

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
PLANNING BOARD  
REGULAR MEETING  
JANUARY 15, 2009**

A **Regular Meeting and Public Hearing** was held by the Planning Board on **Thursday, January 15, 2009 at 8:15p.m.** in the Municipal Building Meeting Room, 7 Maple Avenue, Hastings-on-Hudson, New York, 10706.

**PRESENT:** Chairperson Patricia Speranza, Boardmembers William Logan, Jamie Cameron, Eva Alligood, Bruce Dale, Ed Dandridge, Village Attorney Marianne Stecich, and Village Planner Angela Witkowski.

**ABSENT:** Boardmember Wertz

**I. Roll Call**

**II. Approval of Minutes: December 18, 2008 Meeting**

**Chairperson Speranza:** One of the things that we'll do subsequent to the minutes is just make sure that we're all in line with the resolution for Hastings House, the 555 application, because we do have that in our packets. But let's go through the rest of the minutes first, then we'll take up the resolution.

That said, any changes or modifications for the minutes?

**Boardmember Dale:** I think I actually have one, but I can't find it.

**Chairperson Speranza:** I actually did have one: the very last page, 46, it's the last time I'm speaking where it says: ". . .we're due this summer." Just change it to ". . .we're due this summary." It's a summary of the actions.

**Boardmember Dale:** I found mine. Page 34, the last paragraph: "*Our planning consultant who looked at the traffic issue said that they've met all the conditions.*"

I believe that was it.

**On MOTION of Boardmember Cameron, SECONDED by Boardmember Dale with a voice vote of all in favor, the Minutes of the Regular Meeting and Public Hearing of December 18, 2008 were approved as amended.**

**III. Old Business**

**Resolution, 555 Warburton Avenue Restaurant - Hastings House**

**Chairperson Speranza:** Now let's take up the resolution. There were a couple of places where we weren't quite sure . . . Marianne and I and Jamie had some conversations about

some of these. I think at this point there are just a couple of things we want to be sure of. This is the resolution for 555, item number three, the valet parking.

**Village Attorney Stecich:** It isn't that we weren't so sure. It did say for valet parkers, but it just struck me that if you're having a small function that that's probably excessive. I mentioned that to Christina -- not to say that I thought that the Board would change it, but if the Board were disposed to, what numbers would they think reasonable. Christina said that she spoke with Paul Walters, and he thought that if 80 or more guests are expected that four valets would be appropriate; if there were 40 to 80, three valets; and if there were 40 or fewer, two valets.

It seems to make some sense to me also, since if you had a smaller function I don't even know why you need valets at all. Because there were 30 of them, 30 of the parking spaces could just be parked without a valet.

**Boardmember Alligood:** The only issue with that, Marianne, is that it's very specific where they need to park in order to fit those. And so while it might be demarcated . . . I'm not even sure it will be, actually, come to think of it. But if it is, it's still possible that people won't heed those lines.

**Village Attorney Stecich:** But they do propose two valets for 40 or fewer, so those numbers seem reasonable. Let me see what they are if you have 40 to 80 guests, three valets, and two valets for 40 or fewer.

**Boardmember Cameron:** And if it proves to be too much they can come back to us and talk to us about it. But meanwhile, since they're their numbers, we should go with it.

**Village Attorney Stecich:** If everybody's okay with making that change.

**Boardmember Dale:** Marianne, I had a question about number one, where you say in the last sentence "*Forty-one parking spaces is limited, or restricted, to space designated on the drawings for banquet facilities may not be used for any purpose after such cancellation.*" "Any purpose" seems to be much too broad.

**Chairperson Speranza:** Without coming back to the Board.

**Village Attorney Stecich:** That was what we said.

**Boardmember Dale:** I mean, they could use it for storage, they could use it for additional restaurant space.

**Boardmember Cameron:** Not additional restaurant space. You've just walked around the whole thing if it's additional restaurant space.

**Chairperson Speranza:** And I think it's they can't use it for anything without coming back to the Board because that would be an amendment to the site plan.

**Boardmember Dale:** They could use it for storage, for example.

**Village Attorney Stecich:** Then we could say "for any use."

**Boardmember Cameron:** The thing is, we don't want them to use it for kitchen facilities because they could use the bottom thing for a restaurant.

**Boardmember Dale:** Well, why would you object to their using it for kitchen?

**Boardmember Cameron:** Because then they would use the basement for food. The only thing we restricted is the top floor, and we've actually given them the ability to move to the second floor, which was apartments. I think we need to be fairly clear on that, and they can come back to us.

**Boardmember Dale:** It just seems to me "any purpose" is just much too broad. If you have a dead space in your restaurant you could put it to use in some way. The only concern we ever expressed was about parking. So as long as the use doesn't, in effect, generate more traffic we should be comfortable. It just seems to be much too broad.

**Boardmember Cameron:** Well, even if they went back and started using it for apartments they're now short of parking spots because they took their apartment parking spots. So do you want to say "for any purpose for which parking is required"?

**Boardmember Dale:** If they're going to change the use, then I think they have to come back to us.

**Village Attorney Stecich:** Jamie, to protect against that -- I'm not sure if it was in the draft that you have -- I added 11: "*No change in the layout or use of the space at 555 Warburton from the drawings,*" and the drawings were identified -- "*may be made without prior approval by the Planning Board.*" So you couldn't move the kitchen, you couldn't say I'll move the kitchen up there. So I think that would be the protection. You could say "for any purpose that would require parking." Bruce has a point: if it's there, maybe you should be able to store stuff there.

**Boardmember Dale:** Some sort of preparation or whatever. It just seems to me this is a little bit too dictatorial: "*may not be used for any purpose.*"

**Village Attorney Stecich:** You want to say "restaurant or banquet"?

**Boardmember Cameron:** You can't because there are lots of other things that require parking.

**Chairperson Speranza:** I think add in "without approval of the Planning Board." I think they should come back to us, even if it is for storage. I think we should know that they're no longer going to be using that lot.

**Boardmember Dale:** No, that we'll know.

**Chairperson Speranza:** Right. And then they come back to us, and we say, "Okay, so what are you going to do with that space?" and they say, "Well, we're just going to use it for storage now. We're going to work out an agreement with the Village or something." Then at that point we could say, "Okay, well, that certainly makes sense."

**Boardmember Alligood:** You'd want to know what they're storing. Are they going to rent it out for other people. I think it's a land use issue that if you're going to change the site plan we should know about it.

**Boardmember Dale:** I think it's not a land use issue. I think it's a property issue, and I think there are concerns that this board legitimately has and there's a limit to that -- to what an owner does within their property -- that is not our business. And if they're going to store

some things there because they lost the right to the parking, it's like you're saying no, you have to keep that space vacant and lose the rights to that.

**Boardmember Dandridge:** I think there's an intermediate ground here, which is that this is just really a notice issue. Which is, we're not prohibiting them from any of the uses and we're not restricting their property rights. We're simply saying we've granted you certain rights. If, for some reason, the market conditions or any other conditions change and you want to use it for a different one, just give us notice. And I don't think anything in this -- if we just said without prior notice -- would restrict their use.

**Boardmember Cameron:** Well, it's not notice; it's permission.

**Boardmember Dandridge:** Exactly. We're not getting in there and limiting it. We're simply saying come back to us, which is what I think . . .

[crosstalk]

**Boardmember Dale:** And if it's a use that we don't like, then we hopefully have the opportunity to respond.

**Boardmember Dandridge:** Right. But we're not prohibiting it or explicitly allowing it.

**Chairperson Speranza:** And I think that is covered in number 11, where we say they can't change the layout or the use of the space without coming back to us.

**Boardmember Dale:** That's without prior approval. I mean, if they came back to us and said, "We're going to use it for storage," we're not going to have an objection. We don't have to give them approval.

**Chairperson Speranza:** Well, under this we would.

**Boardmember Dale:** But there's a difference between notice and approval.

**Chairperson Speranza:** Agreed. There may not be an extra, but we don't know that. And I think because we don't know at this point what things are going to be like if this happens in three years, we'll have three years' worth of history. They come to us and they say, "Well, look. We're just going to have storage," or, "we are going to add some more tables up there," we're either going to say, "Absolutely not. There's no way you're putting in more tables because it's been a real problem, and it's going to be another problem."

**Boardmember Dandridge:** I think you speak to an interesting issue, which is the intervening period, for example, will help inform whether or not, if they do come back to us, it's a simple matter of notice and our subsequent approval or if there is something more material there.

**Chairperson Speranza:** We could leave it the way that it is, knowing that they're going to have to come back to us to change the use because we have number 11 in here.

**Boardmember Dale:** I just think it's too broad. It's intrusive.

**Boardmember Logan:** I think it's okay the way it is. They can come back. I don't know that this means that we're micromanaging the site, but if something's going on there we have

ways of finding out probably. And I think this gives the Village protection. I don't think this is overly onerous.

**Chairperson Speranza:** And you're both okay with it the way it is. Bruce, is there anything we can do that'll make it a little better for you?

**Boardmember Dale:** I like the notice. I thought that was helpful. That if they want to use it for another purpose they must provide notice.

**Chairperson Speranza:** But I don't want it to be interpreted that all they have to do is tell us.

**Boardmember Dale:** You still have 11, which is if they're going to change the layout.

**Boardmember Cameron:** One idea -- and I'm not saying it's you, Marianne -- we could cross out the words "*for any purpose.*" That might make Bruce a happier camper, but I think it still means the same thing.

**Chairperson Speranza:** It may not be used without notice?

**Boardmember Cameron:** No.

**Chairperson Speranza:** Okay, may not be used. I mean, they'll have to come back to us. I think the first time, they should.

**Village Attorney Stecich:** I think that's a good point, Jamie.

**Boardmember Cameron:** Right. Let's just take those three words out.

**Boardmember Dale:** Take the three words out. I actually think 11 is overreaching also.

**Boardmember Dandridge:** It's a nice compromise.

**Boardmember Cameron:** Can we go to four? Because one of the things we said to him on four -- and I think it's very important -- I think his letter needs to say not only directing them to park there, but telling them the parking is without charge. Because unless someone has that in a letter, they're just going to go and say, "Look, there's a free parking spot." If it says in the letter . . . "without charge," I would just add to that letter . . . must be sent a letter directing those, and informing them, that parking is without charge.

**Boardmember Dale:** Except "*or other location approved by the Planning Board,*" which may very well have a charge because there's a meter. I think it just say "at the lot, without charge."

**Boardmember Cameron:** Then put the words "without charge" before the brackets.

**Boardmember Dandridge:** That's exactly right.

**Boardmember Cameron:** Right after "*Warburton Avenue,*" and we will deal with the other location later on.

On point five, I think we have to make it clear in that sentence, just adding some words, that the only time we're referring to is the time in which they have control of the parking lot. They can't actually make this promise to us. You know, it "shall be available to the public during the hours which they have the exclusive right to the premises under their lease."

**Chairperson Speranza:** As opposed to someone thinking that just because there's not a banquet, even though it may be in the bank's hours . . .

**Boardmember Cameron:** Well, we're making a statement which is not true.

**Chairperson Speranza:** I see what you're saying.

**Boardmember Dale:** Just after "*banquet facilities*" you can put "during the term of their lease."

**Boardmember Cameron:** Or you could say "available to the public during the hours covered under the lease."

**Village Attorney Stecich:** Here. "When the bank is not open, and a function is not scheduled, it'll be open to the public."

**Boardmember Cameron:** Okay, that's fine. I would just say "if a function is not scheduled the banquet facilities parking lot shall be available to the public during the hours for which" -- whatever we call this person -- "the owner has the exclusive right to use the lot."

**Boardmember Dale:** Because Chase controls the lot during the hours that it's not under the lease agreement. You can't invite the public in. I was wondering. They can use the lot during those hours when there's no banquet facilities there for customers of the restaurant. They can refer their customers.

**Chairperson Speranza:** Anybody.

**Village Attorney Stecich:** But somebody had said . . . I think that was you, Jamie, that said it should be available to the rest of the restaurant. But I can remember saying that prior people can use it.

**Boardmember Cameron:** You're right. It would have been better.

**Village Attorney Stecich:** So it's not just restaurant users; it's anybody.

**Boardmember Dandridge:** Let me know when we're ready to talk about number eight.

**Boardmember Cameron:** Go ahead. I want to talk about eight.

**Boardmember Dale:** Well, wait. I got six first.

**Boardmember Dandridge:** I'll hold off. I just want to make a marker on eight.

**Boardmember Dale:** Did we actually fully agree that we excluded any possibility of their having lunch, serving lunch?

**Chairperson Speranza:** Right now.

**Village Attorney Stecich:** Yes.

**Chairperson Speranza:** They can come back, and they can request that. And they agreed to that when they first came in. I mean, they're the ones who actually said, "Well, we're not planning on lunch."

**Boardmember Alligood:** They actually said people don't eat steak for lunch. I remember that.

**Village Attorney Stecich:** At the end of the last meeting you asked them, somebody asked him, and he said no. And then he said, "Well, gosh, if I knew you'd consider it we might have" . . . but, you know, it was too late.

**Boardmember Cameron:** That was Bruce. Bruce was trying to get them at lunch.

**Boardmember Dale:** I think they should be allowed to serve lunch if they so choose.

**Village Attorney Stecich:** But that would have held the whole process up, and they were so eager to have it done that evening.

**Chairperson Speranza:** Again, after a couple of years they can come back to us.

Okay. Seven, everybody's okay? Banquet facilities, time. "*Employees may not park at any time on Maple Avenue.*" And we're okay? We can say that?

**Village Attorney Stecich:** He tells them.

**Boardmember Cameron:** He tells them.

**Village Attorney Stecich:** It says: "*The owner shall be responsible for enforcing those parking requirements.*" So let's say an employee is parked there. I don't think the police could give them a ticket. But they could go to him and say, "Hey, listen. You're supposed to keep your . . ."

**Chairperson Speranza:** And then they can say, "My car was there on Saturday when I went to the market, but I didn't work Saturday. I'm there because I wanted to go to lunch."

**Village Attorney Stecich:** That's actually pretty easy to enforce. I represent the property owner at the Starbucks, and I'm always snitching when I see employees parking there. And then they talk to them, and then they don't park there anymore. It works.

**Chairperson Speranza:** Okay, eight.

**Boardmember Dandridge:** It leads into eight, actually. I was just curious about what the parameters are about this. "*An off-duty police officer, paid for by the restaurant, shall be posted in the area of the restaurant to monitor and/or control.*" So any time they're having a function?

**Village Attorney Stecich:** Where that came from, I'm not totally comfortable with either.

**Chairperson Speranza:** This was the Safety Council.

**Village Attorney Stecich:** But Patty said you preferred the wording of the Safety Council, so I just took the Safety Council. . .

**Boardmember Cameron:** And this is their wording?

**Village Attorney Stecich:** Yes.

**Boardmember Cameron:** The problem with this is when can the effects of potential traffic congestion be determined? It could be three years from now or four years, and who determines it?

**Boardmember Dandridge:** There's a process and a substance issue there. What's the process for determining, and what's the criteria around the substance?

**Boardmember Alligood:** Right. And what if it's determined that it works just fine as long as the traffic's being controlled. That's the key issue. It may work beautifully as long as somebody's directing traffic. So how do you determine when they can stop paying this person, or how often they need that person? It's tricky.

**Boardmember Dandridge:** I'm just not sure what they're trying to get at here other than to have an effective third-party Village monitor. But they haven't really given them enough clarity or guides as to what they're supposed to monitor, for what duration, and report back.

**Boardmember Dale:** "They" is us.

**Boardmember Dandridge:** No, this came from the Safety Council.

**Village Attorney Stecich:** This is what I had before. I changed it, but it is somewhat different. In some ways I think it is better because this just says that somebody's going to be posted there until the effects are determined. So you determine these are the effects, and then what. What I had was: *"If the Village determines it necessary, it may direct the Hastings-on-Hudson Police Department to monitor and/or control traffic and parking associated with 555 Warburton, and the owners shall reimburse the Village for the cost of such monitoring or control."*

**Chairperson Speranza:** And the issue I had with that is, the Village has already determined that they want to have somebody there.

**Boardmember Cameron:** Or you just say: "The Village may, from time to time, request that. . ." or something along that line.

**Village Attorney Stecich:** But we'll put them both in. Make it part of the same thing: ". . . until the effects of the potential traffic congestion can be determined, an off-duty police officer . . ."

**Chairperson Speranza:** Maybe "as determined by the Safety Council." Because I got the impression the Safety Council wants it, and I think it's appropriate. The day they have their first function I think there should be somebody there, that first day. I don't know if it was in there as ". . . from time to time the Village may request . . ." How is that going to happen? How is the Village going to know that, hey, we've got a function coming for 120 people?

**Boardmember Dale:** It seems what we really want to say here is that if traffic congestion becomes a problem, then we want to have an off-duty policeman there.

**Village Attorney Stecich:** That's one thing. But this is saying something different. There's two different things here.

**Boardmember Dale:** He's right about how do you determine whether or not it's a problem. And you're saying you keep a policeman there until he determines that it's not a problem.

**Boardmember Alligood:** Do we need to have some sort of description of what information goes where? So in other words, if the Police Department and the Safety Council say we've determined an impact that needs either ongoing assistance or needs modification in some way that it says that that information comes to the Planning Board so the Planning Board can act on it. Because right now what happens? The Police Department then directly tells the owners they have to make a change. It's a little unclear as to who makes the determination, how does the information get passed along. The process piece is confusing.



**Boardmember Logan:** I was wondering if we could piggyback notification to the Village. When they send out the invitees a letter saying that there's going to be a function, the Village could be alerted -- so we don't have to be on-call.

**Village Attorney Stecich:** But see, I don't think it's just the functions. I think there could be issues just from the restaurant. Let's say it was a really popular restaurant. I mean, I think the functions are probably going to be less trouble because they have parking dedicated to that. I think the more likely problem might be, let's say, it's a really popular restaurant and a lot of people start coming at the same time.

**Boardmember Dale:** I would welcome that. I would truly welcome that.

**Chairperson Speranza:** And it never even occurred to me.

**Village Attorney Stecich:** Everybody would welcome that, but that's not the point. The point is if you need traffic control and parking control. That's when you would want it.

**Chairperson Speranza:** See, it never even occurred to me that it would be for the restaurant. I always thought it was just when there's a function.

**Boardmember Dale:** It's just the use of the lot.

**Village Attorney Stecich:** Is that clear from the Safety Council? Maybe I'm reading it a different way.

**Chairperson Speranza:** Isn't that funny?

**Boardmember Logan:** I don't see how this is any worse than every time the train gets out -- the 6:10, the 7:20, or whatever -- down Southside Avenue. That's the worst situation that we're going to have at the Hastings House. I think we have to be careful about putting overly onerous conditions on owners who are trying to inject life into the downtown. We should be helping these people, not putting up obstacles.

**Boardmember Cameron:** I think we've got to figure out what we're trying to do. Even if the policeman gets there and decides we have congestion, what are our powers to do something about it? I don't see them. But it seems to me that, first of all, this language -- and I know it comes from the Safety Council -- says ". . . *until the effects* . . ." That really isn't what we want. Because I think we know that for the first six months, a year, nine months it's probably a waste of time to have a policeman there.

**Chairperson Speranza:** Are you talking about for the restaurant or when there's a function? Because I'm thinking when there's a function.

**Boardmember Dale:** I think the intent here was about the function.

**Chairperson Speranza:** That's what I thought.

**Boardmember Dale:** I think the clarity is that when the restaurant first opens, it was going to be a short period of time when people arrive there's likely to be a little bit of congestion. If it's problematic, then you need somebody to direct that traffic. And the valets aren't going to direct traffic. You need an off-duty policeman, with authority to stand out in the street and direct traffic for the half-hour it takes to get all those cars into the lot. And then it's over.

**Chairperson Speranza:** That's what I was thinking.

**Boardmember Logan:** Exactly.

**Boardmember Cameron:** The first part of the sentence is that the person who determines when the effects have been determined is the Police Department. So the person's only out there until the Police Department makes that determination. The first part of the sentence clearly leaves it to the Police Department for how long they're going to be there.

**Boardmember Dale:** I think we could write it that way. That's why I was saying, if there is a congestion problem, that we would like to have an off-duty policeman to direct traffic. And let the police determine whether or not there's a congestion problem.

**Chairperson Speranza:** You mean at that time.

**Boardmember Dale:** At that time.

**Chairperson Speranza:** See, I don't know how that would happen, though. Only thinking realistically, if it's 6 o'clock on a Saturday evening and you've got 120 cars coming in, or 80 cars or 40 cars or whatever it is, and suddenly there's a backup at these intersections they're not going to find somebody off-duty. It's going to fall to whoever is on patrol that night, for that 15 minutes, to get people into the lots.

**Boardmember Dale:** So the first time that actually happens, going forward from that, we'll require them to have somebody there to control traffic. It'd be their responsibility.

**Boardmember Cameron:** How about if we say: "If the Village Manager is concerned that we will have a congestion problem he can require the owner to post a policeman." Put it to the Village Manager.

**Village Attorney Stecich:** What about kicking this back to the Safety Council?

**Boardmember Dale:** No delays.

**Chairperson Speranza:** We could have it here that the applicant will meet, prior to the opening of the restaurant, with the Safety Council to discuss the logistics of traffic.

**Village Attorney Stecich:** There are a couple of problems. One, I don't think we really know. And number two, I don't really feel comfortable imposing this responsibility on our Police Department.

**Boardmember Logan:** We've got limited resources as it is.

**Chairperson Speranza:** That's why the Safety Council did it.

**Village Attorney Stecich:** No, that's what I'm saying. Why don't we have them meet with the Manager, meet with the Safety Council, before the opening of the restaurant. Or meet with the Safety Council and the Police Department or something like that to work it out. Because they can understand how to make it work.

**Boardmember Dandridge:** I think there is some inherent logic to that. Because if there is some periodic meeting between the restaurant owner and the Safety Council, the restaurant will have a sense of how business is doing. And if he starts to determine that it's more successful faster than he might have ever imagined, and he started to see higher levels of reservations or higher bookings for some of the banquet events -- where he knows he's going to have four valets because he exceeds that number -- that's just an objective measure. We

would think the higher the bookings and the higher the banquet totals the more likely we're going to have an issue.

So if we give it to the Safety Council, where there's some periodic meeting, it's their jurisdiction to start to look at it and to work with the Police Department to come up with a meaningful solution -- and that we've given them some guidelines to work with.

**Boardmember Logan:** I like that.

**Chairperson Speranza:** The Safety Council's not still here, is it?

**Village Planner Witkowski:** One suggestion. What about when there's a large funeral, how is that handled. Because if there's a large funeral there are police there directing traffic. So if they're going to have a large function, couldn't they just handle it the same way?

**Chairperson Speranza:** That's something that they can determine: the Safety Council, the Police Department, and the restaurant owner.

**Village Technology Director Zaratzian:** The legacy of Anaconda still sits with the Police Department. There is what's called -- I just talked to the desk officer -- "post seven," which was established, I think, for the workers to come up the street and cross Warburton. There's still an officer weekdays who's posted basically right across the street from the restaurant who will be there until 7, 7:30 weekdays. Weekends, there's an officer who walks the street who will observe any traffic issues, as well. So if it does become a problem, they'll be notified, the police will take the appropriate action as they always do, and it will be fixed.

**Boardmember Dale:** We really don't need to address it at all.

**Boardmember Cameron:** Except paying for it, I think.

**Boardmember Dale:** That's the role of the police officer on duty.

**Boardmember Cameron:** That the Village pay for it.

**Chairperson Speranza:** I think we should take this back for the Safety Council and the applicant. The applicant should meet with the Safety Council prior to the restaurant opening to work out . . .

**Boardmember Dandridge:** Some parameters.

**Chairperson Speranza:** . . . traffic control or traffic monitoring details. And if it turns out that the police officer who is there can just handle it, then that's fine, that's within the normal course of duties. If it turns out that somebody needs to be there specifically for that lot, well, then, the restaurant's going to have to pay somebody to come in. Good?

**Boardmember Cameron:** So we're going to say something along the lines that prior to the opening of the banquet facility the Safety Council and the owner shall agree to guidelines concerning the utilization of off-duty monitoring.

**Chairperson Speranza:** Traffic control, whether it's on-duty or off-duty -- I mean, if it's not really a big deal.

**Boardmember Cameron:** And we can say the Safety Council will monitor and adjust those guidelines as appropriate. Okay.

**Chairperson Speranza:** Okay, nine: loading spaces.

**Boardmember Cameron:** Could I just ask about nine? I think that should happen, but they are not able to mark the spaces or to erect the signs -- the Village does that. So we could put it in here, it's going to happen.

**Village Attorney Stecich:** The reason I thought it should be in here is it was not . . . what I did was, I went and compared everything that Christina had said they were going to do, to whether it was on the drawings. And most everything was on the drawings, but this happened not to be. It says "*must be marked.*" It doesn't say they have to do it. Then they have to arrange to have it done because it's the Village that does it.

**Boardmember Dale:** You just add "by the Village" -- the marking.

**Chairperson Speranza:** Prior to them, it's got to be done -- if it's the Village, whoever.

**Boardmember Dale:** Well, they're not going to do it. I mean, they can pay the Village to do it.

**Chairperson Speranza:** They can pay the Village to do it.

**Boardmember Dale:** The Village has to do it.

**Boardmember Logan:** Yes, but you don't want to hold up the operation of the restaurant just because the logistics of the Village . . . "Well, we have this contractor who does it, and he's busy now, we can't get the markings on for six months."

**Boardmember Dale:** It's winter. He can't paint the sidewalks.

**Village Attorney Stecich:** Then they've got to go fast enough. Because you can't have the trucks there and the delivery stuff without it being marked. I mean, that was, at least for some of the members, a big deal.

**Boardmember Dale:** But there are deliveries there now, as I understand, to the health food store.

**Boardmember Logan:** We have to say it's by the Village.

**Village Attorney Stecich:** But there are going to be a lot more deliveries to a big restaurant than there is to Food For Thought.

**Boardmember Dale:** During the course of the day, you're going to set hours, I assume, between 10 and, say, either 4 or 5; before the commuting starts.

**Village Attorney Stecich:** I asked them what time, and they said 4 o'clock if that's okay. And I had a little bit of concern about would that interfere with school bus/school traffic or whatever. Christina said she's on that street, and there never is any.

**Chairperson Speranza:** I was going to say there's at most two school buses.

**Village Attorney Stecich:** There's not. So if 10 and 4 works for them, that seems reasonable.

**Boardmember Cameron:** Well, the school comes down North Street and then turns down Maple.

**Village Attorney Stecich:** It's one block, yes.

**Boardmember Dale:** I actually thought at 5 because the commuting doesn't really start until after 5.

**Village Attorney Stecich:** They said 4.

**Boardmember Dale:** I don't think the trucks deliver late. But that can get delayed because of a late delivery somewhere else.

**Village Attorney Stecich:** Wait a minute. Let me make sure I have the right language on eight: that "*prior to the opening of the restaurant, the owner or manager shall meet with the Safety Council to work out guidelines for traffic monitoring. The Safety Council may adjust those guidelines as appropriate.*"

**Boardmember Cameron:** I'd only have the word "written," but that's all I would do. The word "written" guidelines. I just think it's good to have them in writing.

**Chairperson Speranza:** I think it has to be part of the Safety Council report. They meet with them, and it's going to be part of their meeting and it will be in there.

#### **IV. Discussion**

##### **1. Year End Review & 2009 Work Program**

**Review of Issues on which to continue discussion from 2008 and set potential target dates for each item of discussion in 2009 Regular Meeting Schedule below.**

<b><u>Meeting Date</u></b>	<b><u>Discussion Item</u></b>
January 15, 2009	Retaining Walls Regrading of property Affordable Housing Issues 2008 Review & 2009 Work Program
February 19, 2009	Greening the Village Code
March 19, 2009	
April 16, 2009	
May 21, 2009	
June 18, 2009	
July 16, 2009	
August 20, 2009	

September 17, 2009

October 15, 2009

November 19, 2009

December 17, 2009

**Chairperson Speranza:** I distributed to everyone, and I will have it emailed to everyone, a draft of a memo to go to the Comprehensive Plan Committee summarizing the things that we talked about with respect to the items that we want to think about and undertake as our formal schedule permits. You can see, when Angie put together the agenda it's one of the things she's added for the meeting dates to kind of put a little discipline to us. Notice that tonight we're lucky because there are no real applications before us. So obviously we won't be able to handle a topic at every single meeting, but in any case it kind of gives us something to shoot for with respect to undertaking some work.

Again, take a look. I tried to capture everything that we had spoken about to put in the letter to the Comprehensive Plan Committee. Like I said, I will email it to everybody -- and just get to me with any comments or changes or additions. Jamie, I think you said that you had something else that you wanted to make sure got added to this, or to the discussion. First, it was a number of the topics we wanted to look at -- the greening of our code, and the lighting and soundproofing.

**Boardmember Cameron:** One of the things you and I talked about is agreements for paths and trailways. I now have four such areas that have gone into effect in Westchester.

**Chairperson Speranza:** Great, good. So we'll definitely take it. We'll make sure that gets on. We'll put that as a goal and give it a specific date because that's good. A lot of times you don't know very far in advance that we're going to have a very light meeting. I mean, there were a couple of things that I really thought were going to be coming before us tonight, and as it turned out, "No, we're not really ready, we've got a few more things," or, "Well, my client was out of town for the holidays." So it's surprising that we had some time. It's good, but sometimes the agenda can be a little unforeseen.

As part of the memo with respect to the issues, Angie did prepare this summary document for us: what we've been doing, what the applications were 2007 - 2008. Angie, if you just go through it I can tell what kind of an item we had, what things were actually on the agenda. I'm a little confused about the next column, the subdivisions.

**Village Planner Witkowski:** What I did was just put typical things that the Planning Board would have some action on. So it would be a subdivision or resubdivision, and then site plan, accessory apartments, view preservation, steep slopes. And then I put "Other" because

there was a special permit because of the MetroPCS application. So down where that was on the agenda in September I put, under "Other," "Special Permit Approved." I wanted to be able to tally it somehow, and just because it was on the agenda doesn't mean that there was an action. I mean, you can't say that we had 18 site plans when there were only seven. That's why I wanted to put on what the agenda item was, too, so that you could see what the particular case was.

I'm trying to do it back to 2004, when I first started. I thought it would make any research a lot easier. When we want to look back and see what happened in a case, you can go back and see when it started. In a lot of cases I had to go back and look at the minutes to see when it was actually approved.

**Boardmember Dale:** Your intent is to create categories of what our work breaks down to?

**Village Planner Witkowski:** Right. But see, subdivisions, site plan, accessory apartment, view preservation, and steep slopes -- those are the most typical kinds of situations. Then that leaves "Other," and then in "Other" I would put right next to that particular case what action was taken.

**Boardmember Dale:** So instead of steep slopes, it would be something more like code review.

**Village Planner Witkowski:** Well, there was one steep slope approval.

**Boardmember Dale:** But now you've proposed another issue.

**Village Planner Witkowski:** And that's why I have, on the individual agendas, what was discussed. I put on all of the agenda items. So under "Other," the idea of this was just to be able to follow cases through and see how long it took to get one from the beginning to the end, and also to make it easier. That if you needed to look further into it, you go back to the minutes and know which one. Because right now, whenever I've had to look back at the minutes I have to check the agenda, too. So this way it's all in front of you and you can just run back through. It sort of inventories it, if you need to get more detail.

But what I want to do also is put maybe items of discussion and what things were discussed, or maybe issues that came up in some of these cases. I just wanted to have at least a good start to it, and this was just mainly to have the actions.

**Boardmember Dale:** What I'm saying is, I'm totally in agreement with what you've done. But I would have suggested, at least on that one item -- steep slopes, where it shows up under the actual agenda item -- that should be a more generalized category like code review. And then, just in that box it criss-crosses, what happened -- was it a discussion, an approval.

**Village Planner Witkowski:** Right. And the only place where it was, there was one steep slope and that was the one in October of 2008; one steep slope approval.

**Chairperson Speranza:** You know what? What I'd like to suggest is maybe you just make the "Other" column larger.

**Village Planner Witkowski:** I see what you're saying. That makes more sense.

**Chairperson Speranza:** Then that'll cover several things.

**Boardmember Cameron:** The problem right now, when you look down the steep slope column, except for once where you have "Disc" it looks like we didn't do anything.

**Boardmember Dale:** I think steep slopes should be a category.

**Boardmember Cameron:** What you could do is have a bigger category, and then in that you would go "Steep Slopes, Disc" if that's what you wanted to do.

**Village Planner Witkowski:** I'll just combine the other column with the steep slope column, unless we want to put SEQRA in there.

**Chairperson Speranza:** SEQRA is always going to be related to either site plan, subdivision, or special permit.

**Village Planner Witkowski:** I started to do that, and that drove me crazy.

**Chairperson Speranza:** Let me make sure that I'm reading this correctly. It says "Site Plan - Eight."

**Village Planner Witkowski:** There were eight site plan approvals.

**Chairperson Speranza:** They were different.

**Village Planner Witkowski:** Yes, they were different.

**Chairperson Speranza:** Eight site plan approvals, a special permit, four view preservations.

**Boardmember Cameron:** Only four view preservations?

**Boardmember Dale:** I assumed everything was view preservation.

**Boardmember Cameron:** Oh, I see. There's seven in 2007.

**Chairperson Speranza:** And if something was site plan with view preservation, how did you categorize it?

**Village Planner Witkowski:** Both. I put "Recommend Approval" or whatever. And then on a couple of them I was able to follow up to make sure the ZBA had approved it. But then I got involved with some other stuff and had to get back to it.

**Chairperson Speranza:** This is very good.

**Village Planner Witkowski:** I've got the 2005 - 2006 almost done, almost tallied. And then I'll go back to 2004 or 2003. I noticed that when the MetroPCS thing came in that I had to spend a lot of time going back to the AT&T one and digging out minutes. If I had something like this it would have saved a lot of time, just to be able to go back and see when it was on the agenda in the past.

**Chairperson Speranza:** If I could ask -- I mean, that's fine and I can understand if you want to do that in the time frame that you were here -- if you could make the change with respect to this column. Because I don't want to hold up getting the information to the comprehensive plan. I don't think they need to go all the way back. But I think this is a document that I can attach to the memo to them for '07 and '08.

**Village Planner Witkowski:** I'll just change it.



**Chairperson Speranza:** If you could make that change, then I'll forward it on when I hear comments on this memo.

**Village Planner Witkowski:** That's why I wanted to get this one done for tonight, so you could let me know what you wanted changed on it. So I'll just go ahead and do that, and then I can email it to you tomorrow.

**Chairperson Speranza:** That's great.

**Village Planner Witkowski:** I can make a copy for you.

**Chairperson Speranza:** You can email it to me.

**Village Planner Witkowski:** Because it really has to be on the 11 by 17 paper.

**Chairperson Speranza:** You know what? Email it to me because I'm going to wait for comments from the Boardmembers on the transmittal memo to Kathy. And then you're going to end up sending it over to Kathy anyway with copies for all of the . . .

**Boardmember Logan:** Under the "Other" column, I'm trying to think. It seems like we spend a lot of time on the safe routes to school. There have been a lot of other discussion items. If they have a column that they could be reflected in, maybe that's the other column. It seems like it's extremely good that, at a glance, we see what we've done.

**Village Planner Witkowski:** Maybe what I could do is just change "Steep Slopes" to "Other Actions," and then put "Discussion Items."

**Boardmember Cameron:** "Steep Slope - Other," I'd make the single column and call it "Other." And then in the wider box you type in "Steep Slope" or you type in "Safety Council" or whatever.

**Village Planner Witkowski:** That's what I mean. All I'm saying is that I can change the "Steep Slope" and just say "Other Action," and then list what those other actions are in whatever the case is. And then have one, where it says "Other" now, just say "Discussion Items." Then I can list those there.

**Boardmember Cameron:** Because an awful lot of what we do, actually -- which may be something that should go in the memo, Patty -- is that we often spend a lot of time discussing things that actually never happen. And not that we're trying to attack it and make it look like we're doing a lot, but we did do a lot of things that impact: the developer abandoned, or it didn't happen.

**Boardmember Dale:** Some of the referrals to the Board of Trustees about issues, did we like the plan or not. It's not ours to rule on.

**Chairperson Speranza:** And often times the applicants hear what we have to say and they don't come back or they don't come back for another year or two.

**Boardmember Logan:** Also, any time we make a motion or a resolution -- for example, in this case of the Hastings House -- I guess that's site plan approval. But other times we've been asked by the Board of Trustees to render an opinion on something. Those ought to be somehow highlighted.

**Village Planner Witkowski:** I have them on the agenda items -- like "Recommendation to Village Board" -- and then I had "Proposed." So I picked it up from the agendas. Then I'll

just list it over on the other side so it highlights it more. So you're basically tracking the agendas rather than thumbing through the minutes.

The idea was, if you're looking for something, you've already got the agenda and what was covered in that agenda so that you can go back to the minutes if you need more information. So for instance, when I was doing the research for the MetroPCS I had to go through just tons of agendas in the hard copies because there were people who weren't around when it went on, or they couldn't remember exact dates. So I had to go back through, and then go through the minutes and read the minutes from those minutes to highlight what needed to be done. So that's where it really saves some time.

On the bottom, when it says you did the community vision plan, there was an update done to that. Didn't you, like a couple of years ago, assign each of the Planning Board members -- I guess the only one who is still here is Bill, and Fred would have been on -- where you each had a section that you updated?

**Chairperson Speranza:** It may have happened at a meeting.

**Village Attorney Stecich:** You were so surprised by how much of this stuff had been done.

**Chairperson Speranza:** I remember we went through it, and it was surprising.

**Village Attorney Stecich:** It just seemed that maybe there should be some reference to that because it wasn't just like we did this thing in '98 and let it sit there. There were a few meetings you talked about it, and everybody had an assignment on one of the chapters, and you were sort of where are we on it?

**Village Planner Witkowski:** Yes, I remember that, too.

**Village Attorney Stecich:** I think that's worth mentioning.

**Village Planner Witkowski:** You sort of had that to-do list.

**Chairperson Speranza:** I remember that we talked about that a lot had gotten done. And you know what? We might have all gotten assignments.

**Village Attorney Stecich:** I can remember, for some reason, David Hutson sticking in my mind about his update. But anyway, that's probably worth mentioning if you could find that.

**Boardmember Cameron:** I think one other thought is that occasionally we have a Board meeting and it's not on the agenda but Patty announces that something's coming. You might write that on your copy of the agenda so if you're using the agenda for creating these things we don't miss something because you're not going through the minutes.

**Chairperson Speranza:** So people, get back to me. But what I would like to do is get this transmitted by the end of the month. So I need your comments before January 31st. That would be good. See, wasn't that good? I got an early train home tonight. Really, very organized.

**Boardmember Logan:** So you're going to email us all something?

**Chairperson Speranza:** I'm going to email this draft to you. Mark it up, do the track changes and stuff.

**Boardmember Cameron:** For ease of distribution of this you can make it into a spread sheet, which it already is, and put pagination in it with headings on each page. Because it's only as wide as a page, we can just print it sideways.

**Village Planner Witkowski:** It took a long time just to get this to fit on two pages for this and two pages for this. I don't want to change it too much. I think it's just a matter of making this last column a little wider to put "Other," and then list those different things. It just took forever to get it to print on two pages each.

## 2. Retaining Walls - Excavation

**Chairperson Speranza:** Okay, I'm going to turn this over the Marianne.

**Village Attorney Stecich:** To me?

**Chairperson Speranza:** To you. Excavation, retaining walls. I'll start the initial. As a result of when we did the steep slopes work, one of the things that we never addressed were retaining walls. We thought one of the consequences of steep slopes was the idea that people end up with a very large retaining wall as a result of the grading of the steep slope. We never, as part of that, put forth any standards with respect to how high a wall should be or shouldn't be; whether or not we should consider terracing of the slope so that there are smaller retaining walls. And along with that -- and this is something I admit to having very, very little knowledge about -- the whole regrading. We, right now, just had this excavation section in our code, which is fine for someone who wants to dig a trench or open up the street.

**Village Attorney Stecich:** And it doesn't put any limits on it. It just says to do it.

**Boardmember Cameron:** It's only under streets that this applies.

**Chairperson Speranza:** Marianne and I were talking. You had mentioned that you knew Croton had done something, and Mount Kisco, which is why we have those.

**Boardmember Alligood:** But what we got wasn't about retaining walls.

**Village Attorney Stecich:** No, that's a different thing. It's about excavation and fill. It's something that Deven's brought up a couple times as an issue.

**Chairperson Speranza:** The regrading.

**Village Attorney Stecich:** He said we really need something totally separate from the retaining wall. We started on the retaining wall. Remember, Bill, there was a discussion like it could be so high, and if you were going to have another one it had to be a certain distance between? Yes, they're connected, but it is a different issue. You know, I do remember there were some statutes we were working from. Right, Bill?

**Boardmember Dale:** I recall that as well.

**Village Attorney Stecich:** There were some statutes we were working from on retaining walls. There wasn't anything on our own code, but there was some stuff in other codes sort of about stepping, and how high they could be. But those, we could dig out.

So they're related, but this whole excavation and fill can be a real issue. Really, you can have serious regrading of your property but it's not big enough maybe to create a steep slope because the area's not big enough. And you would want that. Right now, somebody could come and put fill in. How do you regulate what's in the fill? I mean, maybe through the DEC or something like that, but we don't have anything in the code on it. And that's why Deven is suggesting it be there. I don't remember it coming up in Hastings. It wouldn't have come past me because it's not in the code.

But on my own property, I have a big piece that slopes really severely in the back, as do the other three houses on the lot. And at some point -- oh, years ago -- the person next to me had trucks and trucks every day coming in of fill, and totally changed it. I'm in unincorporated Greenburgh. I called Greenburgh, and there's no law because it was under an acre or something. That doesn't sort of matter because it's down in the woods, but it could. It could make a difference. It really changes the drainage, it changes the way the plants grow. There were times -- I don't know what it was -- it was like fumes coming out of it because you have no idea what's going on.

**Chairperson Speranza:** What's in there, right.

**Village Attorney Stecich:** So fill should be regulated. It may be fine, but it should be regulated. And right now we don't have anything. I took a look at these two statutes. Did anybody look at them?

**Boardmember Cameron:** I did, yes.

**Village Attorney Stecich:** I mean, one says "Excavation and Fill," but it didn't say much about fill. You know what? I think it would probably be helpful to talk to Deven about this, too, because he keeps sending me emails saying, "So what's the Planning Board doing about excavation?" Because we've sort of talked about maybe we'd get to it. But it might be helpful.

**Boardmember Dale:** Are there specific problems that have surfaced in the Village that made him think that this . . .

[crosstalk]

**Village Attorney Stecich:** I imagine . . .

[crosstalk]

**Boardmember Logan:** Well, we have to raise the whole waterfront. It would put 4 feet of clean fill over the entire thing as part of the remediation plan.

**Boardmember Alligood:** I thought of that, too, yes.

**Boardmember Logan:** That's a lot of fill.

**Village Attorney Stecich:** Although that's probably regulated by the consent decree.

**Boardmember Cameron:** Clean fill. And I would ask Deven to suggest language. He may be familiar with this.

**Village Attorney Stecich:** Yes. He's the one, I think, who suggested the Croton code because maybe he worked with it while he was on the Planning Board there. But I think Bruce's question's a good one: what are the issues? We may well have different issues than Croton. I noticed in Croton that the area that's regulated is pretty big -- 5,000 square feet, which is a lot.

**Boardmember Cameron:** And the one that really caught my eye is 5,000 cubic yards of dirt. That's enormous. I mean, it'll cover an acre 3 feet deep. If you have less than that you don't need permission, by the way.

**Boardmember Logan:** Front fill in cubic yards 3 feet deep is only an eighth of an acre. An acre's 40,000 square feet.

**Village Attorney Stecich:** So that's the 5,000 square feet, but it's still kind of a lot.

**Boardmember Cameron:** No, these are cubic yards.

**Boardmember Logan:** Well, that's 3 feet deep.

**Boardmember Cameron:** Right. And then it's got to be two numbers you multiply together, which add up to 5,000 times three -- so 15,000.

**Boardmember Logan:** So it's almost by nine.

**Boardmember Cameron:** It's exactly by nine.

**Boardmember Logan:** It is an acre.

**Boardmember Cameron:** Yes. I sat down and calculated it.

**Boardmember Logan:** You're right.

**Boardmember Cameron:** That's a lot of fill.

**Chairperson Speranza:** And these do seem to be very, very onerous. I think it's important when we speak of the projection of the adjoining properties. But some of these other things, I think you're right, are just for massive projects. And for some reason Croton had -- I don't know -- the Croton Point landfill.

**Village Attorney Stecich:** Mount Kisco's much smaller, a much smaller area regulated. So in some ways it's simpler, but it's going to bring a lot more applications which you may want. But there, it goes through the village engineer. They had an engineer and the building inspector in Mount Kisco.

**Chairperson Speranza:** Okay, so we should find out from Deven what the issues have been.

**Village Attorney Stecich:** So maybe should I ask whether he can come to the next meeting? Do we have a lot of stuff on the agenda? Probably not.

**Chairperson Speranza:** There may be one or two. We'll know better in two weeks.

**Boardmember Dandridge:** Only because it's winter.

**Boardmember Cameron:** Yes, it would be useful if he did come up with what he thinks the issues are. Because here we have a building inspector who's asking us for such a law. So he thinks there's some need for it.

**Boardmember Dale:** There very well may be. I just would like to be able to respond directly to them.

**Boardmember Logan:** Contaminated fill.

**Boardmember Dale:** What is it? In Croton, this is very strong: “. . . *no changes except where absolutely necessary in order to permit the proper and appropriate use of the land and water.*” What are those things -- “*proper and appropriate use[s]*”? Who's the judge and who's the jury? What are they responding to?

**Chairperson Speranza:** And right now we don't have a role. Well, because the excavation has nothing to do with it.

**Boardmember Dale:** It's not the same thing.

**Village Attorney Stecich:** There's no regulation. So you need something, but you want to know what kind of regulation will depend on what the problem is.

**Boardmember Dale:** I suspect that if there's this case you described, where you might have a steep slope and somebody decides to level it off to make it more usable, and then . . .

**Chairperson Speranza:** And it doesn't come under the Steep Slopes Law.

**Village Attorney Stecich:** Right. It can cause drainage issues -- mainly drainage.

**Boardmember Dale:** We may be covered in the drainage issue in the other reviews, but I would like to see . . .

**Village Attorney Stecich:** No. Because, again, the threshold's quite large.

**Boardmember Dale:** It's really a void in the code.

**Village Attorney Stecich:** Yes. It's a pretty good threshold for the drainage stuff.

**Chairperson Speranza:** You mentioned drainage. Is that at all related to the stormwater management law, the laws that were passed last year?

**Village Planner Witkowski:** That would be related to it.

[crosstalk]

**Boardmember Cameron:** They have a whole bunch of policy things that relate to drainage and water. I mean, look at C and D under “*Declaration of Policy.*” So somehow this has to all be integrated if we're going to adopt something like this.

**Village Attorney Stecich:** But the stormwater, Patty, only applies to . . . I forget, what is it? Five-thousand square . . . a quarter-acre.

**Village Planner Witkowski:** Yes, we said 10,000. So it's not covering everything.

But still, it would be something that would probably be good to put in an annual report for stormwater management if there was something to help with preventing erosion.

**Chairperson Speranza:** Right. It could be one of the actions on our report to the state DEC.

**Village Planner Witkowski:** Yes, it could be an action on the annual report. So it's probably not a bad idea.

**Chairperson Speranza:** So there's a little more information we need with respect to regrading and, certainly, retaining walls. Everybody can see what we had looked at before.

**Village Attorney Stecich:** I'll go through my file and see what I have. If I knew you wanted to, I would have brought the stuff tonight. I had no idea.

**Boardmember Cameron:** We had three or four different examples of no more than this high -- and then this proportion, the next one, the next.

**Boardmember Dale:** It was like 2 feet, 3 feet, step-backs, 3 feet.

**Village Attorney Stecich:** We've seen that issue. We saw it on that one property.

**Boardmember Logan:** The Boulanger parking lot, too, right next to the VFW.

**Chairperson Speranza:** Where they stepped the wall.

**Boardmember Logan:** So it's a scale issue. But we're also seeing it right here, the apartment buildings where they've had to reconstruct that. That was a little bit of a different situation.

**Village Attorney Stecich:** Well, it came up in the Civitano house.

**Chairperson Speranza:** Pearl Street.

**Village Attorney Stecich:** Pearl Street, a really large wall.

**Boardmember Dale:** In Ardsley I saw one that was a retaining wall, and then there was a house...

**Chairperson Speranza:** Oh, in Ardsley? On the curved road leading in?

**Boardmember Dale:** There's this huge retaining wall, and then the house sits right on top of it.

**Boardmember Logan:** Go look at Ginsburg's Livingston Terrace thing from the Dobbs Ferry train station. That's a 100-foot wall.

**Village Attorney Stecich:** A hundred feet?

**Boardmember Logan:** It's huge.

**Chairperson Speranza:** And you would never know it from Livingston Avenue, walking by on the road. You wouldn't know that the rest of it's down there.

**Boardmember Logan:** In some cases it may be appropriate. It's unsightly for a wall.

**Chairperson Speranza:** So we'll move that discussion to February. We'll see if Deven can come, or can at least send us some indication of what he sees as problems with some of this. We'll pull out the old information, or any new information we might be able to get on retaining walls.

### 3. Affordable Housing Issues

**Chairperson Speranza:** Bruce, I don't know if you were at the last meeting.

**Boardmember Dale:** That Affordable Housing Committee, yes.

**Chairperson Speranza:** Thursday. Angie, did you . . . this is on here because you thought there might be . . .

[crosstalk]

**Boardmember Dale:** There is something, but I don't think it's ready yet.

**Village Planner Witkowski:** No, it's not ready yet. They're working on the policies.

**Boardmember Dale:** As part of their response to the Comprehensive Plan Committee, Sue looked at what their mandate is. There were some changes that she felt, in their mission statement, should happen. We discussed those. They're supposedly being drafted in better legal language so it could then be brought to us, and the Board of Trustees as well.

**Village Planner Witkowski:** Maybe next month. Because I know that Brian and Jim were working on it, and they're both out of town.

**Boardmember Dale:** They were supposed to get together, and hadn't, and promised to do so.

**Chairperson Speranza:** Are they looking at -- because I know Sue Smith has mentioned this at one of the meetings -- increasing the amount of affordable housing set-aside?

**Boardmember Dale:** We've discussed it. I don't think that was one of the recommendations, though it may be on larger projects. There's an issue of affordability. Yonkers had a 20% requirement that was imposed on them by the courts. It now has expired, just recently, and their recommendation is to reduce it to 10%.

**Chairperson Speranza:** Even with all the development.

**Boardmember Dale:** Which is what most of the villages have done. Well, there's a big issue in Yonkers, as you know, around affordable housing. But there was a whole series. One of the issues that was of some concern was the property on Farragut, which is going to be undersize by a bit. Does affordable housing have a right in order to . . . not a right, but can there be variances allowed for affordable housing that would not normally be allowed for market rate housing because of the difficulty of attaining sites for affordable housing.

**Boardmember Alligood:** It's interesting. There was an opinion piece, by the way-long ago head of the PRAP planning department who's very involved with county planning issues, saying a lot of the zoning codes in Westchester are so prohibitive in terms of creating affordable housing that he sees it as [crosstalk]. It's actually in the latest metro planning magazine, that that's the kind of thing he's talking about. If your zoning code doesn't allow for the flexibility to create affordable housing, you're excluding [crosstalk]. And intentionally or not, his argument is that it's pretty intentional.

**Boardmember Dale:** Well, it has been historically. And the question is, can we change that.



**Boardmember Cameron:** We have some other issues that have come up in affordable housing, like requiring, in the place on Warburton, that parking be free.

**Boardmember Alligood:** Or even another related issue is the amount of parking that's required. Because that was a question the applicant kept asking: is it necessary to be as stringent with the off-street parking requirements for affordable housing. You could logically assume that not everybody's going to have a car, or two cars; that maybe you would want to reduce that in order to be able to create more affordable housing, to make it more economically feasible, to find appropriate sites. So that's something we could look at.

**Boardmember Cameron:** I'm always amazed just how necessary a car is -- particularly for people who actually don't have that much money -- because they have to go and do a construction job someplace. And it's very hard. I mean, I was doing some campaigning for Obama in Philadelphia in one of the suburbs and it was all Russian and Polish immigrants. I know there were too many people packed in the houses, but you couldn't believe how many cars. Every square inch of every front yard was packed with cars because absolutely everybody had a car.

**Boardmember Alligood:** You couldn't even get through all the cars.

**Boardmember Dale:** We do a lot of development, fund a lot of development, in the Bronx - and particularly in the northeast Bronx, where there's a lot of immigrant housing which is essentially people coming from Latin America, moving into communities where they do buy a lot of two-family houses where they have expanded family and brothers and sisters. They're moving into that community because they work out on Long Island or they work in Connecticut, but want to be able to drive there quite comfortably and yet have the kids attend the schools in the community of their culture and background. So all of those really do have two cars per family.

**Boardmember Alligood:** I think it would be interesting for our own information to find out, with the new affordable housing project that we have in town, how many people have cars. To do an after-study and see, was the parking requirement too onerous or did it meet the need. I mean, it's information we can use the next time we're reviewing a project.

**Boardmember Dale:** There's evidently a lot of vacant spots.

**Boardmember Alligood:** I see a lot of vacant spots. So I have this question.

[crosstalk]

**Chairperson Speranza:** Individuals from the neighborhood will tell you the spaces are empty because people are parking on the street because it's more convenient to get into the building.

**Boardmember Dale:** That's only true for the people who live on the street side, not for people who live on the back side.

[crosstalk]

**Chairperson Speranza:** That's something maybe you could bring up at the next meeting. Just say: is there a way to find out how many people in the complex have cars; just get a sense. I think it would be really helpful.

**Boardmember Cameron:** I would like to suggest that we broaden that study. When I met with the Architectural Review Board, when we were looking at steep slopes and the buildings, we ended up discussing the new building on Main Street. They said, well, they were thinking they might want to go back and take a look at the building afterwards, conceptualize, what they should require and what have you. And maybe we should put together a small team of a couple people from the Planning Board and a couple people from the Architectural Review Board and do a walkthrough of the building and just say, "All right, here are decisions we made as we're going through the approval process. What did we miss? what can we learn from this?" And then maybe a team with a couple people from Affordable Housing to then do the same thing with the Architectural Review Board and the Planning Board, and walk through the affordable housing units just to take a look at them and see what we can learn.

**Boardmember Logan:** Especially the tandem parking at 45 Main.

**Boardmember Cameron:** That's a very good point.

**Boardmember Logan:** See how it's working.

**Chairperson Speranza:** That's something else I'll put on my list.

**Boardmember Dandridge:** Is 45 Main full?

**Village Attorney Stecich:** About half, I think.

**Boardmember Cameron:** And they have no commercial spaces rented?

**Chairperson Speranza:** None of the commercial spaces.

**Boardmember Dale:** It's problematic. That's a real issue.

**Boardmember Logan:** It wouldn't be like that if the economy hadn't tanked.

**Boardmember Dale:** There were no bites *before* the economy tanked.

**Chairperson Speranza:** He did. Forty-five Main Street, for the retail space. Not everything, but he did have a couple.

**Boardmember Dale:** When I spoke to him I don't think he did. He had that open house.

**Chairperson Speranza:** Right. At that point he didn't have any anymore. Before then, I think he had two nibbles. At that point, you're right. He had none.

I don't have anything else for this evening.

#### 4. Miscellaneous

**Boardmember Cameron:** On greening the Village code, I'm sure a lot of you attended the speeches people made on Tuesday.

**Boardmember Dale:** The debate.

**Boardmember Cameron:** I think we all discovered, if you listened to that debate, that all the people running for the town board and for mayor are all environmentalists. There was very consistent discussion. Whether in fact that's what happens, I don't know. But I think it would be good -- since we have on our agenda "*Greening the Village Code*," we really need what other people are doing in this state to green the code. We can all go invent individual things and we all have our special favorite things we'd like to see happen, but it would be good to see comparable things that other communities in New York -- and, in fact, in Westchester, would be best of all, or Putnam -- are doing. I don't know if there is a ready source for that. There ought to be information.

**Chairperson Speranza:** Pace has some stuff, and I know Westchester County, in the planning department. I don't think they have a document yet as far as like best practices for greening the code, but it is something that they are working on, particularly as part of the county executive's climate change committee. So there are some sources. I do have stuff from the APA, the American Planning Association. And it is something where people are becoming more aware.

**Village Planner Witkowski:** The Planning Association has a lot of that kind of stuff.

**Boardmember Logan:** This is Westchester?

**Village Planner Witkowski:** No, the national APA, American Planning Association. The New York chapter, they're doing a lot of stuff on that. They have different committees that work on various issues, and that's a big issue, of course. I know that APA might be doing some work with Brownfield Association and some of the other groups like that. But I can do some looking.

**Boardmember Logan:** If you have a list of references maybe you could email it. I'd be sort of interested in it.

**Village Planner Witkowski:** There's also the Green Drinks. They have a lot of stuff on their Web site.

**Boardmember Logan:** Green what?

**Village Planner Witkowski:** Green Drinks. They get together monthly. It's basically like a networking group, and they have several chapters throughout the country. It's like architects, planners, real estate people. They get together once a month. There's a pretty active one in the city. But they have a Web site where they have a lot of information. They get together at a bar in the city and then they talk about green things.

**Chairperson Speranza:** Green drinks.

**Boardmember Cameron:** Well, we should be looking for what other communities in New York State are doing.

**Village Planner Witkowski:** That's what this group is.

**Boardmember Cameron:** We've got to make it fit in with the New York building code. We're looking for best practices within that.

**Chairperson Speranza:** We got in our packets the whole date notice for the Land Use Training Institute, which are being held in March. I would bet there would be things on that.

**Village Planner Witkowski:** They'll probably have a lot of information on that, I'm sure.

**Boardmember Cameron:** I have a couple of other things which I've just been reminded of. I'll bring them to the next meeting. And that is, I'm on the board of the Hudson River Foundation. We've given several grants recently for communities. And one of the ideas which I find very intriguing, particularly on our village streets, is, they have developed a technique for building curbs through which water can pass. They put this special curbing next to where there are trees, and thus the storm drainage coming down the street, rather than going in the storm sewer, goes in to pits, which they then build next to these trees. It just always waters the trees.

It's two projects which we're doing, and I'll get reports on how they're going. But I think that sort of idea if you're ever putting a new curb in, maybe this is something that would work. I think those were really intriguing ideas going forward in greening our town.

**Boardmember Logan:** Reduce stormwater -- water by absorption.

**Chairperson Speranza:** Exactly.

**Boardmember Logan:** That's a great idea. Is this going to be on the agenda for the next meeting?

**Chairperson Speranza:** Why don't we maybe put that back to March. Because the next meeting we should continue with retaining walls.

**Boardmember Cameron:** It seems that we just put everything on January. We should really literally put one of these in each meeting.

**Chairperson Speranza:** Exactly, right. We wanted to get consensus on topics.

**Boardmember Cameron:** Maybe you might just prioritize them, and then we'd get a little notice that we only have to prepare for one of them, or maybe two, and then we can move forward.

**Chairperson Speranza:** Let me see what I can find out about Deven's issues. Because if those are issues that are now, we should deal with those.

**Boardmember Cameron:** Did we finish off all his issues, or did we leave some up in the air? Remember, we were going through code issues.

**Boardmember Dale:** That was what you and Deven had agreed to.

**Village Attorney Stecich:** I think we got most of it. I can take a look at it. I think we pretty much covered everything. You know what? I'm saying that, but come back. Because we had a bigger list. Let's just deal with the stuff that we thought was noncontroversial and be able to do it in one night without taking a little longer -- because nothing's noncontroversial. There was a broader list. I'll take a look at it, but a lot of them did relate to these same issues. It was excavation, fill, and whatever, but I have that in my file.

**Boardmember Cameron:** Because one of these things on walls, we discussed before -- we discussed walls and then we discussed fences. You know, one of the things I think we've seen in this town is that people who have a nice rooftop, they want to sit up there and look down on the river. Then suddenly they put up a wall, and it could even be in a view area. Suddenly we have a 6-foot wall on top of a house which was already as tall as it should be. You know, we're going to run into that in safety issues. Maybe we should be thinking about no, you can't put up a fence, but for safety you can put up a fence providing you can see through it. I think we should put some thought into that because I think we can't go around this town monitoring people. People are just going to put fences up.

**Boardmember Dale:** You're talking about on a roof? But doesn't the code define parapets?

**Chairperson Speranza:** There's something on the roof. It is in the code.

**Village Attorney Stecich:** You couldn't do that.

**Boardmember Dale:** I'm sure the code defines parapets.

**Boardmember Cameron:** You're not supposed to do it.

**Village Attorney Stecich:** No, you can't do it.

**Chairperson Speranza:** If you're at the height.

**Village Attorney Stecich:** That should be brought to the attention of the Building Inspector.

[crosstalk]

**Chairperson Speranza:** You can't exceed the height without going for a variance.

**Village Attorney Stecich:** Right. And you can't have stuff on the roof without Planning Board approval.

**Boardmember Cameron:** But who's supposed to go around with a set of binoculars and report them all?

**Village Attorney Stecich:** When anybody sees it.

**Chairperson Speranza:** New construction. If it's something that's new, if it's a new wall on top of a building that's already at its height, then you're not supposed to do that.

**Boardmember Cameron:** I see that house on Warburton. We gave permission for him to do some reconstruction. He's actually redoing it all -- the one just before Washington.

**Village Attorney Stecich:** No, that had nothing to do with permission. We started a lawsuit against him.

**Boardmember Cameron:** Oh, for not finishing it?

**Village Attorney Stecich:** Yes, 495 Warburton. And I reported to the Board of Trustees the other day, that's one of the first times I'm actually seeing the wheels of justice move. We finally, in the summer, convened the building board and started an action in supreme court to compel him to do it. And then, fortunately, it got assigned to a judge who had a good and attentive law secretary. The other very fortunate factor is that the lawyer that he hired is a very reasonable guy. Instead of just putting up his dukes and saying, "We're going to fight this," he said "is there some way we can work this out?" We've had a schedule. I did go

into the summary judgment motion for the judge, and the judge made it clear to him: "Listen, you better do this stuff or the house is coming down." And then he went and got a lawyer, and he said, "Well, listen. How about if we give him a series of short adjournments." I've been adjourning it either two weeks or one week at a time, and if he gets whatever he's supposed to have done by that date then he gets another adjournment, another adjournment. So it's worked.

Actually, I'd say it's one of the few times I've ever brought litigation that they actually saw it play out pretty well. The deadline was the end of January. There've been some weather issues, so we moved it to mid-February.

**Chairperson Speranza:** For him to enclose it? For him to enclose the house in the front.

**Village Attorney Stecich:** He did get the roof up. There were real issues. He's got a firewall. There was a firewall, I guess, on the Baldwin building because that was newer. But the other building -- I guess, the building to the north, Baldwin's is to the south -- didn't have a fire-rated wall. And his wall came down. That building was at some peril, too. So there's a fire-rated wall up there and the roof is on. The most obvious stuff is the front. It was all framed, and I think he was putting the sheet rock up yesterday and it turned out he was missing two pieces or something and was getting more. Some of the windows are in. But what'll have to be done by mid-February is the façade. What's going on in the building, he's still going to need approvals for.

**Boardmember Cameron:** I know. We've got to keep our eye on where's he's putting his floor joists because it looks like the top floor is very tall.

**Village Attorney Stecich:** There was a question of cleaning it up.

**Boardmember Dale:** So he's building this shell without approved plans for the interior?

**Village Attorney Stecich:** Deven has been checking on the structural integrity of it. There was some interior stuff that had to be done in order to get up to the roof, but Deven's been working on that. He does have an engineer, and Deven's been checking it out with the engineer and going out and doing inspections himself. In fact, before we went into court the last time I said, "Hey, listen. Go in and make sure everything is sound. Because maybe you've got something . . . you don't want it to collapse." So he did go in, and he's comfortable that it's sound construction. It's in the guy's interest. Eventually, I think, the property owner's going to appreciate that a gun was put to his head because it's getting done.

**Chairperson Speranza:** Anything else for this evening?

## **ADJOURNMENT**

**On MOTION of Boardmember Logan, SECONDED by Boardmember Dandridge with a voice vote of all in favor, Chairperson Speranza adjourned the Regular Meeting at 9:55 p.m.**