

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
REGULAR MEETING AND PUBLIC HEARING
DECEMBER 17, 2009**

A **Regular Meeting and Public Hearing** was held by the Planning Board on **Thursday, December 17, 2009 at 8:20 p.m.** in the Municipal Building Meeting Room, 7 Maple Avenue, Hastings-on-Hudson, New York, 10706.

I. Roll Call

PRESENT: Chairperson Patricia Speranza, Boardmembers William Logan, Fred Wertz, Jamie Cameron, Eva Alligood, Bruce Dale, Ed Dandridge, and Village Attorney Marianne Stecich, Administrative Assistant Kevin Hay.

Chairperson Speranza: I do want to point out, our Building Inspector is not here today. He and his wife had some surgery, and I'm glad to let everybody know that everything is going very well and they are recovering. So Deven, best wishes to you and get back here quickly, please.

II. Approval of Minutes

Chairperson Speranza: Any changes, corrections, modifications?

Boardmember Dale: My name is misspelled, in the middle of the first page. It says "*Boardmember Sale.*"

And I have one other correction, which is on page 9 in the middle of the page when I'm speaking. The sentence is: "*The question then becomes what role does the Village have in participating in that decision about what gets built.*" Cross out "*on this.*" Just improves the grammar.

Boardmember Logan: I've got one: page 37, about two-thirds of the way down, where I'm speaking, it says: "*They could have a green roof, and they could have a floating deck or something on top of that.*" It says "[*crosstalk*] XXX." I said, ". . . setback handrail."

And on the next page, 38, at the bottom: "*We were all trying to get . . .*," it says "[*lights*] XXX." It should read, ". . . light in the downtown."

Boardmember Wertz: Page 5, right about in the middle of the page, second line in my paragraph there, just the last word in the sentence "*like*" would be made "*right,*" R-I-G-H-T. Do you see that?: "*like*" to "*right.*"

Chairperson Speranza: Second paragraph?

Boardmember Wertz: It's right in the middle of Page 5, the second line, where I'm speaking.

Chairperson Speranza: Oh, the second line.

Boardmember Wertz: Rather than “*like*,” just “right.”

Boardmember Wertz: And then on Page 41, about two-thirds of the way down, you see that paragraph that starts with “*But . . .*” and go four lines down from that. And if you just strike out “*but [XXX] that.*” Just take “*but [XXX] that*” out and it’ll make more sense.

Chairperson Speranza: Anything else? One of the things that we will do . . . the meetings become the public record. There are several times that we have used the family name of the applicant for Blue River Valley, and I’m going to ask Linda Knies to just do a search and replace it with the family name to the applicant. There are some privacy issues, and I think that’s a legitimate request. We can’t, obviously, do anything about the video, but I think we can change the minutes.

On MOTION of Boardmember Logan, SECONDED by Boardmember Dale with a voice vote of all in favor, the Minutes of the Meeting of November 19, 2009 were approved as amended.

III. Old Business

1. **Continued Public Hearing Blue River Valley, LLC – re-subdivision of land to merge Parcels 130, 130C, 130E2, 130F located at 663 – 665 North Broadway into a single lot.**

Chairperson Speranza: This is a resubdivision. It’s actually a combination of lots. At our last meeting, we got some information from the applicant’s architect with respect to what is going to be proposed on the property in the way of the single-family home that will be constructed there. We had some questions at the end of the meeting. There was discussion about the potential for a right-of-way open to Village residents. I did bring that matter to the applicant’s attorney, and we’re going to hear tonight how that’s been resolved.

We were also waiting for circulation of the environmental notice. We had requested, or we had notified, the involved agencies that we were declaring ourselves to be lead agency on this action. There were 30 days; 30 days have now passed. To my knowledge, there has been no challenge to that. The only other agency was the Department of Health. We do have an Environmental Assessment Form that was completed by the applicant, and it describes the project as to whether or not we see that there would be any negative environmental impacts to the combination of the lots. I’m willing to say that there’s not.

I don’t know if anyone has any other sense of any problems or any issues with respect to the document, the Environmental Assessment Form. No? OK. Then we’ll hear from the applicant now.

Marianne, did you have anything you wanted to add to any of this?

Village Attorney Stecich: No.

David Steinmetz, attorney - Zarin & Steinmetz: I'm here tonight representing Blue River Valley, LLC, as well as Hastings-on-Hudson Property, LLC. I'm here this evening with Michael Robinson, a representative of the tenant entities, John Cavallaro from Huff Wilkes, as well as Noah Yaffe from Steven Holl Architects.

Now, this is my first night before your board on this application, however I have been involved working in conjunction with John and his office since this summer on a variety of issues. I wanted to attend your last meeting but was unable to do so. I did have an opportunity, though, to watch the meeting on video. As the Chair, and Marianne, know – as well as Boardmember Cameron – I did have a chance to attend an informal meeting that we conducted here in village hall back in October, together with Deven Sharma, as well.

We're here tonight, essentially, to complete the resubdivision, or lot merger process. You should have, we believe, all of the documents and the necessary information before you. We appreciate the fact that you have examined the Environmental Assessment Form. We appreciate acknowledgment, for the record, that there has been no objection to your serving as lead agency. And we actually think we can be pretty brief tonight

We did take note, at the end of the last meeting, that there was some discussion about, as the Chair indicated, a public right-of-way – or as we've been referring to it, a bike path – along the Hudson River. Both the Chair and Marianne did discuss with John and with me the fact that it would be useful for us to explain the easement rights, if any, that River Glen, to the south, may have over our client's property.

Taking these issues, essentially, in reverse order as far as River Glen: River Glen, at best, has a limited easement of access for River Glen residents over a corner at the southwesterly portion of our client's property to gain access to the footbridge that crosses the Metro-North tracks, essentially to get access to River Glen's property, which is located . . . as I'm assuming you know, River Glen has property on the west side of the tracks. So it is a narrow, limited access for pedestrians to get over there.

We actually did prepare a little easement map. I don't have a board to put it on so I'm going to informally hold it, and I can certainly pass it around for all of you. The purpose of our preparing what our surveyor has entitled "The Limited Walkway Easement for River Glen Residences" – and I'm going to hold this so that you can get a shot of it for the camera as well as for the Board – really was to simply illustrate the portion, the southwest corner, of

our client's property that is accessed out towards the footbridge and then, as I mentioned earlier, to get to the west side of the property.

That's the portion of the property, as you can see relative to the entirety of . . . and if you're having trouble seeing that, let me know. You've got the totality of our property. You have North Broadway at the bottom. I've got the west, and the Hudson River, at the top here. Obviously, the tracks are here. And it's just traversing a small corner of the property. You can certainly make that a part of the record if anyone wants to examine it more closely.

As far as the second issue, the bike path issue, our clients have listened to the comments. And we all listened to the questions and the discussion that took place at the end of the last meeting so that we could hear the dialogue and the discourse between and among you. However, John and I, as counsel for the applicants, felt that there are a number of issues and questions that are not clear, that are not answered. By no means anything inappropriate on your part, I think there are a number of questions and issues that haven't been confronted by anyone. There are questions regarding technical/legal issues; there are questions regarding aesthetics of the path; the functional values; construction-related issues related to any such path. None of these have really been thoroughly analyzed.

Certainly, you all have not committed a study of a bike path along the Hudson River. You are, hopefully, going to be beneficiaries of a wonderful walkway through the Village along the Aqueduct, as we discussed in our meeting. We've conferred with the county, and we all seem to agree on the location as it's coming through Hastings. I know that there had been discussion at the end of the last meeting about a bike path on the westerly side of Hastings along the Hudson River. But as I said, at this point I don't think anyone really knows what it is that we're talking about other than theoretically or conceptually.

What our clients have done, or have asked us to indicate to you, is that they have moved to retain the planning and consulting firm of Buckhurst Fish. And Frank Fish should be a name that, presumably, is familiar to many or maybe all of you. We'd moved to retain Frank Fish and his firm to do a study; to go out there and take a look at the technical, physical viability not only on our property, but also on the properties of others located here in the Village both to the north and to the south to see whether this is an actual, viable pathway, bike path, call it what you'd like.

Once that study's done – and we're hoping that it's going to take probably no less than eight to ten weeks, according to Mr. Fish – he's going to confer with a wide variety of resources that he believes he's got at his disposal to look at paths similar to this located in other communities, look at the topography issue and the challenges of access, et cetera. And he's going to come back with a report which we will certainly share with the Village. We believe

at that point, certainly, our clients will know far more than they know today. Your board will know more. Your professional consultants will. And maybe the questions that John and I have raised as concerns to our clients will be answered. But until that's done we are, unfortunately, left with a series of what we think are legitimate, important, and fair questions.

That having been said, we believe you are poised tonight to take action on the resubdivision and the lot merger. We would ask that you close the public hearing, that you adopt the negative declaration pursuant to SEQRA, and that you move forward with your resolution – as I understand it from Marianne, the conditional resolution – of approval for the lot merger. We have had a chance to discuss the resolution briefly with Marianne. And I also saw you all at the end of your meeting discussing – or, actually, maybe that was during the regular session – the conditions as to the limitation of the single-family house. My understanding is that, with your participation, Marianne has come up with a workable solution for that condition. And I think you are going to have a resolution before you tonight that should accomplish everything we need.

That's all we've got in terms of a presentation. If you have questions, we're all here, we're happy to answer. But, as I said, our desire and goal was to be brief. We think we've reached the end of the path on merger. And we all know we will be back, hopefully, sometime in the near future.

Chairperson Speranza: OK, right. And let me just build on that because there still would be actions pertaining to steep slope and view preservation that come before this board, and ultimately the Zoning Board also, on view preservation.

Mr. Steinmetz: Absolutely.

Chairperson Speranza: Do you want to say something now?

Village Attorney Stecich: Should I give you the draft? I've just been working on a draft resolution. The reason they saw it was it was the way of incorporating the condition. They were sure that it worked to have the subdivision only happen if it was going to be a single house on the lots. So the draft doesn't take into account anything about the bike path. And then the other thing that I think the Board understands, but I want to clarify for the record . . . but I better get to my mic if I'm going to clarify it for the record.

You'll see this is pretty . . . just goes through the broadest strokes of the application. And the things that are significant for the Board are the conditions, the four conditions. The first one, as Patty said, that any building constructed there has to have approval under the View Preservation law. Secondly, any building to be constructed there needs a steep slopes approval. Third, that the merged lots be used only for one single-family house and permitted accessory structures. And then the last one, that this third condition be noted on the certificate of occupancy for any building to be constructed on the merged lots.

Remember, our concern was that anybody doing a title search on this in the future be able to find the condition. If it's only on the subdivision map it'll get lost. As we discussed a little bit at the last meeting, it doesn't make a lot of sense to put it on the deed. In fact, there may not be a deed if they're building the house from scratch. It's not being deeded from somebody else so title companies will check the CO. It'll be on the CO and certainly any purchaser will know that. So I think that works.

The one thing, in preparing the resolution, I went through the minutes of the meetings just to make sure we weren't missing anything. I know at the first meeting I had indicated that this would need ARB approval. But that was just, you know, off the top of my head. So after the meeting I spoke with Deven, spoke with Patty, looked at the code again. In fact, it would not. The way the code reads, it would not require ARB approval, as no single-family house in Hastings requires single-family approval except if it's part of a subdivision, which I don't think I've seen since I've been on here. I don't know that we've ever done ARB review of a single-family house.

Anyway, that's the draft and we can work from it. It incorporates also the negative declaration.

Chairperson Speranza: Now, let's talk about the proposal with respect to the bike path, or trailway. I certainly think that . . . one of my concerns had been that the properties to the south and the properties to the north there is no public trailway, public accessway. Frank Fish is certainly well-known within the planning world in terms of his professional caliber, and I think that's a very good offer. There are things that are unknown that we, the Village, and certainly the applicant would not know about at this point. But let me open that particular piece up to the Board right now. Does anybody have any comments or questions?

Boardmember Cameron: Actually, I know your client used the word "bike," but I don't think anybody until just this evening has ever used the word "bike." So I think you should drop that word because it is a steep slope. It would be very hard, in my view, to get a bike path along there where two people could pass. And I'm sure this gentleman, Mr. Fish, will conclude that.

But I'm interested in the pathway there, not necessarily a bike path. Because you need a lot more width, as I'm sure you're aware, for that.

Mr. Steinmetz: Understood. And correction is easy to incorporate.

Boardmember Cameron: It's like it would be impossible to do that there.

And a bit on yours. It is true, we do not have a right-of-way to the north or the south. But that's one of the problems. This village has lost more pathways than I dare to think about, having been given up in the past; rights-of-way been given up or not taken advantage of. And we have to start someplace. Our comprehensive plan has the concept that we are going

to have pathways in this town, and we badly need them. Otherwise, every kid's going to be in a car going to school all the time. Not that your place is a direct access to the school, mind you, but we still have to start someplace.

Along with starting someplace, quite frankly you can't ask all landowners at one time to do it. And I think you know that even if you give us this right – which we'd dearly love to have, at least I would love to have – that it's not very useful to us unless we get the piece of land to the north or to the south. Except it could be useful to the place to the north because they could use it, without giving us a right-of-way, coming from their place. We'd have access from all those apartments, with people coming this way, if we got permission of the people to the south. So we only actually need one in order to get it moving.

But you've got to start someplace. And if we took the attitude that we can't do it unless everyone agrees, it'll never happen. I'm hoping that your client will assist us in that.

Chairperson Speranza: And I think having a study done will help us to make the case to the adjacent property owners, to say this is how something like this could be done and done in a way that is sensitive to the landowners.

Boardmember Wertz: Yes, I agree with both of you. And I appreciate that you listened to our conversation, and heard it in a good light and saw an opportunity to collaborate on something that I think we all feel would be wonderful for the Village. It is really an important part of everyone in the Village's vision of the future: access to the waterfront, and to have pedestrian activities along the waterfront. As close as we can get some public accesses in that way, and as far as we can extend them, all the better.

Thank you very much for the offer of the study. I think it is wonderful, and it really helps move us in that direction. Hopefully, this will give us all an opportunity to look at how feasible it is. You know, you are really showing the kind of leadership that I was hoping for that may inspire other property owners in the area to get on board and do a really good thing. So I'm pleased with that.

Mr. Steinmetz: Glad to hear it's well-received.

Boardmember Dale: It is very generous. I think it's a nice and interesting contribution to the Village. We welcome that kind of participation by residents.

Chairperson Speranza: Let me make one more question, or outreach. Does anyone here wish to speak about the application? OK, then we will officially close the public hearing on this.

We do have a resolution before us. And you're right, Marianne, I do notice that it does mention SEQRA. So we can do it all at once, all as one resolution.

Questions? Anything else from Boardmembers about the subdivision or resubdivision, or the resolution?

Boardmember Cameron: So, in essence, this resolution, once passed, would not actually let them subdivide the merged lots again. Because it says the merged lots shall be used only for one single-family house and permitted accessory structures.

Village Attorney Stecich: Right. Assuming all the conditions are met and have approval, then they'd have to come in. It's one lot, and they'd have to come in for subdivision approval. It would be one lot like anybody's one lot.

Boardmember Cameron: Well, I'm just confused because, you know, it is a piece of land on which subdivision is permitted. And I don't know how this resolution would stop that, quite frankly.

Village Attorney Stecich: It wouldn't. Let's say somebody else gets the piece of property. They could come in and apply for a subdivision. And then you have the right to allow it, or not.

Boardmember Cameron: And we can – I hate to use the word “arbitrarily” – not allow it, or not allow it because we didn't think it was a nice idea this time. I'm not sure what additional powers we get, Marianne, through this piece of paper than we have already if they came in 10 years from now and asked to subdivide the property. I'm not sure what this does for us, this piece of paper, at that point.

Chairperson Speranza: My understanding is that the combination of the lots right now, what we have been told is, that the lots are going to be combined and a single-family home built on it. That's the reason that we are approving this subdivision. In my mind, it's a protection from, two months from now, there being the multi-family development proposed on the property which we did not know about when we were combining the lots now. But it does allow someone to come in at a later date and come back to the Village and say, “We're no longer looking to have this as a single-family home. Here's our application for multi-family development, or a subdivision.”

Village Attorney Stecich: Yes. See, I didn't understand. It would be easy enough to put it in.

Boardmember Cameron: I'm just curious what it does on that.

Village Attorney Stecich: Pardon?

Boardmember Cameron: As you recall, I did not bring up the issue of the resubdivision. I was more worried about it turning into a not-for-profit institution some time in the future. But other people did bring up the resubdivision, I thought. Maybe I'm wrong and they should speak up, but this doesn't seem to affect that at all.

Village Attorney Stecich: It doesn't address it because that was not an issue I addressed. I don't believe it was there.

Boardmember Dale: If I recall, your intention was to leave open the future because we didn't want to preclude future development, particularly under global warming concerns about the proper way to respond to energy issues.

Boardmember Cameron: No, I'm in favor of increased density downtown.

Boardmember Dale: One other question I had was whether, Marianne, you checked that these do not include the underwater lots.

Chairperson Speranza: Yes, that's on the plan.

Mr. Steinmetz: Those are separately-identified lots, not on here.

Village Attorney Stecich: The lots are 130, 130C, 130E2, and P130F.

Boardmember Dale: Just that one verification that you verified.

Village Attorney Stecich: Yes. When it originally included the underwater, I think it was a total of [off-mic] XXX. I think [off-mic] XXX six or seven, but [off-mic] XXX two or three on the other side.

Chairperson Speranza: OK. That's it? Should we read the resolution? Probably should.

Boardmember Dale: One question. We've discussed a 100-foot setback of the greenspace.

Chairperson Speranza: That is within zoning.

Village Attorney Stecich: That's what the MR-2.5 requires [off-mic] XXX.

On MOTION of Boardmember Wertz, SECONDED by Boardmember Dale with a voice vote of all in favor, the Board resolved

WHEREAS, on or about September 15, 2009 Blue River Valley, LLC and Hastings-on-Hudson Property, LLC, the Applicants, applied to the Hastings-on-Hudson Planning Board for a Resubdivision to merge four tax lots designated on the Village tax maps as Section 10, Sheet 14, Lots P130, P130C, P130E2, and P130F located at 663 – 665 North Broadway east of the Metro-North railroad tracks, and

WHEREAS, the four lots comprise a total of approximately 4.5 acres, and all are located in the Village's Multi-Family MR-2.5 Zoning District, and

WHEREAS, the Planning Board conducted a Public Hearing on the application at its meetings of September 17, November 19, and September 17, 2009, and

WHEREAS, the Planning Board declared its intent to be Lead Agency for review under the state Environmental Quality Review Act, and circulated notice of such intent to all involved agencies, none of which objected, and

WHEREAS, the Planning Board declared its Lead Agency status, and reviewed the Environmental Assessment Form submitted by the applicants, now therefore be it

RESOLVED: that the Planning Board finds that no negative environmental impacts will result from merging the four lots designated on the Village tax maps, as Section 10, Sheet 14, Lots P130, P130C, P130E2, and P130F, and hereby adopts a Negative Declaration pursuant to SEQRA, and be it further

RESOLVED: that the Planning Board grants conditional resubdivision approval, merging the four lots designated on the Village tax maps as Section 10, Sheet 14, Lots P130, P130C, P130E2, and P130F, subject to the following:

1. Any building to be constructed on the merged lots receive View Preservation approval under Section [295-82] of the Hastings-on-Hudson Zoning Code.
2. Any building to be constructed on the merged lots receive Steep Slopes approval under Chapter 249 of the Hastings-on-Hudson Code.
3. The Merged Lots be used only for one single-family house and permitted accessory structures.
4. Condition 3 be noted on the certificate of occupancy for any building to be constructed on the Merged Lots.

Mr. Steinmetz: Thank you all.

Chairperson Speranza: Thank you. And you'll be in touch about kicking off the study.

Mr. Steinmetz: Yes.

Chairperson Speranza: Because it would be nice if somebody from the Village could participate in it.

Mr. Steinmetz: I'm sure we will contact you about that. Everyone have a happy holiday, and we will see you, hopefully, early in 2010.

Village Attorney Stecich: [off-mic] XXX.

2. **Continued Public Hearing -- T-Mobile Northeast LLC for Special Use Permit, recommendation for View Preservation and approval of Site Plan for the addition of Wireless Service and associated equipment on the roof of apartment buildings at 555-565 Broadway.**

Chairperson Speranza: The next item of old business was actually taken off the agenda. This was the continued public hearing for T-Mobile. My understanding is that the applicant is looking at different things and is not prepared to come back to us again tonight.

So we will move on to Item 3.

3. **Continued Public Hearing -- Fay & Rosemary Devlin for View Preservation, extension and an amendment to the previously approved Site Plan to permit a restaurant on the first floor, a wellness center on the second floor and third floors, and a roof terrace for Hastings House at 555 Warburton Avenue.**

Chairperson Speranza: Christina, I'm going to tell you, you had lots of "XXX's" during parts where you were speaking in our minutes, where you couldn't be picked up. So you've got to speak up.

Boardmember Dale: We suggest you talk louder.

Christina Griffin, architect – Hastings House: We came back with revisions, and decided to follow your suggestion to develop the roof terrace so it could be used as an outdoor space for a lounge, maybe dining, a bar, and yoga. They'll be a seasonal use, of course, with the outdoors.

I'd like to actually give out these plans because I don't know if you can see our parking calculations. It's highlighted, and it might be easier for you to see.

Female Voice XXX: [off-mic]

Ms. Griffin: There could be one for you.

Chairperson Speranza: You want a plan?

Female Voice XXX: [off-mic]

Ms. Griffin: I just wanted to show you, the change that we made on the site plan is only with our new parking calculations. Starting at the top here – the restaurant at the basement and first floor, which needs 63 seats; the wellness center at the second and third floors, which needs 26 seats; and now we've added a restaurant use at the rooftop. And we decided to use the zoning code calculations for restaurant use in case, at times, when it will be primarily dining or lounge.

So we took the square footage of the entire roof and divided it by the one-space-per-100 for 100 gross square feet, which is the requirement by the Hastings zoning code for restaurant use. We have now 34 additional spaces. The total parking requirements for the building, then, is now 123. And the site plan that was approved about a year ago – December, I think, 18, 2008 – was 125 spaces. We will have the Chase-Devlin parking lot agreement in effect in this plan.

Then I'd like to show you our roof plan, which is what we submitted to you. This is our new roof plan. We've decided to plan it for a variety of uses. You would come up to this level through our new stair that goes to the rooftop. By the way, we received zoning appropriately for that, zoning and preservation approval from the Zoning Board. There would be a bar area, and this is also a place where you would have snacks. The kitchen's all the way down in the basement, so it'd be very light meals; some dining, some lounge areas. And at certain times, this could also be used for yoga. So you see all these dotted rectangles. Those are yoga mats, about 15 of them.

In our parking calculation we decided to treat the entire roof as restaurant use just so that . . . this is like, I guess, the most intense activity that could happen on the roof. We've taken the railing, which is going to be removed in the back. I don't know if you recall from the last meeting, this parapet is about 5 feet above the roof. We're going to cut just the back of it. The west side of the parapet is not decorative. It's a very plain brick wall. We're going to cut it for the sake of creating a view of the river. This will be a lower railing that you could look over when you're up on the rooftop, and it's set back about 3 feet from the edge of the building.

The rest of the plans – the elevations, the rest of the floor plans – have not been changed. We're only asking you to consider now use of the rooftop, which brings our parking capacity to 123, and the approved set plan last year was 125.

We're asking, actually, for two things tonight. One is this revision for use of the rooftop. And the other is for using the restaurant for lunchtime business. I don't know if you want to handle them separately because Paul's going to discuss that.

Chairperson Speranza: I have some questions about the roof plan. Not having Deven here, you're an architect, you know what you have to build to in terms of the building code. Is there an issue with respect to ADA compliance if you're now having seating on the roof? Or is that not required as part of a restaurant as long as there's a way for someone who's in a wheelchair?

Ms. Griffin: Four stories are less [off-mic]. But you have to have handicapped accessibility to the toilets on the first floor.

Chairperson Speranza: So this plan does not require it for the roof?

Ms. Griffin: No.

Chairperson Speranza: You said it's going to be light snacks, so there would not be any cooking out there that would take place up on the roof?

Paul Walter, Hastings House general manager: You couldn't put equipment up there, and it's too far from downstairs.

Chairperson Speranza: Even with a railing. Because I think that's something that goes to help with the idea that there might be . . .

Mr. Walter: Yes, smoke. No, this would be light fare – probably almost strictly cold – because you can have a warming oven. But the quality of the food that we're going to serve is not such that you would stick it in there and serve it 3 hours later.

Chairperson Speranza: And the railing – without our Building Inspector here – is going to be compliant. I'm concerned with respect to state building code.

Ms. Griffin: We have to meet state building code.

Chairperson Speranza: State building code, and having people up there on the roof – an active as opposed to a passive roof – that's something for Deven.

Ms. Griffin: We'll make sure it's safe. Have you actually been to the Red Hat restaurant in Irvington? They have a roof terrace.

Chairperson Speranza: The only time I went there, it wasn't open.

Ms. Griffin: It's kind of a similar idea. And the reason why I bring it up, the kitchen is on the first floor and that's on the third floor. You have to go up to the third floor, and they use it for light snacks and for when people are waiting for dinner. And they do have a railing on the edge of the building.

Chairperson Speranza: See, I don't want you to get me wrong. I think this is very exciting. I do, I truly do.

Boardmember Dale: What's the purpose of the 3-foot setback from the end for the railing?

Mr. Walter: That was brought up by you guys saying the neighbors are going to object to us overlooking them, and noise and stuff. So if we're sitting back this way, and saying my guests can't even come close to the edge and bother the neighbors below . . .

Chairperson Speranza: Looking into people's . . .

Mr. Walter: Houses, and that kind of stuff. So we're setting it back to allay those fears, basically.

Boardmember Cameron: Yes, we essentially had this issue before on Comfort Restaurant, when people wanted to have a place out back right next to people's backyards.

Boardmember Dale: That was a noise concern, if I recall.

Boardmember Cameron: It is noise, but it also is . . .

Boardmember Dale: Because they wanted to be open at night for dinner, and folks upstairs.

Boardmember Cameron: Well, it was a variety of things: people peering over the edge, dropping a few beer cans over the edge, or what have you. And by having a rail, or some sort of rail – and I didn't pick 3 feet, you guys, I think I picked *about* 3 feet – it makes it so

although people can be there you don't actually see them when you're down on the lower streets.

But I'm sort of curious. What level are you dropping the parapet to? It just says here "*Parapet wall to be lowered.*" Are you knocking it all the way down to just a foot off the ground, or something? Is that what you're planning on doing?

Ms. Griffin: Well, we only have to come down to 42 inches above the deck level.

Boardmember Cameron: No, I'm talking about the parapet wall. You have this thing called "new glass railing," and I'm not sure what a glass railing is. Is that a glass wall that you're putting in there?

Ms. Griffin: No, this is a railing. The problem is, this parapet wall is 5 feet high. So if we're to create a view, we have to bring it down to 42 inches.

Boardmember Dandridge: I'd like to spend a minute just on the intended uses because it will help me understand this more. You had me until the yoga got brought in, so now I'm trying to parse all this. Would it be your intent to use it possibly as an outdoor seasonal yoga environment during the day, and then switch sort of late afternoon/early evening into cocktails? And then serve after-dinner drinks up there, as well, so it might be late into the evening?

Mr. Walter: Basically until the sun goes down – in the summer months, 9 o'clock. I imagine, yes, it may go later than that if people want to stay up there. But I get the sense that the whole idea of this is to sit up there and watch the sun go down. And then who's going to be going up there at 10:30 at night to look at a blank, dark river.

Boardmember Dandridge: Right. That's what I was getting at. Because I think the Red Hat example is somewhat relevant, but slightly not relevant. Because you do get a dramatic sunset on the river, but then you still get lights. It's a little bit different here. You wouldn't quite have that same experience after sunset. So I just wanted to make sure that if there are people who are not here who are listening, and are thinking all of a sudden we're going to have some rooftop activity that's going late into the evening, I just wanted you to be very clear about what your intent was for that.

Mr. Walter: The intention is to basically combine it with the restaurant downstairs and the wellness center as an overall thing. So it's basically not going to be, at 10:30 we're going to plop a band up there and start having a bar area. It's going to be done. You know, that's what the whole concept is. So the intention is not to do that.

Boardmember Dandridge: That would have been fine, by the way. I just wanted people to be clear.

Mr. Walter: If there needs to be restrictions on the use of that, that's fine, too. But like I said, it's seasonal too. So it's warm weather, basically not raining, type of stuff. So it's going to be semi-limited on that basis, as well.

Boardmember Dale: I feel compelled to ask one nasty question, although I approve completely of your having a lunchtime restaurant. You won't have availability of the Chase parking lot except on the weekend, I would assume, during the day.

Ms. Griffin: No, the agreement is actually to 6:30.

Chairperson Speranza: Three o'clock Saturdays.

Ms. Griffin: And on Saturday after 3.

Boardmember Dale: So my question really is, how does that impact on your ability to have lunchtime?

Mr. Walter: That is an issue I'll address later. What we're addressing is nighttime . . .

Chairperson Speranza: OK, whatever questions we have, or comments we have, about using the roof space.

Just one more thing. If there is an end – a sunset, after sunset – I think that also helps them in terms of the lighting. Because if you're going to have people up there who are serving, the lighting after dark would have to be something different if it was going to be simply up until sunset and you have candles or whatever or some other kind of lighting for a limited time. But it doesn't interfere with the residents who live across the street from being able to sleep. You know, I did take a walk around there, very carefully. And, of course, it is a little different even than Comfort because there is nobody directly behind – although you do have the residents, the apartments that are above the health food store.

It's a mixed bag. Particularly starting out, if there's a limitation on the hours that the roof terrace is in operation I think that's a very good idea; you know, if it's something that we want to condition this on, that there is an end, that hours are only until 9 p.m.

Mr. Walter: Or a half-hour after sunset or whatever it happens to be, if you want to impose those that's fine. It's basically designed more like Christina says, as a waiting area. Maybe you eat at 7:30, and you go up at 9 and stay there until the sun goes down. I don't envision it as a lounge area or a bar because we're going to have our bar downstairs.

But as far as lunchtime, that's a different issue. Basically, the daytime use would be yoga. It's strictly yoga, except maybe on Saturday and Sunday when we have the use of the Chase lot. And just say we did have 30 people that wanted to have a reception with light hors d'oeuvres. The Chase lot comes in, we do the same valet we would have done for the 120-seat banquet hall. Because there's only a limited number of people that are going to be able to fit in that area. You know what I'm saying?

So it's not like I can get 120 people upstairs for cocktails. But even if I did, it's still covered by the code and what was approved before. I don't see that happening. It's too small of a space. We had that whole big, huge room for 120 people. We don't have that up on the roof.

Boardmember Alligood: I have a question about that. From the way the application was worded, I thought the request was to open the restaurant, not just the rooftop, at lunchtime.

Mr. Walter: That, I'm going to address after this. What we're asking to do is . . . because I'm just presenting this lunchtime, and my presentation isn't enough to convince you, that can be done at our next meeting as far as approving lunch. Hopefully, I will convince you tonight. But if not, this is what we'd like just moving forward: saying, "OK, you're approved," so in January we can just start doing this. And if we have to come back, and say, "We've given you the information, you've digested it, give us our decision" then, that's fine, too. But we really need to start moving on this.

Chairperson Speranza: Is there anything else with the roof?

Boardmember Cameron: I'd like to go back to the parapet. I mean, I don't mind you lowering the parapet so people have a good view of the Palisades. You should do that. But I think it would be wonderful, both for your privacy and the privacy of the people in the lower part, if there was enough of a parapet so that you don't sit there, walking down the street, see these heads of these people up there. Now, it may be exciting. But I also think it impinges on the other functions of downtown.

I don't have a number – 4 feet would be fine, I'm sure that would work very well – but something in there that you have some sort of parapet which stops the whole thing becoming so exposed. So I don't have a number, but I think that's the principle which, hopefully, you guys would follow.

Ms. Griffin: That would be fine, as long as there was a view. And perhaps if the outer parapet is . . . so it would only cut down [off-mic] for that view, that actually helps the view looking up from the street. It may help, even though at the actual [off-mic] for usable space is pushed back a few feet.

Boardmember Cameron: The trick, and I'm sure you know perspectives better than I do, is that you could have a height of a parapet for that row of tables you have situated there, which works perfectly, but it won't work for the people sitting on the sofa. Because the parapet is farther away, it cuts out more of the thing. But anyway, I'm just going to trust you on that. I just think that's important.

Chairperson Speranza: The Warburton Avenue side, though, stays as is: it's still the 5 feet. OK, it's just the backside.

Mr. Walter: But, Christina, we have space between our ceiling on the third floor and the top. Right? The roof is going to come down? Is that not the case?

Ms. Griffin: One thing we're exploring – we just don't have an answer yet – there are 2-foot deep I-beams on the third floor that span all the way across from the east to the west side. One idea is that we might sink the structure down for the roof because you have to rebuild the roof anyway. We just don't have all the details worked out yet.

But I think we agree on the concept that we don't want this to be too visible from the street. We can play with tiering the walls, finding a way we could design it so you can't see people at the edge of the building. I'm sure we'd all be happier with that idea.

Chairperson Speranza: Anything else on the roof plan?

OK, lunch hours.

Mr. Walter: First of all, we didn't really have anything to show you, or explain, about our menu. So this is just a rough draft of what we will be serving. And this is my parking survey for the daytime hours.

Chairperson Speranza: And you'll walk us through this.

Mr. Walter: The first thing is, you will see on the top left-hand side it says "new." Basically, in 2007 – if you see over on the far right-hand side – I did a survey at nighttime. Main Street, you added 14 parking spaces from 2007. Seven were put in front of Riverton Lofts because at that time there was construction so there was no parking spaces for me to count. Seven were added to the south side of Main Street, north of the firehouse. So we added 14 spaces there. What's in parentheses is the handicapped on all these spaces.

Secondly, two spaces were added from Spring to North on Warburton, unless I didn't count properly the first time.

Boardmember Logan: This is a survey. The numbers you're indicating here are spaces that you saw vacant at the time you took the survey, or these are the total number of spaces?

Mr. Walter: Right now I'm just totaling.

Boardmember Logan: Why is it by hour then?

Mr. Walter: Right now, on the left-hand side, is the total number of spaces at that column. I'm explaining the difference between new and old.

Boardmember Logan: Got it.

Mr. Walter: The post office is very interesting. You didn't have a handicap parking space, now you do. But you also took away one parking space and just put in blue lines that say "No Parking At Any Time." I don't know why.

Village Attorney Stecich: That's handicapped access.

Mr. Walter: It has to be?

Village Attorney Stecich: Yes.

Mr. Walter: Thank you. I just didn't know.

Boardmember Logan: Another quick question. The number in parentheses means spaces that have been added?

Mr. Walter: No, handicapped.

Boardmember Logan: Handicapped spaces.

Mr. Walter: The left column is the new, and the right column is what was old in 2007.

Chairperson Speranza: So the title of that column – "Old."

Boardmember Logan: And the parentheses means handicapped spaces.

Mr. Walter: Yes. Steinschneider used to have 38 spaces, but you lopped off six metered parking spaces that are now 17 spaces along the river side of Steinschneider that are permit parking only from 6:30 a.m. to 11:30 a.m. Why that is, I don't know. Because you could have 17 metered parking spaces there. Or because, from what I hear, we don't have enough spaces in Zinsser.

Chairperson Speranza: At the train station.

Mr. Walter: So either way you could create revenue by making it either metered or commuter parking, but the limit is at 11:30. So what happens at 11:30 is, everybody who knows that it's a free parking space goes and parks there. Because over the six days I was there, five or six cars would park – probably smart commuters that know they can park there all day – and then whoever is probably at a parking meter moves their car and they don't have to pay for the rest of the day. Those are the differences. Everything else stayed the same.

If you go to the last page, these are all just the hours that I counted the spaces available. The last page just shows you the average number of parking spaces available per hour in all the spots. This is metered parking only.

Chairperson Speranza: So you would be proposing to open for lunch.

Mr. Walter: Yes.

Chairperson Speranza: And ask us to consider that on an average day, based on the parking survey you did, at 11 o'clock in the morning there are 103 spaces that are available in these lots in the Village.

Mr. Walter: Yes. Basically, it's Maple Avenue, Steinschneider, and Boulanger. Pretty much Warburton and Main Street . . . Maud's is always full. Southside Avenue, sometimes it's empty, sometimes it's completely full. The number is based on those three lots, basically.

Village Attorney Stecich: Maple?

Mr. Walter: Maple Avenue, Steinschneider, and Boulanger. Now my thing is that Hastings House was open for lunch, so basically what we're doing is adding the 25 spots that we need for the wellness to requisite parking. So if you looked at the average as 80 at 12 o'clock, you have 65 spots more than what was needed in the past.

Chairperson Speranza: OK, you just lost me.

Mr. Walter: Hastings House was open for lunch. We're adding another business that's going to be open during the day. That business requires 25 spots. What I'm saying is, during those lunch hours we have this number of spots available for those 25 spots that, by code, we need. We might have some more because there's a big yoga class? Yes, but I think these numbers can encompass that.

Chairperson Speranza: Questions, comments? Do we need time to digest this? I'm kind of betwixt and between on this. I'd like to think that lunch hour is going to be a lot of people who are walking. They may be people who are already parked for the day somewhere in the Village. Parking survey, December 7: in December, how many people are out and about? I see you did cover Saturdays also. Feedback from anybody?

Boardmember Dale: It could also be the same people who are there for the wellness center.

Chairperson Speranza: Yes, they're parked there for the day, and they do everything in the Village from their one parking space.

Mr. Walter: Yes, that is the focus of Ms. Devlin's whole restaurant concept: to capture everybody who's going to yoga and getting treatments, and put them into the restaurant. And she's having a healthy menu, then also putting in the steak for her husband. I mean, we haven't developed a lunch menu yet, but basically it was a compromise: wellness, and other options, so you can go and get a full meal and do all the carbs that you want to do, but you can also go in and have a full-size . . . you know, the wellness center is basically on cleaning the body, the mind, the soul. And it's done through healthy living and healthy eating.

That's O2 living, and that's what this whole concept is going to be: a change from a fine dining steak house, where you've just got carbs and a lot of bad stuff for your system, into doing . . . that she just feels that this concept really is taking off. She bought a wellness center up in Cross River and it's doing extremely well. She's just flipping the concept.

Boardmember Cameron: I'm thinking. I guess one thing that makes me . . . I think people who are going to the wellness center having lunch sounds like a good idea. What I just would like to make sure is that we don't end up with a situation where you guys decide to have an event for 123 people with no parking lot next door.

Chairperson Speranza: During lunch.

Mr. Walter: No, no. That's the whole aspect of Chase. We can't do any big functions unless Chase is closed. So it's nighttime, Saturday . . . and you know what? They stay open past 1 o'clock now. They took their thing off. So they may change it to 5 o'clock on Saturday. It was too cold for me to hang around, but when I left at 3 they were still open.

Village Attorney Stecich: Wait. Is a banquet facility still part of it?

Chairperson Speranza: No, it's not.

Mr. Walter: No.

Boardmember Cameron: I just said that. The way they've set up it up, they could have a – I hate to use . . . not a banquet, but an event.

Village Attorney Stecich: I know what you're saying, but right now we have to [off-mic].

Boardmember Cameron: I think we have to look at the conditions we have with the Chase thing and what have you. I think the idea of people going to the wellness center, then having a nice lunch, sounds like a good idea to me. I think that's fine. And I also think that casual people who are in town for some other reason and want to have lunch, that's a good idea, too. But we just have to interlay it with some – we won't call it a banquet – event, which

they have whatever people and we don't have the parking lot. We have to interrelate those two, certainly.

Village Attorney Stecich: How would you do that, say like you can't have any [off-mic]?

Boardmember Cameron: Organized event.

Mr. Walter: Agreed. We're not asking for any of that. What we're saying is, you approved a 120-seat banquet hall for nighttime, bank-closed hours only. So if we had an event where we had 30 people on the roof, or 40 people downstairs in that auxiliary space, that would be Chase where we would block it off and do valet parking for that event. But it's not daytime. We're not asking for any of that. So the same restrictions would still be in place as you had for the previously-approved site plan; that you can't have an event during the day, period, end. There's no bargaining. I know that.

Boardmember Cameron: We have to parse this out because, as I understand it, we would not have a banquet that big as you just explained, at nighttime, because we just finished discussing the fact we wouldn't use the roof at night. So you basically have a ground floor and that piece in the basement, and that capacity seems to be in the nineties, not in the hundreds, as I'm looking at it. I understand the weekends, you could have a bigger thing because you have some people on the roof, but we just have to parse this out.

I guess I want to do everything I can to attract you guys to have this thing done. At the same time, I don't want to do so much at one time that we get surprised.

Boardmember Dale: There needs to be a clarification. Because I think they've given up the banquet hall with the wellness center. They don't have the space for a big banquet at this point. They have a restaurant, then a wellness center with all of its furnishings, et cetera, and they have the rooftop.

Boardmember Cameron: Right. That's 123 people, though, which was very close to our old number.

Boardmember Dale: Right. But there's no space for a banquet that would require the additional parking.

Chairperson Speranza: But if the wellness center was full during the day, and the restaurant was full during the day if it was open at lunch, that's where you potentially could run into . . .

Boardmember Dale: Well, that's the 123 spaces.

Village Attorney Stecich: Which is almost as many spaces as you needed, I think, for the restaurant and the banquet facility.

Boardmember Cameron: Right – 125 that was.

Village Attorney Stecich: Yes, that was the max-out.

Mr. Walter: We are still underneath.

Boardmember Cameron: Oh, I understand that. But at the time, we had a Chase parking lot. So it seems to me, if you just work this thing through, that we have an issue with – I'm not going to use the word "event," you can use the word "banquet." At lunchtime, during the

week, we don't have a problem with them using the restaurant. But we have trouble with having, a banquet. I know it's not a banquet.

Mr. Walter: Understood.

Boardmember Cameron: Can't have a banquet during the week at lunchtime because they don't have the Chase parking lot. So we have to define this banquet-style event while you don't have the Chase parking lot.

Mr. Walter: Understood. Complete agreement that what was imposed on us as the banquet hall can be imposed on us during the day for the whole building. That's fine. We understand that I can't go ahead and book 60 people into that restaurant for lunch. I can't do it. We don't have the use of the lot, like you said. But at 4 o'clock on Saturday, if the bank's closed, guess what? I close off the bank, I book 60 people in the restaurant, and I close my restaurant until 8 o'clock. Then I open it up Saturday night at 8 o'clock for regular dining after I shoo all these people out. And then, of course, the bank lot becomes open.

Just so you know. We technically own the bank lot at night. So we're adding 17 more spaces, non valet parking, to Village parking at night. Basically, the lease says it's for our use. So, of course, we're going to tell our patrons if there's a spot in the bank you're welcome to park there and you won't get towed. And, of course, the villagers will find out and they'll use it. That's fine. It still means they're not parking somewhere else. It's still 17 more spots, whether it's my guests or a local resident. I'm just pointing that out as a bonus at nighttime.

As far as the daytime, understood. It would be the same conditions as preapproved for the banquet hall: you can't do anything unless you have the Chase lot as far as a banquet, or function, or whatever you want to call it.

Chairperson Speranza: Event. Marianne, my recollection – and I did not bring it with me – I believe we saw the agreement between Devlins and Chase. It does not say anything . . . I mean, it's very, very specific to restaurant patrons. And I'm not sure. Would somebody be stopped if they're going to the wellness center and parked there? I can't imagine, but is that something we need to be concerned about?

Mr. Walter: I don't think so. Because if you go to the Chase lot right now, there's six cars sitting in there. Nobody's bothering them. They're definitely residents. So be it. It's basically, sure, I put up a sign and I say "Wednesday night I have a function. If you park here you will be towed." We went over this, you know. You give them 2 weeks' notice, you have the signs up there.

Chairperson Speranza: Because you're controlling both.

Mr. Walter: We need to slot this particular day. And it's not going to happen that often, first of all because I don't have 120 seats. So I have the 40 seats downstairs, and I have a cooking class or something like that or a business meeting. Just say it's 40 businessmen and they come in 40 cars, I can accommodate 41. So you close off the lot, you tow whoever has

to be towed. People, I think, would learn very quickly that when the sign goes up you can't park here. But how many times is that going to happen a year. If it happens twice a month, I'd be happy.

So it's basically going to be public use at nighttime most of the time. And if it happens to be a resident – or if it's Saturday afternoon and the firemen want to park there and wash their cars – if it's not a function, go ahead, what do I care. You know, we own the lot, but there's no way to control it. I'd have to have somebody out there, paying them, saying, "Here's your ticket, go get validated." Some guy comes in and has a soda, "Punch my ticket," and he parks there all day. I mean, it's not worth it. Other than a function, that's basically public parking once the bank is closed.

Boardmember Cameron: The agreement – my colleague next to me brought it with him – gives you a license to use it for parking only during catered events and restaurant use at the 555 premises during non-banking hours. Personally, I'm not that worried about getting such a crowd of parkers in the wellness center. That's not actually my concern. So I think that other than trying to screen if the bank got fussy about who's parking in the parking lot, I don't think it's an issue.

Boardmember Dale: Chase is not going to police it.

Village Attorney Stecich: The Board's only concern was that that parking be available if there's any catered events.

Boardmember Cameron: It's catered events and restaurant.

Mr. Walter: And restaurant use.

Village Attorney Stecich: [off-mic]

Boardmember Cameron: I don't think that's a big issue.

Village Attorney Stecich: But the thing that's different – and I'm not arguing one way or the other, just bear in mind, which I think is the point that you were getting at before, Patty – a different point than the catered events thing is that right now, during the day, it could be . . . 123 spaces could be needed if it's open during the day, if it's open for lunch and whatever. I don't know that it would ever be full. That was never in the works the last go-round. And I think that's where the focus has to be. Plus, the parking study was only done from 5 o'clock after. I yanked it out to see maybe whether they had numbers for earlier in the day that we could compare to the numbers Paul came up with. But their study was only starting at 5 o'clock.

The one thing that would make me think twice about just assuming it's OK is . . . the one thing I do remember that they had an issue about 3 o'clock. That 3 o'clock, when the employees might be coming to work at the restaurant, that they needed to park in the Zinsser lot. Now, whether that was based on some concern that at that time of the day parking is tight downtown, I don't know.

So I think that was a useful study that Paul did, a useful count. But I don't know whether maybe BFJ should take a look at it.

Boardmember Logan: Don't we have control over this, in some ways? I'm all for this. I just think we need to have a clear accounting of what do we think the number of spaces are available, and some way to control the capacity of their restaurant so it doesn't exceed the number of spaces available downtown during the day. Isn't that something we could restrict? Like instead of 124 seats in the restaurant, we limit it to 60 or 80?

Mr. Walter: We only have 66 seats in the restaurant.

What, basically, you're addressing is what Christina talked about: nighttime use, where you would have a function upstairs. You have your wellness center and you have your restaurant – I mean, the lounge upstairs – for use for restaurant. That's nighttime. Daytime switches. OK? Daytime would be an addition of those 15 mats for yoga, and the restaurant. Basically, Hastings House was open. So I need yoga, wellness center, and roof. Twenty-five are needed for the second and third floor, and then during the day I would need . . . what was the square footage for upstairs?

Village Attorney Stecich: [off-mic] yoga and wellness.

Mr. Walter: And if we used the roof it's 25 divided by 200. Right? I would need another 13 spots. I would need 38 spots total if I did a yoga class during the summer up on the roof. Wintertime it doesn't matter, you're not going to use it at all. So basically what I'm saying is, if you look at the figures and you say that you need 38 spots during the day, if everything's full, by code, technically we need 38 spots. If you look at the average, the lowest average is 78 at 1 o'clock for whatever reason.

Boardmember Alligood: Can I just clarify? I'm confused about the request for the roof use. Did you say you want to be able to use the roof space at lunchtime for serving food, or is it only always going to be yoga and . . .

Mr. Walter: It would just be yoga.

Boardmember Alligood: So what time would it be open for food and restaurant use? The rooftop.

Mr. Walter: Five o'clock when you get in to your dinner.

Boardmember Cameron: To go to Bill's thing of trying to get some kind of . . .

Mr. Walter: No. If I had a function on a Saturday afternoon and I wanted to put somebody up there, that would be encompassed by the Chase lot; meaning, I'm going to have 30 or 40 people up there. I would do it based on the restrictions. It would be treated like a banquet, like Mr. Cameron said. You have a function, or a banquet, it has to be within the limitations you gave us for the banquet hall – which means Chase only.

Boardmember Alligood: Right. So you wouldn't open the roof just for people to go up and have lunch there, in other words.

Mr. Walter: No.

Boardmember Alligood: I just wanted to be . . .

Boardmember Cameron: Going to Bill trying to look for a definition, would it be fair to say that you only need to have the ground floor for lunch Monday through Friday?

Mr. Walter: Yes. Saturday, too, but there are no parking spaces.

Boardmember Cameron: Saturday you have the parking spot – at least I think you do – until the bank takes it away from you. They're open on Saturday until 4.

Mr. Walter: Yes. Saturday, there are no parking spots for anybody, except there are 100-plus parking spots down in Zinsser Park. Who's going to walk down there? I don't know. Right now, we're looking Monday through Friday approval for lunch. Saturday, that's up to you guys. But there are those open spots.

Boardmember Alligood: Oh, Monday through Friday. That's a big difference. I think Saturday is the big question. So you're saying downstairs you're asking for Monday through Friday.

Mr. Walter: I would love Saturday, too. And my argument is, there are 130-some odd spaces every single Saturday, every hour of every Saturday. And you know when it changes? It changes when the Farmers' Market leaves and seven cars out of that lot leave. So nobody uses it anyway. I'm saying, absolutely, up here there's absolutely no parking spaces. So the only approval we could give would be to say, "Yes, you're open for lunch," and, "Yes, your patrons have to park down in Zinsser." And yes, we know that's not going to happen.

Boardmember Dandridge: It seems like somewhere along the line we got a little confused here with definitions and timing. What I sense I'm hearing is a concern that we might have the parking issue under the following scenarios: that it would be during the summer, it would be during the week, it would be at lunch when you had an event. And I think we've already defined that you can't do that. So this notion that somehow it's going to tax us in spaces is probably not necessarily accurate.

So we should peel those back. You cannot do an event at lunch during the week. Correct? Because you don't have the Chase lot.

Mr. Walter: Exact same things you imposed on the banquet hall. You treat it the same exact way. You can't have a function – whether it's on the first floor, whether it's in the basement, whether it's on the roof during the day – during the day unless you have Chase. And Chase is only available Saturday afternoon and Sunday. So, understood.

Boardmember Logan: I had a quick question. The reason you don't want to do lunch on the roof is because you just don't think it's going to work?

Mr. Walter: No, it's too far. First of all, if you look at our thing, for me to bring food up from the basement it would have to go through the wellness center all the way to the third floor.

Boardmember Logan: But I also wondered, would it make sense to put a dumb waiter in this plan, in the mechanical spaces.

Mr. Walter: We thought about it. We were even going to put an elevator all the way to the top. But everything changed – everything changed from this massive restaurant with this big banquet hall, with plans for the roof, and you have your reception upstairs and you have your wedding dinner downstairs in the banquet hall – to a wellness center and yoga classes and a smaller restaurant.

So everything got shifted. The use of the roof during the summertime is just a bonus. It's a bonus to our overall plans. And we came to you and said, "We're not going to use the roof." And you said, "No, use the roof." So we're coming back, and saying, "OK, we'll use the roof. You're right." Whether we do yoga classes . . .

[crosstalk]

Chairperson Speranza: OK, one step at a time. And I think you've been very good about coming back to us with new ideas as you see the need for the occupancy of the space change. We are, as you can tell, very anxious for activity in the building again, activity in the downtown again. I'm getting the sense that Monday through Friday lunch hours, the Boardmembers don't have a problem modifying the conditions of the original operating plans.

Boardmember Dale: No, I would give them Saturday, as well.

Chairperson Speranza: Well, you know what? It's possible that they could come back and say, "Hey, how about Saturday"?

Boardmember Dale: They're interested in building a clientele. We want them to use the wellness center, you want them to use the restaurant. Cutting off the weekend just doesn't make any sense from a business plan. And I don't think it taxes the Village that much more that it's warranted to limit it.

Chairperson Speranza: Saturday around lunchtime, that was one of the major areas of concern, major times of concern, that we heard from people.

Boardmember Dale: From a handful of people. But I also think to have this discussion there's a perception issue about parking.

Chairperson Speranza: Well, Saturday morning is tough.

Boardmember Dale: I get in my car and I drive to the center, and I park and I find no problem going to the drug store, to the health food store, on Saturday morning. That's all my chores.

Boardmember Cameron: But if you look at his survey, it's big zeroes.

Mr. Walter: I would be more than happy to accept lunch on Saturday. But you know, I did the Saturday thing and I'm not going to say there are 60 spaces, when at 12 o'clock there's 22 spaces. And you know where they are? There are six down at the end of Main; there are three up in Whitman; there are four in the post office lot. Then there's nothing else anywhere else.

Chairperson Speranza: There's nothing here.

Boardmember Cameron: There's no response on Saturday.

Mr. Walter: There isn't. Believe me, I don't want to turn away lunch. But what's going to happen is when we open up, and three months down they can't come to lunch, we'll come to the Board and fill up seats with all the people, and they'll say, "Let them open for lunch," and then you'll let us open for lunch. I'm happy to open Monday through Friday right now, and we can address Saturday.

Village Attorney Stecich: You don't want Sunday lunch? Sunday's not an issue.

Mr. Walter: Sunday is more a 1 o'clock dinner type of thing, not really lunch.

Village Attorney Stecich: [off-mic] lunch, so Monday, Friday, and Sunday.

Boardmember Alligood: No, I don't have any problem with Sunday at all.

[crosstalk]

Boardmember Dale: Let them have the option.

Mr. Walter: I wasn't even going to address Sunday because there's gads of space.

Village Attorney Stecich: [off-mic] only Monday to Friday. Then you want to have something at 1 o'clock, and you call it dinner. We call it [off-mic].

Mr. Walter: All right, Sunday through Friday.

Chairperson Speranza: Sunday, I think we can say that there are just . . .

Mr. Walter: I didn't bother doing Sunday because I know it's not even worth it.

Chairperson Speranza: You could do brunch on Sunday. I don't think there'd be an issue with having something that started at 10 or 11 on Sundays. I don't think that's an issue at all.

Mr. Walter: Let us develop the menu and we'll come back to you.

Boardmember Cameron: All we're really saying is that Monday through Friday, and Sunday, they can have the ground floor open all the time. That's an easier way of putting it. We don't have to argue about the meal. Monday through Friday, and Sunday, they can have the ground floor open all the time. Not at 3 in the morning, but anyway you get the idea.

Chairperson Speranza: Right. And there does need to be a limit on the roof. I do feel that it should be closed.

Boardmember Cameron: I think we've agreed. I thought the roof was going to be closed when it got to be dark.

Chairperson Speranza: Dark is dawn to dusk.

Boardmember Dale: I thought you said a half-hour after sunset.

Boardmember Logan: I'd give them a little bit more time.

[crosstalk]

You've got to finish your drink, and it's still nice. You know, at least an hour after sunset.

Village Attorney Stecich: And then until a half-hour after Chase closes? Is that right?

Mr. Walter: Yes. That's still in effect with the same restrictions that you put.

Boardmember Cameron: What you're saying, I'm all for that. I just think we should get this thing going, and then after we get a year's worth of experience come on back. We want to see life in the town.

Village Attorney Stecich: Did you want to put a restriction about music on the roof? No music?

Chairperson Speranza: I don't think if there's music until 9 o'clock they've got to . . .

Village Attorney Stecich: And then did you want to put anything on lighting, or just it's not an issue because of the [off-mic].

You know what I'll do, it's going to take [off-mic] working, which I just can't mark up the old resolution [off-mic] [because we're doing this meeting] XXX. But I would rework it and have it for . . .

Chairperson Speranza: The January meeting?

Boardmember Dale: On the lighting issue, you might allow them to have lights below the parapet level – because they have to clean up – as long as it's not spilling out onto the street.

Boardmember Logan: Yes: no light spillage beyond the edge of the parapet to the railing.

Boardmember Cameron: Absolutely, I agree with that.

Chairperson Speranza: So, Marianne, just help me out here. The action is just an amendment to the approved site plan, and that covers all of these operational elements as well because those were part of the original site plan approval.

Village Attorney Stecich: [off-mic]. I don't know if you want to see it. A lot of the stuff related to the use of the banquet facilities. And then there were some restrictions about employee parking and loading spaces, truck deliveries. And then no change in the layout or use of the space, from the drawings that you made without approval by the Planning Board. But you can't just cross out one [crosstalk] . . .

Boardmember Cameron: The other thing you need to look at, I think, is that we had a provision in there that if they lost the Chase parking lot they didn't get to use – I forget what it was . . .

Mr. Walter: Banquet. Couldn't use the banquet at all.

Village Attorney Stecich: [off-mic]

Boardmember Cameron: I know. But now, what's the banquet? You need to look at that and try to parse it back into . . .

Village Attorney Stecich: I guess what you'd be saying is, if you don't have the Chase thing you can't use the rooftop for eating. Correct?

Boardmember Cameron: Yes.

Village Attorney Stecich: But do you want to go so far as to say you can't have organized facilities.

Chairperson Speranza: Or organized functions.

Boardmember Dale: You can't have an event that has more than the same number of people as the restaurant is capable of handling without the parking lot.

Boardmember Cameron: I'm sorry I brought it up, but it's going to come up.

Boardmember Alligood: I think the big difference between an event and just the seat capacity you have just for a regular restaurant is that they all come at the same time. And that's where you have the issue, and that creates the traffic issues that's the difference.

Village Attorney Stecich: So for the most part, I think what I'm hearing is that where we talk about the banquet facility, before now, we're talking about organized events and use of the roof for dining. Right?

Boardmember Dale: No, you're never going to dine . . .

Village Attorney Stecich: The roof [off-mic].

Boardmember Wertz: Not the latter.

Village Attorney Stecich: But do you have any issue though? OK, let's say they lose the Chase parking. Do you have any issue with the roof being used for this waiting area and lunch area?

Boardmembers: No.

Village Attorney Stecich: OK, fine. So then we're just talking about organized events.

Mr. Walter: So that would be the restriction. Because, like you said, they all come at once.

Boardmember Dandridge: We've already covered it.

Mr. Walter: My restaurant, open on a Saturday night from 5 o'clock on, is going to have parking in increments. But to a function at 6 o'clock, you have X amount of cars coming all at once. So I understand that. So if we lose the Chase lot five years from now . . . oh, no, it's down to four years.

Boardmember Cameron: You better start building quickly.

Mr. Walter: That's fine. Restriction understood: if we lose the lot, you can't have a function.

Boardmember Alligood: If you lose the lot you can talk to us again about the Zinsser lot. Right?

Mr. Walter: Put in a bus.

Chairperson Speranza: Or maybe you'll be open long enough that we will have some experience as to how things are actually working out.

Mr. Walter: Yes. OK?

Village Attorney Stecich: This thing ends June 25, 2012.

Mr. Walter: What's that?

Chairperson Speranza: The agreement, 2012.

Village Attorney Stecich: The agreement with Chase ends in the summer of 2012.

Mr. Walter: That's how long we've been going at it.

Village Attorney Stecich: Taking how long it took to get this first one . . . I started working on it [off-mic].

Boardmember Cameron: At least we picked a bank that's going to survive.

Chairperson Speranza: This is a public hearing. Anyone wish to speak on the application?

Is there anything else in there, Marianne, that we should talk about now?

Village Attorney Stecich: Do you still want to require the valets and stuff for organized events?

Mr. Walter: Yes, absolutely.

Village Attorney Stecich: Do you want me to read through [off-mic]?

Chairperson Speranza: Yes, sure. Maybe we can do it, and maybe we can approve it.

Village Attorney Stecich: You could just work it out tonight and be done with it.

Boardmember Wertz: That'd be great.

Village Attorney Stecich: *"Be it resolved, the Planning Board approved an amendment to the site plan, as shown on the drawing."*

Boardmember Cameron: And they need to give you a complete set of plans. You've got the top floor now, and then you have the other floors. You've got to get all the floors together.

Village Attorney Stecich: I'm going to have to fix that so this matches the drawings.

Right now, it reads: *"In order to operate the banquet facilities proposed for the third floor" . . . we could say, "In order to operate any organized event, the owner must have a valid agreement satisfactory to the Village Attorney, the lease, license, or otherwise have the right to the exclusive use of a minimum of 41 parking spaces located at 565 Warburton."*

It has: *"The banquet facilities may not begin operation . . ."* so we could say, *"Organized events may not begin until one-half hour after the time that the parking spaces become exclusively available to the owner, and may operate only during the hours that the spaces are exclusively available."* That works. Right?

Boardmember Cameron: You're probably going to need a definition of organized events.

Village Attorney Stecich: I'll have to do some of that stuff, but we can come to an agreement. So *"Organized events . . ."*

Boardmember Dale: "More than 40 people, more than the capacity of the restaurant."

Boardmember Cameron: More than 40 people would be great. That's an easy way of doing it.

Village Attorney Stecich: I'm sorry, what?

Boardmember Dale: That the definition of an organized event would be inviting more than the capacity of the restaurant. If it's 40 people, then it's . . .

Village Attorney Stecich: Well, no. It might not be more than the capacity of the restaurant. It could be three-fourths of the capacity of the restaurant or half the capacity of the restaurant. But the issue is, they're all coming at the same time.

Boardmember Dandridge: It's preset hours of beginning and end, private . . .

Village Attorney Stecich: If six people call and want to have a little get-together, that's not going to be an issue. I mean, you're not going to even see it.

Boardmember Cameron: I think Bruce has the right idea – if you came up with a number – because it's the easiest thing to monitor.

Village Attorney Stecich: Does 40 make sense?

Chairperson Speranza: Is that logical in the restaurant business?

Mr. Walter: What you said is the capacity of the restaurant. So if my capacity is 65, then I shouldn't be allowed to do 75.

Boardmember Dale: Sixty-six.

Mr. Walter: But I certainly can do 40.

Boardmember Cameron: Is 65 the ground floor, or is 65 the ground floor plus the basement?

Mr. Walter: The ground floor.

Chairperson Speranza: Well, the banquet was 120.

Mr. Walter: Yes. And this is 104 between the top and the bottom. But think about it. If you're going to have a function with 60 people upstairs and 40 downstairs, doesn't happen. You know what I'm saying? That ancillary space in the basement may be a function, but I don't think you would do two functions at the same time. I wouldn't want to. If I did a full function upstairs in the restaurant, it's closed.

The ancillary isn't . . . I can't really use it as an a la carte. I'm not set up for it, for one. It's set up as an ancillary space, and really it's going to be more of a business type meeting, maybe a chef up there doing a cooking class showing how he does stuff. It's not really . . . I mean, we can serve food there, but it's not really set up for that. And yes, maybe I will have a banquet. But if you look at the first floor, it's basically this space here is my private room; where this whole area – you know, Spring Street, Main Street – basically what we actually planned on is putting up temporary dividers.

Chairperson Speranza: Screens, OK.

Mr. Walter: And can have – how many, Andrew?

Andrew: Thirty.

Mr. Walter: Thirty some-odd people. So who's going to want to put 30 people down here, when I can put them up here. So this is really a basement. The function of that is geared more towards business-type meetings where, fine, I get a drug company in there and they have 30 doctors and they have a presentation. But for a function up here, 30 people in this space vs. the basement. So basically what you're saying is . . . I'm sorry, your last name?

Boardmember Dale: Bruce Dale.

Mr. Walter: What he's saying is, I can't have anything more than this number of spaces, which I kind of agree. That's fine. And if you want to put I can't have a function here and I can't have a function at the same time, that's fine with me also.

Chairperson Speranza: So if we were to say no function in excess of 75, or is that even too much?

Boardmember Cameron: Well, 65.

Boardmember Dale: Sixty-five is his capacity; anything in excess of his capacity of 65.

Chairperson Speranza: For that floor.

Boardmember Cameron: I think the idea is that since we're giving him 65 during the week for lunch – which is what we're doing because he uses the ground floor – that if he loses the parking he could still do 65 in the evenings. And I don't actually care whether he does them on the ground floor or in the basement.

Chairperson Speranza: Or where it is. Right.

Boardmember Cameron: But if he has the parking, he can go to full capacity.

Village Attorney Stecich: So you're saying that the organized event should be 65 or more.

Boardmember Cameron: The capacity of the restaurant is 65 whether it's an organized group or a whole bunch of individual diners. He runs out of space if he doesn't have parking in the evening.

Boardmember Dale: He can't exceed 65 unless he has the Chase parking lot.

Boardmember Dandridge: In either event.

Boardmember Logan: OK, clear.

Boardmember Cameron: We didn't say it was easy, Marianne.

Chairperson Speranza: Well, we're talking about doing this as an organized event. So an organized event is what's defined as being anything in excess of 65.

Village Attorney Stecich: That's right.

Boardmember Dandridge: Correct.

Chairperson Speranza: It's all in the wording. Right?

Village Attorney Stecich: So I think the rest of it's easy. Let me just go through the rest. So we'll still call it the organized event, but we'll just, at some point, define it as involving 65 people.

Then: *“In order to hold an organized event, the owner must have four valets parking cars at 565 Warburton Avenue; if 80 or more guests are expected, three valets; if 40 to 79 are expected, then two valets. If fewer than 40 guests are expected, no charge may be made for valet parking. For all organized events, all invitees must be sent a letter directing the invitees to park in the lot at 565 Warburton Avenue, or such other location approved by the Planning Board. The letter must advise the invitees that the parking at the 565 Warburton lot is without charge.”*

5): *“When an organized event is not scheduled, the parking lot at 565 Warburton Avenue shall be available to the public during the hours that the parking spaces are exclusively available to the owner.”* That won’t change.

And then this, I think, we have to stripe. This is a condition that the restaurant propose the basement and first and second floors may not open prior to 5. So I’ll just eliminate that.

Boardmember Cameron: I don’t think the idea, though, is to allow him to have an event of 65 people and another 35 diners. So what I think you need to do is, when you . . . I don’t think it’s to have both of them. In other words, I think the idea is that he has a capacity of 65. To make your wording work, I would simply say – and maybe people don’t agree with me, but if you do, I would take the words “organized event” and say – that from that definition of 65 will be subtracted all other diners dining in the restaurant at that time. In other words, you’re trying to make the capacity of the restaurant drop to 65 if he doesn’t have parking.

Chairperson Speranza: See, going back to the fact that when you have an organized event that’s when you get a mass of people all coming at the same time, I don’t think we’re trying to limit the dining.

Boardmember Cameron: Well, you’re putting absolutely no limitation on them because he hasn’t got the ability to have an event of more than 65 people. Because those kinds of events have to be all on one floor so all he has left at that point is 30 seats in the basement, and the roof. So you’re putting no restriction on whatsoever.

Chairperson Speranza: We’re putting no restriction on him whatsoever for . . .

Boardmember Cameron: When he loses the Chase parking lot, by saying he can’t have more than a 65-person organized event.

Boardmember Dale: Your issue is that if he has 30 diners, and he has 65 people coming, we have a problem.

Boardmember Cameron: Yes, potentially have a problem.

Chairperson Speranza: If he loses the Chase lot.

Boardmember Cameron: But we may all get smarter by the time he loses the Chase lot.

Boardmember Dale: I thought what we were saying is that if he loses the Chase lot he cannot have any more than 65 people, period.

Boardmember Cameron: I agree with you 100 percent, Bruce. I’m just trying to get the wording.

Chairperson Speranza: See, I don’t think . . .

Boardmember Cameron: You see Patty has a different view.

Boardmember Dale: Because Patty’s concerned that if all those 65 people showed up at once we would have a problem.

Boardmember Cameron: She’s only worried about organized events and she thinks that’s the only thing that’s going to affect parking, and I don’t know that yet. So until such time as we experience it, I prefer to have it the way you said it and I said it.

Chairperson Speranza: I'm trying to see if I'm missing something. What I'm hearing is that the capacity of the restaurant is 65 diners. That's it.

Boardmember Cameron: Ground floor only. You've got basement after that.

Chairperson Speranza: Right. But you're saying 65 diners, that's all.

Boardmember Cameron: That's what he said to us repeatedly: ground floor only takes 65 people.

Chairperson Speranza: So at no time are we putting a condition on restaurant, then. At no time can there be more than 65 diners in the restaurant.

Boardmember Cameron: If he doesn't have the Chase parking lot.

Mr. Walter: For a function, if I lose the Chase lot.

Boardmember Cameron: Well, I wouldn't use the words "for a function." We're saying if you don't have the Chase lot, then we don't want more than 65 diners in the restaurant at any one time. That's what I'm saying.

Mr. Walter: So you're saying you can't use downstairs if you lose the lot, and your restaurant. You know what I'm saying? Basically, what he's saying is you can open, you can have your seating, but you can't do a function downstairs because you don't have the Chase lot.

Boardmember Cameron: Or you could have a function downstairs and put 30 less people on the ground floor if you don't have . . . I'm only trying to restrict you if you don't have the Chase lot.

Mr. Walter: Understood.

Village Attorney Stecich: OK, it was only understood to me.

Boardmember Dale: But why don't we do it in reverse, and say that as long as he has the Chase lot he can do this. And if he loses, he can't do that.

Boardmember Cameron: Right.

Village Attorney Stecich: Wait. Are the organized events . . . would you explain to me again the layout in the restaurant and how many on each floor. I wasn't paying close attention because it didn't seem relevant. So the main floor of the restaurant has what? Sixty-five seats?

Boardmember Cameron: Sixty-five.

Mr. Walter: Yes.

Village Attorney Stecich: And there is capacity in the basement for more dining?

Mr. Walter: Yes, 40.

Village Attorney Stecich: But that would only be used for special events.

Mr. Walter: Yes.

Village Attorney Stecich: So why not, rather than talking about the special events, say that the bottom floor can only be used when they've got the Chase lot.

Boardmember Cameron: That could work, except I was trying to be fair to this gentleman here. He has 40 people coming for the basement, and he wants to open upstairs for 25

diners. I'm in favor of that. I just said no more than 65 – capacity of the restaurant is no more than 65 – if you lose the Chase lot.

Male Voice XXX: Put them where you want them.

Boardmember Logan: Let's get to the simplest language here. I mean, that seems . . . no more than 65 if you don't have the lot.

Mr. Walter: I made a mistake. If you look at your drawings it's actually 74 seats, not 65. There are 74 seats on the first floor and not 65. Sorry.

Boardmember Cameron: And how many in the basement?

Boardmember Dale: Forty.

Ms. Griffin: Thirty-nine.

Boardmember Dale: That just changes the number. It doesn't change the concept.

Village Attorney Stecich: The reason I'm suggesting that you can't use that floor – sort of like the banquet facility, you couldn't use the banquet facility unless you had the thing – is, let's say they have 40 people downstairs, and then not people coming to the restaurant. And the 26th person comes. You say, "Sorry, you can't come in." They'd be, "What do you mean? There's all these empty tables." Do you know what I'm saying? You say, "Well, because we can only have 60." It just seems an odd way to do it. Don't you see what I'm saying?

Boardmember Cameron: I would try to give it flexibility, but I'm quite happy to cut off the basement floor.

Village Attorney Stecich: I would think that wouldn't work for you.

Chairperson Speranza: You know what? This is only if there's no Chase lot.

Village Attorney Stecich: But that's a lot of the time, Patty. The lunchtime, it's all the lunchtime, really, so it's . . .

Chairperson Speranza: Well, that's the scheduling. He's saying he wouldn't have anything and make use of the lower level during lunch.

Village Attorney Stecich: Right. So are you talking about using that lower level only for events? The lower level's only for events.

Mr. Walter: Yes, basically. The upper level also could be an event, and when I close the restaurant . . .

Village Attorney Stecich: Why don't we just go back to where we were before. Instead of banquet facility, talk about this event space on the ground floor.

Boardmember Dale: Because he could choose to close the restaurant and have an event, or he could have an event and close . . .

Boardmember Dandridge: It would be more profitable at certain times to . . .

Boardmember Dale: But to say he can't use the basement unless he has the parking lot is too restrictive.

Village Attorney Stecich: Except, Bruce, what do you do? He's got this event downstairs. He's got this event scheduled with 40 people and 35 people show up for lunch. Say, "Sorry, you can't eat here because we can only let 25 in this restaurant, even though . . ."

[crosstalk]

Boardmember Cameron: There is a solution, Marianne. He could just close the restaurant on the Saturday and hold the event on the main floor. I know he's down to 40 people, down from what we thought was 65. But he could do that.

Chairperson Speranza: You know what? Jamie's right. I think it should be maximum 75 people. This is only if the Chase lot is closed. The applicant doesn't seem to have an issue with that. If it needs to come back to us for a change, then it comes back to us for a change. But if no one has a problem with that . . . and it does give the flexibility, then, you can do something. You know you only have reservations for 35 people and you're doing an event downstairs for 40, you can mix and match them however you want. I think just leave it: if there's no Chase lot you can't have more than 75 people in the restaurant.

Village Attorney Stecich: But I'll have to work . . . completely change this. I can't work through it now. But I don't think there's many other conditions that could change. You could pass it tonight. If you felt ready, you could say it and then I'll just . . .

[crosstalk]

. . . site plan amendment, and I'll just write something up [off-mic] what you pass tonight. And you switched to 75 rather than 65.

Mr. Walter: Right.

Village Attorney Stecich: OK, fine.

Chairperson Speranza: And then there is nothing else in there with regard to hours of operation? Just the Chase.

Village Attorney Stecich: No. *"The employees of the restaurant and banquet facilities must park in the Zinsser parking lot after 6 Monday through Friday and all day [and even] XXX Saturday and Sunday. Employees may not park at any time on Maple Avenue. The owner shall be responsible for enforcing [these, as dictated by hours of the lot] XXX."*

"Prior to the opening of the restaurant and banquet facilities, the owner shall meet with the Safety Council to develop guidelines. The loading spaces on Spring Street have to be marked, and signs put up. Truck deliveries must be made between the hours of . . ." it says, *"Truck deliveries to the restaurant must be made between the hours of 10 and 4."* You're not going to have deliveries to the yoga center. Right?

Mr. Walter: Minimal.

Village Attorney Stecich: So we'll just say "*truck deliveries must be made . . .*" and just take out "*to the restaurant.*"

Boardmember Cameron: We still don't have lunch on Saturdays. Is that right?

Village Attorney Stecich: Yes, that has to be added. "*No change in the layout or use of the space may be made without prior approval by the Planning Board, and is subject to continuing review by the Planning Board. And all fees have to be paid.*"

Then we'll have to put in the conditions for the rooftop, and that is what?

Boardmember Cameron: The rooftop lighting.

Village Attorney Stecich: It can't be used after one-half hour after sunset.

Boardmember Cameron: And lighting can't be visible from . . .

[crosstalk]

Village Attorney Stecich: Yes, no lights visible beyond the parapet.

Boardmember Logan: A half-hour after sunset I think is too short.

Village Attorney Stecich: The what?

Boardmember Dale: An hour after sunset.

Boardmember Logan: It should be at least an hour.

Village Attorney Stecich: And then . . . wait, did we have it that it couldn't be used before a certain time?

Chairperson Speranza: During the day it's going to be part of the wellness center.

Village Attorney Stecich: So that's dining and drinking not before 5? That's when the Chase lot closes. Right?

Boardmember Cameron: At one time we were talking about no food before 5 on the roof. I'm not quite sure whether that matters one way or the other.

Boardmember Logan: No. I don't think we need that.

Village Attorney Stecich: So I'm not going to put that in then.

Boardmember Dale: There's no benefit to the public to restrict it.

Village Attorney Stecich: And then no lunch or brunch on Saturday.

Chairperson Speranza: Right.

Boardmember Logan: So you're going to recite that that new plan, A-3, is part of what we've looked at.

Village Attorney Stecich: Right now, rather than referring to the whatever plan – you know, site plan approval approving whatever these plans are.

Boardmember Cameron: We need the wellness center plans, too.

Village Attorney Stecich: It will be the whole set of drawings.

Chairperson Speranza: So are we doing this as a motion tonight, or are we going to wait and get the final, crafted conditions?

Boardmember Dale: It depends on whether they'll start renovation right away.

Mr. Walter: We were hoping to start in January.

[crosstalk]

Boardmember Logan: Let's do it now.

Chairperson Speranza: So I need a motion for an amended site plan approval, which includes conditions on the operations of the facility as have been discussed tonight and agreed upon, and will be set forth in a formal written resolution. Go ahead. I think that's it.

On MOTION of Boardmember Dandridge, SECONDED by Boardmember Logan with a voice vote of all in favor, the Board resolved to approve the following resolution:

BE IT RESOLVED: that the Planning Board of the Village of Hastings-on-Hudson approves an amendment to the site plan approval granted on December 18, 2008 for the renovation and use of 555 Warburton Avenue, subject to the following conditions. The approved amendment is as shown in the drawings entitled "Renovations to 555 Warburton Avenue," dated October 7, 2009 and December 7, 2009 ("Drawings"), consisting of:

Drawing S-1, last dated December 7, 2009

Drawing S-2, last dated October 7, 2009

Drawing S-3, last dated October 7, 2009

Drawing A-1, last dated October 7, 2009

Drawing A-2, last dated October 7, 2009

Drawing A-3, last dated December 7, 2009

Drawing A-5, last dated October 7, 2009

Drawing A-6, last dated October 7, 2009 and

Drawing A-7, last dated October 7, 2009. .

1. The maximum number of guests allowed at the dining and bar areas of the restaurant (including any in the basement and on the roof) shall be 75 unless the owner of 555 Warburton Avenue ("Owner") has a valid agreement, satisfactory to the Village Attorney, to lease, license, or otherwise have the right to the exclusive use of a

minimum of 41 parking spaces located at 565 Warburton Avenue. More than 75 guests are allowed only during those times that the parking spaces are exclusively available to the Owner. If for any reason such agreement is cancelled or expires and is not renewed or the use of the 41 parking spaces is limited or restricted, no more than 75 guests shall be permitted.

2. Upon application of the Owner, the Planning Board, at its discretion, may approve a different location for the 41 parking spaces.

3. The proposed restaurant and any dining service ancillary to the wellness center shall not be open for lunch or brunch on Saturdays.

4. The roof may not be used later than one hour after sunset.

5. There shall be no light spillage beyond the parapet from any use of the roof.

6. In order to hold an organized event (i.e., one at which all guests are invited for a certain time or time period), the Owner must have four valets parking cars at 565 Warburton Avenue if 80 or more guests are expected, 3 valets if 40 to 79 guests are expected; and 2 valets if fewer than 40 guests are expected. No charge may be made for valet parking.

7. For all organized events, all invitees must be sent a letter, satisfactory to the Village Attorney, directing the invitees to park in the lot at 565 Warburton Avenue (or such other location approved by the Planning Board). The letter must advise the invitees that the parking at the 565 Warburton lot is without charge.

8. Except when an organized event is scheduled, the parking lot at 565 Warburton Avenue shall be available to the public during the hours that the parking spaces are

exclusively available to the Owner.

9. Employees of the restaurant and wellness center at 555 Warburton Avenue must park in the Zinsser Parking Lot after 6:00 p.m. Monday through Friday, and all day and evening Saturday and Sunday. Employees may not park at any time on Maple Avenue. The owner of 555 Warburton Avenue (or his agent) shall be responsible for enforcing these parking requirements.

10. Prior to the opening of the restaurant and wellness center, the Owner shall meet with the Hastings-on-Hudson Safety Council to develop guidelines for traffic monitoring. The Safety Council may adjust those guidelines as appropriate.

11. The loading spaces on Spring Street must be marked and appropriate signs erected.

12. Truck deliveries must be made between the hours of 10:00 am and 4:00 pm.

13. No change in the layout or use of the space at 555 Warburton from the Drawings may be made without prior approval by the Planning Board.

14. This amended site plan approval shall be subject to continuing review by the Planning Board, which may revoke the approval if these conditions are not met.

15. Before a certificate of occupancy may issue, all administrative and review fees owed to the Village must be paid in full.

BE IT FURTHER RESOLVED that the Planning Board of the Village of Hastings-on-Hudson waives the loading requirements of § 295-38, provided that loading spaces are maintained as shown on Drawing S-1.

Dated: December 17, 2009

Chairperson Speranza: Go and build.

Boardmember Cameron: Yes, we're going to be watching the building carefully to make sure you start building.

Boardmember Dale: We want you to start building. We've waited long enough.

Boardmember Dandridge: It was unfair for them to bring menus and not bring samples.

Male Voice XXX: Free cocktails on the roof.

Chairperson Speranza: That's it for this evening. Any other issues from Boardmembers?

IV. Announcements

Next meeting date January 21, 2010.

Chairperson Speranza: Happy New Year everybody, and happy holidays: Christmas, Hanukkah, Kwanza. Whatever you celebrate, celebrate.

V. Adjournment

On MOTION of Boardmember Dandridge, SECONDED by Boardmember Dale with a voice vote of all in favor, Chairperson Speranza adjourned the Regular Meeting at 10:15 p.m.