an opinion one way or another. I just think we need to be very thoughtful about how we do it.

So if we're going to start to impose review boards -- which I think is probably a good thing -- and we observe that the houses need to conform to a general character, that's great. We need

to do the corollary, which is to do our homework sort of economically not requiring complete transparency but having a methodology in place so that we are not put in a negative position where we spent sufficient amount of time and energy and then have developers coming back saying, "Either you give me this project or we just walk away," and, "I will have wasted time, but not as much time and taxpayer money as you will have, as a Planning Board." We need to get that up-front.

Boardmember Alligood: The costs of the review we ask the developers to carry, in the sense that any kind of reports that have to be done, any studies have to come out of an escrow that they establish. And we're volunteers, so that's not costing . . . it's costing us our personal time. I guess it's an investment of just community energy. And I have to say I felt that a recent project, I was at that place that Ed is talking about. Somebody was saying, in a recent project, that this project will no longer work economically but I still want approval for it. It raised a question in my mind of then why are we going to spend all this time reviewing it if you're saying it doesn't work.

I guess, in a sense, it's not the money. It's just the effort of going through and reviewing something that somebody's saying does not . . .

Boardmember Logan: Some of these owners have basic rights, though, basic property rights. If you own a piece of property you have the right to improve it within certain constraints. We can't deny them those rights, and part of those rights are to propose before a body such as ours a proposal. And it's our duty and obligation to listen to it.

Boardmember Wertz: If somebody has a foolish economic project they have a right to request approval of it anyway.

Boardmember Dale: Well, they have the right to lose money also.

Boardmember Wertz: We can't stand in judgment of that.

Boardmember Dale: A lot of people lose money in real estate development. Not everybody gets rich, especially now. And the market changes. What might have been -- a very good idea initially -- three years later, after the review has been complete, no longer holds water. Denying that project the right to reconsider itself and figure out how to make it work, and come back to us with a amended proposal, I think would be a huge mistake.

Boardmember Cameron: I think one of the things that disturbs me about some developers is that they keep trying out on us something that we sensibly should not give them, and then they slowly back down to see if they can get us to take something on. And without designing their project for them, we need to somehow shorten that process. I don't know if we need to be more candid with them or what we need to do because I don't want to design their project for them. That's up to them. But we do need to shorten some of the processes.

Boardmember Dale: They're testing your limits.

Boardmember Dandridge: With all due respect, I think we can't have it both ways. I didn't mean to in any way suggest that we had substantive approval of people's economic model. But procedurally, it's not a tenable situation for us to be told years into a project that

a developer no longer thinks it's feasible when they haven't fully disclosed the basis upon which they're asking us to give them a special deal. I'm just saying, if you have a process in place you don't end up at that place down the road. That's my observation on one project, but it's one project that's been around for quite some time. Had there been some steps up front, I think some decisions would have been made much earlier that would have benefited all of us.

Boardmember Dale: I disagree. I think what was a good idea, by the time the review process got to the stage it has now, the idea no longer holds water. And he had no way of knowing that three years ago, or whenever it was.

Boardmember Dandridge: My point is, what he cited as the basis upon which it was either a good or a bad idea wasn't fully transparent and wasn't shared with us.

Boardmember Dale: He's a businessman. That's his decision.

Chairperson Speranza: And remember, too -- we all know which project we're talking about here . . .

Boardmember Dale: I'm talking about two projects.

Boardmember Dandridge: I think it's more than two.

Chairperson Speranza: One of the reasons, that particular configuration of the live-work units was based on the fact that there was a building in Dobbs Ferry that was going to be closing down. Well, you know what? That building is still there. So this many years later, the market does have a tremendous amount to do with this kind of stuff.

But getting back to our discussion, likely there is a way to be able to balance or understand what it is. And none of us like hearing, "Well, I'm sorry. I'm not going to be able to build this very nice thing unless I get one more unit." You know, don't hold us hostage.

Boardmember Dale: Do we have the right to ask for proof at that point?

Chairperson Speranza: I've got to believe you can ask for proof.

Village Attorney Stecich: I would say, in a situation like that, sure -- where you said, "Listen, we're just not going to let it be that big," then I would think the burden would be on them to come back.

But to say from the beginning, the economics, what are you . . . you're going to decide, if somebody comes in with a project that has a 10% profit margin, that that's not viable. Maybe that person's willing to take a risk of a 10% profit margin.

Boardmember Dandridge: Speaking for myself, I don't think I ever said that. I don't want to be mischaracterized as having said that.

Village Attorney Stecich: I'm not saying you said that.

Boardmember Dandridge: I didn't hear anyone say that. I simply said I think we need a process where those types of issues are vetted much further on so that we, as a board, aren't held hostage at the last minute. I think that's the basic issue.

Boardmember Cameron: Well, I've added to my mental list of questions to ask whether they've done market studies and what kinds of market studies have they done so we don't get that put on us again. We need a list of these mental things we should be asking them.

Chairperson Speranza: Yes, that's good: the list, we need the list.

Boardmember Alligood: I think we're always open to hearing an applicant's ideas and giving feedback on it. I guess my feeling about it is that to go to the step of approving something, and then continuing along that path when the applicant says, "Actually, that particular plan no longer works," that's where I personally felt that's going too far. It's not closing any doors. It's just saying, "Okay. Well, then, let's go back to the drawing board and talk about what the options are." And that's always open. That's the right of a property owner, his options.

Chairperson Speranza: Right. And just speaking -- in that certain circumstance, we'd been through so many options -- that was a plan that worked. I mean, it worked for the Village. Sending a signal to them, too, "Hey" . . . almost a reaffirmation of what it was that ended up being something that was border line acceptable.

Boardmember Cameron: The two projects I'm thinking about, I only saw half of them. And in any case, that was too much for me. When I joined the Board you guys said, "Oh, well, you have all these other prior iterations of this thing. We'll have to explain to you how we got here."

Chairperson Speranza: And then you're in on the ground level with the new changes, right?

Boardmember Logan: Isn't the task before us, this liaison, a comprehensive plan where we have to give them a document? So Angie, you're going to go through and take a tally of the agenda. We've got some notes here.

Chairperson Speranza: Yes, I'll come up with a list and circulate it.

Boardmember Logan: And maybe we can just circulate it by email.

Chairperson Speranza: And then you can always add to it.

Boardmember Logan: When do you have to do it by?

Boardmember Wertz: They asked for it by mid-November, but the process is that the RFP is out and the consultants are giving proposals.

Boardmember Logan: We don't need to panic.

Boardmember Wertz: We'll be interviewing them in December, so the whole thing won't really even be starting until January anyway.

Boardmember Dale: And it does raise a really big issue, which is how does the Comprehensive Plan Committee interface with all the various agencies that already exist. I've been wondering about that when we went to a couple of meetings.

Chairperson Speranza: We met with them.

Boardmember Dale: I know, I was there.

Chairperson Speranza: And I think this is another way for them to outreach to the different boards and commissions. Remember, I'm not sure exactly how many of the boards . . . but

there are a lot of different committees, as we know, in this Village. So I think this is a good effort on their part to have people send this stuff in. The Safety Council, which meets Thursdays at the same time that we do, constantly has things coming in front of it.

Anything else on this topic? Jamie, did you have anything else that you wanted to bring up tonight?

Boardmember Cameron: I have various -- and I'll circulate them later -- things on lighting. I've talked to our lead (LEED) lighter down there.

Boardmember Logan: L-E-E-D.

Boardmember Cameron: Actually, here's a new one passed, believe it or not, by the US Department of Energy August 25th; new standards for lighting. I've found a couple of Web sites which give you the environmental building provisions by state so you can actually go through and look at various ones.

Boardmember Logan: And the National Society of Illuminating Engineers is sort of the base document a lot of people refer to for standards -- which shouldn't necessarily be these standards, but it's a reference.

Boardmember Cameron: I think one thing that would be useful for us to figure out, as we go about looking at greening this town, is to what extent do we have flexibility in what we want to do, and to what extent is that determined by the state. In other words, can we have . . .

Chairperson Speranza: You mean as far as the state building code.

Boardmember Cameron: Yes. And maybe we should be looking at that. Because New York State did adopt environmental provisions, and we should probably be looking at those. Then, always helpful for us is looking at other towns nearby to see what they may have done. I mean, that's the best way to get a head start of what we might be doing.

Chairperson Speranza: And I've got some stuff from the APA, the American Planning Association, too, where they've come up with the same thing: model codes, what's addressed in various codes throughout the country. But I think you're right. I think some of these things may actually exist in the building code rather than New York State.

Boardmember Logan: Well, our building code is not too bad. It has some teeth in it and it has some provisions that may have some gray areas, but I think it is enforceable to a large extent and I think Deven has been active in that regard. But I think we can possibly do better and try to head off some unforeseen catastrophes that could happen with lighting on some of the new projects.

And even looking at our own street lighting scheme, there are well-intentioned efforts by the DPW to put in bulbs and maintain standards. But glare is a real issue. I don't want to give you a sermon here, but too much light can be a problem because it obscures critical details, especially at crosswalks. So if you come up, for example, Farragut Avenue right by the school, at an intersection there's a hugely bright bulb. I personally am blinded by it, and I

have trouble seeing a pedestrian crossing the street because the light is creating . . . that type of thing, which we can give the same illumination levels that are there now, but not have people have light in their eyes.

Boardmember Cameron: And we could set up a standard so it's on a replacement basis as we move forward.

Boardmember Logan: Yes, exactly.

Boardmember Cameron: In these economic times we're not going to run through the town and replace all the street lights.

Boardmember Logan: There may be an energy incentive here, too, in terms of I'm not sure who pays for the street lighting budget. Is it part of the Village?

Chairperson Speranza: I would imagine it's the Village.

Boardmember Logan: So there may be savings there.

Boardmember Cameron: This article I circulated a year ago, a *New Yorker* article, amusingly enough pointed out the city that had gone the furthest in replacing these downward lights -- and very successfully -- is one you'd never expect, which is the leading Canadian oil city called Calgary. They had replaced their lights and were saving over a million dollars a year in electrical costs by putting in these more focused lights. This article, which I'll circulate again, I thought was amusing.

Boardmember Logan: Yes, ironic.

Chairperson Speranza: Anything else? I just had one other thing. It was a couple of sessions ago I mentioned that since Dave Hutson had left the Board we would need a Board representative to the LWRP committee. Eva has spoken to Dave about the roles, and I just want to make sure that people are comfortable if Eva becomes the representative to the LWRP.

Boardmember Logan: Very comfortable.

Boardmember Wertz: That's great.

Chairperson Speranza: So I'll let Phil Karmel know.

Boardmember Alligood: Okay, great.

Chairperson Speranza: Anything else?

VI. Adjournment

On MOTION of Boardmember Logan, SECONDED by Boardmember Wertz with a voice vote of all in favor, Chairperson Speranza adjourned the Regular Meeting at 9:30 p.m.