

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
REGULAR MEETING & PUBLIC HEARING
OCTOBER 15, 2009**

A **Regular Meeting and Public Hearing** was held by the Planning Board on Thursday, October 15, 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 (9:20 p.m.), Bruce Dale, Ed Dandridge, Village Attorney Marianne Stecich, Administrative Kevin Hay.

I. ROLL CALL

II. APPROVAL OF MINUTES

1. September 17, 2009 Meeting

Chairperson Speranza: Does anyone have any comments or modifications?

Boardmember Cameron: On Page 3, where I'm speaking – which is the first time I speak on the page – it says: "*and then there is . . .*" and they have smaller bracket, then "XXX." It should say: ". . . and then there is a small "tax lot" and it continues "*on the lower lot.*" It should just say "tax lot on the lower corner."

Then the other one, on the page over, it is the . . . well, I've spoke it a bunch of times. Where it says "[*off mic*]," it should say, "What about the . . ." and then the next time it says "[*off-mic*]" it should say, ". . .of the property, and the . . ."

Those are my only 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 September 17, 2009 were approved as amended.

Chairperson Speranza: Just a couple of housekeeping things. First of all, I did receive a communication from someone who watches our meetings on television -- isn't that nice? – who said that sometimes the sound quality often leaves something to be desired. So just make sure that your mics are in position. Jen, you understand that case, also?

There was also a concern about the rattling of the plans when we sit here and we open up the plans, and people flip the plans. In the meantime, other people are speaking and it is very hard to hear. I know it's kind of been a long time since I've watched one of our meetings, but since someone's watching and paying attention let's just be cognizant of that. Okay?

Second of all, there were just a couple of announcements I wanted to make people aware of. On November 7th there is a program that's being held by Groundwork Yonkers. It's got to do with stormwater management. Its "Low Impact Development for Better Site Design; Greenburgh and the Villages," specifically tailored to the River Towns. I am going to be there. There is actually a presentation that's going to be given by Sandeep from our Conservation Commission. If people want information on it, then get in touch with me through the Planning Board and I'll fill you in.

Then there's another program on December 5th, also on stormwater, that is being put on by Westchester County as part of the flood action task force. Stormwater, as we know, is a real issue. On a night like tonight we can appreciate that you've got to do something with it.

Another item – and, Kevin, you may have seen this come into the Village hall, and Marianne and Deven, you also – the county planning department has sent around to the communities a draft development checklist for things that they would like to make sure are prepared for plans and actions that are referable under the general municipal law. Certain types of planning and zoning actions, if they're going to be impacting a county facility, have to be referred to the county planning board. The planning department has put together a checklist identifying those things that they would like to see included on plans. We've spoken here quite a bit about creating a checklist, and I think it's a good document. Have you seen it, Kevin? No?

I'll get in touch with Susan Maggiotto, then, and ask her if she can circulate it. Right now it's a draft, but I think it would be helpful for us. And certainly the planning department is looking for comments on it so I think it would be good for everybody to see it.

You all remember, we spent some time on new legislation, new zoning provisions, for fences and excavation and fill. Those provisions went to the Board of Trustees on the 6th. I did not get a chance to see the meeting, but Marianne's going to report back to us what the sense of the Board of Trustees was on that. I think we have more work to do.

Village Attorney Stecich: But they didn't even say to send it back to the Planning Board for work. They just had a lot of issues with both of them. Interestingly, the overall issue with the fences was a big surprise to me. But I guess, in the context of the Board of Trustees wanting to be proactive about the deer and controlling the deer, people are paying attention on that front. There were a lot of people who were concerned that if you have a 4-foot fence in front it's not going to keep the deer out.

I guess people are thinking of fences as deer control. We never thought about that. It just never came up, but was the basis of some opposition from a couple of people in the public.

There was no consensus on any of these things, but there seemed to be some sympathy with that position, at least with some Boardmembers. One of the Trustees was concerned that a 4-foot fence on a retaining wall may not be high enough, depending on the situation. The retaining wall could run down from your backyard, run down pretty far, and then even if it's in your back you would only be entitled to a 4-foot fence because it's on top of a retaining wall. Otherwise maybe it would be a 6-foot fence. That was an issue that was raised.

There was some concern that anybody who wanted to put up one of those low fences around a garden or around a tree would need to get a building permit because it's a fence. But if that were the only concern, I think that one would be kind of easy to fix. Just like we said that for a 2-foot wall you didn't need to get a building permit, you could say for a 2-foot fence you didn't need to get one. We didn't say it about fences, just about walls. People were thinking about regular fences.

This is something that doesn't mean people didn't like the law. They were concerned about fences that might be nonconforming now. If it needed to be repaired, or if it fell down, would you be able to put the same size fence up. I didn't have a chance to look at it. Our already nonconforming structures provisions may deal with that, but it could be fixed. I don't know what to do about the other stuff.

So that's that on the fences. Nobody said bring it back to the Planning Board and fix it, or "You fix it," or anything else. This is not a formal report from the Board of Trustees. I'm telling you what happened because I happened to be there.

Chairperson Speranza: So we should all see if we can watch it.

Boardmember Cameron: I watched and was quite surprised. I watched it Sunday afternoon, and was quite amazed, actually.

Village Attorney Stecich: I know. The thing that's kind of interesting about the fences is, there was a woman who had come in to the Zoning Board for a variance. I'm only saying this because we have some time. But she came in for a variance for a higher fence than 6-1/2 feet because she wanted to be able to keep the deer out. She said a 6-1/2 foot fence won't keep the deer out.

Boardmember Dale: Whether it was a doe or not, but she felt the buck would jump the fence.

Village Attorney Stecich: That was not what she said, but was something that somebody at the Trustees meeting said: "Yes, it would keep a doe out, keep fawns out, but might not keep a buck out."

The other thing that came up with respect to the fence law – that was always an issue raised on the excavation and fill law – is, hey, is this an issue?; have there been a lot of complaints about it? Not a lot, no.

Chairperson Speranza: But it was an issue being raised.

Village Attorney Stecich: With the fences, one of the Trustees pointed out the big fence that people had objections to. I pointed out that that wasn't the only reason. That the Board had been talking about fences long before that.

Chairperson Speranza: And retaining walls.

Village Attorney Stecich: It's just that that particular fence was a good example to use. So, anyway, that was it.

They had the same thing about the excavation law: has it been an issue. I did point out the issue that we were able to avert, for different reasons, Ginsburg wanting to put fill on the property over on 9-A.

Chairperson Speranza: To get rid of the steep slope.

Village Attorney Stecich: No, that's not why they wanted to do it. They had dirt left over from another project, I think maybe from Scarsdale, that they were building. They needed a place to put it, and they wanted to put it there. The truth is, there was nothing, in a law that said they couldn't. But I pointed out to them, "Hey, listen. You're going to have to open SEQRA again because everything's changed." Then they decided not to do it, but the next person might not have that. That was one thing.

Another issue that the Mayor brought up was that the way we had drafted the law you couldn't use construction debris and whatever in fill. Apparently, under the new sustainability methods, you do use fill. The Mayor had experience because he had built something.

Boardmember Dale: The side of his house, the earth had washed away the slope and the water was getting into the house. So he filled it with construction waste from the renovation of his house, and then covered it with earth and then seeded. That's a recommended practice under LEED.

Village Attorney Stecich: Right. That was one issue raised. Somebody else, the way it's written about you can't use tree stumps and plant waste, or plant materials, as fill. They said, "Then the way this reads, you can't pile your leaves on your property." I guess it's true if you were putting the leaves in the back and they were higher than 12 inches. That was an issue that was raised.

Chairperson Speranza: My recollection is that the big thing was that you didn't want to do that and put a structure on top of it. Because that was a problem at one location in the Village, where someone was doing the retaining wall.

Village Attorney Stecich: Then there was an exception. It wouldn't be fill if you were putting in up to 6 inches of soil. But somebody pointed out that for a garden you might easily put in 9 inches of soil. So that could be over-inclusive. Those are some of the issues that were raised. That was pretty much it. Bruce?

Boardmember Dale: There were so many back-and-forth discussions about it. I was amazed it generated that much concern.

Village Attorney Stecich: I would say generally it wasn't well received.

Boardmember Dale: One of the questions was, don't fix what's not broken. Is there really a need.

Village Attorney Stecich: Right. Which was a question that Bill had raised. One thing they didn't talk about – a couple of really easy fixes that I can't imagine anybody would disagree with, and I don't think it has been an issue, or certainly not an issue on the street but maybe on the side – was that you have to put a good side out. You have to put a good side of the fence out.

Boardmember Cameron: Don't we have that already?

Village Attorney Stecich: No, it's not in there.

Boardmember Dale: The existing law evidently does not require that you put the good side out.

Village Attorney Stecich: Finished side out, or facing the street?

Boardmember Cameron: On the deer fencing, there are quite a few communities farther north where people put up deer fencing. And in the deer fencing, as you may know, the wire is quite far apart on poles. You just see right through it. It's certainly a lot cheaper than putting up a fence that really will stop deer from going over the top of your 6-1/2 foot fence. Because they'll go right over that. I've seen them go over the back of ours, which is 6-1/2 feet. They go right over it.

Village Attorney Stecich: Do they? Does do, too? It must be does because you don't see that many bucks.

Boardmember Cameron: Let me tell you, they went over it very easily, thank you very much. Anyway, real deer fencing, as you know, is thin poles. And then they have wires on them. You see right through them, they're this far apart, and they're just meant to stop the deer and not hurt your vision. Certainly, that would be a lot cheaper to put in than allowing people to put a whole bunch of 8-1/2 foot high fences around their property.

Village Attorney Stecich: Right now they couldn't put 8-1/2. That's the one limit we do have: it can't be higher than 6-1/2 feet.

Boardmember Cameron: And very few people have fences on the front of their properties.

Boardmember Dandridge: Can I just ask a basic question? The major concern in the meeting was that there were some residents who thought that the law, as we drafted it, was our motivation to prohibit deer.

Chairperson Speranza: No, no, no. The concern of the Board was that when we drafted it we did not take into consideration the need for people to keep the deer out of their property. And we didn't.

Village Attorney Stecich: None of these were concerns of the entire Board. It was a general discussion; different issues raised by different people. But I can't say there was any general point.

Boardmember Wertz: Marianne, what's your sense of where it goes from here? Is it going to be discussed again by the Board? Are they going to make a decision on it? Are they going to discuss it again and decide whether to give it back to us, or approve it?

Village Attorney Stecich: No, they didn't.

Boardmember Wertz: Could it just sort of die right where it is?

Village Attorney Stecich: It could. I'm not going to predict, but nobody said fix it up and bring it back.

Boardmember Wertz: Perhaps just a lack of interest, and we move on?

Boardmember Cameron: Or they could deal with the deer issue first, and then come back to the fence later.

Village Attorney Stecich: There wasn't a lack of interest. It was a pretty lively discussion.

Boardmember Dale: It was very lively. I enjoyed the discussion.

Boardmember Wertz: With no conclusion?

Boardmember Dale: There was no conclusion.

Village Attorney Stecich: There was no conclusion. There was no "Why don't you fix it up." There was no "Why don't you bring it back to the Planning Board."

Chairperson Speranza: If we can see it, or get copies of the minutes – if we can watch that meeting before our next meeting in November – maybe we can decide what we want to do with it. Remember, a lot of this was because of the steep slope issues. We decided we should pay attention to this because of retaining walls, and we just expanded and expanded and expanded. I never thought of the deer. Darn.

Boardmember Dale: There was one suggestion. That you could amend the steep slope, or cover a lot of the issues that were raised by the retaining wall particularly.

Chairperson Speranza: We can think about that.

Boardmember Cameron: People talk about amending the Steep Slopes Law. All we did with the Steep Slopes Law was leave it exactly the same except we had it apply to single lots as well as subdivisions. Otherwise, the provisions actually are the same.

Chairperson Speranza: I think we did require additional information from the applicant with respect to how the proposal protects the adjacent property owners. That was the other thing, too: they had to be noticed.

Boardmember Cameron: But we didn't actually change the Steep Slopes Law. We just made it apply to single homes as well as subdivisions.

Boardmember Dale: Marianne, have you responded to them about the issue that was raised about repairing fences and asked them what they want to do with the law? I think that might give us a little bit of guidance whether we want to come back.

Village Attorney Stecich: I don't want to be the referee here, or whatever.

Boardmember Dale: No. They asked you to look that up, to respond to that.

Building Inspector Sharma: If I may say something, the fence modification changes perhaps may not be quite as important, in my opinion, as changing the grade's topography in one- or two-family situations more so than other situations. Because in most other situations, some of that can be adjusted or taken care of in some way in the Planning Board's site plan review process. Whereas in a one- or two-family situation there's no way. If somebody wants to build up a grade I have nothing to go by to stop this person from doing that. If it affects the neighboring property, theoretically there's nothing I can do.

So it has happened at a couple of sites, although it is not rampant yet. Not happening too often yet, being proactive about it because things could happen. Maybe some tools for me to either look into it or bring it to you, that, I think, we should still pursue.

Village Attorney Stecich: The Board definitely did understand that because Meg Walker remembered that an issue came up when she was a planner. She raised the point.

You know what might make the most sense? Whoever's interested could watch it, and then we could discuss it at the November meeting what the response should be.

Boardmember Logan: But procedurally, whose court is the ball in? Has the ball been passed back to us, or are the Trustees holding on to the ball?

Village Attorney Stecich: It's not in any court.

Boardmember Cameron: Well, it's in their court. They have it.

Village Attorney Stecich: Oh, I'm sorry. You're right. It's there, I guess.

Boardmember Logan: Should we keep burning up our agendas discussing this any more until they hand it back to us?

Village Attorney Stecich: Maybe, because it's certainly in their discretion. It's entirely in the Board of Trustees' discretion, and that's a good point. On the other hand, I guess Bruce is saying that if people felt strongly about it you could say, "Hey, listen. We're recommending this change and this change, and maybe you'll find it more palatable." Or you could do nothing.

Chairperson Speranza: We could go to the Board meeting, and say, "There are issues. We don't want there to be a situation where someone ends up dumping a lot of fill on their property and changing the topography. The Building Inspector, right now, has no recourse if someone calls up and says that's what this person is doing.

Building Inspector Sharma: That situation did happen. People brought in truckloads of dirt, and I said, "No, you can't do it." Most times, I do like to say, "Here are the code sections," I said, "you can't." But in this particular case, if somebody had really challenged me, I couldn't really have said anything. This could happen, and has happened at a couple of places already. To mitigate the height issue or something, people could play some games if they wanted to.

John Adams, architect for 385 Warburton Avenue: It's also very easy, just with changing the grade by raising it a few inches, to change the flow of water over the land and effectively send it into someone else's basement or whatever.

Boardmember Dale: I actually used that example in a discussion with Mayor Swiderski because I did that in my backyard. I dug out a terrace. The earth, when it came up, they just spread it over the nearest portion of my land and increased the slope to my neighbor's backyard.

Chairperson Speranza: Shame, shame.

Boardmember Dale: Exactly. It didn't cause them a problem, and their water system carried the water off without a problem.

Chairperson Speranza: Well, that's good.

Boardmember Dale: But it was done, and those plans had been approved by the Building Department prior to Deven's administration without a question. But you're correct. It could very easily create a problem for someone else.

Chairperson Speranza: So we'll do a little homework and decide how we're going to handle it.

III. PUBLIC HEARING

On the application of Ben Diep for the approval of View Preservation and Site Plan Approval for the addition and alterations to an existing mixed use building located at 385 Warburton Avenue.

Boardmember Cameron: Could we get 10 seconds to open our maps?

Chairperson Speranza: Ten seconds, no discussion.

You know what? We have plans. Make sure the folks can see.

This is a public hearing on a site plan approval by the Planning Board, and view preservation recommendation to the Zoning Board of Appeals. It is for an addition to, and alterations on, an existing mixed-use building at 385 Warburton Avenue. Say your name one more time.

John Adams: I am the architect.

Chairperson Speranza: When you go to the plan just take the portable mic.

Mr. Adams: This is Ben Diep. He's the homeowner – he and his wife, who's not here, obviously.

I think we'd like to start by giving the big picture of what it is we're trying to accomplish. My client, Ben and his wife, currently live in Scarsdale. They bought the building a year ago. They have two kids, and their plan is to move their family into, I guess we would say, the upper 2-1/2 floors of the existing building, which are currently the residential floors of

the building. There are currently five units in the building, four of which are occupied. As a result of the changes we're proposing, there would be a single family occupying those 2-1/2 stories. Deven and I were not quite sure, but we think that half-story becomes a third story. Anyway, it's a little bit ambiguous.

Chairperson Speranza: But it's a fifth floor.

Mr. Adams: It would be a sixth floor, according to New York State.

Chairperson Speranza: That was one of the questions I was going to ask. But go ahead.

Mr. Adams: That's half of the story. Then the other half of the story is that Ben is an artist. He has a business called Color Space Imaging in the city. What they do is the printing, the fine art printing, for fine art photographers, which is how he found out about Hastings. A number of his clients who are photographers in the area talked it up, and he got used to the neighborhood and started looking here. His intention is, when the commercial leases are over – when Kanor's leases are finished, Dr. Kanor, whom he bought the building from – he would move his business, Color Space Imaging, into the commercial floors of the building – specifically the lower two commercial floors.

His intention, or his hope – and I think it might require a special permit down the line – is, on the ground floor, to have a gallery which would be a different relationship he would have with his clients. He would start to exhibit their work there and store their work there. Of course, they're coming to him anyway to deal with him on a regular basis for ongoing projects. The picture, then, would be that it'll be a single-family residence for them above – or a single-family apartment for them above – and the commercial floors would be his business and the gallery. We can start to sort of point some of these things out, but I just wanted to make a general observation.

I live in Dobbs Ferry, and used to spend more time in Hastings than Dobbs Ferry. The reason I came here, too, was because there are a lot of creative people here – architects, photographers, artists, writers, etc. – and I think the program of what he's planning to install here is picture-perfect for Hastings. And I think it's definitely a continuation of what makes these River Towns special. So I really see it as sort of a gem of a program fitting into a gem of a little building in a gem kind of location. I think there are a lot of forces at work here that work in a synchronous way for the Village as a whole and to the benefit of the Village.

It might be best to start with the elevation. I hope you've looked at the plans, or should I go over the floor plans themselves?

Chairperson Speranza: Why not, just briefly. As I said, we've seen them, but other people have not.

Mr. Adams: I'm just going to set this down. On the ground floor, we've always felt that this southern entrance was very much of an afterthought and sort of a squirrely way to get into the building for anyone who's going to live there. We've set it up on the ground floor so

you actually enter the apartment through the front door. Then you have your own little corridor that takes you to the existing stair and up into the living spaces.

I guess we're calling this the fourth floor because we're going from the base level. You come up the stairs, and all of this space has been opened up into a large sort of living level of the space. One of the intentions, or one of the specifics, of the program that we had was – because it's a tall building, because you're one story above even the ground level, or the street level, like so many houses in sloped sites all over Hastings and Dobbs Ferry – you really end up using these decks as living space. So it was very important for us to try to get a large deck off of the living space, which is happening on this level.

The next level up is the bedroom floors. Again, there's a very small deck at the back, on the fifth floor. Then the existing attic floor: what we've done is designed it as a family room. The intent is, that's where the kids will play. Also, Ben wants to do painting and art projects on that level, as well. For that reason, what we've done is poke out the dormer on the north side to pick up the north light. That's the intervention on that floor, which we can look at in the elevation. This is the front façade of the building, and you can see the dormer. We've set it up in such a way that it's below the existing roof of the building. You can see, when you look at it from the side, that we've set it in from the face of the building 8 feet on each side. Effectively, in perspective, it has very little impression on this façade.

Chairperson Speranza: What's on the other elevation?

Mr. Adams: This? That's an existing gable on the south façade. You can see that in the photographs.

Chairperson Speranza: I'm looking at the photo and all I see is the chimney.

Mr. Adams: It's set pretty far back. You can see it's past the midpoint of the building.

Boardmember Logan: So this Photoshop image is an accurate representation of where the dormers would appear from this vantage point?

Mr. Adams: No, I don't think we were dealing with the dormers in that Photoshop image.

Boardmember Logan: This is just a shot of the garage.

Chairperson Speranza: But the improvements aren't on here. The changes to the roofline aren't on here.

Mr. Adams: The dormer's not there. But I'm pretty sure, from that angle – which is taken from across the street – you would see the dormer there.

Chairperson Speranza: Right. That's one of the reasons we have these kinds of photos prepared. So we get a good sense as to how things will change.

Mr. Adams: You can see how much, even in a flat perspective of the dormer that you see, for sure you'll see less. But I'm sure you will see some.

Chairperson Speranza: So is it set back as far as the one on the south side, or not quite?

Mr. Adams: You can see it's set 8 feet. And you can see this is set back at least double that – 16.

Chairperson Speranza: So you would be able to see it much more.

Boardmember Logan: But it's lower than that, the existing peak on the south side.

Mr. Adams: Right. It is lower.

Boardmember Logan: So you may not see a whole lot.

Chairperson Speranza: Okay. So it may not.

Boardmember Logan: Here, you actually do see the peak. It's that big triangle peeking out.

Chairperson Speranza: So you wouldn't see it.

Boardmember Logan: Not much.

Mr. Adams: While we're looking at that, I also would like to just make the point that there is a long tradition of these types of neoclassical buildings with artists studios sort of added on to the north façade of those buildings. So there is a kind of tradition there that I think we've tried to stick to, as much as we can.

Chairperson Speranza: Since we're on that floor, the top floor, I just want to make sure – and I'm just not overly familiar with the New York State building code – I always had it in my mind that the attic cannot be used for a living space. And maybe it's just the terminology "attic." Maybe if it's finished, and is heated and has light and air, it's no longer an attic and can be used as part of the living space. I thought it was a building code issue. Because I know there's nothing in our zoning ordinance that defines an attic.

Building Inspector Sharma: We do define half-story, the space in the attic. The floor has to be [off-mic] [usable floor area, usable height] XXX [off-mic] less than 50% of the floor below. It's a half-story.

Village Attorney Stecich: But that's just for calculating how many stories, which is sort of irrelevant in this case.

Chairperson Speranza: Because it's not conforming.

Village Attorney Stecich: [crosstalk] stories anyway, it's not increasing the number of stories.

Building Inspector Sharma: But from [off-mic] there is no such thing as a half-story. As long as you have the usable space on the third level, it's a third story. [off-mic]

Mr. Adams: Sometimes that distinction becomes important when you're trying *not* to put a sprinkler system in, but we have to put a sprinkler system in anyway. So it's not an issue for us.

Boardmember Cameron: So how high are the ceilings on the attic floor? That would be the question I would ask.

Mr. Adams: The existing ceiling is, I believe, 6 foot 10. That's what I was alluding to briefly before. The zoning code in Hastings, I think, has a 7 foot 6 number, but the state code has a lower number for existing buildings.

Building Inspector Sharma: Before I issue a permit I make sure it meets the state's requirements for [off-mic], ceiling height, and accessibility.

Mr. Adams: If that was an issue we could raise the – what do they call it. There's a technical word for it. The things that tie the two sides of the roof together. We could, if we had to, raise that structurally to get a taller ceiling, but we'd rather not.

Boardmember Dale: But if you did raise that, you would also raise the height of the roof?

Mr. Adams: No, no. The roof would stay the same.

Chairperson Speranza: Go ahead, finish.

Mr. Adams: The other aspect of the program that we really want to accomplish is that he would like to have some parking there, which I think is always a good thing to have. That seems to be the intent of most of the zoning codes that I read. So what we've done is add a garage, or build a garage. In order to build a garage, there's a fair amount of structure that has to happen because of the topography, essentially. From the street level, that site drops down 16, 18 feet, something like that. Inevitably there's a certain amount of structure there that has to be built.

We started thinking about that, started looking at it, and started looking at it as a series of posts. We were not very happy with what we were drawing, and talked about it with Ben. That sort of led to something he had always wanted anyway, which was to get a little bit more square footage at the commercial level of the building. One of the things he does in his work is have photographers come to him who are doing shows. They might be doing 60 images. With digital photography now, these images become quite large. They can be 4 or 5 feet long; I mean, they could be just about anything.

Essentially what happens is that more and more they're mocking up these gallery shows. The more space they have to do the mocking up of the shows the happier his clients are. So what we're imagining is that his workforce – which right now, I think, is three people – will work on the lowest level. Then on the second level, he'll have more storage for the galleries and also these mock-up spaces and meeting spaces.

This led to a real aspect of the proposal, which was to add – I don't have the numbers in front of me, but in terms of coverage – 630 square feet . . . 1,078 square feet, it's about 1,800 square feet of coverage. It's 14 feet at the back, which allows us to get an actual sort of space out of it like an office space.

Chairperson Speranza: That's a two-story addition, and the deck is on back. The deck for the third floor, the residence, is part of that.

Mr. Adams: Right. So when you look at it in elevation, you only really see – at least from the street – this third level of addition.

What we've done is design it in such a way that I think respects how the building was designed; or at least a real quality, let's say, that the building has. It's sort of schizophrenic. I mean, the building was obviously designed to be seen from this vantage point, and it's brick

from here up. And then from here down, the part that you don't really see, it's stucco. In fact, when it was originally designed there was only one floor below and columns at the bottom of it. So what we've done in the addition is sort of expanded it and made this like a [plinth] that the actual little classical building sits on, which I think respects the actual nice proportions of this and sort of sets it off.

In addition to that, we tried to be sensitive to the fact that there is this garden pathway that goes right by the building. What we're proposing is that we would actually clad this addition with spaced lath siding which would allow plants and vines – specific ones, anyway – to grow over this lower façade. Once that grows up, that would be the actual visual experience that you see at that level.

Chairperson Speranza: So that's what we would see, walking along the Quarry Trail?

Mr. Adams: Yes. You can pass these around. That's a building on the west side of Manhattan which has exactly that treatment. The side you see that's completely covered with vines is also the north-facing side of that building, just to make the point that it is possible to get vines to grow on the north side of the building.

As part of this work, we would have to take out a tree that's here. It's actually not a very healthy tree. I wanted to show you this photograph. It's not very good, but you can see how it's just kind of growing in a found way out of the retaining wall. It's kind of odd.

Boardmember Logan: It's blocking the view.

Mr. Adams: It's also blocking the view.

Chairperson Speranza: And it's not the nice tree that I saw when I was there, which actually looks like it's on Village property.

Mr. Adams: It is, yes. That's this tree here.

Chairperson Speranza: Which is good.

Mr. Adams: In these elevations you're looking at, you can see the height of the garage here; you can see the height of the garage here; you can see the height of the garage here. We decided to use the top of the garage to connect to the deck on the living level. So those are all continuous. You can see that, as well.

The other thing we're doing is, on the south side of the building there is just an existing mess of stairs, an old oil tank that's partially covered with concrete, and some other items. We're going to remove the tank, rebuild the stair, and let some of that same garden wall, if you will, kind of wrap around the base. But we do need to have that stair because we need it for egress from the lower levels.

Chairperson Speranza: You had given us some photographs this evening, which are appreciated. Thank you. The point of showing the buildings across the street is how you believe it's going to impact the view from those residences.

Mr. Adams: Yes. It's important to recognize that all of the buildings across the street, their first floor is at least 6 to 6-1/2 feet above the sidewalk. That raises their horizon line that 6, 6-1/2 feet, whatever. When you look at the photographs that were taken from those first-floor levels, from those stoops, you can see – and I've actually drawn it in here – this is the line of the top of the Palisades right here. So you'll definitely, all year long, see that line of the Palisades above this addition.

I even did a little calculation. Our property line is here. If I define this rectangle as a sort of view plane, and if you multiply that view plane by the number of days that currently you have that view plane – which is only six months out of the year because of the tree that's there – by taking that tree out and still building this, you end up with more view for more hours out of the year than is currently existing. So I think, inevitably, what we've done is improved the view at that particular location.

Village Attorney Stecich: I'm sorry, I'm confused. Is this picture showing the garages?

Mr. Adams: Yes. That's to give you an idea of the massing of the garage.

Village Attorney Stecich: Then why, on the picture far to the right, does it look like the garage goes the whole depth of the house?

Mr. Diep: [off-mic] side.

Mr. Adams: Well, you're looking from the side. Here's the street level.

Village Attorney Stecich: Oh, I see. [off-mic].

Mr. Adams: See, that's what I was saying. The topography drops here almost 16, 18 feet.

Village Attorney Stecich: So it's this thing on the top that we see here. Okay.

Chairperson Speranza: In addition to the structure underneath, which is new construction.

Village Attorney Stecich: I didn't understand the picture, but now I do.

Mr. Adams: The existing building has those kind of factory sash windows. We're trying to reuse that, although we'll probably have to do the aluminum version so we can afford to heat it at some point. So our point with the photographs was just to give you a better idea of what would actually be affected there.

Chairperson Speranza: How many parking spaces? The garage would fit two cars?

Mr. Adams: The garage would really fit one car. And then we could actually fit two cars in front of the garage, but that would require making this opening wider, which I'm not sure we want to do. Because one of the things we're going to accomplish here – and I don't know if you can see it in some of the photographs straight-on of the building that you have – all the garbage is currently set up right here. It's just wide out there for everybody to enjoy. Now with a little wall, we'll be able to stick it behind there so it's not seen.

This brick wall that we're proposing is a continuation of the stone wall that's there, but it relates to the material of the building itself. This is the end of the existing stone wall right here. And we need this space here because we would be able to do a three-point turn or a four-point turn to back out.

Chairperson Speranza: But, of course, it would mean that there's a street space that's lost.

Mr. Adams: Yes.

Chairperson Speranza: So it's a tradeoff from a public street space for a garage space.

Mr. Adams: I know this will come up big-time in the Zoning Board meeting. Also, Kanor's business has 25 people working there; I think the most we would have is probably six or seven that we can imagine. I'm sure Ben's even sweating thinking about paying for six, but there's a definite reduction in demand as a result of what we're doing.

Village Attorney Stecich: [off-mic] procedural thing that I didn't see in the application. There wasn't an Environmental Assessment Form submitted.

Chairperson Speranza: I was wondering about that.

Village Attorney Stecich: This does require SEQRA review. Now, it's going to be a little bit tricky because there are two agencies. I'm assuming you don't have to get DOT approval or anything like that, or do you?

Mr. Adams: [off-mic] Environmental Assessment.

Village Attorney Stecich: Did you?

Mr. Adams: Yes, we did.

Village Attorney Stecich: It wasn't in the packet. Okay.

Mr. Adams: I think it went to the Zoning Board.

Building Inspector Sharma: [unintelligible] [It should have come here].

Village Attorney Stecich: Both boards need it. Now that it's in, that makes it a little bit easier whether you want to declare your intent to be lead agency. I guess both boards could just make their own determination. You have to decide about that.

Chairperson Speranza: They have to do variances, which affect the site plan, but [they] have the final call on the view preservation; we make a recommendation.

Village Attorney Stecich: The other thing, does this fit in the Steep Slopes Law? I know it's very steep, but is the area big enough to fit within the Steep Slopes Law. And then we also need to review it for steep slopes. It's going to have to come back to this board anyway, after the Zoning Board.

Chairperson Speranza: It slopes for 1,000 feet.

Village Attorney Stecich: That's what I said. How big is the area? I don't know whether it fits in the steep slopes.

Mr. Adams: [off-mic] steep slope area here, but it is less than 1,000.

Village Attorney Stecich: It's less than 1,000?

Boardmember Dale: And it's not impacted by the work being done at all.

Village Attorney Stecich: It's not the number of feet – that was my question. Then that's not an issue.

Chairperson Speranza: So at site plan approval there's got to be some sort of SEQRA determination. There is a recommendation from us for view preservation, and then you're on

to the Zoning Board for a front yard variance because it's existing/nonconforming. There's no change to the front yard. Correct? The building height, you're going a little higher.

Mr. Adams: We're not going any higher, but we are extending the amount of nonconformity.

Chairperson Speranza: By virtue of having the dormer.

Mr. Adams: The dormer, right.

Chairperson Speranza: And then the off-street parking. You're right, the big issues is the tradeoff of one private space for one street space.

Mr. Adams: Well, it's two spaces for sure. And we could make the argument that it's three, but there's a sort of aesthetic issue here in terms of the width of that opening, I think.

Chairperson Speranza: And you do have to get an approval from the county department of public works.

Mr. Adams: For the curbcut, yes.

Chairperson Speranza: So that's a separate application for that.

Mr. Adams: Yes. We'll do that if we get the Village approval.

Chairperson Speranza: This is a public hearing. Any members of the public want to speak?

Board comments, questions?

Boardmember Cameron: I guess there's the discussion previously, when we had a new curbcut, about what we're going to do to make sure the person doesn't back onto the street. This is another situation where we have the fact that one could just see three cars going there in a flash, and then at that point you have to back onto the street to get out. I just think we need to think about that. Didn't they have to apply to the DOT?

Chairperson Speranza: Yes.

Mr. Adams: Yes, that's one of their criteria. You need to demonstrate that you can make the turn.

Chairperson Speranza: Without backing out.

Boardmember Cameron: Right. But there's a different concern, as well, which is not only can you make the turn but it's set up in a way in which you don't end up with three cars in there and therefore whoever just goes in there casually can't make the turn.

Mr. Adams: The way we've set it up, with the aperture of the opening of that low wall, I don't think you could have three cars currently.

Boardmember Cameron: Why couldn't one go in the garage, one go in down the right-hand side, and then the next one follows down the left-hand side. You could get in pretty quickly.

Mr. Adams: You might be able to do that.

Boardmember Cameron: [off-mic]. You could if you know how to parallel park. If you didn't know how to do that . . .

Mr. Adams: You wouldn't want your insurance company to know about it, though.

Boardmember Dale: When that car couldn't get out unless the other car was removed.

Boardmember Cameron: I think you could back up. I'm just bringing that up because we now have more cars. Admittedly we have a wall protecting us, but we now have more cars in the quote, unquote front yard, so to speak.

The other thing, I guess, is view preservation. The view preservation isn't just for the people across the street standing on their front porches. It's also for people walking down the street. That's also part of this. So if you look at the perspectives [off-mic] which would be a different one . . . because now, I know there's a tree there, [which is good for the applicant. But once the building's there, the garage is there, you may not see . . . I don't know [off-mic]. We should just be thinking about that.

Boardmember Logan: As you walk along that wall your view is basically completely blocked by those trees, only one of which is on your property. But with that tree gone, that view opens up quite dramatically. I guess we could weigh – and I think these renderings probably show – the relative amount of obscuring that occurs. But my impression was the view is significantly more open with that tree gone.

Boardmember Cameron: Right. You said the tree was [unintelligible], but I think it would be useful to have a picture of somebody standing on ground level looking out, as well as the one he's given us, because there's somebody standing across the street in that 6 to 8 feet.

Boardmember Dale: The point he made earlier, where the amount of time that view was open would be increased significantly, right now six months out of the year you have no view.

Chairperson Speranza: Okay.

Eva, hi. The applicant just went through the presentation, and now we're doing comments and questions.

Boardmember Alligood: I'll read the minutes for next time. It's okay.

Chairperson Speranza: I thought if you had some issues or comments or questions you might as well do that.

Boardmember Alligood: The one question I had was maybe around the parking. It sounds like it was discussed, so I'll take a look at it or watch it on the video.

Boardmember Cameron: I have just one more sort of question. You're showing these lateral [board walls], and you're showing it where it's installed in two buildings with large overhangs. This building, I don't think, will have an overhang which will affect that portion of the [board] XXX wall. I'm just sort of curious about where.

Mr. Adams: I'm not sure.

Boardmember Cameron: You showed the same, with this kind of structure? So you're not using this kind of structure on the bottom, down here? It doesn't have an overhang which is going to affect it that much because its overhang is up 3-1/2 stories, whereas this one had a

very large overhang over it. It's really a slightly off-the-wall question, but it's how the wear-and-tear is going to go on that and what it's going to look like. It's slightly peculiar, quite frankly. A wall thing . . . to have a . . . it's sort of like a lateral board and batten without the batten. So I'm just curious.

Mr. Adams: You do start to see it more and more as green becomes common, I guess. We did a house a couple years ago that had a similar kind of treatment. You know, you have your membrane over the actual sheathing of the building, then you have your vertical supports, and then you run these horizontal pieces across. The nice thing about it is, it allows water to penetrate through it and then run out. The big problem you have with water, and the freeze-thaw cycle, etc., is when you trap water somewhere and then it expands and contracts and does its damage.

I had a professor in architecture school who said that wood is not an architectural material. I mean, on a certain level we know it won't last 50 years, probably. But I think because it's not contained, other than by the plant life itself, it's going to be relatively long-lasting. What they used there is either Ipé or Cumaru or one of these really strong, tough woods, and not like cedar, which is quite a soft wood.

Boardmember Dale: From experience with plants on walls, and particularly on stone walls, they're very dangerous because they eat out the water and basically disrupt. Is there a space between this lattice and the actual structural wall?

Mr. Adams: Yes, there is a spacer of . . . I don't know exactly what it would be right now, but would probably be about 2-1/2 inches.

Boardmember Dale: And that's adequate to prevent the roots from reaching out?

Mr. Adams: I think so. They tend to go where the light is and not where the shade is.

Boardmember Dale: Climbing plants also put out roots, I would assume. My experience was with stone walls in Europe, and they will cause the wall to be compromised.

Mr. Adams: There's also a company – I can't remember their name – that actually makes a product to do this where it's extruded aluminum . . . I think it's extruded aluminum.

Boardmember Logan: It's a 3-D metal lattice system.

Boardmember Dale: If I'm not mistaken, the owner has applied to the DHCR to remove this building from rent stabilization because of the existing tenants. Have you had any response yet from the DHCR?

Mr. Diep: It's a long, drawn-out process, and this is part of the process: we have to show good faith to the DHCR that we are not removing the intent of just moving in by our right, but it's just because we want to renovate it [and rent it for] more rent. In the past, the developers tended to do that. So we had to show good faith to the DHCR that that is what our intention is – to use the space ourselves. We are going through this process to have a complete, finished product. And then we'll show them that this is our intention. That will basically cross out what their doubts were in terms of our intention.

Boardmember Dale: So your approval by the DHCR is dependent upon your plans being approved by the Village?

Mr. Diep: Yes.

Boardmember Dandridge: Can I ask a question about the tree? It appears from this picture that, for half the year at least, the tree does obscure what is really rather obvious and visible trash. Right?

Mr. Adams: It really doesn't obscure the trash.

Chairperson Speranza: No, it doesn't.

Boardmember Dandridge: That's wishful thinking. Right?

Boardmember Dale: The trash is in front of the tree.

Chairperson Speranza: It's recycling stuff.

Mr. Adams: They made like an iron fence basket that holds these garbage pails.

Boardmember Dandridge: And you said the tree is not in good shape. Is that accurate? Didn't really get a good look at that. But I guess what I'm trying to figure out is . . . I mean, it's hard to tell what the life of the tree's going to be, but it's possible that we might not have that tree there anyway. Right? It's not deeply rooted.

Mr. Adams: It's not a specimen tree.

Boardmember Dandridge: So we might end up with the trash without the tree, in any event. Right?

Mr. Adams: Yes.

Boardmember Dandridge: I was trying to see if there was a tradeoff there if, in some way, the tree provided some sort of shade. But it seems it doesn't. Right?

Mr. Adams: I think one of the nice things, too, about taking the tree out is you get to see that building as sort of what it is, which is really quite nice. Where the green actually appears is the actual track of the path, so there's a sort of visual indicator that that's exactly where the path is.

Boardmember Dale: The DOT didn't give you authorization to build the garage? And plus, they decided that if you didn't have space to turn around would you still build the extension?

Mr. Adams: Yes.

Boardmember Logan: I think there's going to be a net improvement. We're going to have more view here than we have now. I think it could be tweaked, but I don't see any of the neighbors here complaining about loss of their view. I did walk up their driveway and checked the sight lines. I agree that this depiction is realistic. I didn't go all the way up to their stoop, but the horizon lines and the water lines are as they're shown on the drawing. So I think that's accurate.

Boardmember Dale: I went up on the stoop.

Boardmember Wertz: I think it appears to be an overall improvement. I think it's an improvement to the building and probably improves the views, as well.

Boardmember Alligood: This top picture – the one you gave us today in this packet – shows what the parking area of the garage would look like. Would it be possible for us to see what the roofline is going to look like when it gets filled out?

Mr. Adams: Yes, they were asking about that earlier.

Boardmember Alligood: You've already gone over that?

Mr. Adams: Yes.

Boardmember Alligood: That was just one of my questions.

Mr. Adams: I'm convinced that you will see part of the dormer from that view. Yes, definitely. Deven had suggested that we put more pictures together. He's good at Photoshop and I'm not, so we tried to sort of put it together. I didn't think about that one, but the intent is not to show that you won't see the dormer. You will definitely see a corner of the dormer.

Chairperson Speranza: Jamie, anything else?

Let's talk process right now. The Zoning Board has the environmental.

Village Attorney Stecich: Not necessarily.

Chairperson Speranza: We don't have an Environmental Assessment Form . . .

Village Attorney Stecich: Oh, you mean the form. Right.

Chairperson Speranza: . . . to take action on. Even if we were to say we would take lead agency status on this, we don't have an Environmental Assessment Form.

Village Attorney Stecich: Well, I guess it's in the file. I don't know if Deven could get it.

Building Inspector Sharma: I can get the forms right now.

Chairperson Speranza: Let's first determine the sense . . .

Village Attorney Stecich: Because the Zoning Board, in any event, won't be able to make their decision at the next meeting because there are several agencies involved. You have to send the notice of intent out and wait 30 days to see who's going to be lead agency on it.

Chairperson Speranza: It's got to go to county public works.

Village Attorney Stecich: Any agency that makes a decision. So it's going to have to get circulated. Let's say it was just the Zoning Board and the Planning Board. Then you could say, "Hey, we don't care if you want to be lead agency. Be lead agency." Then they can go ahead and do it. But it would have to go out to submission.

Fortunately, the Zoning Board meets after you. So even if you did declare your intent to be lead agency, or if they were, they're not going to be able to make their decision at the next meeting because SEQRA's going to still be open.

Building Inspector Sharma: But they can act on the view preservation.

Village Attorney Stecich: The Planning Board can, not the Zoning Board. The Planning Board can only because it's a recommendation and not an action.

Chairperson Speranza: Right. We can recommend for view preservation.

Village Attorney Stecich: The only thing that you could possibly do tonight is make a recommendation on view preservation and, if you want to, declare your intent to be lead

agency or not. I mean, you don't have to. But if you thought it made more sense for the Zoning Board to do it, you could say the Zoning Board should do it.

Chairperson Speranza: If we were to now declare our intent to be lead agency, it's got to circulate for 30 days. We're being lead agency on site plan approval. That's the only action.

Village Attorney Stecich: No, for the entire action.

Chairperson Speranza: For the entire action. So we can't . . .

Village Attorney Stecich: It's all one action. You don't break it up into site plan variances. You will be lead agency for this project.

Chairperson Speranza: Okay. That's what I was wondering about.

Village Attorney Stecich: You are the lead agency for this project, and this project does include . . . assuming nobody objects to it.

Chairperson Speranza: View preservation. But we don't take the final action on it.

Village Attorney Stecich: No, but it includes the variances, and it would include the curbcut issue. That's the entire action. So whoever is the lead agency is the lead agency for all of that stuff.

Mr. Adams: But not the zoning issues.

Village Attorney Stecich: No, they're lead agency for SEQRA purposes. They make the neg dec or the pos dec. You make the SEQRA determination, but only the Zoning Board issues the variances, as you know.

Chairperson Speranza: So we could recommend view preservation approval, and we could approve the site plan. It would have to be subject to the variances being issued by the Zoning Board. Or the Zoning Board approves the variances first, and then we approve the site plan? I'm asking.

Village Attorney Stecich: Yes, you could do that. Are you putting SEQRA to the side? I'm sorry. I'm confused, Patty.

Chairperson Speranza: No. I'm trying to figure out the timing.

Village Attorney Stecich: Not for the 30 days. Until there's a SEQRA determination you can't do anything. Tonight you could declare your intent to be lead agency. If you want to, you can make a recommendation on view preservation approval. It's not really going to get you that far because the Zoning Board's not going to be able to make a determination at the next meeting anyway.

So if people want more pictures they could get more pictures, and then you can make your recommendation at the next meeting. They would then go before the Zoning Board, and chances are the Zoning Board will want more information anyway. But they wouldn't be able to make a decision because SEQRA's not done. And assuming they don't object to you being lead agency, then it would come back to you in November and you could go through the EAF if you're comfortable neg dec-ing it at that point and making your view preservation recommendation.

You could then either send them to the Zoning Board for the variances and then they have to come back to you in December for site plan, or you could assume they're going to get the variances and grant site plan approval subject to the variances. Then, of course, they run the risk of not getting the variances and having to come back to you for a revised site plan approval.

Mr. Adams: Well, that's always a risk. Right?

Boardmember Cameron: Can I just bring up one other sort of procedural question? They are here because they want our approval, and they're also applying to get permission to reduce the number of dwelling units from six to one. Under our zoning code, if they have three or more dwelling units they need a 30-foot deep backyard and a 12-foot side yard. However, they're applying here for a 15-foot backyard and an 8-foot side yard because they would just be going ahead with one dwelling. So I just question if, assuming we go through and approve this, don't we have to approve it that you can't actually do this structure until you get permission to go down to two or less dwellings. I just wanted to be sure.

Village Attorney Stecich: Sure. But I would think that would be what it is because what you've done is approve . . . that's a good point.

Chairperson Speranza: Well, the site plan is for one unit in the building.

Village Attorney Stecich: Yes, but somebody could come back and argue that the site plan is what's being done on the property and what's being done in the building, and not what's done inside. I think it would make sense to have the condition that Jamie talked about just to eliminate that argument.

Chairperson Speranza: Boardmembers, how do you want to proceed? Clearly, nothing's going to happen tonight with respect to the our approval. Do we want to take on the job of declaring ourselves lead agency for this? The EAF is here and is complete. The Short Environmental Assessment Form is here. We need to circulate for 30 days our intention to be lead agency. During that time, I know there are a couple of things I would like to see the applicant just do a little more work on, one of which has been brought up: how does this building look with the dormer. Do we want to declare ourselves lead agency? Circulate it?

Boardmember Logan: I think we ought to move this process along. We've deliberated on this; we've reviewed the plan; we've reviewed the view preservation. I think we have enough to state our opinion, our recommendation. I don't see where we could slow down the process.

On MOTION of Boardmember Wertz, SECONDED by Boardmember Logan with a voice vote of all in favor, the Board resolved to declare itself lead agency.

Chairperson Speranza: So we'll start that process. I mentioned the additional information to show what the building would look like with the dormer. I don't know – and Jamie you raise a good point – certainly the county department of public works may also want to know how you keep a car from turning around. Do you narrow . . .

Boardmember Logan: Depends on what kind of car you're thinking about. A Smart Car you could turn around in its own length.

Boardmember Dale: Based on my pencil top being equal to the size of a car, on the drawing, you can just about turn around with two or three attempts. But there can be only one car.

Mr. Adams: That's why we're showing one in the garage and one outside.

Boardmember Dale: No, outside; just one car in the garage. Otherwise, you can't turn around if there's a second car. You would have to back that car out onto the street with that second car to allow the first car to turn around.

Boardmember Cameron: You must have diagrams you gave the DOT that showed you could turn a car around.

Mr. Adams: We weren't going to go to the DOT. If someone said no garage, then obviously no DOT.

Mr. Diep: I have a question. Why can't you back into the garage?

Chairperson Speranza: No, you can't back out onto the street.

Mr. Diep: Can you back in when you go into the garage from the street?

Boardmember Dale: It's the same issue as backing out, isn't it? You're blocking traffic.

Boardmember Dandridge: One's blocking traffic and a safety hazard. The other's just blocking traffic.

Chairperson Speranza: If there's traffic.

Boardmember Dandridge: The other question I had related to that is, your business is digitally-based so it's not like you're going to be having big trucks or vans dropping off deliveries. Right?

Mr. Diep: The advantage of the site is that we're near the train station. I hope a lot of my clients would travel from the city and use the train.

Boardmember Dale: Deliveries of materials and things like that . . . you don't receive truck deliveries of materials and supplies?

Mr. Adams: You get paper rolls and stuff.

Mr. Diep: That's maybe once a month.

Boardmember Dandridge: It's not a traditional offset printing business, where you'd have other industrial stuff – ink and toner. It's much more digital.

Boardmember Cameron: But you have the large prints you were referring to earlier that you create.

Mr. Adams: The big rolls, yes, come in.

Chairperson Speranza: I have to say that I went this afternoon, also, and I went up to the property. There were plenty of parking spaces on Warburton Avenue. It was early rush hour, but I was struck by the fact that there were two spaces right in front of the building where we're talking about the tree being over the Quarry Trail. There was a space, and there was a space in front of those two cars. The UPS truck that came to make a delivery to that

building still parked in the road. They didn't pull into one of them; they parked right in front of the entrance. So there are some things that you just can't control.

Boardmember Cameron: There were a number of spots at 7:30 there, too, tonight when I left.

Boardmember Dale: And on the weekend there were plenty of spots.

Chairperson Speranza: Anything else?

Boardmember Cameron: I'd like to see a picture from ground level rather than at the garage. I think it would just be useful to line that up.

Chairperson Speranza: This is our time. Anything we want to see?

Boardmember Dandridge: If we're going to do another photo shoot I'd love a little bit more texture around the tree just to see exactly how deep it is, or isn't. A better photo of the tree.

Mr. Adams: Of the one that's there now?

Chairperson Speranza: The one that's got to come out.

Mr. Adams: I took that one today, in the rain.

Boardmember Cameron: While we're at it, the rail on top of the garage: you could assume that you can't see through it, or it's going to be as wide open as it is now. So keep that in mind for view preservation.

Mr. Adams: It is our intent to make it open, either with cable or a thin piece of steel horizontally.

Chairperson Speranza: I have to say, I think you've got a very creative solution to building onto the back of this building to get more space and still find a way to provide parking.

Again, I'm still concerned. You lose a space on the street for a private space; a public space for a private space. To some extent, we'll hear the discussion of that at the Zoning Board, as well. There is nobody here talking about that, and you are reducing the occupancy in the building. So that does give me a little bit of comfort.

Anything else? And no other public comment?

Mr. Adams: So procedurally, then, there is a Zoning Board meeting next week, which we should go to to discuss the zoning issues. Right?

Chairperson Speranza: And I would bet you they're going to ask for the same kinds of photos that we are tonight.

Mr. Adams: Yes, we can do that.

Chairperson Speranza: So if you can do it before that meeting it'll probably be a help to you.

Village Attorney Stecich: They won't be able to make their decision at this meeting, but you still should come in case there are issues you need to address.

Mr. Adams: Now that you're the lead agency, are they going to make a recommendation to this agency as far as view preservation goes?

Village Attorney Stecich: No, no. The lead agency is just for SEQRA. It doesn't affect anything else. They still make the decisions. It's conceivable they could say, "No, we want to be lead agency." But I doubt it. They'll probably cede to the Planning Board, and then it'll come back to the Planning Board. I don't envision SEQRA being a huge thing on this. It's just that you've got to go through the steps.

Building Inspector Sharma: Why would view preservation, or variances, have to wait for the SEQRA process?

Village Attorney Stecich: Because it's an action. Any action requires SEQRA review. The only reason so much of what you see doesn't is that there is an exception for single-family houses. And that's mostly what you see are single-family houses. It's mostly what the Zoning Board sees. It's mostly what you see other than the great big projects. So that's why.

Mr. Adams: Can a recommendation or a determination be made contingent on approval?

Village Attorney Stecich: No. SEQRA just has to run its course.

Chairperson Speranza: So in terms of timing, you go to the Zoning Board next week. You have to wait 30 days from today, or tomorrow, whenever the circulation of the SEQRA is . . . the lead agency notice is made.

Village Attorney Stecich: It will be before your next meeting.

Mr. Adams: And it's not possible that that – because I know we submitted, probably, with the zoning application – it's not possible that they submitted it to SEQRA?

Village Attorney Stecich: No. Really, this is the short . . .

Mr. Adams: No, I'm wondering if they already did. Because they've had the paperwork.

Village Attorney Stecich: No, they didn't.

Chairperson Speranza: So you're actually a week ahead of where you would have been.

Mr. Adams: Well, that sounds good.

Chairperson Speranza: Okay. Good?

Mr. Adams: Yes.

Chairperson Speranza: Thank you. We'll see you next month.

IV. BOARD DISCUSSION

Greening the Code

Chairperson Speranza: Eva, before you came we took care of some housekeeping stuff, which I can fill you in on.

A couple of things on this front, part of which I'm going to let Bruce talk about a little bit. The Village has an intern from Pace University. Her name is Laura [Tanil]. She is a third-

year law student. She's met with myself and Trustee Jennings to talk about the scope of her project, which will be – I don't want to say to find the law that fits the Village perfectly – to give us guidance: what's out there, what are the pitfalls, what activities are going on right now in different agencies. She asked some very, very good questions in terms of what it is that we're looking to do; where are we looking to apply any code changes; is it all building or all new building, it is new building and renovation, residential, commercial. We said yes to everything. Just, you know, "Guide us."

Her point of contact is Trustee Jennings. She will be getting back to us. She has already started to do some work. I hope she went to the conference, Bruce, that you went to that was put on by [WUMPH] XXX because the materials that you sent out to us I thought were very good. I went through it, and it's exactly the kind of thing we want our intern to do. You know, what's out there. Net metering was something I'd never even considered; that this is a way you can get people to invest in energy conservation construction. I don't know that we're ready to do tax rebates or tax incentives.

Boardmember Dale: Can't afford them.

Chairperson Speranza: So it was good, then, I take it.

Boardmember Dale: The conference was interesting. They did highly recommend that we not just focus on new construction or gut/renovation of existing buildings, but that any kind of renovation has opportunities to reduce the building's energy usage in significant ways. My own company has just launched a green loan program through our Westchester office it would be available to people in Hastings, as well. It's basically targeted towards retrofitting existing occupied homes to reduce the use of energy by about 20% of the current usage, which would save owners significant amounts of money in a very short time. You have a 20% reduction within a year of doing certain kinds of work.

They focused mostly on White Plains. In fact, I guess you've all gotten my notes and had a chance to read through it. In short, White Plains was given an award for what they have done. The main thing they've done is create this checklist. I made extra copies, but I did include it in the email. They introduced anybody who wants to build in White Plains within the downtown area, which was defined as any project – they were fairly large-sized projects – within a 10-minute walk of the downtown area; but I think if they had 50 or more units, or 25 parking spaces, is how it was defined. They're really looking only at large-sized projects at this stage, so that when a builder comes into the village and wants to start something they're given this checklist and told this is what we're concerned about.

The goal is to meet the LEED standard, but they pointed out that the LEED standard goes beyond the state building code. So you can't enforce it as our standard unless you get authorization from the state. State enabling legislation will allow you to do that, but you can push them in that direction gently. And they highly recommended establishing working

relationships with developers, sort of a soft side of encouraging to meet these standards and work with them to demonstrate it can be done effectively, and to establish that kind of relationship. And also have them come back four times during the review process before buildings are actually signed off on and built.

So they recommended a first meeting, when somebody says, "I want to build in the Village, here's my preliminary design or idea," during application approval you would review the sustainability. Prior to issuing the permit you would review their plans again to make sure they've tried their best to comply, and then once more when the project was complete to make sure that everything they did came as close as they could to respect the intent.

Chairperson Speranza: Bruce, when you say meet four times with the applicant, that's . . .

Boardmember Dale: For full project review.

Chairperson Speranza: Is it within the Building Department, or is it within the Board, or the city council? I'm just curious as to their process, the coordinated review.

Boardmember Dale: Actually, I think there's a building department that provides the developer with this and it would be with the building department – although I'm sure their planning review, the woman who made the presentation, is the planning commissioner. So I think the planning commission is involved, as well as the building department, in that review. Then the village itself, the city of White Plains, has LEED consultants working for it. They highly recommend that every project have a LEED consultant as one of the required staff. You know, you have an architect, an engineer, and a LEED consultant required.

The Town of Greenburgh spoke next, and their situation was significantly different. Because White Plains claims they didn't have a lot of development space so they were focused entirely on new construction or renovation. Greenburgh has lots of open space, so their concern was very different. Tom Madden, who is their planning commissioner, spoke more about the use of LEED standards for what the Town of Greenburgh builds itself, their facilities, and didn't focus a whole lot on private development within Greenburgh.

Then last to speak was John Fry, who is from the Village of Ossining and was actually a substitute for Tarrytown, I believe it was. The planning board member from Tarrytown, which is further along in their development of greening their code, couldn't be there. The Ossining guy was a substitute. They're further along than we are, but nowhere near ready to issue revised plans of how they're doing it. He spoke in generalities as an architect and a LEED-certified APA, or whatever that stands for. He's the one who recommended the AIA document, which does talk a whole lot about what kinds of incentives we could provide. It runs the gamut of all the various incentives that are currently out there, and those are all real-life situations. In that sense, it's a useful document because it shows us what a lot of people have done and can do.

They all talked a whole lot about how it's hard at this stage to impose a lot of this directly. It takes working with the developers and encouraging them and, perhaps, offering them tradeoffs for what you're asking for versus what their intent is.

That was what I got out of it. It was close to what we're looking for, but not dead center.

Chairperson Speranza: And hopefully our intern will take us that last little step – as we know, for college students everything is on a semester basis – by the end of the year.

Boardmember Dale: The thing that concerned me was the scale. They were clearly focused on large-scale development, and we don't have large-scale developments. The biggest thing we're going to see is Ginsburg.

Chairperson Speranza: Yes, and we haven't heard anything.

Village Attorney Stecich: Patrick Normoyle called me, probably six months ago now. He had some revised notion he was coming up with, but I don't know what happened. Obviously, Ginsburg had a lot of trouble in this market and a lot of his projects had stopped in their tracks. This was one they were going to keep going, but I haven't heard from Patrick since.

Boardmember Dale: Patrick evidently no longer works for Ginsburg. He worked as a consultant, I think, on this project.

Village Attorney Stecich: Exactly. Just for this project. They had let most people go. They held onto him, but I think he left on his own.

Boardmember Dale: Rose Noonan tonight said he had left.

Village Attorney Stecich: So I wouldn't expect anything soon.

Boardmember Dale: An interesting side note is that she was here at the Affordable Housing Committee meeting tonight because she has been appointed as the county monitor, Rose Noonan. She provides technical assistance to many, many villages in terms of development of affordable housing, and for not-for-profit corporations, as well. She has now been made the official coordinator for Westchester County to the man who was appointed by the court to oversee the implementation. And yet she's also cleared herself so she's able to continue to provide consulting services to the villages that are developing in response. Hastings is included. There will be no targets, or they've decided so far not to set targets, by individual villages or towns. There are 31 communities involved. Hastings has a project with, I guess, four units – two houses – the scattered site that's well along and has been accepted as part of the development process.

Chairperson Speranza: Oh, these are proposed units?

Boardmember Dale: Yes, these are proposed units that the committee has been working on. So we have our foot in the door on providing a first response to meet the agreement.

Chairperson Speranza: That's great.

Boardmember Dale: The one issue that will come up, which will need to be discussed probably by the Board of Trustees, is that the Affordable Housing Committee's mission right now defines the process of who gets to be tenants, including a preference based on who lives

in the Village, who works for the Village or is a volunteer fireman for the Village. They have preference. And in the case of the project that was built, 422, there were 14 units – 10 of which are occupied by minorities, without our trying any outreach for minorities. So in that sense it was successful before the law. That was following up our use of preferences.

The agreement that's been agreed to by the county with the courts does not allow for preferences. Their goal is a much wider net of who can apply. So your advertising will not be restricted to Westchester, but would include New York City.

Chairperson Speranza: So it's not, first, firefighters and teachers.

Boardmember Dale: You can have it if you want it, but that will not be allowed. It would be an open lottery as the process for selection, and it would be based on affordability. Now, a lot of it will depend on how it's financed. We had suggested amending the existing affordable housing mandate to include the possibility of a waiver if the government funding source required that we not have preferential renting. A couple of the members of the housing committee are not happy with that, but that issue will surface to the level, I think, of the Board of Trustees.

Boardmember Alligood: When was that discussion? Was that before this?

Boardmember Dale: It was tonight at 6:30.

Boardmember Alligood: Okay, so you had this conversation with the Affordable Housing Committee.

Boardmember Dale: Yes, this whole discussion happened just before this meeting.

Tony Wan, 161 Tompkins Avenue: Just about greening the code. My interest here is just to find out how the process is going to go, as a town, as a small village. I've been in commercial building. I've actually worked with Deven for a little while doing the code enforcement, and I am a state-certified code enforcement officer.

But my question to you is on greening the code. Is it going to be implemented through the Town from the zoning, from planning, from the Trustees? How is it going to be implemented?. And as a town ourselves, how are we going to implement this and ask people to do this greening without knowing ourselves – not just by case study or by trial and error. Are we going to try to do this in our own facilities, in our own commercial spaces, in our own town offices, or in the schools. How is this process going to take effect? It's like construction; it's trial and error. When you build something, sometimes it doesn't work, sometimes it does. You take the better for the good, and get rid of the bad. I've actually been in construction for 30 years.

My question to you is, how does this approach to bring people here – to say, “We want to be a green town” – how are we going to implement this step?

Chairperson Speranza: The first thing, we're at the phase right now where we're gathering up as much data as we can to determine exactly what in the Village should change; if it's the zoning code, if New York State . . . and we've actually heard that there are changes that are coming down the pike on the New York State energy code. So we don't want to change our code to be in conflict with something that's going to happen at the state level in three months.

That's why we've got this intern who's going to help us try to figure out where everything is. There may be changes to the zoning code. Certainly if we decide to do some sort of LEED certification or LEED-equivalent certification for, say, new construction in the Village there's going to have to be training. We're going to have to make sure that we, as a village – Deven and Charlie, the Building Department – are going to have a good base of knowledge for exactly what it means when it comes to new construction and undertaking the Building Inspector tasks.

What I have heard from the Board of Trustees in various sessions is that, of course, if we're going to make other people who want to build here or renovate here be subject to this new law we do want that for our facilities. So what "it" actually is, we don't know yet. Look, we want to lead by example.

Boardmember Dale: The Village has already done energy audits of a number of the facilities, and have begun using the recommendations on the buildings and facilities the Village currently owns and runs.

Mr. Wan: We all know that we're facing a financial burden upon not just individuals, but corporations and businesses. To me, I think some people are missing the thought of green. Everybody's jumping on the bandwagon now. And I understand that it's a good process, that we do need to change. But I think because we are a small town, we can implement some sort of direction as far as conservation. Conservation, to me, is a major role in greening the Village; anywhere from the street lamps to facilities to lights being on. It's a major, major, major role.

I'm not here to talk about the sidewalks or the schools, and all that stuff. I've gone through that. I sit on the Safety Council; I know what that's like. Conservation is shutting off a computer at night in a school building. And if you're going to shut off one, you've got to shut off the other 1,200 computers that are using a certain amount of electricity every night. Then, when they're left on all weekend long, how do we conserve that. Net metering is a phenomenal way. In the schools themselves, if we need to change plumbing, get rid of the plumbing itself. Put in waterless urinals. Simple things we can do as a town. I've done very minor adjustments like that as far as conservation. And I did send a letter to Peter and a response letter to Fran Frobels about that, about my interest in this personally, on a personal level, and on a business level.

To me, as a town, our thoughts should be on conservation and also on a final conservation where we just can't go out and hire a consultant just because we need somebody. We've gone down that road already with the whole roundabout in Five Corners, and Broadway. We've been down this road already. Not only do we have to conserve with electricity and everything, but we have to conserve financially. And we have to understand this.

Just a thought. I didn't know where we were going. I'm here because I am, clearly, concerned about the direction of the Village. I moved here six years ago, and I want to be a part of it in whatever way I can. Either a very minor part, or input from me, I would help out whatever way I could. And if I don't know something, I'm not going to be the last to tell you I don't know it.

Chairperson Speranza: That's good. And I know that there are many openings on boards and commissions.

Mr. Wan: I sit on enough boards, and do Little League enough, as it is.

Boardmember Wertz: Let me mention, while we're talking about this, you may be following a bit the comprehensive planning process. But if you haven't, one document you'd be very interested in is the draft comprehensive plan, which is available on the Village's Web site. Sustainability is one of the really major themes and, in fact, in some ways was *the* major theme that has framed the whole comprehensive planning effort. You'll see, in the draft plan, a lot of ideas about modifications that can be made within Village government offices which would really take a leadership role in the process of conservation and, in general, sustainability.

So that's very much a part of that plan, and I would encourage you to take a look at it and give the Comprehensive Plan Committee your feedback on that process. Because it is, right now, in a series of town meetings talking about these things. Before the end of the year, the committee will be giving feedback from the Village to our consultants, who will revise the plan in accordance with this feedback. So if you get your input in within the next couple of months it's likely to have considerable impact on the shape of that final plan, which definitely includes the kinds of things you're talking about.

Mr. Wan: All right. As a family, we've been more concerned about the tax with the school. That's where my concentration has been lately – with the budget of the school. Right now that's hitting home very hard.

Boardmember Wertz: It's hitting all of us.

Mr. Wan: I've actually looked at the first draft of the CPC. So thank you very much.

Chairperson Speranza: Anything else?

Building Inspector Sharma: Patty, may I just mention that we're going to have a session with the Shaws about their property.

Chairperson Speranza: Yes. I'm going to try to see if I can get the county planning department up there. We need to have them, so I'll follow up.

Building Inspector Sharma: I'm getting emails from John asking about it.

Chairperson Speranza: Okay. Motion to adjourn?

V. Adjournment

On MOTION of Boardmember Dandridge, SECONDED by Boardmember Cameron with a voice vote of all in favor, Chairperson Speranza adjourned the Regular Meeting at 10:22 p.m.