

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
REGULAR MEETING AND PUBLIC HEARING
OCTOBER 16, 2008**

A **Regular Meeting and Public Hearing** was held by the Planning Board on **Thursday, October 16, 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, Jamie Cameron, Eva Alligood (9:20 p.m.), Bruce Dale, Rhoda Barr, Ed Dandridge, Village Attorney Marianne Stecich, and Village Planner Angela Witkowski.

ABSENT: Boardmember Wertz

I. Roll Call

II. Approval of Minutes

Chairperson Speranza: We have two sets of minutes for approval this month. One is the approval of the minutes from the August 21st meeting, and we have Rhoda Barr, who is here, who was also at that meeting. So we do have enough people to be able to vote on the meeting.

1. August 21, 2008 meeting

Chairperson Speranza: Jamie, you were here at the meeting so would you like to make any changes, or move the minutes?

Boardmember Cameron: I don't have any changes. I'd be happy to move the minutes.

Chairperson Speranza: You know what? We can't do this because Eva's not here. Eva Alligood is at a school function. She will be joining us later.

2. Approval of Minutes: September 18, 2008 meeting

Chairperson Speranza: Any changes, questions, comments? Bruce?

Boardmember Dale: Page 31, in the middle of the page where I'm talking: "*So there's a question of if there is a need for them for the Village position . . .*" That should be "*from' the Village position, and whether the additional antennas are more . . .*" That doesn't quite make sense to me, so can we change that to "*necessary.*"

Village Planner Witkowski: Wait a minute. "*From' them for the Village's position.*"

Boardmember Dale: "*For' the Village*" should be '*from' the Village.*'

Village Attorney Stecich: The antennas aren't necessary.

Boardmember Dandridge: And "*the antennas are necessary,*" as opposed to "*more.*"

Village Planner Witkowski: Oh, I see. Okay, got it.

Chairperson Speranza: Okay. Anything else?

Village Attorney Stecich: On page 20 -- these are both related on page 20 and on page 33. It refers to the Planning Board's making a recommendation to the Zoning Board of Appeals for a special permit. It should read that the Planning Board's making a recommendation to the Zoning Board on view preservation -- which it does say -- but the Planning Board itself issues a special permit. It's not a recommendation from the Zoning Board. So whether that's a substantive change, or a change in the minutes.

And then just one other, on page 37, where Patrick Normoyle is talking and he's saying that they were previously proposing 65 units. I think that was 54, since it was a reduction of 10%. On page 37, at the end of the third paragraph.

But the other two, it's not so much important for the minutes but just so this board recognizes that it's the Board that can issue a special permit.

On MOTION of Boardmember Dale, SECONDED by Boardmember Logan with a voice vote of all in favor (one abstention), the Minutes of the Regular Meeting and Public Hearing of September 18, 2008 were approved as amended.

Boardmember Cameron Abstained from voting (not at Sept. 18 meeting).

III. New Business

- 1. Public Hearing. View Preservation. Retaining Wall Construction. (Sheet 4, Parcel 64) 351 Warburton Avenue.** Johannes Boeckmann and Anne Chiang application for repairs of existing retaining wall and construction of new retaining wall on residential property in R-7.5 Zoning and View Preservation Districts.

Chairperson Speranza: Is there someone here who's going to speak to the application?

Village Planner Witkowski: I believe the architect is here.

Johannes Boeckmann, 351 Warburton Avenue: The reason why we are here is because we have to, as I understand it, ask for permission under view preservation to alter and add a retaining wall between the two houses, which sit as you go down Warburton Avenue just before the Citgo gas station -- two buildings that were built about 10 years ago. They are connected by a retaining wall which, over the course of the last years, has settled down and is tilting over and, according to a review by two engineers, gradually collapsing and needs to be fixed. The issue that we are running into, though, is that the retaining wall is not simply to be replaced by the same type of wall -- unfortunately, or for reasons that I can't really

reconstruct -- which was built at a height that is outside compliance with the restriction to be not taller than 6-1/2 feet. The wall is actually about 9 feet tall, or 9-1/2 feet tall, so it needs to be replaced.

What we are proposing to do, or what we would like to do, is really cut down the existing wall to about 2-1/2 feet remaining, essentially, and then build a new one closer to the road, or to the street, at the 6-1/2 feet that is permitted, or is in compliance with, the regulation here. What that, in effect, would do is essentially create a hole. If you stand on Warburton Avenue and look towards the river, between the two buildings, it would drop down the level about 6-1/2 feet and would actually open up the view. So we have to, however, as I understand it, ask for permission under view preservation because it is a structure that we're putting in, even though the structure actually retains, or opens up, a hole, or opens up the view; and that would actually be beneficial for anybody who's concerned about view preservation.

I hope the material we submitted sort of documents that sufficiently. If you want me to, I can show you some of the pictures, or walk you through the pictures.

Chairperson Speranza: We have them. I'm not sure if there's a good way to display them so that others can see them as well.

Since this is a public hearing, let me just find out if there's anyone in the audience who is here to speak to this application. That being the case, I think we have the photos in our packet, so let me ask the Boardmembers if they have any questions about this.

Boardmember Cameron: I went and looked at the site, and I don't have any questions about it. I think it's pretty hard to see any blockage in our view with what you're doing.

Boardmember Dale: I had one question. You have sort of a terrace or a deck now on, I guess, the building, on the right-hand side, which is 351. Moving the retaining wall back you would lose that. Would that be rebuilt?

Mr. Boeckmann: We actually thought a lot about what we could do to not just have a cost, but also an increase, in value. It's obviously very difficult to do anything in terms of building a structure. What we end up doing, at the end of the day, both of these buildings have a deck at the ground level and a deck at the lower level, which is the basement level, which actually happens to be the tallest room, at 10 feet. What we are doing by dropping down this area is creating a sort of fairly private play area. Since both these buildings will very likely have families in them, or kids in them, we thought that actually created some value. We will build it out as a play area that will be shared by these two houses and, hopefully, be beneficial to the kids who live there.

Boardmember Dale: So the deck would disappear, and it would be replaced by a courtyard below.

Chairperson Speranza: Marianne, did you have something? Ed, anything? Bill? No?

All right, the public hearing's closed on the application. Unless I'm reading the Board wrong, we may be ready to have a vote to recommend approval of view preservation for the application at 349-351 Warburton Avenue.

On MOTION of Boardmember Logan, SECONDED by Boardmember Cameron with a voice vote of all in favor, the Board resolved to recommend approval of view preservation for the application at 349-351 Warburton Avenue

2. **Steep Slopes Review and Approval. Building Permit Application for Single Family Residential Reconstruction of Addition and Deck at 17 Wilson Place (Sheet 25 / Block 678 / Lot 19).** Kathy Sullivan is requesting steep slopes approval and relief from certain submittal requirements from the Planning Board for construction in 309 to 336 square foot area of disturbance within a 1,700 square foot area with 25% slope.

Chairperson Speranza: The next item on our agenda is for steep slopes review. This is for construction of an addition to an existing home, 17 Wilson Place. The Steep Slopes ordinance, which we spent a great deal of time recently looking at, does require that under certain circumstances the building permit application be seen by the Planning Board. And in this instance there are requests to waive certain parts of the information that's required under the code to be provided. Kathleen, are you going to be speaking to this? Deven? I'm just wondering who's going to present the application for this property.

Building Inspector Sharma: The property owner, the architect.

Chairperson Speranza: If you would just describe for us what it is you're planning to do.

Kathy Sullivan, 17 Wilson Place: You received the package of information?

Chairperson Speranza: Yes.

Ms. Sullivan: All right, just to walk through that, it's an existing property. The home was built in 1925 and, as I stated, the proposed project is to remove a rear one-story section and deck and replace it with a two-story addition. The existing backyard, a large part is bedrock. And the elevation changes in that bedrock is what brings this under the steep slopes application. Deven and I have spoken at length about the various pieces of information that he should have as the Building Inspector, and in my note to you I indicated there were certain requirements I would like to have waived, for him to have in the building application. Those are listed in the memo that I prepared and went over with him. That's in the package as well.

Chairperson Speranza: Is there anyone here from the public who wishes to speak, or has questions about this application?

Then Boardmembers, we've gotten the information. You're right, we got the packet. My view is that you're absolutely right, this is a built environment at this point. The one thing that concerns me a little bit is the stormwater runoff. Typically we get something that

indicates how stormwater is managed, and generally we get something from an engineer that says what it is now and how it will be handled post development. Having been to the site, and seeing the way the topography works, I'm just wondering if you could give a little more detail about how stormwater is handled right now and what the intent is. I know in your memo you said it will be channeled further to the east.

Ms. Sullivan: Right. Right now the runoff, if there's any runoff off this rock -- and I tried to explain in the course of adding on the addition -- there'll be very little disruption of the ground because it's basically bedrock. There's very little soil that will be disturbed. I think the addition's going to mitigate some of the runoff that may be getting to my neighbors because of the slope. There's also a vegetated swath in the setback that will remain at all times. But because of the addition, it will be channeled in an area that's working right now for water infiltration. It basically gets infiltrated before it leaves the lot in the front. So it's, in a sense, continuing to work in the same way that the water's being handled on this site with the addition. So calculations, Deven should speak to this because we did talk about it together, and I think he was satisfied with how this was going to be handled with the addition.

Chairperson Speranza: My only concern, and it's something that we added to the revised steep slopes, is that there's no notice requirement for this. So if there is a problem now with any of the runoff -- your neighbors don't know you're doing this -- and we approve it, then there's no input and there's no formal engineering signoff to this.

Now maybe, Deven, you can come up and just speak about what your assessment is with respect to this application.

Building Inspector Sharma: I sent you an email earlier this morning. What I've seen from Ms. Sullivan -- and I'm essentially saying from my professional capacity as an architect, maybe that doesn't apply here, but even as a building inspector -- I seem to concur with her conclusions that the net change, if there is any in the direction of the runoff, is minimal to none; insignificant to warrant any kind of formal calculations. As long as she has a professional designer who can, under the signature and seal, produce the statement, I personally am happy with it.

Again, it's your prerogative. But the way I see the application -- especially considering the size and scope of the job, the fact that the building's already there, the water's already running off a certain way -- there's not a whole lot of permeable area being built on to change the nature to impervious. Overall, there is no negative net effect in terms of runoff or any other views we have with regard to preserving the steep slopes and what might happen if you disturb them. But I'm saying what Ms. Sullivan has done -- what I looked at -- there is no significant negative effect that would require any kind of formal, technical review or certifications from another professional.

Boardmember Cameron: You're talking about negative effect. And I guess one of the issues that you brought up, Patty, is that we don't know whether there are any water flow problems existing with the neighbors or not, since they're not here to talk to us. So where there might not be negatives, I'd be interested to know whether any water is migrating to other people's property at the current time and where the gutters off the existing structure currently drain to.

Building Inspector Sharma: The way I see it, whatever issues may already be existing pre- and post development there is not going to be any significant effect on it. And whether or not we can ask the applicant to correct any existing problems, I'm not sure.

Chairperson Speranza: No, but we want to make sure that nothing gets exacerbated either, if there is one.

Building Inspector Sharma: I am saying that in my opinion if there are any problems they're not being exacerbated by this addition of 309 square feet on a kind of sloping area which is pretty impervious as it is, and mostly rock and very little vegetation. So this development is not adding to the runoff, in my opinion, and it's not diverting any of the natural surface runoff in any significant manner.

Boardmember Dale: Does the existing deck have a foundation, or is it just braced on a rock surface underneath?

Building Inspector Sharma: Yes, it has some kind of foundation. I don't know what kind of foundation it is. In a rock-like situation, the foundation is not necessarily 6 inches deep that we minimally require. It has to be below the frost line. It gets anchored to the rock. So even the foundation for the new construction would have to be similarly adjusted to that kind of condition.

Boardmember Dale: That was where I was going. The concern was, in digging a foundation for this extension will it, in fact, disrupt the existing situation in terms of drainage.

Building Inspector Sharma: Yes, I didn't say it wouldn't. But, you know, if you see the existing house itself, the existing building, that already impacts. This is like view preservation, too. If you have a big thing and you put something in front of it, what you put in front of it is not necessarily affecting the view because a big thing in front is already affecting the view. So what I'm saying is, the current construction -- the current dwelling, the current structure that's there -- this addition in the back of it may create a minimal effect. In my opinion, again, it's not of character and scope and size that it would require any technical additional reviews and certifications.

I think there was a question of Ms. Sullivan being a design professional herself and also being the owner, whether or not she can . . .

Chairperson Speranza: Well, that's a concern that I have.

Building Inspector Sharma: I think that, Marianne can address. In my opinion, as I wrote you in my email, I'm not aware of any law that I cannot design or sign-and-seal my own

house if I were to build one. See, my signature, my New York state license is good enough. I can sign and seal any design, any drawing work, I do for myself. That doesn't bar me from doing it.

Chairperson Speranza: Agreed. But the question is, is the Board willing to accept . . .

Building Inspector Sharma: Exactly. That's the Board's prerogative.

Chairperson Speranza: And not saying anything about Ms. Sullivan's professional abilities at all, it's a question of we would be taking a risk here because we're waiving a number of things.

Village Attorney Stecich: Quite apart from the applicant certifying her own work, I agree with Deven. I don't think that's an issue. However, that begs the question. She's an architect, not an engineer. You would know this, Deven, I don't know. Maybe drainage calculations, runoff calculations -- are those done by architects? In my experience this stuff's usually done by engineers.

Boardmember Logan: But I think architects have the authority to do that in New York State.

Village Attorney Stecich: It's not in our code but that's, I think, important for the Board to know in deciding whether they want to waive it; whether it's within the ambit are architects trained in that.

Boardmember Logan: I'm wondering if we can't just get around this if we get a letter from Ms. Sullivan stating that the conditions that are created will not exacerbate the drainage conditions on the site, and sign and stamp it.

Boardmember Cameron: Or a little information, like there will be gutters on all four sides and there will be a couple of dry sinks, just information like that. Because then you know the water is being designed to go someplace else. I just don't know. We're waiving documentation where we have the information. Were it given to us, on the other hand, I think it's a waste of time to have it prepared for us. But it'd be nice to have a little bit of information so we have some feeling where it's going to go.

Boardmember Dandridge: I just want to make sure I understand this correctly. Maybe Deven can walk me through the steps again. If I understand it correctly, in your assessment there may or may not be some runoff already from just the basic topography. And if there is some, there's little that could be done in an engineering context to mitigate that. Is that what you were saying initially?

Building Inspector Sharma: What I'm saying is, the net change is to such an extent and nature so minimal, the way I see it as an architect and as a building inspector is that yes -- you can still cross the t's and dot the i's -- the code says you can ask for it. But in my opinion, I didn't think that was necessary. You know, I'm not defending the application or the applicant. I'm just stating my position, how I saw it, what's my opinion on this application. And, of course, the Board has the prerogative to do whatever is necessary to make it comfortable. They take whatever action they want.

Boardmember Dandridge: I was just trying to step back one step. Because I did get the sense from the materials that this is a fairly contained project and it's not likely to result in a materially adverse change. I get that. What I'm trying to figure out is if, in the current situation, in your opinion, it looks like there may be a runoff problem existing -- I thought I heard you say there might be a runoff problem -- but, given the way it's structured, there's nothing that could be done about it anyway.

Building Inspector Sharma: No, I don't think I said that.

Boardmember Dandridge: No. So I got that wrong.

Building Inspector Sharma: I said "if." Houses built in the '20s, '30s, '40s, and '50s had a different set of rules, different considerations. If there is a problem -- if, I don't know -- this application, this new addition, does not add significantly to that problem. I don't know if there is one. I don't know how we'll define what was not a problem under certain codes at one time, whether we can define that as a problem now under the current code. The water does run off a certain way, obviously, and has been doing that for whatever number of years since that house was built. Now, with this addition, the issue always is whether the new work that you do negatively affects the environment to a point where it warrants corrective action, or even a more detailed investigation. My opinion was, and is, that it does not. That's strictly my opinion.

Boardmember Dandridge: And because it wasn't noticed, the neighbor isn't here to speak to whether or not there is an issue currently. I realize there wasn't a requirement, but we don't know the status quo. So your point is, without regard to status quo, this is of such a small scale that it's likely not to make a difference one way or another.

Building Inspector Sharma: Exactly. The size and scope of this disturbance has a very big role in the matrix when you look at it. That has a lot to do with how much more you need to do to justify and defend it.

Village Attorney Stecich: No.

Building Inspector Sharma: I didn't think so. It's strictly a technical issue for steep slopes, what happens in case you disturb it. Also the fact of what else is on the property -- if there is a bigger edifice, impediment, already there -- and you add a little bit more to it, whether or not it will change the condition adversely to a point to allow it to a degree that it requires additional investigation. That's something that's subject to personal opinion, and my opinion in this particular case is maybe it doesn't. They say what price glory. What might we get after we have somebody do the calculation and study it? What we might get would be of that significance.

Boardmember Barr: I'm a little bit puzzled. We have a highly qualified independent judgment here. I'm wondering why this isn't a strong guideline for the Board. It isn't as if Deven is employed by this Ms. Sullivan or in any way personally connected. He represents the Village and is qualified. Why the struggle, and why just adding, "Well, we need one more consultant or we need one more. . ." I'm just really puzzled by this, except for more bureaucracy.

Boardmember Cameron: I'm not for more bureaucracy, but what Deven is saying to us is he doesn't know whether it's flooding the adjacent property or not, but this is not going to make it worse. And if we got the information required we would actually know the answer to that question. I'm not saying I want Kathy to go through that effort to do it, but she might tell us what's she's planning to do with the drainage off the roof. She could do it orally, she could do it in a letter. I'm in favor of waiving these requirements, but I'd like more information of what's actually happened to the water coming off the roof. Because we actually don't know what's happening to the neighbor. Because we haven't noticed the person, we don't know the answer to the question. Deven's told us it's not going to be worse. He didn't tell us it's not happening.

Chairperson Speranza: I think what might be helpful for us is to go through the provisions in the code that are being requested be waived.

Building Inspector Sharma: Then with your permission, I'm going to let Ms. Sullivan answer. I think she has addressed each one of them one-on-one.

Chairperson Speranza: Yes, but there are other people and we're on film. The site plan we have, that's fine. The landscaping plan -- "*paved areas, storm drainage facilities, retaining walls, ground cover*" -- I think we could all agree that we don't need a separate plan for this. So that's no problem waiving.

Architectural plans: elevations, sections. We do have some.

Ms. Sullivan: Excuse me for interrupting, Patty. The statement regarding the building permit applications that's in the part of the package as well, that's what Deven and I talked about point by point. He has some of this information already that you didn't get in your package. He has the drawing, he has elevations, he has information on gutters, that kind of thing already.

Chairperson Speranza: So there are more than these?

Ms. Sullivan: He has a whole set of drawings for a building application.

Chairperson Speranza: So maybe they're in the building . . .

Boardmember Dale: The answers to your questions are likely to be in there.

Chairperson Speranza: In the drawings.

Ms. Sullivan: Right, and I can address them orally. Thank you.

Boardmember Cameron: Fine with me.

Chairperson Speranza: It says: "*A statement submitted by a licensed architect, registered landscape architect, or engineer describing methods to be used in overcoming foundation*" . . . and Kathleen, you did mention that in here. "*Methods to be used to eliminate or mitigate water runoff on all adjacent properties*": I think that may be where we're stuck. So it may be 4-B: ". . . *plan submitted under the seal of a licensed professional engineer certifying the following: existing and proposed natural and artificial drainage courses.*": again, I don't know that we need that. "*Calculated volume of water runoff from the slope, and lot in*

question, as unimproved. . .” -- and then the same thing -- “. . . as improved, and the existence, location, capacity of all natural and artificial drainage courses within 500 feet of the lot.”

And then this statement, and it’s what we typically see: *“A statement made under the seal of a licensed professional engineer stating that the proposed activity will disturb the steep slope area to the minimum extent possible, and the proposed mitigation measures will prevent, to the maximum extent practical, the adverse effect of the disturbance of the steep slope on the environment and neighboring properties.”*

Again, it’s just really an issue for me because this does not get noticed to the neighbors. We were changing that in our recommendation to the Board of Trustees. And maybe there’s a mid path rather than having to hire someone else, particularly if there’s a whole set of building plans that we haven’t seen.

Ms. Sullivan: Well, I guess the comment I had made in number seven is that *“The Planning Board may, at its discretion, waive any of the requirements above.”*

Chairperson Speranza: Yes, and that’s what we’re talking about.

Ms. Sullivan: So in my memo to Deven I requested that the Planning Board accept this statement for number four, which is under my seal and signature, to stand in for number six. Because as Deven was explaining, something of this size and scope, how number four was addressed, I think, answers the intent of what information’s being asked for in item number six.

Chairperson Speranza: So you’ve done something, sealed . . . oh, okay, this letter, this statement.

Ms. Sullivan: Yes. And that is a statement for number four, which talks about how the activity will disturb the slope -- and in this case it really doesn’t -- and what the mitigation measures are going to be and how the watershed is affected.

Chairperson Speranza: Maybe we need to see the application.

Boardmember Cameron: I’d love to see the plans, actually.

Chairperson Speranza: Anyone else?

Ms. Sullivan: I guess, Jamie, you’d mentioned you wanted an explanation of what the situation is. Right now the house has gutters on all sides that go on splash blocks. Because of the vegetated strip, and where they’re located in the existing back of the house, it has a chance to infiltrate into the soil. The measures that are being taken to deal with the stormwater, with the roof of the new addition there’ll be gutters on all sides and repairs done where they need to match up to the existing house. The roofs are mating at the eave line, so there’ll be a continuous line of gutters. They will be downspouts that go on splash blocks that are being placed further away from the adjacent property, where possible. There’s an existing one in the front which is not part of this scope that will stay and that actually drains

down towards the front. So there will be stormwater control, or rainwater control, planned in the addition.

Boardmember Dale: So you're not providing a dry well or something else for the runoff? Not a gutter system?

Ms. Sullivan: Not at this point. You know, that's certainly a technique. I'd spoken with the Building Department, and because of the existing splash blocks it was suggested that I do that just to continue to use them. That was the guidance I was given when I brought that up in conversation.

Boardmember Logan: A quick question. Is there any increase in impervious area with this?

Ms. Sullivan: Increase in impervious area? I would say no. The existing terrain is rock. So even though there is an additional roof that's being added, the existing condition is bedrock.

Boardmember Logan: It's in this footprint.

Ms. Sullivan: Right.

Boardmember Logan: And I think you say that in your statement five: "*. . . when the proposed work is within the existing improved footprint in the steep slopes area.*" I think this sounds to me like it addresses some of the questions, at least that I have. We're not exacerbating the existing conditions, and therefore I don't see why we would have to presuppose that there is a problem when we're not really aggravating the existing condition. So I'd take this at face value. It's stamped and signed and, to me, this addresses the issue. That's my opinion.

Boardmember Cameron: I'm glad to see there are gutters. I think that will help a great deal. And the splash box, I guess, will disperse the water the same. I'd hope that if any problems come up you would put in dry sinks.

Boardmember Logan: I think if there is a problem in the future we have this letter in the file. Kathleen has taken responsibility for this. She stamped it. We have a clear methodology, and paper trail basically, that allows us to go after you if there's a problem. And you're taking responsibility for that.

Ms. Sullivan: Please do, if needed.

Boardmember Dandridge: I just would sort of echo everything, although the one issue that I'm just a little bit uncomfortable with -- and it may be because I'm new here -- is just the whole issue of transparency. There are sort of two issues here, and I take it at face value that you're a licensed architect and, as such, you are authorized to act on your own behalf. I don't have an issue with that independently, nor do I have an issue with the fact that this isn't a petition that requires notice -- although it would be nice if I had some assurance that there wasn't an existing problem so that even perceptually we, as a board, are not perceived as aggravating something without giving a taxpayer and a homeowner an opportunity to speak to it. When I put those two together, I still think -- and this is a case of first impression, and probably meets the standard that we are required to meet -- I am just worried that, moving

forward, this comes back to us, and people say, “Well, you did it in one instance,” and we’re talking about a project that may be of a larger scale.

So having put that on the record, I’m fine with it. But I think the two together make it slightly less transparent than I would otherwise be comfortable with.

Boardmember Logan: Isn’t this really a case of being innocent until being proven guilty? We don’t have any evidence that there is a problem. Why should we presume that there’s a problem?

Boardmember Dandridge: No, I’m not presuming there’s a problem. I’m simply speaking . . . and it’s less about the substance of this. It’s more about the process and setting a precedent that we then have to adhere to on much bigger projects where we may not have such a straightforward set of facts. Again, it’s not about this. It’s about what this opens the door to subsequently. But other than that, I’m fine with it.

Boardmember Cameron: We have actually voted on a proposed amendment to the Steep Slopes, which we’ve sent to the Board of Trustees, which would require notification.

Ms. Sullivan: I’m look forward to reading that law. Because the issue of process has been . . . it’s worth . . . and having addressed, run into, the requirements of steep slopes, trying to understand what I should do in this kind of situation I’m going to, as a resident, be looking to make sure that it’s clear so that folks in your position, as well as in mine, feel comfortable about the situation.

Chairperson Speranza: Right. We tried to make it much clearer.

Ms. Sullivan: Good. Thank you.

Chairperson Speranza: Then I need a motion to approve the steep slope application, and waiving the requirements as indicated in the application.

On MOTION of Boardmember Dale, SECONDED by Boardmember Cameron with a voice vote of all in favor, the Board resolved to approve the steep slope application, and waiving the requirements as indicated in the application

IV. Old Business

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

Chairperson Speranza: The next item on the agenda is the application of MetroPCS of New York for an antenna and the installation of a personal wireless facility on the roof of the Municipal Building. As Marianne mentioned, we issue the special permit and make a recommendation to the Zoning Board of Appeals for view preservation. I apologize, I don't remember your name.

Daniel Laub, Cuddy & Feder: I'm here on behalf of MetroPCS. Just to refresh your memories, Madam Chair and members of the Board, this application is for a wireless site here on the Municipal Building. This site is for six panel antennas to be located on the roof of the building along with associated radio-telecommunications equipment that is used to operate the site, which would be connected to telephone and electrical utilities via a conduit that goes down into the basement of the building here at Village hall.

To recap where we were last time, I think there was some concern about the Village's engineering consultant having an opportunity to review our application, which I understand he has done. We have been in receipt of that letter. We have no problems with his findings other than some of the suggestions regarding trying to make the platform and the associated equipment smaller and moving it closer to the parapet. I think for reasons that we explained in there, the structural steel that's used to support the platform has to be above load bearing portions of the building's walls and can't be above windows. So they were placed in order to strategically do that, and changing where those are arranged there's really little flexibility in where those would go.

Similarly, trying to move it closer to the parapet and trying to shrink it down would actually work against something that we've been trying to achieve here, which is to eliminate the visibility of the equipment; try to use the parapet to our best advantage; keeping a low profile; using smaller cabinets; and moving it back a ways so that people from the ground level looking at the Municipal Building wouldn't be able to see the equipment. Moving it close to the parapet, because it is slightly higher than the parapet, you would be able to see it from ground level. But we've tried to move it back so you won't be able to see it.

Those would be our only concerns. We have submitted our engineering calculations to Mr. Sharma, whom I know passed them on to your consultant as well. I think that was a big concern of the Board's, which has been an answer to date.

We also had a site visit and received the report from your radio frequency administration consultant, whom I know is here this evening. We had a visit. We passed his report on to our consultant, Mr. Collins and, while I think there could be some disagreement among the consultants about calculations and things, the ultimate result -- as Mr. Comi and I have discussed -- is, I think, the recommendation to the Board and to the Village in general that certain areas of the rooftop be simply cordoned off just to make anybody who's going up

onto the roof unaware -- a workman, or somebody who's going to the roof -- is aware that there are antennas, where they are, and just to make sure that they have an awareness that there are radio frequency signals being distributed on the rooftop. It's my understanding, really, that that's kind of a general recommendation regardless of MetroPCS's site, but it certainly can apply to our site. We have no problems with that.

In addition, and I'm sure Mr. Comi will speak to this point, a radio frequency sign on the access hatch, or somewhere that makes sense right back here, so anybody who's going up to the roof it has a sign that has notice of the propagation of radio frequency signals on the rooftop. I think we have no issues with that.

Moving on, the conduit which connects our radio telecommunications. You know, we've gone through -- our engineers from Tectonic have gone back through -- old architectural drawings, and have done a lot of work on where we can put this conduit. The best place we can really find in the building would be to actually bring it over on the corner -- the northwestern corner over by the fire escape -- kind of where the building cuts in a little bit. The idea would be that the conduit would come out of the building and up the building, but before it got to the cornice of the building -- which wraps around -- it would actually come into the building and up to the roof. There's a drop ceiling right behind the courtroom here, which we were trying to see if we could use. The drop ceiling doesn't quite match up with where the cornice is. So the cornice is actually below where the drop ceiling is. We really don't want to penetrate the cornice. It really isn't an ideal solution.

So the idea would be to actually come into the brick façade of the building. But there's actually a drop-down part of the ceiling which has been created for some HVAC equipment and things like that. We'd actually extend that over, basically, so you wouldn't see our equipment at all -- the same idea as using a drop ceiling or something like that -- covering it up, painting it to match. And then from there it would be molded or painted internally so that you wouldn't see it at all in the interior of the building, and then up through the roof. That way, if the cornice is here or along here, instead of coming around the cornice this way you're actually coming under the cornice and coming up through the roof this way, basically just avoiding the need to bring that conduit around the cornice and doing any kind of damage to the cornice through any kind of penetration or anything like that. We've worked this through with the ARB and Building Inspector Sharma. I spoke with Village Manager Fran Frobels about it. Everybody seemed to think that was the best solution in this case. That had been done in the past. Going around the cornice, I think we're just trying to avoid that situation.

Similarly, I did want to point out that we've provided you with photo simulations, as per your code previously. One thing that we've worked on in this process, in kind of going back

and forth, our engineer Mr. Leahy actually went up on the building roof again for a site visit and actually took measurements of the AT & T panel antennas that are up there. Those panel antennas, in width, are 16 inches. Previously, our photo simulations were basically showing those very same similar panel antennas, except technically our antennas are half that width. So they're a much slimmer profile, a much better silhouette, and basically half the visual impact of the existing AT&T antennas. We provided photo simulations to demonstrate that to you, in that they would be a much slimmer profile.

With that, I think we've covered a lot of ground. I don't know if, at this point, you had any questions. I'm sure you want to hear from your consultant, Mr. Comi, at some point. So I take your leave.

Chairperson Speranza: I have one question of you. In a transmittal letter that you sent October 2nd you requested a timing waiver, and I'm not sure if it's that you don't need that anymore. I never heard that before.

Mr. Laub: Sounds like we don't need it anymore. But often, where planning boards have waivers for submission of supplemental materials, and where basically we were informed of Mr. Comi being retained, we were going to have a site visit. Then we were going to receive a report. We just wanted to make sure that we had an opportunity, if needed, to submit any supplemental information that needed to happen to make sure that it was to the Board in time. Sometimes you have a board that says we need two weeks, three weeks before the meeting.

Chairperson Speranza: Okay, so it's not applicable to us.

Mr. Laub: No, not applicable at this point.

Chairperson Speranza: Okay, good. Mr. Comi, would you like to come? Mr. Comi was hired by the Village to do an analysis of the radio frequencies.

Dick Comi, consultant for Village: We work for municipalities and, as the chairman mentioned, we were hired to analyze and review the RF emission issue concerning placing of these antennas and the others that are on the rooftop. We did a site visit with your Building Inspector, with the industry, and with your IT person. And we actually invited up a couple of your police officers because they knew more about the radios than most people in terms of the power, the output, what they service for, and so forth.

I provided a report to the Board, and I'd like to say right up front there's one typo in it. On the second page, it says northwest corner. It's actually southwest corner. Northwest doesn't make any sense. That's the top of the second page of my engineer's report, when he talks about item number one with the barriers; where it says "*northwest*" in line four, it should be "*southwest*."

What we discussed, and what we had looked at, was the worst case scenario of all the antennas that are up there, and there are a lot of them. There's one wireless carrier, this is the

second one, and you have in the neighborhood of 11 other antennas on that rooftop. Now, many of them have intermittent service: they're fire, police, the county. We took the maximum potential that we could get in terms of maximum power that we were given, and determined to be conservative for maintenance people that may be up there, or others, that are not aware or working on the antennas. That we simply recommend that they put, we call it, a barricade. It's nothing more than a thigh-high chain, normally plastic so it doesn't interfere with the radios, with a sign on it that just says "RF Emission." We recommended -- because most of the other antennas are on the front roof, there are seven of them -- that it be put across the front of that area, encompassing the AT&T and MetroPCS that are on the southeast corner, and then another set of barricades 2 feet from the new MetroPCS and AT&T that are on the northeast corner.

With those barricades, and sign, on them -- and as Mr. Laub mentioned, a sign that should be on the inside of the hatch that just tells people that there are RF emissions -- from our standpoint, that will ensure that any of what we consider the general public that happens to go up there is safe and secure. And your rooftop, then, is in total compliance with MetroPCS being there. It's been discussed with the industry. As he mentioned, they don't have a problem with that issue. We don't want to go back and forth with their engineer because he didn't even have all the data. So this is a solution that we're both acceptable to.

Questions? Thank you very much.

Chairperson Speranza: Thank you. We also did receive a report from James Gibbons, who was hired by the Village to look at the placement of the structures on the roof. And he found no issue with it except as Mr. Laub mentioned. Maybe you can shrink these a little bit in terms of the size.

Village Attorney Stecich: Patty, I did have one question about James Gibbons' report. Maybe Deven knows the answer, and maybe it can just be made part of one of the conditions if the Board decides to approve this. He says, on the second page, the top paragraph: "*While the building is adequate to support the proposed structure, the actual structure for supporting the proposed telecommunication system must still be submitted and evaluated for adequacy.*" Now, what I didn't understand is, does that mean before the Board gives the approval, or is this something the Board gives the approval and then he has to take a look at it before it actually goes up on the roof. I didn't understand that. And if it's the latter, then we should make sure that we make that a condition of the approval. If it's the former, maybe he's got to look at it before any approval can be granted. I don't know if Deven knows. Do you know which sentence I'm talking about?

Building Inspector Sharma: The first paragraph, the last sentence?: "*. . .the actual structure for supporting the proposed telecommunication must be submitted and evaluated for adequacy.*" I think, for that, they have submitted the structural calculations to us, which I forwarded.

Village Attorney Stecich: No. He says in the previous sentence that he looked at the plans, but he has to see the actual structure, the support for the structure. *“While the building is adequate to support the proposed structure, the actual structure for supporting the proposed system must still be submitted and evaluated for adequacy.”* Do you understand what my issue is? I don’t know if it’s pre our approval, or whether it should be a condition of approval.

Building Inspector Sharma: I believe what he’s referring to is the structure -- meaning the beams they will employ, they will use -- not the structure of the building itself. How would that platform be built -- their structure. We have the calculations and the sizing of those structural members. I forwarded it to Jim Gibbons, and he hasn’t gotten back to me on it.

Village Attorney Stecich: Okay, that’s the answer to the question.

Building Inspector Sharma: But I think that’s truly a formality. Because what you see here is smaller -- the same size, if not smaller -- than what we have for AT&T. So you can make a condition, if you like, that Jim Gibbons does indeed give us something in writing that what we got from them is okay. But again, I’m using my judgment. I can’t always talk my professional experience out when I look at these things that I should not do it. There doesn’t seem to be any problem. However, as a formality, we do need something from Jim Gibbons and I would insist that we have it before we let them build it.

Chairperson Speranza: Have you seen the report, Mr. Laub? You’re looking a little puzzled. I want to make sure that you’ve had an opportunity to look at it and know what it is we’re talking about.

Mr. Laub: No, we’ve looked at it, and I think that for purposes of what we’re talking about -- we’re talking about the platform that’s being provided for the equipment and not the building itself -- those calculations were submitted to Mr. Gibbons, I think, at the end of last week probably pre this letter. And I think, overall, we would request that it be conditional approval essentially because I think one of the Board’s central concerns was that we had an engineering signoff before your final approval because you were concerned that the site may have to be rearranged or moved for engineering considerations. But I think ultimately what this letter says is, the location where they were placing the equipment is satisfactory and works from an engineering perspective. The actual structure for the platform, he just needs to see the final calculations on that. We have submitted those, and we would just ask, if the Board is concerned, to make it a condition of approval. But I think ultimately the location of the platform is fine, and I think that’s the ultimate tenor of his letter. If you have any further questions, our engineer is here to answer those.

Chairperson Speranza: This is a continuation of a public hearing. Anybody wishing to speak about this?

Marianne, you had some items to bring up?

Village Attorney Stecich: Actually I had several issues. One, in reading the minutes from the last meeting, one of the members had asked to see photos of actual antennas. I didn't see that in the equipment you submitted. I know you redid the photo simulation, but somebody wanted to see photos of actual antennas to see what they look like.

Chairperson Speranza: Actually that was Mitch Koch from the ARB, who was here at the last meeting. He mentioned that that had been a request made by the ARB. I know you have, since the last meeting, been to the ARB. I'm just wondering, I'm not sure what happened at the last ARB. And have they signed off on, now, the way that you're going to handle the conduit?

Mr. Laub: Right. The Architectural Review Board. Yes, we actually stayed late with them to work through with them and walk them through it. We had discussed what we were trying to work out, and we came up with the solution on working through the interior. So as far as I understood, the placement of the equipment and the conduit were satisfactory. I recall that there was some question about the way the antennas are going to look, and that's why we revised the photo simulations, in accordance with that. Essentially, our site will look very similar to what's there already. Our photos include the existing AT&T site as well as the simulations of our antennas.

Boardmember Dandridge: I also recall, as part of that conversation, one of the things we were going to look at in the photo simulation was actually making a more realistic rendering of the sky; so there was the contrast of the blue versus the white. It may just be my copy, but I'm still not really getting the context of it. I don't think it's a big issue, but I do remember us addressing that as well.

Mr. Laub: Unfortunately, that was the cloud cover on the day that the photos were taken for this.

Village Attorney Stecich: You must have these things up someplace else, right? These antennas up in other places?

Mr. Laub: We do. Actually, MetroPCS is not really in this area.

Village Attorney Stecich: It doesn't matter. I suppose it's the same antenna if it's in Philadelphia. I mean, is it that hard to get a picture of it?

Mr. Laub: Well, we submitted the photo simulations. I don't know that the photo simulations are going to look any different than anything else and, quite honestly, that's what the code asks for.

Chairperson Speranza: Okay, you know what? Let's move on to the next one.

Village Attorney Stecich: Then the other thing is, I didn't see, in the stuff you submitted that should be part of the application, there's supposed to be a statement regarding noninterference. I didn't see that. Given all of the other carriers up there and our police equipment, I think it's really important because we have lease obligations to everybody else up there, too.

Mr. Laub: There was a statement of noninterference in the application, the original application.

Village Attorney Stecich: Could you find it for me? Because I went through it. I saw a statement under seal by you, but it just said, "I'm stating whatever I'm stating under seal," and then it didn't state anything. I think that's an important requirement.

Chairperson Speranza: Let the record show that Ms. Alligood has joined us.

Village Attorney Stecich: Then I just had one other point. Here's your application, maybe you could find it in there. I couldn't. It might be in there, I just couldn't find it.

Chairperson Speranza: Yes, it's here.

Mr. Laub: Exhibit C of the application is a signed statement by our radio frequency engineer, Greg Sharp, who's here this evening. There is a statement of noninterference, which is included.

Village Attorney Stecich: Sorry, I didn't find it. Let me just read it.

Then the other question is, I guess they're at a disadvantage. I'm the attorney for Irvington, too, and they had an application in Irvington. I know in Irvington you originally had five antennas, and you came back with three, you said you could do it with three. Is there any possibility . . . because, in reading the minutes, there was some concern over the number of antennas. I wondered whether there's any possibility of reducing the number of antennas here as well. The reason I didn't raise it before is, it was just this past month that I saw that you had reduced the number there. Is it possible to reduce the number of antennas here?

Mr. Laub: Well, the number of antennas is related to the optimal use of the site. Reducing antennas, while it can be done in certain circumstances, is difficult to accomplish for certain capacity reasons of this site. That's why the site design was six antennas. I mean, you have different needs for different areas.

Village Attorney Stecich: I understand. I just wanted to know if there was a possibility.

Mr. Laub: I think the idea for this one was that these were the antennas that were needed for this site.

Chairperson Speranza: Go ahead, Jamie. I know what you're going to ask.

Boardmember Cameron: Good. These diagrams show a single cabinet and show a half-height battery. I trust you understand that's all you're applying for here because that's all being reviewed view preservation. I sort of wonder how that relates to three versus six antennas. Because what we're looking at, view preservation, is the one cabinet and what's referred to here as a half-height battery. We're not referring to two cabinets or a full-height battery thing, because that's what we're seeing. I'm wondering how that relates to six antennas versus three -- because, you said, for optimal conditions.

Greg Sharp, Metro PCS RF engineer: The cabinets and antennas are not really related. It's a compact cabinet. The battery backup is just a battery backup; it's just that. The smaller cabinet still has the capacity to go up to four radios versus the other cabinets we use

go up to six or seven, depending on the configuration. So you still have multiple radios to add growth to the site as more customers sign up. You add more radios into the cabinet.

Boardmember Cameron: But they'll all fit inside the cabinets you have in front of us right now.

Mr. Sharp: Currently what we are anticipating for growth in this area will be able to work with the one cabinet.

Boardmember Cameron: Okay, great.

Chairperson Speranza: And should anything change, you know you need to come back.

Mr. Sharp: Yes.

Chairperson Speranza: For either antennas or cabinets.

Mr. Sharp: Correct.

Chairperson Speranza: Eva, did you have any questions on the supplemental materials or anything further on the application?

Boardmember Alligood: Not right now.

Boardmember Dale: I only have one comment. I had asked last month whether or not they could share equipment with AT&T and stop this multiplication of antennas on the roof and creating a forest. Evidently the answer is they cannot. I regret the technology has not reached the point where we don't have to litter the tops of our buildings with this kind of equipment.

Boardmember Logan: I think all the architectural and visual issues should be handled, and maybe already have been handled by the ARB. My questions have been answered.

Village Attorney Stecich: Patty, I'm sorry. Because I just read this statement of noninterference, which fudges a little bit. I think everybody should read it to make sure they're comfortable with it. But the thing is, unless we're piecing together some stuff, is this certified? If it's certified, does it have to be stamped by the engineer? Is this a certified statement?

Mr. Laub: It's been certified.

Village Attorney Stecich: It's a statement by Greg Sharp, but I think usually when we see something certified there's an engineer's stamp.

Mr. Laub: But then the entire application was certified by Ronald Graef, a consulting engineer.

Village Attorney Stecich: I read that. That he says, "*I've reviewed the radio frequency statement of need and attachments thereto, the antenna site FCC RF compliance assessment and report, and the radio frequency analysis information. And I'm certain . . .* but he doesn't -- I don't think he refers to this thing.

Chairperson Speranza: The noninterference?

Village Attorney Stecich: Yes.

Chairperson Speranza: I believe you said your name was Greg Sharp, and that you signed this.

Mr. Sharp: That's my report. I signed it.

Chairperson Speranza: Why don't you come up.

Village Attorney Stecich: It's not a small issue, the noninterference -- as you know.

Mr. Laub: Just to go back, it's a statement of noninterference but, ultimately, any kind of interference that results is the domain of the FCC. Any kind of interference that results in anything goes to the FCC because they are the ones who have to monitor what people are doing with licenses. Now, just as a practical matter, as the Board knows and as Mr. Comi mentioned, we did have the police up on the roof. They know all these antennas backwards and forwards, as well as our antennas, and they certainly know that our frequencies are much different than any of these public emergency standards that are up there.

Village Attorney Stecich: Okay, I'm not saying that there's going to be interference or not. I'm just saying that one of requirements in our code is that there be a certified statement by a New York State licensed professional engineer. And I'm just saying, can this statement be certified. We've got requirements that have to be met.

Mr. Laub: The entirety of that was addressed by . . .

Village Attorney Stecich: You mean this thing by Graef. But I'm reading this thing by Graef and I'm reading the things he says he certifies to, and I don't believe it includes this statement by Mr. Sharp. Maybe it just has to be reworked. What we're talking about is in the document in the application that is Document E -- Exhibit E.

Mr. Laub: I think if I could read it: "*On behalf of MetroPCS, LLC, the undersigned, a New York State licensed professional engineer specializing in radio frequency engineering, has reviewed the radio frequency statement of need and attachments thereto. . .*" and just to go back, the document goes through. We have the full document, as referenced.

Village Attorney Stecich: No, I don't believe that's an exhibit to this statement of need.

Mr. Laub: It goes: ". . . and attachments thereto, the antenna site FCC RF compliance and report, and all relevant radio frequency analysis information of the above-referenced application. As a result of that review, the undersigned hereby attests to the truthfulness and completeness of those reports and information."

Village Attorney Stecich: I'm just assuming the radio frequency analysis, though, is the thing that Mr. Comi reviewed.

Mr. Laub: That's radio frequency emission. So radio frequency analysis is much broader -- for all of those. And I think that's why he does say, ". . . and all relevant radio frequency analysis information of the above-referenced application." That's what he's looking into. The fact of the matter is, again, noninterference is something we do not anticipate from being for the physical properties of the frequencies that differ among these different carriers as well as the emergency whip antennas up there. Mr. Sharp has attested to it, and that was certified by Mr. Graef, the certifying engineer who looked at this report, and we sent him the application in its entirety.

Chairperson Speranza: So this is considered to be, in the letter from Mr. Graef, part of the relevant radio frequency analysis information.

Mr. Laub: Yes, the above-described. Because essentially you have the different parts. You're looking at the need, how this will serve the area, the noninterference, and then the emissions. Those are the fundamental components of it.

Chairperson Speranza: Marianne, anything else? Okay, we have a couple of items before us to act on now, assuming we're ready to act. Boardmembers, any more discussion, questions, comments? We had distributed an intent to declare ourselves lead agency back in August. Thirty days have lapsed. One of the first things we have to do is go through the SEQRA Environmental Assessment Form, always a fun job, and determine the application status under SEQRA. So I'll just go through very, very generally the potential areas for impact, and if anyone disagrees please stop me and say something.

For those of you who are watching at home, this is a form that we go through to determine whether or not there is going to be an environmental impact of this action, and there are certain categories that we go through.

The first one is impacts on land. *Will the proposed action result in a physical change to the project site?* The answer is yes. We've determined it to be a small to moderate impact because it will, obviously, result in a physical change to the project site. But, of course, it's something that is being mitigated in terms of its location on the roof.

Will there be an effect to any unique or usual land forms found on the site? No?

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

Will the proposed action affect any non-protected, existing, or new body of water? No.

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

Will the proposed action alter drainage flows or patterns or surface water? No.

Will the proposed action affect air quality? No.

Will there be an impact on threatened or endangered species of plants or animals? No.

Will the proposed action substantially affect non-threatened endangered species? No.

Will there be an impact on agricultural land resources? No. Yes, we do take into account all the environmental effects.

Will there be an impact on aesthetic resources? No. And we will get to some of the other when we talk about visual. The aesthetic resource is primarily looking at land use patterns.

Impact on historical and architectural resources. No, in that it's not an archeological site and will not occur in an area designated as sensitive for archeological sites.

Impact on open space and recreation. No.

Impact on critical environmental area. No.

Impact on transportation. No.

Impact on energy. No.

Noise and odor impacts. No.

Impact on public health. No.

Impact on growth and character of the community or neighborhood. No.

Now we do recognize, and we have taken into consideration, the fact that structures will be located on this, the Municipal Building, the Village, the Palisades in the back, and have recommended the siting of the structures in such a way that it will minimize any kind of impact. That being said, we'll need a motion that there are no negative impacts of this project, and issue a negative declaration. Correct wording, Marianne? Okay, good.

On MOTION of Boardmember Alligood, SECONDED by Boardmember Cameron with a voice vote of all in favor, the Board agreed that there are no negative impacts of this project, and therefore issued a negative declaration.

Chairperson Speranza: And now we need a motion to approve this, and I think we can do it listing the conditions tonight. And let's talk about that for a minute -- what we heard in terms of the conditions. The first is that James Gibbons, who is the engineer hired by the Village, looks at the final actual structure supporting the telecommunications system, per his report to us dated September 27th.

Village Attorney Stecich: The barricades and the signs.

Chairperson Speranza: Oh, yes. That the recommendations included in Richard Comi's report prepared on behalf of the Village be implemented by the applicant with respect to the marking and barricades on the roof.

Village Attorney Stecich: And I would also say a bond. We've always required a bond on these things, enough money to pay to take it down. And I suppose in this situation, because there's also going to be some going through the brick and going into the building, make sure that there's enough money in the bond to re-repair the building if their stuff comes out.

Boardmember Dale: And waterproof the penetration.

Village Attorney Stecich: Right. The only thing is, I'm not sure if there's a bond connected with the lease. Now you only have the lease agreement.

Chairperson Speranza: We don't have all of it.

Village Attorney Stecich: I don't remember whether we had a bond with the lease.

Female Voice XXX [Angie?]: They're supposed to remove it. I don't know if there's an actual bond, but they're supposed to remove it.

Village Attorney Stecich: So you might want to have a bond that would pay for the removal and repair of the building once this stuff's taken down. Somebody's going to have to determine the appropriate amount.

Boardmember Cameron: And we want to make it clear in our resolution that we're only approving the two cabinets that were set before us for the antennas, and any further changes would require sending it back.

Chairperson Speranza: Was there anything else?

Village Attorney Stecich: I guess you might want to say bond. I don't know who should determine it. Maybe it makes sense for Deven to figure an amount.

Chairperson Speranza: To be negotiated with the Village Manager.

Village Attorney Stecich: Well, not to be negotiated, but to be determined by the Village Manager and the Building Inspector.

On MOTION of Boardmember Logan, SECONDED by Boardmember Alligood with a voice vote of all in favor, the Board resolved to approve the project under the following conditions: that the Gibbons report of September 27th recommendations be adopted; that the recommendations of Mr. Comi regarding notice, markings, and barricades be adopted; and additionally that the bond be agreed upon as per the recommendations of the Village Manager and be part of the conditions of approval.

Village Attorney Stecich: Just one modification to that, Bill. One of Mr. Gibbons' recommendations was that there be a smaller platform, and they said they couldn't do that. So I think the condition related to Mr. Gibbons' letter was that Gibbons review the structure before it goes up, unless you want to make a condition of a smaller thing. Because he makes recommendations in his letter, I think the intention was that he review the structure, or the platform for the structure.

Boardmember Logan: So the conditions relative to the Gibbons letter apply not to the size of the structure, but to the impact on the existing building.

Boardmember Cameron: Like the stuff on the back, we're only approving the cabinets presented to us.

Chairperson Speranza: Right. The cabinets and the number of panels.

Building Inspector Sharma: How about the view preservation?

Chairperson Speranza: Oh, thank you. Yes, we have to make a recommendation for view preservation. You can do the easy one, too.

On MOTION of Boardmember Logan , SECONDED by Boardmember Cameron with a voice vote of all in favor, the Board resolved to recommend to the Zoning Board of Appeals minimal impact for view preservation.

Chairperson Speranza: You got another one for us?

Mr. Laub: Site plan? Wasn't this combined site plan, or were there site plan conditions?

Village Attorney Stecich: Was there also one for site plan? I'm not sure with the special permit whether that's incorporated in the site plan.

Mr. Laub: Sometimes the site plan is included, but I think in this case it was separate.

Village Attorney Stecich: Let me double-check.

Mr. Laub: Sometimes, you know, it's incorporated as part of the special permit.

Chairperson Speranza: So we also need to move site plan approval.

On MOTION of Boardmember Alligood, SECONDED by Boardmember Dale with a voice vote of all in favor, the Board resolved to approve the site plan with conditions.

Mr. Laub: And we do thank you for your patience. I know it's been a long road, and thank you very much. And thanks also to Village staff and counselor as well. We appreciate your time and patience.

Chairperson Speranza: Thank you. And we really should talk about if there's any more room up there for anything else. Because if there's not, then we should take it out of the Wireless Facility Overlay district. But that's a topic for another meeting.

Boardmember Barr: Did we approve the August minutes?

Chairperson Speranza: We're going to approve the minutes.

Approval of Minutes (continued)

1. August 21, 2008 meeting

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

V. Discussion

Chairperson Speranza: I do want to just pass on -- from one of our former applicants, Eric Anderson-Urban Green -- they are having an open house of 45 Main Street this Saturday. Everyone is welcome to go and see the inside of the building that we spent a lot of time approving. Evidently, it's open to the community, so feel free to stop by, 2 to 5. I'm very interested to see the kind of work they did, especially with the systems.

Boardmember Dale: I sat there for eight hours. I went to a LEED's training in the building. The building is gorgeous and the geothermal is absolutely mind-boggling. We were there on a day where the temperature was about 85 degrees outside, the sun was bearing down on the room that we were in, and you didn't know it. And there was no air conditioning running. It's all from the cold water that's pumped up through the geothermal and distributed through the building, about 65 degrees, so it limits heating and cooling. Then

there was also an air handler, which meant that you were getting fresh air at the same time. It was just amazing, a very successful system.

Chairperson Speranza: I'm looking forward to seeing it.

Boardmember Dale: And the apartments are large and spacious.

Boardmember Logan: It is actually LEED-certified?

Boardmember Dale: No, he never applied for LEEDs because he thought it would take too long. But based on the cost that was run up by these LEED experts, he would have passed had he actually applied at the time.

Chairperson Speranza: Just one other thing I want to bring up. And we're going to get out of here really early, which is good.

We had attended the Pace University Planning Board training workshops. Rhoda, you were there also. We went to the sessions on greening your codes, and I think that's something that we had talked about doing. We've now got steep slopes out of the way; I think it's something that we should start thinking about -- what would we change, how would we change it -- and just do a little research on ways that we could modify the zoning code to incorporate some smart energy and conservation measures.

Boardmember Logan: Excellent idea.

Chairperson Speranza: Next time.

VI. Pending Items NO DISCUSSION NO ACTION AT THIS MEETING

VI. Adjournment

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