

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
REGULAR MEETING AND PUBLIC HEARING
MAY 21, 2009**

A **Regular Meeting and Public Hearing** was held by the Planning Board on **Thursday, May 21, 2009 at 8:15 p.m.** in the Municipal Building Meeting Room, 7 Maple Avenue, Hastings-on-Hudson, New York, 10706.

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

ABSENT: Boardmember Dandridge

I. Roll Call

Village Planner Witkowski: Mr. Dandridge is unable to be here tonight.

II. Approval of Minutes:

Meeting of April 16, 2009

Chairperson Speranza: Any comments, changes?

Boardmember Dale: On page 17, in the middle of the page, where I'm speaking, in the second sentence where I say, "*So I've had time, and highly recommend that you try again,*" it should read ". . . so I highly recommend that you try again." Just cross out the "*had time.*"

Chairperson Speranza: That's it?

Boardmember Dale: Yes.

Boardmember Logan: I've got one on page 16, first paragraph, toward the bottom, third sentence from the end: "*You might be able to get away without a roof*" is what it says. It should be "railing."

Chairperson Speranza: That'd be hard, huh?

Boardmember Logan: You can't get away without a roof.

And the next paragraph, third sentence, it says: "*I have porches around my house. I go out there to clean the windows . . .*" It should be, "I go out on the porch 'roof' to clean the windows, and I don't have a railing there -- nobody does."

Village Planner Witkowski: Wait a minute. Where are you?

Boardmember Logan: The second paragraph, page 16, third sentence, at the end of the first line: "*I have porches around my house, and I go out on the porch 'roof' to clean the windows.*"

That's it.

Boardmember Cameron: Page 16, where I'm talking, at the bottom of the page, it says "*Boardmember Cameron*. Second line, it says, "*One street parking spot and giving . . .*" the word "it" should appear -- I-T: ". . . giving 'it,' somehow, to two units of the building.

Then going to page 28, again where I'm speaking, in the second line it says: "*Headquarters of the CIA*," and then that "00" should be struck out. I don't know what that is.

Chairperson Speranza: Double-O.

Boardmember Cameron: Maybe 007, that's right.

And then the third to the last line in that paragraph, where it says, ". . . *never come around again for more 'antennas,'*" not "*attends.*"

And then going over to the next page, after the first paragraph where I'm speaking again. I know what I said, but it doesn't seem to appear here anywhere. It says, ". . . *and you're not volunteering to take down those big, wide, 15-inch antennas,*" and I think I was saying, "with the narrower ones" -- in other words, the ones that are only 10 inches wide, the new ones. But I don't know this wording here. So if you just put the words "with the narrower ones" in there and strike out the words ". . . *that took a new mount, which runs up there XX.*"

And then just so we're clear, the female voice there, I believe, is an employee of AT&T who was attending the last meeting.

Chairperson Speranza: Right. And it should be that they're definitely more narrow -- narrower, or more narrow; small.

Boardmember Cameron: So those are my comments.

On MOTION of Boardmember Wertz, SECONDED by Boardmember Dale with a voice vote of all in favor, the Minutes of the Regular Meeting and Public Hearing of April 16, 2009 were approved as amended.

III. New Business

None

IV. Old Business

Public Hearing, Site Plan and Special Permit View Preservation Recommendation. New Cingular Wireless PCS (AT&T), Represented by Cuddy & Feder LLP. AT&T leased area on roof of Municipal Building at 7 Maple Avenue (Sheet 9, Parcel 97 and Sheet 13, Parcel 109) in PR and View Preservation Districts. Review and approval of Site Plan and Special

Permit for the construction/addition of Panel Antennas and Associated Equipment. Hearing also includes review and recommendations to ZBA, as required by §295-82, on View Preservation.

Chairperson Speranza: We're talking antennas, so we'll move right into the continuation of the public hearing, site plan, special permit, view preservation recommendation for the AT&T antenna installation on the roof of this building. Remember, we did ask for two analyses to be done: one, a structural analysis with respect to the roof of the building, and the other having to do with radio frequencies. Deven, do you want to start with what we've received so far? I don't want to have you go through the whole presentation again.

Building Inspector Sharma: We received from the engineers, Tectonic, the calculation to show the way it's constructed right now is adequate for the additional proposed loading under this application. Our engineer, Jim Gibbons . . . I forwarded a copy of the report to him. He reviewed it, and concurs with the conclusions drawn by Tectonic.

Chairperson Speranza: Thank you. Mr. Comi.

Mr. Comi: Good evening. On May 18th I sent you folks a report on the RF emissions. We were here late last year when MetroPCS went up there -- and we recommended it, and it was approved -- with barricades behind all of the equipment. AT&T is adding three more antennas. As long as the barricades are extended to cover the back of the AT&T equipment the rooftop will be in compliance. I did find out from your engineer that Metro hasn't completed their installation. So right now there are no barricades up there. The other thing I didn't get a chance to look at tonight is whether or not they've put the sign on the door going up to the roof yet, but that needs to be there.

But that's all that really needs to be done is simply extend the barricades to cover the three new antennas. It's really quite simple.

Chairperson Speranza: And there are no concerns with respect to interference of any kind.

Mr. Comi: No. No interference issues, no concerns with any RF emissions as long as they show the strands, and make it obvious where people that, let's say, are maintaining your air conditioning units or whatever are aware where they should go and so forth; realizing that there aren't tremendous people that go up there, but it is public access and that's why it needs to be done. So from that standpoint, this one was a lot simpler than the last one. We did not go do a second site visit. It really wasn't necessary, and there was no reason to do that.

Chairperson Speranza: But you were up there.

Mr. Comi: I was there last fall, so it made no sense . . . no changes have been made, it's only a few months. I did not come down and do a second site visit.

Chairperson Speranza: But did you say you went up there today?

Mr. Comi: No, I did not. I talked to Deven, and he mentioned to me on Monday that they have not finished . . . "they," MetroPCS. So the original barricades we proposed are not there yet because they're not complete.

Anything else? Questions? Thank you very much.

Chairperson Speranza: Boardmembers, any questions about the reports that we've received? The one from the Center for Municipal Solutions and the one from Jim Gibbons? I know there was a response that we received that maybe you want to go through.

Daniel Laub, Cuddy & Feder -- representing AT&T: Just to close the loop on everything that you had received: for the record, saying that we'd received the engineer's report and had no issues with that. And we also received the report from the Center for Municipal Solutions and we had no issues with that. We just wanted to reiterate, as well -- and I think we were kind of talking about it as you reviewed the minutes -- that what AT&T can do as part of their project is actually reduce the size of the existing antennas, replacing them with antennas that are the same type of antennas that are proposed as part of the application so that they'll be uniform in size and will take 4 or 5 inches off the width of it, reducing it approximately a third in width.

We did investigate trying to find other cabinets, and for the technology that AT&T's employing. There are no smaller cabinets available that would suit what they're trying to do here. It would take upwards of probably eight or nine cabinets to serve the capacity of the one that they're using there -- you know, smaller type half-cabinets. So, obviously, eight or nine half-cabinets are not really useful for replacing one cabinet of the size that we're proposing. We did investigate that. I had AT&T investigate that even before our initial public hearing, but I asked them to go back and look at it again and confirmed with them that it's not possible. So we need to move forward with the cabinet that we're proposing.

Chairperson Speranza: My understanding is that you were before the Zoning Board of Appeals at the last meeting. Marianne do you want to go through it? Because I know you attended the last meeting. If you could just brief us on their discussion.

Village Attorney Stecich: There were a number of issues raised by the Zoning Board; a number of issues that came up at the Zoning Board meeting. As you know, it's before the Zoning Board for view preservation. Even though I hadn't finished up with the Planning Board, since it was already on the agenda the ZBA decided to go ahead with it. And then if they saw any issues they could ask the applicant to address them before the next meeting.

Fortunately, I made some notes about what I thought was raised, but I just got the minutes last night from the Zoning Board meeting. So rather than my recounting . . . I won't read you all the minutes, but I highlighted what I think were the relevant issues that came up. One thing was the size of the cabinets. But what the Zoning Board wanted, because the photo simulations they did don't show the cabinets -- they just show the antennas-- the cabinets do come, I believe, above the parapet. Well, they come above the roof. So the Zoning Board asked, before they made their view preservation decision, for drawings with the cabinets on them. Did you bring those?

Mr. Laub: We did not, but we did take photos of Village hall. The area we were discussing is part of the library and the park. Taking the photos, the trees are in the way. You can't actually see that portion of the roof. You can see the existing cabinets, and what you would be able to see is the new cabinets.

Village Attorney Stecich: There were two issues. That's a different issue. They wanted to see photos with the cabinets on them, so that would be relevant from a number of the perspectives.

In addition, they wanted to see additional views of due south, either from the park or that vicinity; the south elevation, the south view, because that's really the most direct and only significant view preservation impact that there's going to be. So they wanted both photo simulations with the cabinet, and then also different views than were presented the last time, looking from the south. So that's one set of issues.

The next set of issues related to whether they could cluster the antennas in the middle of the building, recognizing that it may be higher. But because it would be set further back, it would be less visible. At the time they were having this discussion, they were also hoping they could get together with MetroPCS and do that. I think the Zoning Board thought MetroPCS was about to come in the following Monday or whatever to start the work, but the issue's still there. Instead of having all these individual antennas, could they be clustered in the middle. One of the Zoning Board members, Mr. Dovell -- I think he's an architect and he seems to do this stuff a lot -- there was quite a back and forth because I think Mr. Laub indicated it probably couldn't be done and Mr. Dovell believed it could.

I don't know if you want to hear how he said he would do it: that you would use the load bearing walls to bring the load down through the building: "There's probably column heads throughout the building. That is the building, it's a load bearing structure, and there are columns," and so on. "So there are load bearing walls on the inside. I'm sure there's a way to bring a load down through the building. It's convenient for you to locate the antennas there; it's convenient to locate them on the inside of the parapet wall. I understand that, but I think we'd like to see you explore the notion of perhaps bringing them in more off the edge."

The discussion went on for a quite a long time. Certainly, Mr. Dovell, and the rest of the Zoning Board seemed to be insistent that they look at that. I guess I could get you the minutes. He said, "So it could be something like a tower created in the middle of the roof," Mr. Dovell says, "and the sight line effect could be much reduced from what it is right now." That was the general tenor of that. So that was another issue.

Then the third issue is the lease, and whether the lease permits this. I think at the last Planning Board meeting I had asked you to provide the lease, but I found the lease myself. It wasn't provided, but I did find it. But what the lease didn't have . . . what the lease says is, he's leased on the roof. You have a lease to do whatever is on schedule A. Then you look at schedule A, and schedule A says whatever's on drawings LE-1 to LE-4, or something like that. At that meeting, I asked that they be provided. And I haven't seen them yet, these drawings. My concern is that if the lease . . . it may well be for as many cabinets as they need. But if the lease indicates that they have a lease for six antennas and two cabinets or four antennas and two cabinets, this is three cabinets and we have to deal with that. It may not be an issue, but I don't know because I need to see those drawings.

Those were the issues raised at the Zoning Board meeting.

Chairperson Speranza: Mr. Laub, is your firm, AT&T, going to consider the comments of the Zoning Board at their meeting, and present any information with that? My concern is, since it's before us for special use permit, site plan approval, if there's a change made at the Zoning Board, in effect it changes the site plan approval. We have to then redo this, the process.

Village Attorney Stecich: It's also before you, [off-mic] recommendation.

Chairperson Speranza: Let's start first with the cabinets because I'm a little confused about the cabinets. Having the photo simulations that you've already submitted, there's no cabinets shown anywhere.

Village Attorney Stecich: They didn't [off-mic] [put them on it] XXX.

Chairperson Speranza: There's cabinets there?

Mr. Laub: Yes, there's cabinets there and you can't even see them from the existing photos.

Chairperson Speranza: They don't show, I guess is my point. So if this is of the same size, I'm not sure whether or not there'd be an impact. Because in the existing photos, you can't see them.

Boardmember Cameron: Well, they're on the edge over here. You might be able to see them from the parking lot in the back, but it's hardly in your view. You're looking the wrong way. And as we all joked about, they got the best corner because they got there first.

Chairperson Speranza: Right. That was my recollection, and you can't see them.

Village Attorney Stecich: Are they the same size? Are these [off-mic] the same size?

Mr. Laub: Approximately, yes. I think one of them may be a little bigger than the existing by a few inches.

Village Attorney Stecich: [off-mic]

Mr. Laub: But very similar in scale.

Chairperson Speranza: So frankly, the issue of the cabinet doesn't concern me too much. But I am intrigued by the idea of being able to push back, if there is a way to consolidate the antennas on a tower in the middle of the roof.

Boardmember Cameron: Well, the load bearing wall we're talking about is this one right here, the one across the corridor because that's the center of the building. Whether it can bear the load or not I have no idea, but there you are.

Boardmember Dale: The question is, does the technology allow them to be stacked like that instead of the pattern that you've chosen?

Mr. Laub: Well, I guess -- to start back at the beginning -- we have not revised the drawings or the proposal before, or before the Zoning Board. So we're not proposing anything different, and I'll explain why.

First of all, the technology. If you think of a cell phone tower that you might see, it obviously exists where they can be stacked on one another. But they do need separation between them, and the typical industry standard is approximately 10 feet. So between the antennas themselves you'd have to have 10 feet. We're restricted under the zoning code in Hastings for the antennas to be no more than 6 feet above the top of the building. So the antennas, as proposed now, are actually at 6 feet above the top of the building. If you moved them back, what begins to happen is, the radio frequency propagation, which is a very tall parapet of the roof -- I think it's about a 4-foot parapet -- as you move them back, you'd have to move them up. And the antennas are supposed to be limited to only 6 feet above the roof.

In addition, our engineers actually have old -- I think 1926 or something like that -- drawings for the building, and they don't see anything that makes them feel comfortable that they could start putting in a lot of ballast, where you start putting in the right weight or attachments that you feel comfortable putting in the antennas. You know, they just don't see anything that makes them that comfortable. You know, talking with our engineers, if you want to start core drilling into the walls and determining what's feasible structurally they said that doesn't seem feasible in this instance, or practical.

Boardmember Dale: The drawings that you looked at, did they show what the existing bearing walls . . . what they're made out of?

Mr. Laub: I don't believe so. These were the old ones, Deven, the Tectonic engineers had provided you from, I think, they were like 80 years old or something like that?

Building Inspector Sharma: [off-mic].

Mr. Laub: Right. But we had looked at them at one point, and definitely the outer walls, their load-bearing capacity, was determined.

Building Inspector Sharma: [off-mic]

Boardmember Dale: Are they brick, or concrete block, or something of that nature?

Building Inspector Sharma: [off-mic] probably concrete block [off-mic].

Mr. Laub: The end result being is that I asked my engineers to examine the issue -- you know, what can we do here -- but from a practical level, as well as from the level of the code, I think the solutions of using the antennas around the parapet is what we're proposing.

Boardmember Dale: And if you did stack them, how tall would they end up being?

Mr. Laub: I should mention one other issue, as Mr. Comi's here. You're also talking about, if you moved them to the center of the roof, an RF emissions issue. Because right now, where they're at the parapet wall, you can cordon off a small area. You start moving them back, that area starts getting larger and starts to decrease, I guess; the functionality of the roof, which is not very big.

So if you stacked them you'd at least have to have one set of antennas. The bottom of it would have to be at least 7 feet above the roof, or even higher, for safety reasons. I mean, you wouldn't want to have it where people could walk right in front of them. And then on top of that, if you wanted to put Metro's on top of that, or some other antennas on top of that, you're talking probably somewhere in the range of an 8- to 10-foot separation between center line/center line to the antenna. So it's going up quite high, and you're talking probably at the end 15, maybe 20 feet or something like that -- depending on what your propagation . . . what you're able to do in terms of setting it back from the roof, and how high you have to go to clear the edge of the roof.

Village Attorney Stecich: [off-mic] Metro because Metro [unintelligible]. Answer the question [off-mic] what about without MetroPCS's. Because I'm assuming you're not volunteering to put MetroPCS's on there.

Mr. Laub: No.

Village Attorney Stecich: Okay. So how tall is it with just AT&T's?

Mr. Laub: I think probably on the order of at least starting the antenna somewhere around the 7- to 8-foot mark. So then going up to maybe 12 . . . the top of the antenna being 12, 13 feet above the top of the roof, at least, depending on how much clearance you could get. The roof is, you know, kind of rectangular in shape. So depending if you're further back from the roof on one side, and you were trying to center them, you may be even higher for certain sectors of the antennas. Again, we're limited to a 6-foot height above the roof, and it really wouldn't be practical in this instance. And that would not be for the existing antennas.

Chairperson Speranza: And that's our code -- a 6-foot maximum?

Village Attorney Stecich: It was the Zoning Board that made the suggestion. They can always grant a variance.

Mr. Laub: Actually they wouldn't be able to grant a variance, I don't think, because we wouldn't have the need for it potentially.

Village Attorney Stecich: It's not a use variance. It's an area variance, and they balance factors; the benefit against the detriments. I mean, if they wanted to, they probably -- you know, assuming they weighed out the way they should.

Mr. Laub: It's not something AT&T's proposing at this time.

Boardmember Logan: Isn't there also a legal issue that, okay, maybe AT&T could do it. But MetroPCS, aren't they under contract already, and isn't their location approved? So to get them to move their antennas is a whole contractual . . .

Village Attorney Stecich: We're not talking about that. But we're talking about maybe . . . I guess the thinking was, you could get . . . instead of having all of those you could get six of them . . . you know, six [unintelligible] or whatever. And then I don't know if maybe later you could get them to move from there. I don't know. That was their thinking.

Chairperson Speranza: It seems to me that we're trading off a taller antenna for several smaller ones. The taller one's set back, and we're going to see it more vertically than we will a smaller one to one side.

Boardmember Cameron: I think the sense is that, obviously, when you're closer to the building you will not see the ones in the center of the building. But if you are down, let's say, at North Street you'd obviously see them. So where you're approximate to the building you're not seeing them, and when you're farther away you will.

There are two antennas on this corner up here now, and I guess one of them, I assumed, was yours. It looked about 15 inches wide. There's a very skinny one right next to it. Do we know who's antenna is that? Do you think that's a town antenna? It's the same height, but it only happens to be about 4 or 5 inches wide.

Mr. Laub: I think that would be MetroPCS's antenna.

Boardmember Cameron: That's their new antenna. It looks very graceful.

Chairperson Speranza: One of the smaller ones?

Boardmember Cameron: Well, it wouldn't in the picture because it was just taken. If it is, then it's not MetroPCS's.

Chairperson Speranza: Right. So there are a couple of things we have to do, and we have to decide how we want to proceed. Do people feel strongly one way or the other with respect to having the request of the Zoning Board followed up on and await their action? We can approve the site plan subject to their approval with this with respect to view preservation. This is one of those odd situations, where we have approval over some piece of it and they have approval over some piece of it and their action could potentially end up having to come back to us. They had no problem with us being lead agency for this?

Village Attorney Stecich: No.

Chairperson Speranza: And the Board of Trustees also? Because that was another factor.

Village Attorney Stecich: You know what? It went to the Board of Trustees. Did the notice go to them? So if they don't respond in 30 days . . .

Chairperson Speranza: So 30 days are passed. We have an Environmental Assessment Form that we have to issue a finding on.

Boardmember Cameron: I guess my question would be, are we hearing that you can actually have the inboard antennas, and they can be broadcasting signal past the outboard MetroPCS signals? Or do they all have to be in the center of the cluster?

Mr. Comi: I wouldn't suggest that at all, but there is another choice. And I'm not suggesting another choice. I'm just giving you a thought from an architectural standpoint. A number of communities, when they have the number of antennas you have on a roof like this, that have been there for a long time and have been designed the way they are and now are saying because of whatever reasons we'd like to not see them be as visible, have allowed construction of a 5- or 6-foot wall on the parapet to block all of the antenna view. I don't know of any way you're going to get antennas in front of each other, nor are you going to go back and get those other carriers that are already there to move theirs to the center. The only way that I'm aware of, and I've done a lot of this, is if you really want to change the visibility of not seeing a lot of antennas is to put something at the parapet that matches your building. There's really no other good way.

So I can't disagree with him in terms of height and all those things, but that's the only consideration. And I'm not sure you even want to consider that.

Chairperson Speranza: No, we're not. We've already been told that it's not a good idea to do that, given the historical characteristics of this building. So we're not going to be fooling around with that.

Boardmember Cameron: I guess we've just heard that you can't have AT&T's in the middle unless MetroPCS puts theirs in the middle, and MetroPCS isn't required to do it and might likely not do it? Is that what I heard?

Chairperson Speranza: That's what I believe. So for frequency, that can't happen.

Mr. Comi: Well, if you put them all in the center you'd have to stack them.

Chairperson Speranza: If you put them all in the center. Right.

Boardmember Cameron: First of all, I'm glad we had this conversation, and the prior time about the width of the antennas. And I'm glad that AT&T is volunteering to put up the 10-inch antennas. What I wanted to say this time was that we need communications in the town, therefore we know we're going to have to have antennas on our buildings in order to do that until someone comes up with a better way. And I sort of think of it as a partnership between wireless providers in the town.

So I think it was good that you agreed to put the 10-inch wide antennas up. And I suppose as we give you permission, if we do, to do it now with the 10-inch wide antennas, I suppose -- which is why I asked the question about the 5-inch wide one up there, which is probably MetroPCS's -- is, as technology develops, in order for you not to spoil your next one as a place to provide services to this town, we want you to come back and give us the latest equipment, the narrowest equipment, the most compact equipment. Because we have only a certain amount of airspace up there. I don't quite know how to put that as a requirement, but I think that's an expectation we should have of providers like AT&T -- that they will come back and give us . . . and they are doing that now by promising the 10-inch wide. That's what I want to say.

Boardmember Alligood: Just reiterating, or summing up, what you were saying, Jamie, is that you're looking for future improvements in technology to reduce the impact on our views.

Boardmember Cameron: I sort of said it last time. If the technology is such that they brought in six antennas and you only need three because the new antennas are so good, we'd expect you to come back and put in three and take the six out. Because we want to have a minimum amount of construction on our roof that we possibly can have.

Chairperson Speranza: Any other issues? Sense of the Board?

You know what? Let me read this. We did get a public comment from Kelly Topilnicki, who lives across the street. It's pretty much the same email that she sent when we discussed this back in April: the concern about the positioning of the antennas on the roof and her concern with respect to the views; electronic emissions, which we've heard there's not going to be any issue with; and no weight problems associated with adding more devices to the structure of this building. I don't see anything new in this email from her that we haven't already talked about at one point.

So there are a couple of things. There's the legal issue with respect to the lease. Obviously, anything that we might do would have to be conditioned on that this is in accordance with the lease agreement. Anything that we might do would have to be conditioned on the approval of the Zoning Board of Appeals. Because if they don't rule on view preservation and they make another recommendation, then it would have to come back to us in any case if there's going to be a change to the plan. Agreed? Anything else?

Boardmember Wertz: There are the drawings with the cabinets needed, and a south view that made sense as a request.

Chairperson Speranza: So you would still like to see that?

Boardmember Wertz: The ZBA wants to see it, and I think it would be worth it for us to see it, too. Might as well.

Mr. Laub: I did want to address that, and I didn't get a chance to. If I may, I did send my team out and this is something you could see. Just for the record, I asked my engineers to come down because they're the ones who prepare the photo sims. So I said we need a photo, do you have a photo, from in front of the building, in front of the library. Because I think that's really the only spot that you can see if from, as I think we discussed in the photo sims.

The building really shields the location of the cabinets. What you can see here is that we really don't have an opportunity to provide a [leaf off] photo. And you can see the existing cabinets from this location, but that's pretty much going to be the same view with the new cabinets. But the one additional cabinet, which is going to be to the left, is actually blocked by the tree. That's the only view that we could find the cabinets from, from the south part.

You can't simulate an area that you can't see on the photo, so that was our challenge in that regard.

Boardmember Dale: How much taller are the new antennas?

Mr. Laub: I'd have to check my notes.

Building Inspector Sharma: [off-mic]. As a matter of fact, Jim Gibbons happened to make a point about the new cabinet being so much taller than the existing, but he had taken the wrong reference point. The new cabinets are the way I scaled it in. They're 8 or 9 inches taller than the cabinets that already exist.

Patty, if I may make another comment. Assuming the application we have, the way it is right now, Marianne, doesn't this board have to act on it and make recommendations from a view preservation point of view? If they're not changing the application, as of now, doesn't this planning board have to make a recommendation with regard to view preservation?

Chairperson Speranza: Right. We make a recommendation, but it's the Zoning Board that gives the approval.

Building Inspector Sharma: One other comment I'd like to make, of course these cabinets are not visible because of the trees over here. But they are very visible from the parking lot here -- and not only the cabinets, but all those very unsightly cables, the connections that were made. With the approvals on this application we must make it very clear that those cables definitely need to be rearranged. Maybe they can show us exactly how they do that so when it comes time for me to review and approve it I have something to go by. Obviously, the way the cables have happened, I guess, was before my time and it should not have happened that way. They have existed like this, and they do look very ugly and very bad. And they're done in a very unworkmanship-like manner, the way they've been put up.

Boardmember Cameron: Patty, along that line, we should probably give them a copy of the Architectural Review Board things because, in that, they talk about how you're supposed to not have equipment visible on buildings. And that's got nothing to do with view preservation; it applies to the downtown.

Chairperson Speranza: Yes, it does. But in this instance, this is a special zone specifically for this kind of equipment.

Mr. Laub: Just to follow up on Building Inspector Sharma's point, as I think I put in our letter, AT&T sees the point about the cables and the way they're attached to the cabinets and things. Essentially, these were kind of stock cables that were used. What can be done instead is custom-cut, and much more closely adhered to the cabinets so it doesn't have this effect where they kind of pop out from them. So it can be a much cleaner look, and I think we can work that out with Building Inspector Sharma -- provide him something so that he can see, as part of the construction drawings, how they're going to be installed and changed so we get a much cleaner look.

Chairperson Speranza: Let's think about this process for a minute.

Village Attorney Stecich: One thought, and it may not have to be a condition but just a clarification. In Mr. Laub's letter about the barriers that Mr. Comi referred to, it said that *"we understand they recommend that these cones and stanchions be placed on the roof. AT&T does not object to this recommendation, and will work with the Village in providing the described notice signs and stanchions."* I just want to make sure that you intend to pay for them.

Mr. Laub: It seems like MetroPCS is already going to be putting up a portion of them, and then AT&T is going to be putting up another extension of that.

Village Attorney Stecich: That would be at AT&T's expense.

Mr. Laub: They can provide that.

Chairperson Speranza: So what's the sense? Fred, you were saying you might want to see this. We can do this one of two ways. We can not act tonight and wait, although we should make a recommendation to the Zoning Board of Appeals because they can't make an approval without our recommendation. Correct? So we have to do something.

Boardmember Dale: I think we should go ahead.

Chairperson Speranza: You ready?

Boardmember Dale: There's a fait accompli. There's very little control we have. We can minimally affect the aesthetics of the technology. And I agree with the questions they raised in the Zoning Board, but what we're hearing is there's really no positive response. Eight or nine inches is not going to make a significant difference in the view, and it's limited to one view of one sector of the building. I think we can go ahead and voice our opinion.

Chairperson Speranza: One thing I'd like to throw out because I think MetroPCS did get some benefit of a session with the Architectural Review Board, particularly with respect to the wiring: they did change some of the proposed wiring in terms of their cabinet space, and it may be worthwhile for AT&T to go to the ARB.

Village Attorney Stecich: They're required to, under the statute.

Building Inspector Sharma: There was an aspect of the MetroPCS installation. The running of the conduits and cables that run outside the building, that was the aspect that the ARB looked at. We worked very hard on it, and we were able to do it in a manner which is the least objectionable. What we did do was, instead of bringing the cables and the conduit that needs to go to the equipment on the roof -- instead of that looping over the parapet -- what we did was route it along the wall. And it enters the building and then goes up through the roof so we don't see those conduits and cables kind of looping around the cornice -- that beautiful cornice we have around the building -- and then go up and loop over the parapet. That definitely was a good thing the ARB was able to do.

In this particular case, that aspect is just not there. There's no new work being done around the building. It's totally up on the roof.

Chairperson Speranza: So even when the new cabinet is installed there's no new wiring?

Building Inspector Sharma: There are no new wires or cables that are being run.

Mr. Laub: The conduit that goes from the roof down is for electrical, telephone, and grounding. So that's not changing. They're using what's existing. I actually have the original AT&T drawings approved. Historically, it seems like it makes sense. I think it's part of the building permit process, where we'd be referred to the Architectural Review Board to go over some of these details. And at that point, you would have more details about custom cutting the cables and how they would be attached. What had previously been done: *"Site plan and special permit approved by the Planning Board, 9/19/02, subject to final approval of the ARB regarding construction details, materials, and colors,"* which seems in keeping with the code and a process. So we have no problem with that.

Village Attorney Stecich: Are those drawings LE-1 to LE-4 in here?

Mr. Laub: No, these are the original zoning drawings. And I apologize for that. I thought that you had them. I called the offices here, and I thought you had them already.

Village Attorney Stecich: My office isn't here.

Mr. Laub: I didn't have your contact information, but I'd spoken with staff here. We'll get that straightened out.

Boardmember Cameron: Patty, like Bruce, I'm ready to go ahead. But I'm doing that a little bit on the grounds that, from what we've heard tonight, the idea of putting them in the center of the building may not work for a variety of reasons. One is, MetroPCS isn't going to put them in the center of the building. The center of the building may not support it. So I think we should, in our resolution -- or at least before our resolution, and what we send to them -- indicate that that's one of the reasons we're going ahead; that the other idea they had doesn't seem to be feasible. However we want to phrase that.

Chairperson Speranza: Think about how you want to phrase it when you make the motion.

But I think the first thing we have to do is -- and I know we don't like doing this, it's a chore -- the SEQRA documentation. In the handouts from the last meeting we did receive the long-form EAF. It's our responsibility to go through the sections and just note that there are no impacts or small impacts or mitigatable impacts.

Boardmember Dale: In Exhibit F?

Chairperson Speranza: Yes, it's Exhibit F. Bruce, if you go through to page 11, this is where we, as the lead agency, have to go through and discuss it.

First of all: *"Is there an impact on the land?"* Yes, there is, but it's a small impact.

Actually, is there an impact on the land? It's an impact on the building. That's interesting. You don't think about that.

"Will the proposed action result in a physical change to the project site?" Yes, there would be a small impact.

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

"Will the proposed action affect any water body designated as 'protected'?" No. Again, if you disagree with me, speak up.

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

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

"Will the proposed action alter drainage flow patterns or surface water runoff?" No.

"Will the proposed action affect air quality?" No.

"Will the proposed action affect any threatened or endangered species?" No.

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

"Will the proposed action affect agricultural land resources?" No.

"Will the proposed action affect aesthetic resources?" -- which is different from views. I'm looking at the third one. *"Project components that will result in the elimination or significant screening of scenic views known to be important to the area."*

Village Attorney Stecich: These are just examples. Just because you can't answer "yes" to one of those particular questions doesn't mean it wouldn't affect aesthetic resources.

Chairperson Speranza: *"Will the proposed action affect any site or structure of historic, prehistoric, or paleontological importance?"*

Village Attorney Stecich: Patty, I'm sorry. What did you answer on 11?

Chairperson Speranza: Well, it would impact the views. But it's small.

Village Attorney Stecich: Okay, small.

Chairperson Speranza: Small impact because there's already a lot of stuff on there. Yes, it would, but this building is a historic building so it would have to be a "small impact?"

Boardmember Dale: When you say "historic building," doesn't it have to be landmarked or designated? Or just be old.

Village Attorney Stecich: No, this building is not landmarked, but SHPO has standards if a building qualifies to be landmarked. Then, certainly, this building does. It's come up in another context, although it's not officially landmarked.

Chairperson Speranza: So then that's a "yes" for the *"small to moderate."*

Boardmember Dale: Right.

Chairperson Speranza: “*Will the proposed action affect the quantity or quality of existing or future open spaces?*” No.

“*Will the proposed action impact the exceptional or unique characteristics of a critical environmental area, established pursuant to subdivision 6-NYC-RR?*” No.

“*Will there be an effect to the existing transportation systems?*” No.

“*Will the proposed action affect the community’s sources of fuel or energy supply?*” No.

“*Will there be objectionable odors, noise, or vibration as a result of the proposed action?*” No.

“*Will the proposed action affect public health and safety?*” No.

“*Will the proposed action affect the character of the existing community?*” No.

“*Is there, or likely to be, public controversy related to the potential adverse impacts?*” No.

Agreed? Everybody’s agreed? So based on our assessment of the project, we need a motion to issue -- I may not get this right, help me here -- a negative declaration for this project.

On MOTION of Boardmember Dale, SECONDED by Boardmember Allgood with a voice vote of all in favor, the Board resolved to issue a negative declaration.

Chairperson Speranza: We need special permit and site plan approval. Jamie?

Boardmember Cameron: I’m working on this. What I wrote is, “*The Planning Board reviewed the alternative being considered by the ZBA in requiring installation of the antenna in the center of the roof, and discussed the difficulties of this alternative.*” Then I said, “*Because of these difficulties, the Planning Board decided to proceed with the following resolution.*” But that still doesn’t get there. We want to leave the impression that we would consider another one.

We’re doing this because we don’t believe they can install them in the center of the roof. If it ended up being a dead cinch to do it, we might consider a different resolution.

Boardmember Wertz: Could we say that “based on the assumption that clustering the antennas in the middle of the building is not feasible, we have gone ahead to recommend accepting the site plan”?

Village Attorney Stecich: That's only relevant to view preservation. So why don't you do the site plan thing separately. My recommendation on the view preservation, if you don't mind, would be that you recommend view preservation approval because it's not feasible to cluster all of the antennas.

Boardmember Cameron: Fine. I'll go with that.

Boardmember Wertz: That's well put.

Village Attorney Stecich: Because it's not feasible to cluster all the antennas of the center of the existing building, given the existing antennas.

Boardmember Wertz: We're saying "assuming that it's not feasible" rather than that we know it's not feasible but, from what we've heard, we assume . . .

Boardmember Dale: Well, we're not assuming. It's being provided that it's not feasible.

Village Attorney Stecich: "Because we have been informed that it's not feasible."

Boardmember Dale: They have the other two issues: the photograph from the south, and whether the cabinets extend. Do you want to include that -- the other issues?

Chairperson Speranza: So we need a motion to approve the site plan and special permit. Can we do that?

Village Attorney Stecich: You can, but subject to conditions. That it's permitted under the lease, that the ZBA gives view preservation approval, the ARB gives approval. That the cables have to be custom-cut and tidied up, subject to the approval of the Building Inspector. And that the barriers and notice signs referred to in the letter have to be paid for by AT&T -- the extension of the barriers.

Chairperson Speranza: Right. And the existing antennas are going to be replaced with narrower ones.

Village Attorney Stecich: Well, that's in the plan. You haven't revised the plans to show that?

Mr. Laub: No. The plans weren't revised. That was an offer, so if we could add that as a condition.

Village Attorney Stecich: So the existing have to be replaced by smaller antennas.

Boardmember Dale: Do we want to add Jamie's recommendation about the Village being beneficiary of any technological changes in the future? Can we get away with that?

Boardmember Cameron: That's pretty hard to enforce.

Village Attorney Stecich: The one thing I could suggest on that is that maybe the Planning Board would want to recommend to the Board of Trustees, upon lease renewal -- because they have automatic renewals of the lease -- that they ensure that the least obtrusive technology is up there. That wouldn't have to be part of this resolution, but you might do that as a side letter.

Boardmember Cameron: And also I was trying to make it more noticed not to come back for any more antennas, but come back with better technology. We've got enough on that roof.

Mr. Laub: Did the Board close the public hearing, just to make sure?

Chairperson Speranza: Is there anyone here who wishes to speak on this application? The public hearing is now closed.

On MOTION of Boardmember Dale, SECONDED by Boardmember Wertz with a voice vote of all in favor, the Board resolved to approve the special permit and site plan subject to the following conditions: the equipment being permitted under the lease agreement with the Village; ZBA View Preservation approval; cables have to be custom cut and “tied up” to the satisfaction of the Building Inspector; barriers and notice signs required for the installation have to be paid for by AT & T; the existing AT & T antennas must be replaced by 10.8” wide antennas.

On MOTION of Boardmember Wertz, SECONDED by Boardmember Dale with a voice vote of all in favor, the Board resolved to recommend view preservation approval because it’s not feasible to cluster all of the antennas in the center of the existing building, given the existing antennas.

Chairperson Speranza: Now let’s just recommend to the Board of Trustees that upon renewal of the lease there be an evaluation of the existing equipment, with the intent of the Village being the beneficiary of new technology to replace some of the . . .

Boardmember Cameron: The best technology then available.

Boardmember Dale: Less visible equipment.

On MOTION of Boardmember Logan, SECONDED by Boardmember Wertz with a voice vote of all in favor, the Board resolved to recommend to the Board of Trustees that upon renewal of the lease there be an evaluation of the existing equipment, with the intent of the Village being beneficiary of new technology.

Chairperson Speranza: That’s it?

Mr. Laub: I’d just like to thank the Board. I know it’s a delicate balancing act that is your charge, and we appreciate your time and consideration in this matter.

Chairperson Speranza: If you happen to represent anyone else who wants to come with wireless facilities let them know -- tiny, tiny, tiny, tiny. Thank you.

V. Discussion

Chairperson Speranza: Good news first. I know you’ve all heard it, but everybody who’s watching should know this. We’re very pleased that Dave Hutson, who had been a member of this board for many years and just retired -- and it hasn’t even been a year yet -- is receiving the Distinguished Citizen Planner award from the Westchester Municipal Planning

Federation. I think it's great, I think he certainly deserves it. And they're going to have the ceremony June 4th at a restaurant I've never heard of -- Le Chateau Restaurant up in South Salem.

Boardmember Cameron: It's barely in Westchester.

Chairperson Speranza: Barely in Westchester, and we'll have to figure out how to get there. You can't get there by public transit, that's for sure. Anyway, David, congratulations. I don't think you get Channel 75 so I know you can't see us, but congratulations anyway.

Village Planner Witkowski: I think this would be a good time for people to say whether they're going to be attending.

Chairperson Speranza: Is anybody planning to go? I'm definitely going to go up.

Boardmember Logan: I'm going.

Boardmember Dale: No. My daughter is in a play that night.

Boardmember Alligood: Angie, I can't go.

Boardmember Cameron: I'll go.

1. Fences and Walls

Chairperson Speranza: We have new draft legislation pertaining to fences, excavation, and fill. Just give me a minute to get rid of this stuff. Marianne, do you want to go through some of the changes you made? Maybe the simple ones first: the excavation and fill.

Village Attorney Stecich: Was that easier?

Chairperson Speranza: Okay, never mind. Whichever you'd like to start on.

Village Attorney Stecich: Well, we need to do them all. On the fences . . . you know what I didn't do? Let me look at the one we were looking at the last time. I think last time that the exception paragraph started getting so long as to be almost incomprehensible. So I broke it up, and one of the changes -- this is not new over the last time -- is that a fence would not be considered a structure. That's the point of Section 1: relevant, mainly, that you would need to get a building permit.

Then Section 2 deals with paragraph B of Section 295-20; the overall paragraph being that you can't have anything in a required yard except . . . and this is where fences are regulated. We would put "fences and boundary walls." Now I just had walls. Deven suggested "boundary walls" to distinguish from retaining walls. I suppose you could have a retaining wall that's on the boundary, too, but we'll deal with that when we get to it. But the point is, in this section we're talking about walls that are like fences; you know, to mark off the boundaries -- "*in a required yard, provided that . . .*" This was the tricky part.

Originally, in the required front yard, it had to be 4 feet. Well, that doesn't make sense if the house is set back less than the required front yard. You have a 20-foot front yard setback,

and your house is set back only 10 feet, it doesn't make much sense to have the fence running 4 feet behind it; it's in the front of the house that you want it low. The issue that Jamie raised, which is a good one, is what if the house next to you is set further back than you. Then you wouldn't want a 6-1/2 ft. fence in front of the neighbor's house. That's what I think this does. The first thing it says is "*along the front property line*" -- that part was easy -- "*along the front boundary line, it can't exceed 4 feet in height.*"

"In the required front yard, along the side property lines, a fence, boundary, wall, or fence on top of a wall, in total, may not exceed 4 feet. If, however, the applicant's house lies within the required front yard, a fence, boundary wall, or fence on top of a wall may not exceed 4 feet in height along each side lot line -- along the lot lines -- for the distance that's the greater. Either the applicant's front yard, or the front yard of the adjoining property." So for a situation, let's say your house has a required front yard of 20 feet. Your house is 10 feet back; the person applying for the fence's house is 10 feet back; the neighbor's house is 15 feet back. So the longer distance is the neighbor's house -- the 15 feet. So for that 15 feet, the fence can only be 4 feet high.

Boardmember Cameron: The only change I suggested is that -- the problem is -- this has the rule applying as if the setback was the same on both sides -- and it may be one person's set back and one person isn't.

Village Attorney Stecich: You have to make this calculation for each side lot line.

Boardmember Cameron: Then II should read: "*The front yard of the property adjoining such side lot line*" because it has to be the one on that side."

Village Attorney Stecich: In height, along each side lot line. So you look at the south lot line and it has to be the greater of the applicant's front yard or the front yard of the south person. Then you look at the north lot line and you make the calculation. Which is longer? The applicant's front yard or the northern neighbor's front yard.

Boardmember Cameron: I think it's fine, except II just says the front yard of the adjoining property. It doesn't identify which adjoining property. It's got to be the adjoining property of the particular side lot line, and not just . . .

Village Attorney Stecich: Along each side lot line. I'll look at it again.

Chairperson Speranza: The adjoining properties.

Village Attorney Stecich: No, it isn't. Because it's a separate calculation for each one. I'm telling you, we agonized over this. I mean, this was horrible to come up with because you have to calculate each one separately.

Boardmember Logan: I think the fact that it's horrible to come up with gives me certain anxieties. We're thinking of proposing these changes to the law, which are becoming very complex. And also, what this does is deny the property which has a shorter front yard the option of privacy. I mean, the whole idea of a fence is to get some privacy. So you're depriving one house the privacy because the other house won't have to look at the side of the fence. I think this is really over-manipulative.

Village Attorney Stecich: Okay, just so you know where it came from, Bill. Originally I had it nice and simple, actually. It worked. But then Jamie raised this issue.

Boardmember Cameron: Deven raised the issue of allowing people to put up a fence in the required front yard. You know, the simplest way to do it is to just say, well, you just can't have a 6-foot fence, in a required front yard, even if your house is in it. That'd be the simple way.

Village Attorney Stecich: Well, this isn't what I originally had, and I think this is what you're getting at, Bill. In the front yard -- not required front yard, because in the code the front yard is defined as the yard in front of your house -- "*a fence or wall may not exceed 4 feet in height. Elsewhere on the lot, the height limit is 6-1/2 feet.*" That's pretty easy, but it does not address the concern Jamie has. Maybe you don't have that concern. And, Jamie, I guess you should say what your concern is. Because that draft never got circulated.

Boardmember Cameron: I never saw it.

Village Attorney Stecich: No. Because you sent that email about your concern, so then I addressed that. But I don't know -- maybe it's not a concern of the rest of the Board.

Boardmember Cameron: My concern is that if you have a house sitting in the required front yard, and I don't, then what I'm doing is, rather than having a nice 4-foot fence in my required yard I suddenly am faced by 6-1/2 footers by two neighbors who not only have a house sitting in that, but now have a 6-1/2 foot fence on both sides. I mean, the fence in another person's required front yard is -- as we know, since everyone puts it on the property line -- in your yard. So now, because the other person has a house which is in violation of the required front yard provisions -- a violation which is approved by time -- he's now putting a fence up in your front yard which is 6-1/2 feet high. I just think that's unfair.

Now, what I actually propose to you is that where the person next to you wanted to put up a 6-1/2 foot high fence in your required front yard you would have to agree to it. That, to me, seemed fine. If two people wanted to, they could agree to it. But you've come up with this draft here.

Village Attorney Stecich: Because I can't understand. How could you ever write into a zoning code, you know, it's okay if your neighbor agrees to it? Because you can't; that's not how zoning works. Because there could be another neighbor in another year.

Boardmember Cameron: So what we're talking about is a relative imposition on a person who wants to have an even bigger yard for their house because -- assuming their block is the right depth, it may not be -- they try to balance that versus the person who has their house perfectly well set back who doesn't want 6-1/2 foot fences.

Boardmember Dale: On High Street there's a whole series of houses that are pretty close to the street itself, and then there's one that's set way back -- going up a hill, actually. There is a fence between that property and the row of houses that are close to the street. If we approve this, they could not have put that fence up. That means that entire property next door would have no privacy whatsoever.

Boardmember Cameron: The required front yard.

Village Attorney Stecich: Just one thing, Bruce. For the required front yard, in that situation, let's say the house is set back 100 feet, and the requested front yard is 30. It only needs to be 40 feet for the required front yard.

Boardmember Cameron: That's all we're talking about.

Village Attorney Stecich: Right. I know it looks like it's written awkwardly, but it covers it. So the issue is really only when you have houses within the front yard setback.

Chairperson Speranza: I don't want to make it any more laborious for someone who's house is within the required setback. It would be nice if you could just have an agreement among neighbors, but I understand you can't write that into the zoning code.

Boardmember Dale: What about approval . . .

Chairperson Speranza: But we don't want them to come here.

Boardmember Dale: The Building Department.

[crosstalk]

Village Attorney Stecich: They'd go to the ZBA for a variance. That's how it would work.

Boardmember Dale: They go for a variance, and the neighbor agrees, then it would be granted.

Boardmember Alligood: Most likely.

Chairperson Speranza: Well, that's true.

Boardmember Logan: I think you just deny people the right to privacy, and then balancing that against the possible impact of looking at somebody's fence. But you can always mitigate by putting up your own fence or planting a hedge or doing something with it. I think the right to privacy is quite valuable, and I think we're undermining that.

Boardmember Cameron: Well, it's no good putting up your own 4-foot fence when the person's put up a 6-foot one right behind it. So that doesn't exactly work. I mean, I understand you could put a hedge up, but there's a certain design that goes through a lot of towns that have a 4-foot high fence in a required front yard. And that leaves a certain openness. A very interesting comment that somebody made at one of the conferences I went to was that we actually benefit from the fact that people can see into your front yards. There's a safety factor in that, and the police would certainly back that up.

So I think this is a compromise, where two people go into a required front yard and you can slide the fence forward for the one that least goes into it. So that certainly is a balance. And that's probably the most probable place: where we have that issue on houses, in most cases, is two people in the required front yard because they were just all built that way.

Village Attorney Stecich: It probably doesn't come up a lot.

Boardmember Cameron: Right. You have variations back and forth. We had a house before right down Warburton Avenue where one house sits back and the other houses sit

forward. I mean, I'm not sure if they'd like fences all the way up on both sides, the one that sits back. This was our last meeting. So that's an example of that.

Chairperson Speranza: I don't see a problem with the wording in B.

Boardmember Cameron: Right.

Chairperson Speranza: *"Along each side lot line."*

Village Attorney Stecich: I think the wording works.

Chairperson Speranza: Or should it be "either"? -- "either side of the lot line."

Village Attorney Stecich: If that's what you want. But there does seem to be a big difference on the Board, and I think that has to be resolved before we fool around with it. I can tweak the language, but there does seem to be a division between Bill's position and Jamie's position. And I have language for both of them.

Boardmember Logan: Well, it may be because I have a 6-1/2 foot fence in my front yard and I'm very grateful that I can have it. And I was permitted to have it under the present code so it's grandfathered in. So I'm not likely to be cutting it down to 4 feet. But I think it offers certain benefits. The assumption is that it's going to be ugly, it changes the character of the Village. But are we seeing a rash of these sorts of installations? The 6-1/2 foot rule has been in our code for a long time.

I know there's the house on Euclid that you mentioned, and the neighbors apparently are upset about it, but I don't see any of these people here tonight. So I'm a little nervous. I mean, it almost seems to me like a symptom: we have too much time on our hands that we keep fine-tuning the laws in front of us. And I'm not sure that it's so broken that it needs to be fixed. I think the burden of proof is going to be on the revised language; that it provides a real benefit and addresses a threat to our Village. I'm not sure that we've risen to that standard yet.

Boardmember Cameron: I think the revision we were making was allowing somebody to actually put a 6-1/2 foot fence in the required front yard. Because originally, the language was that we would have nothing in the required front yard -- the language we talked about two weeks ago -- and then came up with the idea . . .

Village Attorney Stecich: No, not that we'd have nothing. It would be a 4-foot fence.

Boardmember Cameron: Just a 4-foot fence. Then Deven came up with this idea -- and an interesting idea -- that when we have buildings that are in the front yard maybe we should let them have the 6-foot fence. That came up with the issue of the person who didn't have it. So, in fact, the revision was to not have just a 4-foot fence in the required front yard. We were trying to do a compromise to allow people, where both of them are in the required front yard, to have a fence coming forward so they could both take advantage of it without doing anything to the other people.

Chairperson Speranza: So I'm hearing that there's a sense that maybe we're rethinking the fence rules now? I mean, the need for any of the fence regulations?

Boardmember Logan: I'm very hesitant. You know, I've been on this board for 13 years and I've never really had a major fence issue come before us. The language in the code has been 6-foot-6 as long as I can remember. And we're tweaking the laws, I think, based on one example that's come before us -- and that's the house on Euclid -- to my knowledge. Now, if there's a wave of these things happening that we have to head off . . . and, Deven, maybe you can speak to this . . .

Chairperson Speranza: Because I think that's how it got started.

Boardmember Logan: Or are we basing this change in law on one example that a couple of neighbors didn't like. I think that's shaky ground for rewriting our language.

Building Inspector Sharma: Yes, currently we're at 6-1/2 foot tall fences anywhere. A lot of people have chosen not to put a fence in the front yard. But one of the problems with the fence is privacy or certain activities you want to engage in. That usually happens in the backyard. The front yard, it's sometimes to make it decorative or for some other reason, to earmark your property or something. And if you do choose to do it, we thought it would be preferable to not do it with a structure that's 6 feet tall. We'd make it only 4 feet.

And also the visibility traffic-wise and otherwise around the corners, a 4-foot fence is less obtrusive and is less noticed than the 6-1/2 foot. So it's almost like preempting. At some point, as long as we are thinking and working on this issue, we may as well give it some thought and take care of some what-if scenarios. That's what we did by doing it. The front yard, we also thought what if the houses are not equally spaced from the front line, and how do we handle it then. I think the way Marianne and I came up, with Mr. Cameron's help, is a good way to do it.

That doesn't immediately mean that people are going to start asking for fences. If they do, we're better off having this provision than not. Granted, we've had a 6-1/2 foot fence provision in the code for all these years, and it may not have done anything bad to us, but the changes we're making are not ominous, or something bad happening.

Boardmember Logan: I think it's depriving people the right to landscape their property as they wish and a right to privacy. I think the issue of visibility on corners is already addressed in the code. I don't believe you can have a fence which blocks sight lines of people turning at a corner. So I think we're covered on that. I think what we're weighing is some aesthetic notion about the Village -- which I agree has some merit -- against people's right to privacy and landscaping their front yards the way they wish.

You can still put up a 6-foot hedge or an 8-foot hedge. There's no law governing what hedges can be, so if I really want privacy I'm going to put up my 8-foot hedge. But why couldn't I have a 50- or 75% open cedar lattice fence to give me a little bit of screening, speaking hypothetically here; although this is the case with my own property and I'm very

grateful to have it because I have Broadway going by. Originally, I put it up because of my children.

Building Inspector Sharma: Perhaps you could do that. But maybe you would get a variance for it. If you come to the Board you're achieving the same goal that we're trying to achieve with a 4-foot fence.

Boardmember Logan: I wouldn't need a variance for a hedge, for example.

Boardmember Cameron: I agree. I guess my problem, Bill, is, what's keeping people from putting up 6-1/2 foot high fences in their front yards is social pressure from the people next to them because they know people object to them. And I think those people who have been applying the social pressure -- and that's what's made our village what it is -- should have a right to have some protection of the laws, too. Just because people aren't doing it doesn't mean if it's not reasonable that we shouldn't have a regulation that says you shouldn't do it. I just think it's happened because in this village you'd be frowned on if you put up a 6-1/2 foot fence.

I think you need to give to those people -- which I think is the vast majority of people in this town -- the right to have that in a reasonable regulation. I don't think we should deprive it just because the pressure has been such that only one person -- who is now shunned by his neighbors, perhaps -- put up a 6-1/2 foot high fence.

Boardmember Dale: There's a reason this is determined by majority. That's a different issue.

Chairperson Speranza: We started on this subject because we started dealing with fences and walls.

Village Attorney Stecich: Needing structure. I just want to say, it did come up in one other context in the ZBA with a person who actually came to the Zoning Board. I think she wanted to put an 8-foot fence around her whole property because of deer. Remember the woman with the deer?

Although I worked with Deven on this, I don't want Deven giving the impression that this is my idea. I was just trying to write in what the Board wants. I can write whatever you want -- just so that's clear. But it did strike me that it's conceivable that more people would come in for it . . . I don't know whether 6-1/2 feet is enough to keep the deer out. So it's not inconceivable that you might see more of it now than you have in the past, in part because of the deer.

Boardmember Wertz: Bill makes a good point. But I think, on balance, this is something that we've discussed quite extensively. We've reviewed the codes in other villages, we've thought about the appropriate heights, we've looked at that from many different angles. I feel like we came to a consensus that now it's a little more shaky than it seemed to be before.

But I thought that we all kind of agreed on these heights. You've done a great job laying it out so carefully, so I'm certainly in support of the revision.

Boardmember Alligood: I agree with Fred. I think we've gone over all the issues, and I don't feel any differently about it. I think for those exceptional cases where somebody lives on a very busy street, or they happen to be at a point where lights have always shined into their windows, I have faith that the Zoning Board of Appeals would handle those situations as needed. And I think those are more the exception than anything else. I think, for the most part, on those properties you really wouldn't want to have this sort of fortress look in our town. We have very small pieces of property. We have a certain character that you see on the streets, where there's a repetition of types of yards and the scale of the houses. You know, I do worry about those cases where somebody just says, "Well, I want to put a 6-foot vinyl fence on the street. Nobody else has it, and it really could change the character of the whole block.

So I still feel that it would be worthwhile to implement the regulation on fences.

Village Attorney Stecich: Should I keep going through it, now that we're past that? I guess, then, everybody's sort of comfortable with the 4 feet.

Then C is obvious: "*Elsewhere on the lot, a fence, boundary wall, or fence on top of a wall may not exceed 6-1/2 feet in height.*" That's the other part of it.

Then D -- this is new: "*The height of a fence or wall shall be measured from the ground level at the base of the fence or wall, except where there's a retaining wall the height shall be measured from the average of the ground levels at each side of the retaining wall. And further, except that any fence on the uphill side of such retaining wall may be 4 feet high, notwithstanding the limitations above.*" Remember, there was a concern on the down side of a retaining wall. That's what that deals with.

Boardmember Dale: I have no problems with the 4-foot height of a fence on top of a retaining wall because it could be dangerous and you don't want somebody to fall. I don't think I understand what you mean by "*measuring on the average size on either side of the wall to determine how high the wall is.*"

Village Attorney Stecich: Let Deven explain that, as the Building Inspector.

Building Inspector Sharma: If we put it at 6-1/2 feet for a fence, and right along the property line the land drops 4 or 5 feet, that 6-1/2 feet needs to be from the upper side of the topography or the lower side. I think to combat that we said let's do it from the average of the two heights. Supposing the ground at this level is plus or minus zero, and on this side it's 4 feet high. If we do 6-1/2 from this level it'll seem like 10-1/2 feet from this side. I think it's somewhat of a compromise.

Boardmember Dale: But compromising that way -- back to the privacy issue -- if it's the side lot of the property, you are preventing them from having a 6-1/2 foot wall.

Building Inspector Sharma: The property owner who's on the higher ground, if he chooses to build his fence for privacy for his sake, he's got the privacy if it's 4 feet. He puts another 4 feet on top of this, the people on this side can't interfere with his activity. And this guy on the lower side can also build from the midpoint between the two lengths. People on the other side can perhaps still look over because it would not be quite 6-1/2 feet from his side.

It's kind of difficult to deal with this situation. Like I said, if you make it 6-1/2 feet from the higher side -- then it seems like 10 feet-plus on the other side, or whatever -- 6-1/2 is whatever difference in the elevation of the two sides.

Boardmember Cameron: Just to go the other way, if it's 6-1/2 feet, and I'm the property owner and I'm on a steep slope and I put up a wall, it appears to me I could put up a 13-foot wall, by this example. I've got a 13-foot raised piece of property. I can only put up a 13-foot wall because it's 13 feet on one side and zero on the other. Because it comes right up my embankment. And then on top of that, I could throw up a 4-foot fence. So I can get a 17-foot wall up there, as seen from the street.

Building Inspector Sharma: We had talked about the height of so-called retaining walls. New propositions, you couldn't build a retaining wall more than 4 feet tall.

Chairperson Speranza: Four feet, and then step. Right.

Boardmember Dale: I'm not happy with that proposal.

Building Inspector Sharma: Otherwise, the scenario of 10-, 12-, 13-foot tall retaining walls happening is a very likely scenario.

Boardmember Dale: The retaining wall has to be discussed separately. The 4-foot setback, we haven't fully agreed on that.

Village Attorney Stecich: How about if we just take out everything except the last three lines -- "*. . . any fence on the uphill side of a retaining wall may be 4 feet high, notwithstanding the provisions of these other sections*" -- and don't worry about that average height.

Boardmember Cameron: I'm still puzzled by this average stuff. I know some of the laws have the average stuff in it. But it seems to me that what we're looking for is that, certainly, the height of a wall . . . I mean, it just allows you to build a 13-foot high wall, and I don't understand that. It has the words "retaining wall" in D, notwithstanding from the next page, when we talk about retaining walls, we're talking about 4 feet. So I'm confused between the two sections.

Village Attorney Stecich: This is a fence on a retaining wall: "*. . . except where there's a retaining wall, the height shall be*" . . . this is only talking about fences.

Boardmember Cameron: "*Where there is a retaining wall,*" it says.

Village Attorney Stecich: *“The height of the fence or wall shall be measured from the ground level, except that where there’s a retaining wall the height shall . . .”* You’re still talking about heights of fences or walls. That’s what this section is.

But that only went in because somebody on the Board wanted the provision about a fence on a retaining wall has to be 4 feet high, no matter what.

Boardmember Dale: No, I agree.

Village Attorney Stecich: So maybe everything else can come out except the last three lines.

Chairperson Speranza: I think how you measure it . . . if you’ve got a retaining wall, and the retaining wall is not an even height, you could still have the 4-foot fence on top. Right? That was my thought anyway.

Village Attorney Stecich: Just take out the measurement.

Boardmember Cameron: The concept of the 4-foot wall on top was on top of a retaining wall. Because the whole concept was you didn’t want someone falling off the retaining wall.

Village Attorney Stecich: Right.

Chairperson Speranza: Exactly.

Boardmember Cameron: Here it is, stuck in here.

Chairperson Speranza: So maybe it’s got to go in the retaining walls.

Boardmember Cameron: I think it belongs in the retaining wall section. And also, where we saw it previously -- and I can go and find it -- the person was supposed to have it so it was open. In other words, it was supposed to be a safety fence and not an opportunity to put up another 4-foot fence that wasn’t visible. That’s where it was. It was actually, I would say, cast iron. But it was supposed to be one that you could see through.

Boardmember Dale: But it could also be a privacy fence if it’s on the side yard or the backyard. There’s this one situation near us where there’s a very steep slope. There’s a house on top, and they have a total view of my friend’s backyard and everything in the house. He planted these huge trees in the back to try and get some privacy, where if he could put a privacy fence up it wouldn’t be on his property. He would have to have his neighbor build a 6-foot fence for him to have any privacy at all. So I would not object to being able to put up a 6-foot fence on the top because that’s their rear yard.

Boardmember Cameron: If it’s on their property it’s not an issue.

Boardmember Dale: I think Bill’s privacy issue is still very much alive. If it’s a side yard or a backyard it doesn’t have to be see-through.

Village Attorney Stecich: Why don’t we just take this section out?

Boardmember Dale: I think it’s important to be able to put a 4-foot fence for safety on top of the retaining wall.

Village Attorney Stecich: Well, let’s do what Patty says: deal with it in retaining walls. Let’s just take it out of here, and we’ll get to it when we get to retaining walls. Because there’s a lot of issues there.

The next one: *“When a fence or wall is erected, the finished side of the fence or wall must face the adjacent property.”* I don’t know how there’d be an unfinished side of a wall, but I guess it could be.

Then the last one is 295-100. That’s the section that requires building permits: *“Walls under 2 feet in height don’t require a building permit.”*

Boardmember Logan: So doesn’t this belong under section 9, if we’re talking about walls rather than fences?

Chairperson Speranza: You mean F?

Boardmember Cameron: Nine is a retaining wall.

Village Attorney Stecich: No. Eight is fences and boundary walls, Bill.

Chairperson Speranza: That’s a retaining wall.

Village Attorney Stecich: So this one -- under 2 feet -- could be a boundary wall or a garden wall or something.

Boardmember Logan: A boundary wall.

Boardmember Cameron: I personally do not believe a 2-foot high retaining wall should require a building permit, but we can get to that when we get to retaining walls. Because that’s the most difficult thing that’s going to happen.

Village Attorney Stecich: Then the whole retaining wall section has to be thought out. I just put something down as a starting point for the discussion. Because actually we always kind of put it off when it was steep slopes. We always just keep putting it off, which I’m glad about. This is just a starting point. Do whatever you want with it.

Chairperson Speranza: I don’t have a problem with this -- what’s written here.

Village Attorney Stecich: I got it from Plandome, the one you liked so much.

Chairperson Speranza: Maybe that’s what it was. I think if you’re going to have a wall that’s going to be 12 feet high it should be terraced. Maybe it’s not 4 feet.

Boardmember Dale: Four feet for a retaining wall is small. I’ll go back and get the pictures. I mean, we have retaining walls all over the Village that are significantly higher than that, and it’s necessary to have use of the property.

Chairperson Speranza: Maybe it’s not 4 feet.

Boardmember Dale: Even on Five Corners.

Boardmember Cameron: Well, Five Corners, you keep bringing it up.

Boardmember Dale: It’s not an exception. It’s a model.

Boardmember Cameron: No, it’s not. It’s a total exception. It is actually created because people put two four-lane highways through there, and they kept digging down and putting walls up higher. That’s what happened, and that’s why it exists on the Croton Aqueduct. If you go through the rest of the town you will not find very many walls.

Boardmember Logan: On my property I’ve got 70 lineal feet of retaining wall that averages about 8 feet tall.

Boardmember Cameron: It's the Croton Aqueduct.

Boardmember Logan: No, it's on Baker Lane.

Boardmember Dale: Going up Mount Hope. Not on Mount Hope itself, but on the side streets they're stacked parallel to each other. They're filled with retaining walls easily much greater than this.

Boardmember Cameron: I'm not against 6-1/2 foot retaining walls. We can talk about the ratio of how much space we have in between them.

Boardmember Dale: And we had also talked about Boulanger parking lot, where a 4-foot setback might be too great. Bill had talked about having an angle. You don't want to have anything greater than 12 feet, perhaps, and you do want to require setbacks at some point. But you can't just arbitrarily say 4 feet.

Boardmember Logan: I think also, just regarding the Aqueduct, I mean, the Aqueduct runs through Hastings and it's one of the major things that defines the character of Hastings. Regularly you see stone walls that are 12-, 13-, 8-, 16 feet tall. It just views through it, and it runs right through the middle of it. So I think this defines the character as much as anything. And then we say elsewhere we have this 12-foot average height retaining wall through the Village, but we're not allowed to build any other walls of a similar character.

Chairperson Speranza: Remember, one of the reasons we're doing this is because we're receiving more and more applications for building on steep slopes. The area is so well built up now that you do run into situations -- and we've had it a couple of times -- where the retaining wall that has to be constructed because of the modifications to the steep slope is going to be so onerous to the adjacent property owner. And it might be right on the property line. Where the person who has a gentle slope in their backyard is now going to have a 10-foot high retaining wall on their back property line because the person behind them is building on their land.

That's how we started the discussion with respect to the retaining walls, and trying to maintain a more gradual slope because of the impact on the adjacent property owners. The Aqueduct, of course, is an incredible exception; Five Corners, same thing. Think about the wall that exists as you're heading north on Broadway and you make the turn onto Warburton Avenue. You've got the parcel that was built. Well, it's actually where the Village's offices were for awhile. There used to be a small wall, and when that building got built the wall got extended. And the wall got extended so the property could be leveled off. Now you have a much larger wall there.

Boardmember Dale: Which I don't find objectionable.

Chairperson Speranza: Because you're kind of used to it. But if you had a piece of property that had a gradual slope, and suddenly somebody was coming in and going to build a 10-foot . . . now your backyard had a 10-foot wall in it.

Boardmember Dale: You would still have your gradual slope, but it would come to an end at the property line.

Chairperson Speranza: No. You may not have it, but your property could be flat. Their property goes up gradually so they're taking it there and building this wall. It was a situation that did happen in one instance. And there was another side wall in another situation. So someone comes out, and suddenly there's a 10-foot wall. Just to remind everyone, that's what this provision was trying to address: being able to set back the wall, the terracing.

Boardmember Cameron: My thought was that we shouldn't have smaller numbers here, where we had 4 feet when we had 6-1/2 feet for another kind of wall. So my general reaction is, let's go 4 feet in the front yard and 6-1/2 in the back, and then let's try to figure out what is a reasonable number. Because the person may have to have two retaining walls.

Village Attorney Stecich: For retaining walls, too? You're saying 4-foot retaining walls in the front, too?

Boardmember Cameron: I'm thinking that. I'm just throwing it out.

And then we have to think of a reasonable number between those walls that would allow us to have a reasonable level of growth so the walls don't look too much like one continuous wall. They have 4-foot here and, as you know, 4 feet actually produces a 45-degree angle. Just so we all know what it is, that's what it produces. Now maybe that's too much. Maybe we do need 4 feet between 6-1/2 feet, just to give you an example.

Boardmember Dale: You want at least enough space that you can use it to grow something.

Boardmember Alligood: I don't think we need 4-1/2 feet.

Boardmember Dale: But 4-1/2 feet strikes me as a lot.

Boardmember Alligood: You basically just want 2 feet.

Boardmember Logan: Look at Boulanger Plaza as a model.

Boardmember Cameron: Just be careful on the 2 feet. Because the wall could be a 1-1/2 wide, and you only have 6 inches left. You need 2 feet between the back façade of the wall and the front façade of the next wall.

Boardmember Dale: I had that very problem in my backyard when they terraced it. They dug it out and I wanted a planter of 18 inches. Instead, it ended up being 12 inches because of the thickness of the wall.

Boardmember Cameron: The other problem is, let's say somebody is doing something really attractive and putting a dry wall in. As anyone who's built a dry wall knows, the dry wall on the back side -- the land side -- goes down at a 45-degree angle. You have absolutely no room for planting on the back side of that if you only had 2 or 3 feet. Nothing would ever grow.

Boardmember Alligood: But nothing precludes you from going further than that. Right? That's just the minimum.

Boardmember Cameron: If I put up a double dry wall, and left 2 feet on the back side, nothing would ever grow there. What we're trying to do is get it so the person really does have room to put something that grows in there.

Boardmember Alligood: But what we're saying is we're setting a minimum. So if you're worried about the planting you should just make it wider.

Chairperson Speranza: That's a very good point.

Boardmember Cameron: And if you're not worried about the plantings, and you don't really care about your neighbor, then you're fine.

Boardmember Alligood: It depends on what kind of wall you use. There are different thicknesses of walls. So I think as long as we set a minimum we don't have to worry. Then maybe the Building Inspector can [off-mic] people, if you've had this issue: "If you want to [grow something there] XXX [off-mic] more space [than the requirement] XXX."

Chairperson Speranza: So what do we want to put in here, 2 feet, 3 feet?

Boardmember Logan: A 2:1 ratio, just to keep it real simple, as opposed to a 1:1 ratio.

Boardmember Dale: Twelve feet, and then set back 6 feet, and go up 12 more feet?

Boardmember Logan: No. We're already saying that 6-1/2 is the maximum. So that would be 3 foot 3 inches. I just don't think we should over-engineer this.

Chairperson Speranza: Agreed.

Village Attorney Stecich: Well, wait. I don't know.

Boardmember Dale: The 3-foot would allow for a 1-foot thick wall plus 2 ft. to plant.

Village Attorney Stecich: So are you saying it must be located more than 3 feet from any other wall?

[crosstalk]

Boardmember Cameron: I would go for the 2:1 ratio.

Boardmember Dale: The 6-1/2 feet.

Boardmember Cameron: But have a minimum of 2 feet.

Boardmember Dale: Right.

Village Attorney Stecich: I guess I don't understand. What's the ratio? I can't write in here "2:1 ratio." How would that read, Bill? Do you know?

Boardmember Logan: The setback to be not less than one-half the height of the adjacent walls.

Village Attorney Stecich: Okay.

Boardmember Cameron: Well, we do have to think about which wall we're talking about, but not less than however many feet.

Village Attorney Stecich: And did you want a minimum of 2 feet?

Boardmember Logan: We've got to take a case. You don't need a permit for 2 feet, but you want to build a 4-foot wall. And if you want to make plantings, are you going to be able to reach that. If you go up 4 feet and go in 2, that you could still reach that to cultivate without having to walk on the wall or without losing a lot of property. So you can extrapolate from there.

Boardmember Cameron: The 2:1 ratio, just so we're clear on it, we could have, on the street line -- no, actually on a side lot line because you can't have the street line -- a 6-1/2 foot wall standing back sharply 3 feet 6 inches, and then another 6-1/2 foot wall -- 3 feet 3 inches -- then another 6-1/2 foot wall. So the person is looking at 13 feet of wall with a 3-1/2 foot setback. That seems pretty steep to me.

Boardmember Dale: That's similar to what they have in the parking lot.

Boardmember Logan: Boulanger Plaza.

Boardmember Dale: I'm perfectly comfortable with that.

Boardmember Logan: You get a shadow. It's a definite break.

Village Attorney Stecich: Would it be hard to draw that, then? Maybe we should see diagrams. I would not know how to diagram it. Deven, is that . . .

Building Inspector Sharma: If you want us to do some diagrams I can do them.

Village Attorney Stecich: I can't. If you want to do some . . . I'm writing this stuff, I can't do diagrams.

Building Inspector Sharma: One to two seems too . . . maybe we have to look at some . . .

Village Attorney Stecich: Maybe we should look at . . . some diagrams might be helpful on that.

Boardmember Cameron: That's very steep. Because, you know, you could have three 6-1/2 foot walls and you're only stepping back 6-1/2 feet from the street.

Boardmember Dale: You don't want to force somebody to give up a lot of property.

Boardmember Cameron: You're allowing us to put up a 19-1/2 foot stone wall and only give up 6-1/2 feet of their property. I wouldn't want to be on this board if [crosstalk].

Village Attorney Stecich: If you want that. The 16 feet doesn't make sense any more because the 16 feet was based on 4 feet. I don't know what number makes sense to you.

Building Inspector Sharma: That means four consecutive walls.

Village Attorney Stecich: I know, but they're talking about . . .

[crosstalk]

Chairperson Speranza: But not at 6 feet high. It would seem to me, in that circumstance, why go more than two.

Boardmember Dale: Thirteen feet?

Village Attorney Stecich: Make it 13 feet.

Boardmember Dale: After that, you have to get approval.

Boardmember Cameron: I think we need a couple of diagrams. Bill and I disagreed on this for a long time. I think 45 degrees is enough of an angle, quite candidly, which is the 1:1 rather than 2:1. But that's just my attitude.

[crosstalk]

And I bring that up because the last time we discussed this, what I pointed out to you was that you would start out with a 6-1/2 foot wall on your property line -- which you're not giving up a single inch of your property to build that -- and then you go in, under your example, 3 feet 3 inches and you put another 6-1/2 feet up. From your property line, that's something like a 75-degree angle. This is not a 2:1 angle. And even with a 45-degree angle, if you went 45 you'd be giving up 6-1/2 feet of your property and would end up with a 13-foot high wall. Which is more than 45, when you stand next to your wall, so you're actually getting a tremendous amount of height even on the so-called 45.

Boardmember Logan: I suggest that people just walk down and look at Boulanger Plaza before we vote on this.

Chairperson Speranza: And you know what? I'm going to try to find out . . . the property was on Kent Avenue. That was the property that was being developed. Then the road underneath, was that Clinton? I'm going to try to find out the property. Just go by and take a look.

Boardmember Alligood: This is recent. Right? In the past few years?

Chairperson Speranza: The past five years.

Boardmember Alligood: I know which one.

Chairperson Speranza: And there were concerns also then about the engineering of the wall.

Boardmember Cameron: And when you stand at Boulanger Plaza, pretend you're standing in your backyard looking at your neighbor's property. Don't pretend you're standing at a downtown parking lot because it's totally different.

Boardmember Dale: I never remember the name of the street. On the waterfront side, coming off of Broadway, the street that winds down.

Boardmember Cameron: I just call it the "wind-y way." It makes it easier. Pinecrest.

Boardmember Dale: I was visiting friends, and a lot of those houses have huge walls behind them and they're fine. They're landscaped, they have moss growing on it. One person I know put sort of like a waterfall dripping. People use that in aesthetic ways. It really depends on how it's built.

Chairperson Speranza: And I think it's fine if it's your property.

Boardmember Dale: It's not imposed on you, is what you're saying.

Chairperson Speranza: Right, exactly. If you're not on the downhill side, not Pinecrest. Do we have more to go?

Village Attorney Stecich: Deven has some, and the Board has some.

Boardmember Dale: Deven, can you just calculate the angle in the various models?

Building Inspector Sharma: Sure. [off-mic] 60 degrees.

Boardmember Dale: I think it's more 60 than 75.

Building Inspector Sharma: A 1:2, I think that would be about 60 degrees. And 4 and 4 is, obviously, 45 degrees.

Boardmember Cameron: The point I'm making is 4 and 4 is not 45 degrees. If you stand up against the wall yourself, your body, and you look up, the first wall's 45. But 45 would be if you extended the line down off the wall to the ground, and then stood back 4 feet from the bottom of the ground. Then you look up, it's 45. Other than that, it's much steeper than that.

Building Inspector Sharma: One of the reasons I think we may be doing it is that on developments other than single-family, where this retaining wall issue will get reviewed by the Planning Board, it's part of the site plan review issue anyway. It's only on a single-family dwelling situation where it comes to my office.

Village Attorney Stecich: That's true. Although there's limitations that the Planning Board would have if somebody came in . . . right now, the way the code's written -- with a multi-family building with a huge retaining wall -- you could try to get them to do it. But if they really want it, they say, "Wait. Your code doesn't put a limit on the height of it." And it doesn't, so it really is relevant.

Boardmember Logan: Maybe for multi-family zoning we should be going for more density and not penalizing an owner to have a setback.

Chairperson Speranza: Also, in those kinds of situations, we see it and encourage the exceptions. We have a lot more in the way of review approval and negotiation than someone who's coming in to build on their single-family home.

Village Attorney Stecich: The problem is, they're not coming in to build on their single-family home. That's the problem. And that's not a question you should think about -- whether you would want to require certain retaining walls over a certain height to be approved by the Planning Board or a combination of them. Just think about that. I put that down as a question.

Boardmember Dale: If somebody needed to build a retaining wall greater than 12 feet or 13 feet, then they would be building on a steep slope and would have to come in for review anyhow.

Chairperson Speranza: Right.

Building Inspector Sharma: I don't know if you remember the house we built -- on Cliff Street, was it? The walls there, there wasn't any law, but they themselves did it -- this stepped kind of thing -- no more than 3, 4 feet high setback. And they could have possibly made one 10- or 12-foot tall one right along the street side. I think that would have looked awful and not street-friendly. One of the reasons why somebody might want to do it is to give themselves flatter, usable land. Obviously, there'd be some penalty since they had to step it. So they'd be losing some, and in some areas it may not be practical.

At the same time, if somebody has a property which has some kind of slope on it they should be able to enjoy it visually, if not otherwise, the slope themselves. And they can obviously build decks for a horizontal, flatter surface. But in case they want to have a flatter yard or some backyard, then there could be some penalties, some consideration, to the neighboring

properties that they step back as they build instead of building one big retaining wall. I think it makes some sense.

Obviously, there will be a situation where it may not be feasible to do that. And for that, of course, the Zoning Board is there to look into the arguments of why it's not workable there, and grant them the variances. So I believe the 4 and 4 was perhaps good. Structurally, also, these retaining walls -- the kind of [truss] they put on the ground and the retaining wall downhill -- I'm going to have to speak to some structural engineers whether keeping them too close would make it less desirable than there being a certain distance between these walls. I'm not quite sure about that.

Chairperson Speranza: So we're going to do more on this.

Village Attorney Stecich: Yes. I was going to say maybe we should put excavation and fill off until next time, or did you want to do that now?

Chairperson Speranza: It's funny because I didn't have any issues, but are there issues or concerns about excavation and fill?

Boardmember Dale: I had one question, which was under 135-2 Permit Required, A and B. One is 6 inches and the other is 24. What happens in between?

Village Attorney Stecich: I'm sorry, Bruce. Say that again. What section?

Boardmember Dale: It's 135-2. The first, part A, says: ". . . lowering of the existing grade in excess of 2 feet . . ." at the top where it says "excavation." Then you say ". . . if you're depositing topsoil of no more than 6 inches." So what happens between 6 inches and 2 feet?

Village Attorney Stecich: ". . . a lowering of the existing grade in excess of 2 feet regardless of the area involved in the change, or any lowering over an area of 300 square feet."

Boardmember Dale: So in between you're free to do what you want.

Boardmember Cameron: No, no, no. This is lowering, and the other one's raising.

Village Attorney Stecich: No. It's excavation if it's one of two things: it's going really deep, or it's not going so deep and it's a big area.

Chairperson Speranza: Right. That's the difference.

Village Attorney Stecich: So if it's an area that's 250 square feet, and it's only 1 foot, it's not excavation.

Boardmember Cameron: You have this paragraph, 135-4C, which gives us an alternative. I wonder if there's not a third alternative, and that is you take the second paragraph -- the one which the Building Inspector . . .

Village Attorney Stecich: Jamie, I'm sorry. I can't understand you.

Boardmember Cameron: If you look at 135-4 for SEQRA, paragraph C has two paragraphs. You're giving us an alternative: which one do we want to add. My question is, if we decide to stick with the first paragraph couldn't we also take the second paragraph and stick it in B, giving the Building Inspector the ability -- the one which he really didn't want to field himself -- to kick it to us?

Village Attorney Stecich: You absolutely could. The problem with C was -- I just picked these numbers out of the air -- you asked me to talk to Deven, and Deven said he had no idea what the numbers were. That should be discussed by the Planning Board. So if you can agree on some numbers, the first paragraph is fine. And, of course, you could say it also has to go to the Building Inspector. But you have to decide on some numbers.

Boardmember Cameron: So we have to decide on numbers for C even if we wanted to take the second paragraph of C and stick it in B.

Village Attorney Stecich: Right. But if you didn't want to deal with the numbers, you could just do it with the second alternative.

Boardmember Cameron: Right. I mean, the problem with 100 cubic yards is that 100 cubic yards on a quarter acre is something; 100 cubic yards on 5 acres is nothing.

Chairperson Speranza: Right. So there is more for us to think about on this one.

Boardmember Cameron: You couldn't find an example in another regulation?

Village Attorney Stecich: I probably got this from another one, yes. But, I mean, I have no idea whether it makes sense. What makes sense in Plandome, I thought it would make sense here. Or Croton; Croton had much bigger numbers because I think they're dealing with bigger properties.

Chairperson Speranza: Okay, so we have to think about this one more, I guess. I certainly do. I wasn't thinking about that.

Boardmember Logan: I think the part of thinking about it is to have it driven by circumstances that have come before the Board before.

Chairperson Speranza: We haven't had to do anything with this.

Village Attorney Stecich: No. It's never come before the Board because you haven't regulated it.

Boardmember Logan: One instance where it would have been very helpful to have this regulation is when Age Carting was dumping all that stuff in those buildings down by the waterfront, and they managed to put in 14 feet deep of garbage under the Village's nose. And we had no ability or inclination to stop them. So there's a real thing that brings it to your focus. I'm thinking just examples which would scream at us to say stop this circumstance from happening, and I'm not sure what those are.

So maybe Deven . . . I'm just trying to think in terms of us filling in the blanks on the numbers, if there are precedents that have come before you that have been uncomfortable. I guess you've already been asked this question, and nothing has come to mind. I appreciate that, and that's part of the context. That we don't have a clearly defined example of this type of situation happening.

Building Inspector Sharma: My discomfort was that we had no provisions at all if somebody wants to change grades or topography, bring in fill or something. So Marianne and I have been talking for a long time that we must have something. As for the numbers, we were not quite certain ourselves. Any time I know what amount of fill or excavation that

must be brought to somebody's attention; you know, somebody should hear about it and be able to . .

Boardmember Logan: Maybe we should take R-7.5 -- what's that, a fifth of an acre? What is our most common circumstance for parcel size in which this could be an issue: 4-acre lots, 2-acre lots I don't think are going to be an issue. The typical lot is probably what we ought to look at, and what would make a big difference for that lot. Because Jamie, you pointed out that 100 cubic yards on a 1/4-acre lot is significant. So maybe that's where it comes from, but maybe that's too big a number -- 100 cubic yards.

Village Attorney Stecich: Actually, I just see where I got the numbers from. It was from Croton -- what they call "the minor excavation," and the minor excavation was not exceeding . . . that's where the [100 and 5,000] came from.

Boardmember Cameron: Just backing up for a minute, what we're talking about is when it would come to the Planning Board. I guess the question is, do you think it needs to come to the Planning Board if it involves just a single-family dwelling type situation. And I don't know; I'm just thinking to myself maybe it doesn't. Maybe we should talk about it from the other direction: what will come our way every time anyway. And a major development like 9-A is going to come our way.

Village Attorney Stecich: You're right, Jamie. It would be single-family houses. Those are the only things that don't come before you. And maybe you could do one of two things: you could try those numbers and if, at some point, they don't make sense you just don't go with it; or you can just leave it to the discretion of the Building Inspector on when he thinks it should come to the Planning Board, and just have the second alternative.

Boardmember Dale: Well, the alternative was to take . . . if 100 cubic yards makes sense on a 1/4-acre lot, then just take that ratio and expand. Say on a 1/4-acre lot it would be 100 cubic feet; anything larger would be in that same ratio.

Boardmember Cameron: I think they were trying to do that in these two paragraphs: 150 yards, and the 5,000 square feet.

Boardmember Logan: I can think of a perfect example that happened just on our street: Old Broadway, where Dosin has dumped approximately 2 feet of chips in front of his [establishment].

Building Inspector Sharma: Yes, a big mess there.

Boardmember Logan: So that constitutes, by some standard, fill. And that, in our opinion as neighbors, is a pretty egregious situation. I don't know how many cubic yards there are there, but that's changed the character of the street. So there's a real-life situation. I don't know whether that's a couple of truckloads or what it is, but it's raised the grade at least 18 inches.

Building Inspector Sharma: When does using chips as a landscaping item become fill or building up grade?

Village Attorney Stecich: When it's more than 6 inches.

Boardmember Alligood: That's the point of having this here. I noticed that, actually. I'm glad you mentioned that. I was wondering what that was about.

Village Attorney Stecich: Bill, do you have any notion -- maybe that's something to measure from -- of how many? Whether it was more than 100 cubic yards?

Boardmember Logan: The frontage is maybe 30 feet by . . . it's probably a thousand square feet times, say, 1-1/2 foot deep. That's 1,500 cubic feet divided by, say, 30 per cubic yard. And it's 50 cubic yards.

Building Inspector Sharma: No. It's 27 cubic yards.

Boardmember Logan: I'm rounding off. Let's say 1,500 divided by 30; that's 50 cubic yards there.

Boardmember Cameron: But it'd be going to Deven anyway. The question of whether it would come to us is what we're dealing with here.

Boardmember Alligood: I actually don't see why this needs to come to us.

[crosstalk]

. . . why we would need to be involved. I think it should be something in the Building Department. We should just have clear guidelines, and permitting required above a certain threshold. Just keep it simple. I just can't think of any case where we need to be involved.

Village Attorney Stecich: Which is fine, but the situation Bill is talking about, he just has to get the permit. He just has to make sure it's clean. Right? I mean, there's not a lot of discretion essentially. He's not going to say you can't put the fill there. You just have to make sure that it's clean.

Building Inspector Sharma: We talk about the quality of a fill in our code; you know, what kind of fill can be brought in.

Village Attorney Stecich: That's exactly what I said. But other than that, I don't see really any basis for denying a permit other than the stuff might not be clean. Right?

Building Inspector Sharma: Right.

Boardmember Cameron: In a big rainstorm it might just go over into other people's property.

Chairperson Speranza: See, I think there's got to be a mix. I think there are certain instances where it would be advantageous for us to know what's going on. I think the permit required through the Building Inspector, and then with his discretion he comes to us and says, "Hey, you know what they want to do here? They're going to put the fill in here. It's in anticipation of leveling the lot. And next year they're going to come in and they want to build a house -- in effect, get rid of their steep slope." In a situation like this, why has this stuff been left there? At what point does something become storage, or a way to get rid of the fill from another location, from a building construction site someplace else? Okay, so

you're not going to stockpile it in a pile, you spread it out. And that's not fair either because then it becomes a dumping ground.

Building Inspector Sharma: That's what Martin Ginsburg had actually planned to do at one time at their site on Route 9-A. They had a lot of excavated material, and instead of stockpiling they just wanted to bring it over there and spread it out.

Village Attorney Stecich: They asked if they could, and the truth was there was nothing in the code that would prevent them doing it. Except I told them that if they did that they were going to lose their approval because it was going to affect their drainage calculations from the other thing. Then they decided not to do it. But I think they were bringing stuff in -- but they weren't doing it, they asked if it was okay -- they were bringing their stuff from the Scarsdale development over there. I don't know whether it would have been a bad thing or not.

Chairperson Speranza: Right. But it's something we should be made aware of. I'm ready to take out this 100 cubic yards and leave it just the second alternative.

Boardmember Cameron: The Building Inspector could send it to us.

Chairperson Speranza: Right.

Boardmember Cameron: I'm fine with that.

Village Attorney Stecich: I want to warn you, because I'm just thinking I'm not sure that's the best drafting. You know, somebody could say it's a little bit arbitrary. But you know what? Wait until that happens; see if it works.

Boardmember Cameron: You mean the language?

Village Attorney Stecich: That it's arbitrary. That you don't have objective standards; that the Building Inspector just decides. But you know what? If that happens, then we'll tighten the language. But in the meantime, I don't know how you resolve this stuff. But maybe after the applications start coming in it'll be a little bit more obvious what the standard should be.

Boardmember Cameron: Can we turn it around, and have it so that upon referral to us by the Building Inspector the Planning Board can assume the responsibilities?

Village Attorney Stecich: That's exactly what it says: "*In any case in which the Building Inspector deems it appropriate, an application shall be referred to the Planning Board for its review and approval, which shall be required before a permit's issued.*"

Boardmember Cameron: I understand. But just a little differently, he can say to us, "You might want to assume responsibility for this." And then we take the vote, and we will assume responsibility.

Building Inspector Sharma: Thinking about that, Marianne and I may have talked about it. There are many other similar situations -- not excavation, fill-wise, or otherwise. There may be many issues that I may want to run by you and see do you really want me to send it to you.

Village Attorney Stecich: Then you really are getting complicated.

[mic malfunction]

Boardmember Logan: That's feedback of some sort.

Chairperson Speranza: Maybe that's Raf on the phone, explaining what it is. Thank you, Raf. He's watching us live, so he knows everything that's going on in here.

Building Inspector Sharma: It seemed like it was coming from outside, or from the roof.

Boardmember Cameron: Speakers.

Chairperson Speranza: So we're going to go ahead with B.

Village Attorney Stecich: You know what? I'll re-draft it [off-mic] next meeting [off-mic].

2. ARB Design Guidelines

Chairperson Speranza: We had a meeting -- Jamie was there, Bruce was there -- on the proposed design guidelines drafted by the ARB. And I think it was a very good start of a document. I think it was done very, very well in terms of making it something user-friendly. And, of course, I just love that you have examples, photographs, and a very graphic orientation to the design guidelines.

They're going to go back and they are going to take into consideration some of the comments that were raised at the meeting. There was a concern about designation of . . . turn to the page "Historic Buildings," and what does that mean in terms of the property owner's responsibilities or opportunities. So there's going to be more to come on this. I'm sure they will accept any comments you might have on the document but, again, it will be changing.

Bruce, did you want to add anything else? I think the meeting went very well. It was really nice to do something jointly with the Board of Trustees and the ARB.

Boardmember Dale: It was a very interesting discussion. When I first read this, I thought it was overreaching. Then, through the discussion, it was clear that it wasn't; that they were leaving lots of room for design to still play a role in what happened in the downtown area. In the end, I think it was the procedure. And how this will actually play out was the most difficult issue; how it would be administered. The decision was made to separate the criteria for choosing historic buildings from the list of what was an historic building. That would be published separately, at a much later date, when there are criteria that would be agreed on. They were to refer back to the Historical Society to establish the criteria.

There are financial benefits to an owner if a building is landmarked, if you use the right criteria. It then qualifies under the existing laws for different grants and tax abatements and things of that sort.

Boardmember Logan: Is there a format for giving feedback on this? Do we email somebody?

Boardmember Dale: Bennett.

Chairperson Speranza: Bennett Fradkin.

Boardmember Logan: Is he listed on there?

Boardmember Dale: He's on the committee.

Boardmember Cameron: He's the chairman.

Chairperson Speranza: Right. He's the chairman of the Architectural Review Board.

Boardmember Dale: His email was subsequently forwarded by Mayor Swiderski. We could forward you his email.

Boardmember Logan: That would be great if somebody could get it to me.

Chairperson Speranza: Jamie, did you want to add anything else to that?

Boardmember Cameron: No. I think it was fine.

3. Comprehensive Plan Committee

Chairperson Speranza: Fred, do you want to talk about the session that we had at the Comprehensive Plan Committee and the community meeting? It seems like such a long time ago.

Boardmember Logan: May 22nd.

Chairperson Speranza: It's a very long month.

Boardmember Wertz: Well, we had a morning meeting, a town hall meeting, to review some of the ideas suggested by PPSA, our consultant, working together with the Comprehensive Plan Committee. And John Shapiro, one of the principles of the consulting firm, led the town meeting and presented a PowerPoint presentation focusing primarily on the downtown, large tracts, and the waterfront.

Just to give a little bit of a sense of where we are in the process, this was really kind of a draft proposal that was offered for a first round of feedback. The next step, which will be in the middle of June, will be kind of a more final draft attempt which will be aimed at building consensus around that. So we are, right now, in a period of comment, where the presentation and the draft proposal are on the Web site. Everyone is welcome to take a look at that, give feedback to the Comprehensive Plan Committee and to the consultants. This month-and-a-half or so will be a period of revision, moving toward what, hopefully, will be a consensual document.

I'm interested in the responses of other Planning Board members who have looked at this document or who attended the meeting. But I think it was very well received. I know Jamie was there, a few of us were there, and everyone I talked to was very positive, very favorable

towards this meeting. I think one of the things that really made it successful is that our consultants reviewed, together with the Comprehensive Plan Committee, all the documents that have been produced in the Village over so many years -- which really in themselves, as far as facts and even recommendations, are pretty comprehensive. For instance, your great study on the large tracts.

One of the things that PPSA did was to really gather all that information together and the recommendations that they felt were very good, very likely to have a consensus in the Village, and to bring them together in a really organized way. And then to identify the real trouble spots, the problematic spots, the places where there are controversies, the places where we're not quite sure where to go. I think John Shapiro, and Liz and company, are really very receptive. They've been listening very carefully to the Village residents -- what their desires are, what their objectives are -- and, I think, have a very good understanding of the Village.

They thought a little bit out of the box in some places, but also, I think, organized a lot of good recommendations that make sense that are already there in our documents and kind of orchestrated that all together. One of the things I like about what they've done is that we get caught up on issues, for instance, of cleanup of the waterfront. We can talk about what's going to happen, when it's going to happen, who's going to do it, what the implications for development are, forever. I think John Shapiro is very good at saying, "We don't have answers to this right now, and it's not fruitful for us to continue to discuss this right now. When we get the answers, in 10 years or 15 years, then we'll be able to move forward in light of those answers."

But right now we don't know, so let's work with what we have and what's there, and let's have a plan that has different time frames -- long-term goals, medium-term goals. And then what I think everybody appreciates, some things we can do right now that are going to give us access to the waterfront, that are going to take the most valuable places for public utilization, and also even development. They have really interesting ideas. Like they really heard our need to ease our tax situation and look very carefully at economic development, and what kinds of development are going to help, versus really not help, our tax situation.

They've got ideas that really respond to that and, I think, have ideas of some residence development on the waterfront in areas we haven't really thought of -- like, for instance, where the DPW is -- and also thought of some ways we could utilize the buildings that are already on the waterfront for the DPW to move in there. And then also to have some public spaces for events to bring people down and get them really into town. That sounded really good. And these would be things that could be done fairly short-term if we have the will to do it. So I thought that was very interesting, that they came up with some fairly immediate

ideas that respond to our interests and will give us access to the waterfront so that the rest will follow.

They also had a lot of ideas for the downtown revitalization. They took ideas from the large tracts studies. I think they really want to preserve the greenspace on the entrances to the city, conservation easements. They're very concerned about the entrances to the Village and the sense of place. They talked about the VFW as a gathering space in the center of the Village, and thought we could do much better with that if we rethought it and possibly linked it with the library. They talked about trails. It really was very comprehensive, I thought, and pretty integrated.

And John Shapiro's brilliant, I think, and a great facilitator; good in terms of his vision for planning, but also really great with people -- listening and understanding. I think he's got a special interest in Hastings and a special love for Hastings. We're very fortunate to have somebody who understands, and has such deep affection for, the Village, and who is also a premier planner and has reviewed our documents meticulously. I think we really needed someone from the outside to kind of take a look at what we've been doing and to say, "Okay, this is how it comes together. Now let's really move forward." For instance, do the rezoning of the large tracts. I think they spotted our vulnerabilities, where developments could happen that wouldn't be in the Village's best interests. I think you saw those, too. But now, I think, we'll have a concerted effort to put it all together and say this is what we need to do. And then, hopefully, the rezoning will follow and the Village will be protected from the kinds of development that aren't in our best interests. And we'll also be moving forward with things that are very exciting.

Chairperson Speranza: I came right in the middle -- I couldn't be there at the beginning, I couldn't stay for the very end -- but I agree. I think John Shapiro did a great job in terms of meeting the community and accepting the ideas that he heard. When he just had everybody call out what they would like to see on the waterfront -- come up with ideas of what you would like to see -- I think that was very well done. Then, as he said, "Well, this could work, this could work. Almost anything will be possible because we're talking about 10 years from now. And then there is going to be a number of things that we can't even think of now because it's going to be in 10 years."

Boardmember Wertz: I think some people have a bit of a misunderstanding about comprehensive planning. They think it's a question of, well, what do you want there, a movie theater or a hockey rink?" I think what John Shapiro showed is that we'll create a space where many things could be there, but the plan itself is going to be flexible. We're dependent on someone coming forward with the funds and the vision to do something. He talked about lightning strikes. You know, we can't say this is what we want and then it kind of materializes out of nowhere. But we can create a plan that will allow many great things to happen. That was very compelling, when he asked the audience what would you like to see

there. And 95% of what people suggested would be possible, with the flexibility of the thinking that they're doing now.

Boardmember Cameron: Actually, I thought they were very astute to suggest that we take our southern tracts and actually convert them, their zoning, to commercial. Because if we're ever going to get a commercial base with access on Executive Boulevard it won't happen soon; it may not happen for 10 or 20 years, as he said. But that's where we actually would get, or potentially would get, a commercial base which really could contribute to our tax base in this town.

He was adroit in avoiding everybody's concern about the waterfront by not proposing any residential housing whatsoever on the old Anaconda site. Whether it really would work to have it on the periphery, as he suggested, I'm not quite sure. But I thought that was interesting. It was also interesting to leave the waterfront zoned industrial. Because our issue in this town, of course, is that what is the highest price you can get for selling the property isn't necessarily what Hastings wants to have there. So the highest price you get for selling the property might be, well it obviously would be, 20-story apartment buildings. But nobody wants that.

Boardmember Wertz: That also wouldn't generate taxes.

Boardmember Cameron: And that's the problem. The problem is that it actually is not sensible for some of the many problems we're having in the town with our tax base. So I thought those were very interesting ideas. And it shows you that you can look at any development or any site and you sometimes just miss what the issue really is. There's a different way of looking at things, which is certainly what he was trying to get us to do; to look at things in many different ways. It certainly brought forth a lot of different possibilities to my mind in attending that session. It was very good.

Chairperson Speranza: Fred, you mentioned that there's a report on the Web site?

Boardmember Wertz: Yes, it's on the Web site.

Chairperson Speranza: So people can go and look at it.

Boardmember Wertz: It's the Hastings Web site, under comprehensive planning. Actually, the PowerPoint that John presented is there, too, so you can read through it all. There are some great tables and graphs and photographs and themes. It was very informative.

4. Stormwater Management

Chairperson Speranza: Just one other thing I want to touch on very, very briefly. Angie was at the stormwater roundtable, I was there, Sandeep Mehrotra from our conservation commission was there. This forum that I attended was the first in a series of kind of sustainable design forums that the Saw Mill Coalition and Groundwork Hudson Valley is

putting together. This first one had to do with stormwater. It was very interesting to see, and meet and speak with, the other River Town communities, and how we're dealing with it. Of course, we all know that water knows no municipal boundaries. It was interesting to hear, also, Peter Eshwiler, who's head of the county's task force now on the flooding, provide us with information on projects which might be eligible to receive funding, some of which is land acquisition. And a whole variety of projects are eligible, except for study and design, or study and planning. No planning money for this. You've got to be ready to go.

But there was a really good sense from people with respect to finding a way, since we are all River Towns, of dealing with the intermunicipal impacts of stormwater. Our friends in Ardsley, who we saw a lot of during the 9-A discussions, it was great because it was the same people who came here. We were talking about how there really are such tremendous intermunicipal impacts for these developments, such as the school kids who would be going to Ardsley schools from the development that we approved in Hastings. Well, that's one thing and that's something that's very finite. But when you're talking about the water course, that's kind of a different thing because that's all up and down the street. There was no one there from Yonkers.

Anyway, this is the first forum. It made me come and ask Angie what we have to do, what do we do, with respect to our stormwater planning. That's what Angie put in the package, and this one was from last year.

Village Planner Witkowski: And it's totally changed. It's due June 1st, and I've got most of the pages started. You have to quantify everything on the minimum measures. I need to get the information from Mike Gunther and also from Deven. I did go to a meeting on Monday, that following Monday the PDC did, where they had gone through the new form that has to be done. Also, they're going to start doing audits. For five years they have to be audited. Every fifth year each [MS-4] is audited, and they are very serious about it. We had all the legislation, so everything has to be in order. Because they'll give you a chance to fix things and come back the following year to check, but they will fine you if you don't have it in order. That has to be decided -- who's going to be responsible for that. I've been the only one going to the meetings.

Also, I talked to Renalva and Ann Marie Mitroff from Saw Mill River Coalition. Lynn Oliva was able to get that PowerPoint that Peter presented. So when she's in the office next week, next Tuesday, then I'll get a copy that we can put on our Web site. We had a lot of stuff on the Web site, then when they made some changes on the Web site it got taken off. So I've been working with Jen to get that all back up because that all really has to be on there. It's important, so I've already talked to Jen and we're going to get that done before June 1st so I don't have to take things off the annual report.

Boardmember Cameron: It was [Ann Marie's] presentation that I actually circulated to everybody, in black and white. I couldn't go to the one you went to, but I went to a prior conference she gave. It's very interesting because from their point of view our stormwater issues are all actually in the Saw Mill River Valley. That's where our issues are. Originally it was going down the Hudson River. We don't really get flooding from the Hudson River yet -- we haven't built the waterfront yet -- and it was fascinating to see her slides because they picture it starting up in Pleasantville, that entire valley. That's the real issue for us.

Chairperson Speranza: And what do we contribute or not contribute, and what happens to us when something's built in Elmsford. You know, what are the impacts. And sure, we think about Ardsley and we think about Dobbs Ferry, but we don't think further upstream -- and about our role, if we have a role, in helping to ameliorate any of the impacts that may be caused upstream. But some of the photographs were just incredible, and the presentations, with respect to, I'll say, the [sound shore] communities which, of course, tend to get hit the hardest. If you ask folks who live in Larchmont or Mamaroneck or Rye, they are just as inclined to say, "Hey, it's because of all the development that happened in White Plains, and it hasn't been controlled properly from the development in White Plains because they don't care."

Boardmember Cameron: All the rivers in Westchester are named after highways and go north-south.

Chairperson Speranza: Isn't that something?

It was good to see Sandeep also, and we're going to try to get together with the Conservation Commission. That's why it was so great to have the ARB discussion with the Board of Trustees, to get together with the Conservation Commission and speak with them kind of off-line; and what things are in common, and how we can move ahead to discuss things rather than have them simply being . . . and this has been my experience -- unfortunately it's the only experience that I've had with them -- to have them be commentators on the EIS documents that we get for Andrus or Saw Mill Lofts.

Village Planner Witkowski: I happened to think, when you were talking about excavation and fill, how that may be related to stormwater. That's something that really should be thought about. Also, I know other communities that I've worked with where they've had excavation and fill ordinance. They had their conservation commission involved in that.

Chairperson Speranza: That's a very good idea.

Village Planner Witkowski: In those cases, Planning Board or Building Department, they would get a recommendation from them . . . in fact, I think they would make the final decision after the engineer looked at it.

5. Miscellaneous

Chairperson Speranza: There was one other thing I wanted to mention: Housing the Hudson Valley, Pattern for Progress, June 12th, 2009, Marist College. We all have fliers on it. Again, it looks like it's a good forum for people to get together and talk about common interests.

Village Planner Witkowski: The other thing I wanted to mention was that I went to the Main Street Summit in Beacon and it was really excellent. It was actually Bruce's company CPC's Hudson Valley office. So they sent us the PowerPoints for parking and strategies. There were a couple of consultants that do a lot of work with downtowns and main streets. And then Frank Fish did the parking strategies section. So I just pulled it all together, and I'm going to get that put up on the website.

Chairperson Speranza: This looks very interesting, some of this stuff.

Village Planner Witkowski: It was really excellent.

Chairperson Speranza: Anything else for this evening?

VI. Adjournment

On MOTION of Boardmember Dale, SECONDED by Boardmember Wertz with a voice vote of all in favor, Chairperson Speranza adjourned the Regular Meeting at 11 p.m.