

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

A **Regular Meeting and Public Hearing** was held by the Planning Board on **Thursday, September 17, 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, Boardmember William Logan, Boardmember Fred Wertz, Boardmember Jamie Cameron, Boardmember Eva Alligood, Boardmember Bruce Dale, Boardmember Rhoda Barr, and Village Attorney Marianne Stecich, Administrative Assistant Kevin Hay, Building Inspector Deven Sharma

ABSENT: Boardmember Edward Dandridge

I. ROLL CALL

II. APPROVAL OF MINUTES

July 16, 2009 Meeting

Chairperson Speranza: Now we should go through approval of the minutes from the July 16th meeting, if there are any comments or questions or corrections. Nothing?

Boardmember Alligood: Page 18, the first full paragraph, and the first sentence. Just change, in that first line: “. . . *in terms of anything that I . . .*,” just change that to ‘can say I don’t agree with . . .’”

Then the next paragraph, the first sentence again, the first line: just insert, after the word ‘*improve,*’ “. . . words, such as “recycling” or “doing” instead of “*do.*” That’s it on that page.

I just have one other page: correction on page 34, the last paragraph where I’m speaking, just the first sentence. At the very end of the first line: I was going to add “. . . *that I think that instead of this ‘creating’ . . .*” instead of “*create.*”

Boardmember Dale: Page 33, about a third of the way down, where I say, “*No, I know.*” It should be: “No, Olinda disappears.” Actually, “Olinda, it appears it’s two lanes again.”

On MOTION of Boardmember Wertz, SECONDED by Boardmember Alligood with a voice vote of all in favor, [Barr abstains not at meeting] the Minutes of the Meeting of July 16, 2009 were approved as amended.

III. PUBLIC HEARING

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

Chairperson Speranza: Next before us is a public hearing for a proposed subdivision, which is actually a merging of properties at 663 and 665 North Broadway. Deven, do you want to start this off? We originally heard this application in June. That was an informal submittal on the part of the applicant. We did raise some issues and had some questions with respect to how, and why, the lots were being combined in the way they were.

Building Inspector Sharma: They made a formal application for our last meeting, in which they had divided their land in view of the comments they received from the Board and during the get-acquainted meeting before that. They resubmitted the plans. The description of it now seeks to merge a parcel that only happened to be on the east side of the railroad tracks. In their old application, the subdivision asked for a merging to allow it on both sides of the railroad tracks. It obviously makes more sense to do what they're proposing now. The last meeting could not take place because we didn't have enough Boardmembers here.

Chairperson Speranza: And you are?

John Cavallaro, lawyer - Huff Wilkes: Good evening, Madam Chairperson, members of the Board. I am here this evening with Michael Robinson, the owner of the property Blue River Valley, LLC, a Hastings-on-Hudson property, as well as our civil engineer, who is Mr. Petretti.

We're here this evening for a resubdivision lot merge application, whereby the lands depicted in the submitted subdivision map would be merged into one parcel. These are the lots east of the railroad right-of-way. We're here this evening for the submission of the preliminary plat, the same as set forth in your subdivision regulations at Section 295-120 of the Village zoning code. Our original application sought to merge the seven tax lots that make up the premises. But after the initial conference and review, we have amended the application so that the applicant simply seeks to merge the lots East of the railroad tracks; that being the four tax lots depicted on the submitted subdivision map.

By way of background, the premises in question consist of four tax lots which are sought to be merged into one lot.

Chairperson Speranza: Could I interrupt you there? Can you just go through it, or have someone point it out, on that map? I'm just a little confused with the plat that we've received because you're saying now it's going to be one . . . you're just merging all the lots on the east side of the tracks into one.

Mr. Cavallaro: That's correct. If I could start, I'll start with the map that's marked as the existing condition. I think that might be the easiest way to go through it. Originally we had

sought to merge seven tax lots, which are indicated as lots – I’ll call them – 1, 2, 3; a small sliver lot located here, which would be 4; in addition to three tax lots that were underwater, indicated by what I’ll label as tax lots 5, 6, and 7. We received an email from the Building Inspector after the initial conference and review, and he had indicated that unless there were some substantive reasons for including lots 5, 6, and 7 I believe it was the preference of this board that only the four tax lots that make up the easterly portion in comparison to the railroad tracks would be merged. So the current application simply seeks to merge lots 1, 2, 3, and 4 into one lot.

Chairperson Speranza: So that other lot – the northernmost lot – stays on its own.

Mr. Cavallaro: That’s correct. The northernmost lot will stay on its own.

Chairperson Speranza: Got it. I just wanted to get my bearings.

Boardmember Cameron: Well, then, why do I think there’s five lots? You keep saying four. Is the sliver lot 130E2?

Mr. Cavallaro: The sliver lot is 130E2.

Boardmember Cameron: And then there’s a small tax lot on the lower lot on the lower left corner – 130B?

Mr. Cavallaro: Well, 130B is actually excluded from our property. That’s not part of our property.

So the four tax lots that were sought to be merged would be P130F, P130, P130C, and P130E2.

The premises is zoned in the MR-2.5 zoning district. It’s located on North Broadway, which is located here, obviously, in the Village of Hastings. The total area of the parcels, as merged, would be 4.5 acres. That, again, is just the area east of the railroad tracks, including the small sliver lot.

In connection with the merger of these lots, there are certain lands on the water that are depicted on this subdivision map. These lands would be excluded from the lot merger. They would also be excluded from the coverage calculations as set forth in the submitted subdivision map. The premises is currently improved by two dwellings – located here and here – as well as a garage and a swimming pool, all of which are sought to be removed by the applicant. The premises is surrounded by the River Glen Apartments to the south, the Shandon House Cooperative to the north, the Hudson River to the west, and North Broadway to the east. Also, the Metro-North Railroad is located to the west of the premises.

Madam Chairperson, the lot that you had mentioned earlier – which is P130D, the northernmost lot – would remain a separate lot. Nothing that we are doing here will affect that lot in any manner whatsoever. That lot maintains access to the public roadway by virtue of an easement that traverses the lots that I’m depicting to North Broadway.

Village Attorney Stecich: Do you own that lot?

Mr. Cavallaro: That's correct. That's owned by a related entity, yes.

Chairperson Speranza: Just again to clarify something because I'm not sure, maybe we don't have the most recent . . . I have a map revised as of August 17th that shows a proposal to link that northernmost property with the northernmost underwater parcel.

Mr. Cavallaro: Right. Since then, there has been a revision that we've submitted.

Village Attorney Stecich: You submitted it?

Mr. Cavallaro: That's correct.

Building Inspector Sharma: Yesterday, or the day before?

Mr. Cavallaro: The day before.

Building Inspector Sharma: We received the revised plan yesterday. I think Linda arranged to have that sent over to you.

Chairperson Speranza: We might have gotten the same one.

Building Inspector Sharma: Bill is saying that he received it. Can I give you my copy?

Chairperson Speranza: Continue, and we'll straighten that out.

Mr. Cavallaro: Ultimately, what we seek to do is construct a one-family home on a conforming lot. By removing the two existing dwellings and merging the lots, we'll be left with one principle use on one lot – i.e. the merged lot – and this would be in accordance with the zoning code. We are decreasing intensity of the use of this lot while increasing the conformity with the Village code. We are replacing two homes with one. We're creating a conforming parcel. We're removing nonconforming structures. We're adding frontage to a parcel that otherwise lacks frontage. And we're insuring that the necessary setbacks exist for the eventual construction of a single-family home. We're also increasing the greenspace of the parcel.

We're here before the Board now because we were advised that resubdivision of the property – i.e. the lot merger – is a threshold issue that must be satisfied before proceeding with any other applications.

Madam Chairperson, that's a summary of my presentation. I'm certainly happy to answer any questions from Boardmembers.

Chairperson Speranza: I'm glad to see that you've taken our concerns into account with respect to the underwater property and not using that as far as going into the calculation for the actual building coverage. Let me open it up to Boardmember questions first. Because this is a public hearing, then we'll hear from members of the public.

Boardmember Cameron: Since you mentioned actually reducing things by taking down two houses and putting up one, could you tell us approximately how big the one house is compared to the two houses that are already there?

Mr. Cavallaro: It will be a large one-family home. I don't have the specifics on the square footage, as the one-family home is still in the design phase, but it will be a large one-family home.

Boardmember Cameron: Because there are rumors floating around, it would be helpful if you could actually be a little more specific. And you just [off-mic].

Mr. Cavallaro: I wish I could be. In fact, the owner has met with the architects as recently as three weeks ago and they still don't have a square footage on the one-family home that is proposed to be constructed on the property.

Boardmember Cameron: More than 20,000, more than 30,000, square feet?

Mr. Cavallaro: I don't have a number for you at this time.

Boardmember Cameron: I think, quite candidly, you're avoiding the question and I understand why you want to do that. But I think that's what you're doing, actually.

I guess we asked a couple questions last time when he was here about the greenspace on the front.

Chairperson Speranza: That was another item. With our Village vision plan and the work that's been done with respect to the entrances to the Village, we've always wanted to maintain that green setback. Our question at the time was whether or not that could be incorporated into the plans for construction on the property.

Mr. Cavallaro: We do plan on having a 100-foot setback. We obviously gathered that from our last meeting. The one item we just wanted to confirm is that it would apply to structures or accessory structures because the 100-foot setback is in accordance with the Village code, as well. We have no difficulty with providing that 100-foot "green belt", as we've labeled it, at the last meeting.

Boardmember Cameron: [off-mic] right-of-way on the other side [off-mic] desire of the Village eventually to get a pathway running along the river side.

Chairperson Speranza: Working in conjunction with the county, as part of RiverWalk.

Mr. Cavallaro: We've examined that, and actually have more questions than answers with regard to that issue. We were concerned: what would the path be like, what kind of views would there be from the home to the path, what kind of liability issues would arise; would there be indemnities perhaps from the county back to the property owner, what lighting issues would exist, what surface issues would exist in terms of the service conditions and, obviously, what safety precautions would be undertaken with regard to the path. So we actually have more questions than answers with regard to the RiverWalk path.

Chairperson Speranza: But you would be open to possibly having a discussion.

Mr. Cavallaro: It's certainly something we would consider and be open to discussion about, yes.

Boardmember Wertz: That path, however, would be on the west side of the tracks. Correct, or no?

Boardmember Cameron: What the county's looking for . . .

Boardmember Wertz: It would be on the east county side so it would actually be on the east side as a part of this merged lot.

Boardmember Cameron: Yes. I think the county's idea is, it's right down next to the fence, which would put it 30 vertical feet or more below the top of your hill so it wouldn't be in sight. But I think that the idea is, it's on this side of the railway track.

Chairperson Speranza: Eva, anything?

Boardmember Alligood: Questions, or comments?

Chairperson Speranza: Questions or comments.

Boardmember Alligood: I have a lot of questions which follow Jamie's questions, but they have been answered in terms of what's being proposed. I think as a comment overall, this particular development is really not in keeping with where we want to go in this village in terms of sustainable, environmentally-responsible development. Taking down two existing – although not registered as historic, but certainly in terms of character, and historic buildings – is something that just raises concerns. I understand it's a private property, but we do have the discretionary vote in terms of allowing this subdivision as proposed. I simply have questions and concerns about the size and the character of this type of private home on a very visible, essential part of our village. That's more of a comment than a question.

Mr. Cavallaro: If I could just respond with respect to removal of the home at 663, obviously we have to come back for view preservation approval before this board with a recommendation to the Zoning Board of Appeals. But with respect to removal of that home, we thought that might be opening up views to the Hudson River, and views from the river back across the property. Now, I understand the home has not been designated historic and neither has the other home, but we thought that by removing that home it would be something that we would be furthering in terms of view preservation.

Boardmember Alligood: My concern isn't so much, on this particular point, view preservation. It's the view of that particular lot, which has historic homes on it; not registered, but they are of historic character. Without knowing what's proposed there, I can only guess that it's possible that the home that will be there will block more of the views than what's there now. So I can only speculate.

Chairperson Speranza: And that is something that we would take into consideration when we do the view preservation application.

Boardmember Wertz: My concern, too, has to do with the buildings that are already there. They're beautiful, they're part of the Village on a scale that's consistent with the area and the Village as I think we'd like to preserve it. Merging the lots would allow for a level of mass and a level of building that is not so much in keeping with the area or with what we're looking for to maintain in the Village as the character. So those are my main questions.

I don't know if maybe Marianne can address the issue of the walk – and whether that should be ironed out, really before we decide on the merging of the lots – or whether that's

something that we can consider after making a decision on merging the lots without knowing what the outcome is. Would it be advisable to move towards answers on some of these questions as part of these deliberations as opposed to postponing until after we make a decision, when we may not be in a position to work out an acceptable solution?

Village Attorney Stecich: On that particular question I think it would be better to hammer out some sort of agreement, or terms of an agreement.

Boardmember Wertz: That's what I was thinking.

Village Attorney Stecich: Because if you just make it conditional on their trying to work it out – they try to work it out, but they're not successful – I don't think it has to be cast in stone, but I think there have to be enough terms of it that work.

Boardmember Wertz: That's what I was thinking. My other concern is to move the discussion about the walk forward further as part of our considerations of the merging of the lots.

Village Attorney Stecich: If I understand, John, it shouldn't be a big issue because it's at the back of the property. Am I right? I mean, it's really way back and down. They're not talking about having a path going along the side of the house or anything.

I think those are the sorts of things that whoever wants it, whoever could speak for what terms of it they want, should have a conversation with them. And I think you could probably come to some agreement on terms.

Boardmember Wertz: I think there's a lot of regret in the Village over the design and the consistency and the architecture of the new development on Main Street. And I think there's a feeling that the Planning Board needs to be very vigilant in paying attention to the consistency of new buildings architecturally with the Village. And I think with our new concern about greening the code, greening the Village, we see the energy issues involved in taking down old buildings and bringing in new buildings. So that's another concern we have.

I think allowing the merging of the lots immediately makes it possible to build at a level of bulk that is potentially inconsistent with the Village's current character, and that's a con.

Boardmember Logan: I think, if this is a view preservation area, maybe one benchmark is the existing view. I think we should sort of take note of what it is in terms of the degree to which the view is obstructed currently with the two existing homes and let that be a benchmark for future obstructions to view; whether it's more or whether it's less. So I think there ought to be some effort to record what that existing view from the street is.

Chairperson Speranza: And they will have to do that when they come in for view preservation. Remember, this action right now is the merging of the lots.

Boardmember Wertz: My concern actually had more to do with the kind of bulk and mass of the building and the character of the building, actually even the architecture of the building. I think once you have a surface area of this size, for me to imagine what can go on

within the zoning code proportionately, it seems as if it's possible for it to be out of character. That's one reservation I have in merging the lots. Because it immediately opens the door to a kind of building that seems not in keeping with the way it is now and the way, I think, the Village may collectively want to keep the Village.

Boardmember Cameron: I just wanted to say that I think the 100 feet is going to help us a great deal. You know, I don't particularly like very large homes, and there's rumors going around town how big it is. We sit here, as a planning board, looking out there and looking at what people perceive as mistakes made previously. People say to you, "Well, how did you ever let that happen?" And there are some hard feelings in town about some of the things that have happened.

So we're sitting here with a building we've never seen, which is going to be probably bigger than we all have seen before, and we're concerned about it. The 100 feet, I think, helps a bit. And I'm not about to dictate architectural design to you because that's not our job, and I understand that. However, when you drive by this space here and you look at it, and you look at the Village and you have that green feeling to it, it may be that through your architectural design you can put a building – hopefully, not of the size we've heard, but of a large size – back there and not affect the visual aspects of the Village.

I also have concerns that there are very few people who can afford to have a building of the size we've heard rumors about. While none of us live forever, who's going to buy the building afterwards. Are we suddenly to have an institution back there, rather than a home because there won't be another person who has the wherewithal to have a home that big? And we really can't afford, with our tax base, to have more institutions there, where the zoning is.

I just wanted to tell you I'm not trying to say what your architecture should be because that's not our job, from my perspective.

Boardmember Dale: Two things. I was a little bit concerned about having received the request to merge the lots without a clear idea of where we were going in the future, and some idea of what it was that was going to replace it. I think it would be a lot easier for us to evaluate the desire of merging the lots, for what result, if we had some idea of where we were going in the future. I think it's legally correct that they can do this without presenting what the future project would be.

Chairperson Speranza: There's no requirement for site plan approval.

Boardmember Dale: At this stage.

Chairperson Speranza: Right.

Boardmember Dale: Which means that it's really a question of the owner wanting to cooperate with the spirit of the Village in working through these issues that are being raised

by the Board at this point, and giving us some idea of where we were going in terms of development and what kind of building would be there.

I also think it is a good idea to work out the walkway, the RiverWalk-way – at least the preliminary agreement on allowing it to happen under certain conditions.

Alternate Boardmember Barr: As an alternate who has not been part of the discussion, I'm a little hesitant. I do think the walkway is a good idea. While maybe it could be demanded by imminent domain at a later date, it would be nice to avoid the problem and get that as part of it. And I certainly think it would be helpful to have an idea of what's built there.

On the other hand, I always get nervous when we talk about the character of the Village. When the houses that are there were built, I'm sure they were shocking houses. And now we've come to think that they're part of the Village. One of the things about Hastings is that it's had a series of creative things at different times. But I think it would be a good idea to have some idea of what they plan to put in there so we know what we're opening the door to.

Chairperson Speranza: That is the quandary we always find ourselves in during subdivision. You want to know how, in fact, is there going to be a building situated on a lot which, in most cases, seems like it's going to be unbuildable. That's certainly something to think about: whether or not your client would be willing to share with us and almost go through a site plan approval with us. Maybe not that formally, but we can talk about that.

Also, I don't know if you've had conversations with the county in terms of connecting this with RiverWalk, but that's something we can certainly facilitate also.

Again, this is a public hearing. So if there are people who have any comments . . .

Village Attorney Stecich: Could I just add one thing? Listening to the conversation, I just wanted to verify before I said anything. What you just said, Patty: it doesn't require site plan approval, but it does require ARB approval, even though it's a single-family house. Probably, intuitively, you would think it wouldn't. But the way the section reads, it says: *"The Building Inspector shall refer to the ARB any application for a permit for any building, but not for detached single-family residential structures except those which are developed as part of a subdivision."* And this is being developed as part of the subdivision, so I think it would need ARB approval to the extent that some of those concerns you have – or you think that you might have raised during site plan approval – would be reviewed by the ARB, although not probably site issues.

But I think the site-greening issues certainly are relevant. You're going to have to go through the EAF and you have to do SEQRA, and that would be relevant to that. So I think

you'd be able to get to those things. It may not have been clear to you. It wasn't clear to me before now.

Mr. Cavallaro: [off-mic]

Village Attorney Stecich: Well, it wasn't until I looked at it now.

Mr. Cavallaro: [crosstalk]

Village Attorney Stecich: But if you go and look at the definition of "resubdivision," it says a resubdivision is like a subdivision. This is an odd situation. I mean, I'm sure it wasn't envisioned for that. If somebody's doing a big subdivision, they have to get ARB approval. But that's the way the code reads.

Chairperson Speranza: Public comments? Just state your name for the record, please.

Lawrence Ecker, lawyer - representing the Barnes: I practice law in Yonkers, I live in Irvington. I am representing Mr. And Mrs. Barnes, who are one of the three families who occupy the Shandon House, which is a property to the immediate north and behind the northwest lot that apparently is not part of this application.

We have met with the applicant. They were most cooperative. And other neighbors within Shandon House also were with us. We hear what they have to say. Like you, we have some concerns as to what exactly the scope of this project will be; how large of a mass, where will it be. Being used to dealing with the Irvington code, as well as with the Dobbs Ferry code, it would appear that things in Hastings perhaps are not as controlled – and perhaps Marianne would confirm this – when it comes to this type of an application. Nevertheless, having heard what Marianne said about the ARB being applicable, I would agree with that.

So we are appreciative of the fact this board is taking the time and being very deliberate. And to the extent that you can exert whatever authority you have, within the purview of the statute, we would hope that you will take very careful steps within your powers to protect not only the entire Village but, certainly, those occupants of Shandon House.

Thank you.

Chairperson Speranza: Anyone else?

There was one other issue, I recall, from the last meeting. The underlying zoning for this is for multi-family, and we had raised the issue as to whether or not, should these lots be combined, the owner would be willing to put a restriction on it that it would not be developed for multi-family; that that option would be given up. I don't know legally how you do that, Marianne, if that's something that you had discussed with your client.

Mr. Cavallaro: We had discussed that and reviewed that issue. And what we thought was the most appropriate was, if there was an approval granted by this board, that one of the conditions of that approval be that there be no multi-family development of the property, that it be a one-family dwelling. We have no plans to put a multi-family dwelling there, and certainly project a one-family house and just a one-family house.

Boardmember Alligood: Can I comment on that? I wasn't at that initial meeting. From the standpoint of – again, back to the environmental, and sort of what I see as society responsible development – if I am going to see that kind of intensity of use, I would prefer to see multi-family rather than a single-family home with 40,000 square feet or whatever it is. If it's going to be that large I think I would be more inclined to feel that this should be multi-family. That's just my take on that issue.

Village Attorney Stecich: Just to follow up on what John said, definitely, right: make it a condition of the subdivision approval. However, if you decided to go that way: if Eva wins, not an issue – if Eva loses, it's an issue, I think it still should be a deed restriction. Only because having been around too long in this business, conditions of subdivision approvals get lost, files get lost, building files get lost. And the only way you know . . .

Chairperson Speranza: Deven's very insulted right now.

Village Attorney Stecich: There are files you know, or you just don't think to look at it. You know, a board, 25 years later, forgets, and would never think to look at what were the conditions of the subdivision approval. Where if it's on the deed – and I've been requiring that in all the municipalities I work for – that when there's an important condition, that it be made part of the deed. Or if it's not in the deed document that it be referenced in the deed and recorded along with it. So if you decide to go that way, let's not lose sight of that. As long as it's a condition anyway, I don't think your client should care.

Mr. Cavallaro: Just on that issue, I would just want to run that past the client to make sure they're okay with that. Obviously, I look at that as a more severe restriction than a condition of the subdivision approval because it runs with the land forever; whereas if this property, 100 years from now, were to change hands I would look at the restriction on the subdivision as being a less severe restriction.

Village Attorney Stecich: See, I would think that the condition of the subdivision would run with that subdivision forever. Since it might be the concern of the Board, that's exactly why you might want it in a deed restriction.

Mr. Cavallaro: I can understand that. I can take that back to them.

Chairperson Speranza: Anything else?

Michael Robinson, Blue River Valley LLC: I work for the owner of 663 North Broadway. I just wanted to maybe defuse some of the rumors that are running rampant around the town, as you've mentioned.

Chairperson Speranza: That's a good idea.

Mr. Robinson: The people I work for are a family: mother, father, children. They spent quite a bit of time looking for a home outside the city where they could really raise their kids

and become a part of the community. They spent three years going on the west side of Westchester, the east side of Westchester. And they came to this property and they fell in love, not only with the site because it's very beautiful, but also with the community, with the town, with the nature and the proportions of the city, with everything here. I think they would have liked to have moved forward with this process quite a while ago, but there were some family issues that came up that prevented them from really moving forward with the architect.

So what they're doing right now is working with an architect to build something that is as sensitive to that site as possible and also as sensitive to the community as possible. I don't think they have any desire whatsoever to build some massive, enormous structure that will obstruct everybody's views in this community and be an affront to the character of this town or this village. We are here for resubdivision because that's what was advised to us by Angie Witkowski. She said it was something we had to show you before we came for view preservation because it was a threshold issue, which is why we're showing you this before we really do have the architectural plans developed and fully formed. Had we something more definite, we would be showing it to you now.

This is what we're presenting. It's the simple erasure, in layman's terms, of some internal lot lines so we can build one single-family home and reduce the intensity of use on the site. That's really, as far as I understand it, all this is really about. And the family is very much looking forward to eventually moving here and becoming part of the community.

Chairperson Speranza: Thank you. As I mentioned, this is something that comes up frequently during subdivisions, what exactly is going to happen. And it's very hard for us, as a board, to be able to act on subdivision without having an idea of what happens in the future. I think, given the comments you've heard tonight – certainly with respect to taking down . . . I mean, this is a big project, and I can appreciate . . . I'm sure it will be done in a very sensitive manner. But two homes, two houses, are going to be coming down, and it's going to be a big piece of property.

I think it would be a good idea, somehow, to be able to share a little more information. I understand this is the first step in the process, obviously. Maybe they could run a little more parallel? Is that what I'm hearing from the Board? That we see a little more, we hear a little more?

Boardmember Wertz: Sure. I would be much more comfortable in making a decision on the merging of the lots knowing, as Rhoda said, what it's opening the door to. So if it were possible . . . we can make a decision without knowing that, but I would be much more comfortable making a positive decision if I knew more. So I think if the owner's cooperative, and would be willing to bear with us on this decision and discuss further the two issues . . . really, I think the new building is one, and then the other is to work through a little

bit more of the walkway, the path. And I think if we could see . . . again, it's just what you said – seeing more concretely where we're going with this. I think we don't want to make the first step without knowing where we're headed.

Chairperson Speranza: Well put. I also think it's a good idea. And I'm very pleased with the cooperation so far in terms of the lots – the underwater lots – and the 100-foot setback. I think we can come together on this.

Boardmember Wertz: Very good.

Boardmember Cameron: I certainly want your plan to come here and have it work. On the other hand, you're making a decision when the result is still a mystery. As I said earlier, there are just a lot of people in this village I could not look in the face if something came there, which they've objected to, later. I know that's not your client's intention, but in order for us to make an intelligent decision we, quite frankly, have to know more than we know now.

Chairperson Speranza: I do have to add a caveat to this. This is a single-family home that's being built. It's going to be large, in our understanding, but it is a single-family home. And we don't exercise – we don't have – site plan approval over other single-family homes that are constructed in the Village. So I want to be careful as far as what we're going to put this applicant through compared to what we have other single-family homebuilders – recognizing there's a difference.

Boardmember Alligood: I think what we're doing is offering the process of becoming more comfortable before we vote on it. And if the applicant is interested in not having such a long process we could vote on it sooner rather than later, and go from there. But I think you've heard from many members of this board that we're not comfortable right now with the proposal without the information. So it's not as though we're demanding to know what's on the property. We're saying it's affecting how we feel about our vote, our decision.

Mr. Cavallaro: Just to reiterate what Mr. Robinson had mentioned, we were actually advised by the Village Planner that we had to complete this process before coming in for the view preservation issue, and that this was a threshold issue. So it's not that we're coming to you with half the information. We're coming to you with all the information with respect to this application, understanding that you do have view preservation, you do have Architectural Review Board approval. And that the review of the actual home would have been a review that would have been scrutinized in step two, if you will, of a multi-step process.

But certainly I gather the comments you've made this evening. I understand what your concerns are. And certainly we're going to speak with the architect, and I'll speak with the owners about them, as well.

Chairperson Speranza: Thank you. And we'll hear back from you?

Mr. Cavallaro: That's correct.

Alternate Boardmember Barr: One thing, we can understand that they're not going to have final information about the house. But basic information – the number of square feet, the general outlines of what they're thinking about – would be very helpful, I think. I mean, you don't have to come in with plans. Because, obviously, if you haven't got the land you're not going to have the plans. We don't need to know the shape of the windows or anything like that, but overall is this 4,000 square feet or 20,000 square feet, roughly the dimensions, where would it sit on the lot I think would help people envision it and make a better decision.

Boardmember Dale: How many stories.

Village Attorney Stecich: Yes, how high would it be.

Boardmember Logan: If you are going to come back with a new drawing, your new plat, I'm wondering if we can dot on an easement for this walkway just east of the tracks or somewhere just the way we have done it on, now, the sewer trunk easement which is on the plan. There is a diagram of the easement for access to the house off to the right there. I think that would be a concrete gesture, if that could be indicated on the plan.

Mr. Cavallaro: Just so I'm straight, you would want reflected on the plan an actual easement for the county RiverWalk – potential easement?

Chairperson Speranza: That would be good for a next submittal. I think you have to have the discussion with the county. And then if not – if it's not fruitful, it doesn't work – you're going to come back and let us know.

Mr. Cavallaro: Okay. Are there any other questions?

Thank you for your time this evening.

IV. NEW BUSINESS

Letter from Mr. Alexander Cheng re renovation 8 Maple Avenue for business from existing basement/ground floor (storage area) window.

Chairperson Speranza: Next order of business. We received a letter from Mr. Alexander Cheng about a renovation for 8 Maple Avenue. There was some misunderstanding, based on the initial agenda for this meeting that went out. A Maple Avenue homeowner, the Topilnickys, thought this was a public hearing on the application. It's really a clarification as to whether or not site plan approval is required for use of the space for, essentially, commercial use. Deven?

Building Inspector Sharma: Mr. Cheng approached us a few times with his intention. What he had on his mind was to do it through that window, kind of walk through and not necessarily drive through; some kind of a service window. I suggested they would need to go through the site plan review process before anything could be done. Mr. Cheng thought

maybe the nature of the project he has in mind, that he shouldn't have to go through the site plan review process. I said, "I can't waive this. You can come to the Board and speak to them directly." That's what Mr. Cheng is doing tonight.

Village Attorney Stecich: As I mentioned to you on another application where this happened, there's no discretion in the code to waive site plan approval. This does require site plan approval because it's a land use not involving a new structure. So it definitely does require site plan approval, and I don't believe the Board has any discretion to waive site plan approval.

Also, if you did, this would not be a situation where you should waive it because there are definite traffic issues – pedestrian and auto traffic issues. This is exactly the sort of application the Board should look at.

Chairperson Speranza: And there's an issue in my mind also with respect to parking requirements because the space right now is residential, I assume. But you know what? Let's hear from Mr. Cheng. Do you want to tell us what you're planning to do?

Alexander Cheng, applicant – 8 Maple Avenue: I just recently acquired this building across the street. An idea that came to me, I'm looking for an investment in this village and really like, love, the Village. When I started looking for investment properties and acquired this property, I have done some work to better this structure. It's been neglected for a long time. There's a long history with this property.

An idea came to me to do something. I came out of our library and said, "Well, wouldn't it be nice to have a place where I can find coffee and other beverages and things of that sort." There are really not a lot of services in this area. My idea is simple and a very modest plan I'm bringing to the Board, especially in light of the presentation we just had. I approached Mr. Sharma, the Building Inspector, and said, "Well, what do I need to do to go through this?" Me, I've never owned a multi-family dwelling before. Normally, this to me is a renovation of one existing window in an existing building. There is no change to the structure or foundation whatsoever. The only thing I'm looking to do is renovate the window: taking out the old window and putting in a new one, maybe putting in retractable siding.

The idea that came to me, I don't know if it's even feasible, commercially feasible. To me, as a patron, I'd love to have that, and I think it brings to this area some attractiveness. But I don't know whether it's going to fly. I'm willing to put in investment money to improve the situation without changing the structure or the foundation. For all we know, maybe the passerby or commuter will pick up something and it will not justify the investment I put in. But I'm willing to take the risk.

Doing a site plan is really overkill. I read the code and what calls for a site plan. It's multiple drilling – this is only one – and a change of structure, which this doesn't require in the slightest. The only thing I'm looking to do is bring a little improvement to one existing window in an existing building and make it better, add some life to this area. The patron, for me, I love to grab a cup of coffee. I certainly wouldn't want to sit in front of the building. I would go to the lawn or the little park. That's the intent, my intent.

Chairperson Speranza: I think you've heard it. We cannot waive site plan approval. And it's my take on the proposal – and I admire your innovation here to do something like this – that it is the kind of application, the kind of change of use, that, in my view, would warrant the public – your neighbors – being able to weigh in on the appropriateness of that kind of a use extending down out of the central commercial district into what is essentially the residential portion of Maple Avenue. That's my view on this.

Boardmember Dale: Do we have verification that this is zoned commercial?

Mr. Cheng: Yes, it is.

Chairperson Speranza: It's in the CC.

Boardmember Dale: So Kelly's letter is wrong?

Chairperson Speranza: It's the last property in the CC.

Building Inspector Sharma: I did check, and checked again. It does happen to fall in the CC district. By the way, I had advised Mr. Cheng about it and gave him a site plan application, and told him he would definitely need to do it. But I think it was his wish to come and speak to you directly.

Chairperson Speranza: Any comments? Sense?

Boardmember Cameron: I guess your plan is just to sell things through the window. There'd be no seating inside the place?

Mr. Cheng: That's correct. I'm not really looking to waive this process. I'm really looking for clarification. Because from my reading of the code it doesn't require the site plan approval process.

Village Attorney Stecich: My reading is, it does. But the thing that maybe could be explained is, while the list of requirements for site plan application can look daunting, a lot of the stuff would be irrelevant to this. You don't have to submit the 20 things on here because a lot of it's not relevant. You would only submit what's relevant. It really gives the Board a chance . . . and a lot of it won't be relevant so it can be a pretty simple application. But the point of it is not to demand a lot of you in terms of an application, but to allow the Board to review this, to let the neighbors weigh in. Also, this might be something you would want the Safety Council to look at because of the location and the pedestrians.

I didn't call the Chief about this today, but I was talking to him about something else, some parking regs I'm doing. Just saying, "Hey, by the way, do you see any safety issues here?" He certainly thought it was something that should be looked at. Because even though you may not be allowing parking there, it's very easy to imagine people seeing you and thinking,

“Oh, I can stop real quick for a cup of coffee.” You might have to do some things to ensure that people don’t just stop their car there to run out or whatever.

So those are the sorts of things that would come up. But I guess the main point I wanted to make was, you don’t have to submit everything that’s on this list. It may be a pretty small application.

Boardmember Cameron: I guess one question would be – just thinking of things that might make you feel it would be hard to do – would he require a couple of toilets at that point if he’s just doing window service. He wouldn’t? All right. I’m just trying to think of stumbling blocks in an otherwise very simple plan you have.

Chairperson Speranza: What about the parking requirement? Would that be something that would have to be waived, and go to the Zoning Board?

Village Attorney Stecich: Patty, I don’t think so.

Chairperson Speranza: It’s residential space now. Correct?

Mr. Cheng: No, it’s a commercial zone.

Chairperson Speranza: It’s a commercial zone, but the space is being used for a residence.

Mr. Cheng: It’s a vacant space. It’s not used at all.

Village Attorney Stecich: See, I don’t think so, Patty. I just had this section out. I think it’s 295-16. “*A change of use, or expansion of an existing use, within an existing building occupying 2,500 square feet or less, shall be exempt from providing off-street parking in the CC district.*” So that’s why the parking wouldn’t be an issue. By the way, that’s section 295-24B(1).

Chairperson Speranza: Anything else?

Building Inspector Sharma: What Mr. Cheng is looking for at this point, if I understand correctly, is whether he does indeed need to go for his site plan approval.

Chairperson Speranza: And he does. Is there anything else in terms of helping define what the requirements are?

Boardmember Alligood: I agree absolutely, and there are lots of things on that list that would be just onerous and not even necessary. So certainly we want to help the applicant just come up with the information we would need to make a decision. I think, certainly, just the way it would be laid out from the streets – like how far the awning would protrude and that sort of thing, and how big would the window be, how many people could be accommodated in front of the window – that sort of thing would be of interest to us just because we’d want to know will there be any significant obstruction of the sidewalk. That sort of thing would be relevant to the proposal.

Boardmember Logan: I think, related to that, is the awning maybe a sign, or is there a separate sign and how is the sign hung. I think if you’ve got to do a site plan review you want to show the projection of the awning, the type of awning, if there is any associated signage or change of paving in front of it.

Boardmember Alligood: Lighting.

Boardmember Dale: A nice big neon sign.

Boardmember Cameron: Spotlights.

Boardmember Dale: There's also a Village sign, Children at Play, right in front of the window.

Boardmember Wertz: I think also to give the neighbors an opportunity to discuss it more fully. You know, we had an interesting meeting just a couple of nights ago about the downtown district. Rhoda was there. There was actually a long discussion about commuters, people walking to the train station and back and forth. And some residents were really saying, "Wouldn't it be great if there was a little place to pick up a cup of coffee or a newspaper." And a lot of people were saying, "Yes, it would increase the vitality of the Village. It would just kind of pick things up in a nice way."

It's funny you would come up with an idea like that. I think there are people who would find something like this attractive. So I think as long as we know more specifically what it is, and can evaluate its impact, it's something that could be interesting.

Chairperson Speranza: That's funny because I think there are plenty of places to get coffee and a newspaper.

Boardmember Dale: Well, isn't that the role of the Station Café?

Chairperson Speranza: So you have a sense of the Board. You would definitely have to go through the site plan process.

Mr. Cheng: Okay.

V. BOARD DISCUSSION

1. Code Amendments - Fences & Boundary Walls

Chairperson Speranza: Next on our agenda, and hopefully this is the last time we'll see it, is the local proposed law on fences. Marianne, I see we have a revised draft dated 9-8-09. Is that the one that everybody has?

Village Attorney Stecich: Even though we didn't have a meeting in August, we just did talk about it a little bit – see if we could move it along – and the change over the previous draft was on the second page in paragraph D. Remember, the issue was we wanted to make sure that whatever fence it was met the safety requirements of the state building code. That was the language from the state building code, roughly, that "*the balusters or ornamental patterns on the fence shall be arranged so that a 4-inch diameter sphere cannot pass through any opening.*" That language is different from what was in the draft you had for the last non-meeting.

The open issue . . . like I said, we started to discuss it at that meeting, and I thought that if we could come to some agreement we could pass it on. But the rest of the Board felt that they couldn't because Jamie's issue was still open. That was D-2. I had had that "*at least 50 percent of the surface area of the fence is open space and allows visibility through the fence.*" I think Jamie had a bigger number – 70%, I guess – and the concern was whether it was possible to have it 70% open and still meet the requirements that the things can't be more than 4 inches apart.

Boardmember Cameron: I think the language you added, which is good, is "*and allows visibility through the fence.*" Because the problem with 50% is, they could have them this way so you could see sideways but you can't see this way.

Village Attorney Stecich: Oh, that's what you were talking about.

Boardmember Cameron: You see a lot of fencing and it's actually all like this. If you're coming towards it you can see through it, but when you're next to it you can't. And as you're leaving, you can look over your shoulder and see through it. Anyway, I'll go over this language.

Village Attorney Stecich: That's what you meant.

Boardmember Cameron: I'll even go with the 50%.

Boardmember Dale: Sold.

Boardmember Wertz: You resolved it without even knowing what he meant.

Village Attorney Stecich: You kept saying from an angle and I thought you meant something different. This'll do it.

Chairperson Speranza: Are we ready to act on this, recommend this, as a change to go to the Board of Trustees?

Village Attorney Stecich: And I'm assuming you'll want the last version of the excavation and fill.

Chairperson Speranza: Yes.

Village Attorney Stecich: That hasn't changed in awhile.

Chairperson Speranza: Should we do that via motion?

Village Attorney Stecich: You want to just pass it.

On MOTION of Boardmember Wertz, SECONDED by Boardmember Cameron with a voice vote of all in favor, the Board resolved to recommend passage of the revised draft of the proposed law regarding fences, and a new Chapter 135 on excavation and fill.

Village Attorney Stecich: I'll send that on to the Board of Trustees.

2. Greening the Code

Chairperson Speranza: Let me tell you what we've been doing. And I'm very glad to see the two individuals in the audience who are participating in this with us.

I believe at one of the Board of Trustees meetings Trustee Jennings mentioned that we were having discussions with Pace University. We are going to be working with them and one of their law school seminar classes. We actually hosted that class here Monday afternoon, and Deputy Village Manager Susan Maggiotto and Marianne and Deven and myself were here. Students from Pace came in and we gave them an overview of the Village and discussed with them what we are trying to do when we say "greening the code." And ensuring that what we can do for the Village is sized to fit the Village, and avoiding some of the pitfalls that some of the other communities have run into when they've made changes to their code. You have Joanne and Max who are here tonight just kind of watching. It's good to see them here.

The next step in that process is that the internship will proceed. Trustee Jennings will be the point of contact with that. Interestingly enough, during our discussion it seems there are a number of things the Pace students are interested in which we are, in fact, doing and studying ourselves through the comprehensive planning process. So it's very interesting. Somebody is doing trans-oriented development and waterfront. It was a nice little session that we had on Monday, yes?

With that, we're going to move forward. This is a semester-long project. There will be a compilation of research and information, and a presentation and recommendations made to the Board, the public, and the community in terms of how we can go about greening the code, given changes in the New York State Building Code and the Energy Code and how that will all proceed.

Let me kick in, then, to the comprehensive plan process. Fred, do you want to take over and give us a little update on everything that's been going on there?

Boardmember Wertz: The update is that a number of subcommittees have been formed to have a series of town meetings on various aspects of the draft of the plan. And I think the format of each of these meetings that would . . . for instance, the first one was a kind of preliminary meeting in preparation for the town hall meeting next Wednesday night at the Community Center at 7:30 on the downtown district. The way the meetings are organized is to go over, and tease out, the goals for that part of the Village. Then to go through the problems that have been identified by the previous meetings that we've been having, and the analyses and the consultants' syntheses of these discussions. And then the recommendations, and to ask Village residents if the goals are a genuine reflection of the community's will. Then to analyze whether the problems identified are true problems, and if there are any others that would be added to the list. And then to go over the recommendations and see if the recommendations are sufficient to solve those problems, and are there other ways to solve those problems that should be considered.

So it's an opportunity for the community to have a solid round of input on each of the areas of recommendation in the draft plan. I think those subcommittee meetings, town hall meetings, will be summarized, synthesized, and used by the consultants when they draw the final plan.

The second thing that's going to happen is that I believe the Comprehensive Plan Committee would like to meet with the Planning Board and the Village Trustees, with the LWRP Committee, and I believe there may be one other group involved in that. Or is that it? I think the reason for that meeting is a good one, and that is to investigate the relationships between the Comprehensive Plan and the LWRP. Since the Village Board has commissioned both these initiatives, the Village Board would be there and assume its appropriate leadership role in coordinating the committees. And also have a discussion with everyone at the table, where the directions of each of these initiatives could be compared with each other and discussed.

Hopefully, the consequence of the meeting would be that the two prongs of the planning process will be brought into better concert with each other. And the idea that the Planning Board would be involved in that is that the members of the Planning Board, of course, have been involved in both those initiatives and have an overview of the Village and expertise in planning and history in planning. So that the Planning Board could help give input and guide that process of integrating.

And it's not only an integration of the content, but also the timing: what's the time frame of each of these initiatives and what should happen next, what should follow that, and how can the whole thing be coordinated. So I think that's very valuable, and I think everyone is cooperative, and that should happen.

Chairperson Speranza: And certainly there's a lot going on. It's also interesting what's been going on with the county and the build-out analysis.

Boardmember Wertz: Talk about that, too. That's yet another really interesting initiative.

Chairperson Speranza: I know. There's a lot going on. So get out there, everybody at home.

Boardmember Wertz: Do you want to talk about that? You've been involved with that, Patty.

Chairperson Speranza: It's with the cooperation of the county planning department and the staff that's working on the Westchester 2025 plan. They have the most incredible tools in terms of being able to plug in parameters that we can set and we can determine with respect to development and land use, and come up with different scenarios for a build-out within the Village. So it's very exciting.

Boardmember Wertz: And I think the strategy of working with the county on this is to ask them to show us what a build-out would look at, first of all, given all the current zoning and the current regulations.

Chairperson Speranza: Right.

Boardmember Wertz: We're thinking in terms of a kind of total build-out, almost worst case scenario, and that would inform us of what could happen under the current zoning and regulatory mechanisms. Once we look at that – and when I say “we,” it's really a couple of representatives from the Comprehensive Plan Committee, Susan Maggiotto's involved in it, Patty, myself, David Bass – I think the whole process will be vetted by the Planning Board, by the whole community. And I think everybody will be interested in what we see in these models.

Then I think the next step would be to envision optimal development scenarios, and what kinds of zoning and regulatory changes might be necessary in order to prevent what we don't want and facilitate the kind of development that we do want. So hopefully these tools will really guide not only the Comprehensive Plan, but the Planning Board also, in a decision-making capability as time goes on.

And these are also models that can be modified as we go. As our interests change, as our considerations change, as experience changes we would have access to these resources and be able to revise them.

Boardmember Logan: Quick question. Do any of these models incorporate economic data like taxes?

Boardmember Wertz: Oh, yes, very much so. So one of the things we'll be able to see is the tax consequences of any particular type of development. Yes, that's one of the major virtues of doing this modeling is that you can really look at the economics of the Village and the implications of development for the Village economics.

Boardmember Alligood: That's terrific.

Chairperson Speranza: So there's a lot going on.

Boardmember Wertz: This is part of the Westchester 2025 planning operation. Ultimately, the goal of the county is to involve all the municipalities in this kind of an analysis. Hastings initially, I think, was kind of down near the bottom of the list of villages slated for that kind of work. We appealed to the county, and they were very receptive and realized that the time was very right for us since we're in the midst of comprehensive planning. So they were really good enough to bump us not just *toward* the top of the list; they put us right on the top of the list.

Now we're moving forward in a really timely way. All this is really scheduled to happen this fall, so within the next couple of months we should be seeing some results of this.

Chairperson Speranza: And I've got to say, one of the reasons the county has been so cooperative and pushed us to the top is because of the response they have gotten from the Village.

Boardmember Wertz: We're more enthusiastic than anybody else.

Chairperson Speranza: I think that's absolutely right.

Boardmember Wertz: They want to work with people who want to work with them.

Chairperson Speranza: Who don't think of it as a drag.

Boardmember Dale: Patty, will there be a [white] copy of what they produce so we can review the various . . .

Chairperson Speranza: I'm sure there will be.

Boardmember Wertz: They're very good at presenting and communicating and listening, and responding.

Boardmember Dale: When you talked about it last month, it was just the people that participated in the actual sessions. The question is, what comes back from those sessions and is that available to us?

Boardmember Wertz: It will be.

Chairperson Speranza: Probably since the last meeting, given that August happened and nobody was doing any work and people were away, there's nothing produced at this point.

Boardmember Wertz: Not yet.

Chairperson Speranza: There's nothing, but there will be.

Boardmember Dale: The question is, if you don't go to the sessions can you see the results?

Chairperson Speranza: Oh, I'm sure.

Boardmember Wertz: I'm sure, as soon as we have something to show, we'll want as wide a public hearing and discussion as possible. And certainly the Planning Board would be one of the first groups that should really be looking at this. As soon as there's something to look at, I'll report on it. I think maybe at some point it would be great to even get some people from the county to come down and present to us, and have a discussion among ourselves, about this. Because I think defining the parameters and going forward, how we might want to change the parameters – and you mentioned that, Bruce, the last time we discussed it – how tricky it is, how important it is to get that right. So we do want input from the Planning Board on that.

3. Miscellaneous

Chairperson Speranza: I just have a couple other things to announce. October 14th, there's a stormwater conference up in Dutchess if anybody's interested. October 16th, there's a Safe Routes to School Conference at Westchester County Center. And then December 2nd there's "Sustainable Strategies for Stormwater Planning and Design." So there are a few

things coming up. Then there's LEED. And that's Tuesday, which does conflict. It's the same Tuesday that we're doing the waterfront.

Boardmember Alligood: I wondered if we could get a sense of it. It's such a conflict, which one to go to.

Boardmember Dale: I propose divide and conquer.

Chairperson Speranza: I'll be at the waterfront meeting Tuesday. You're going to be at the waterfront. You were going to go to LEED?

Boardmember Alligood: I signed up for it before I heard about the other thing, and I'm not sure which to go to. Now that I've heard your description, Fred, I want to be at that meeting, too. I don't know if anybody else is planning to go.

Boardmember Dale: I was thinking of going to the LEED thing. It's very difficult. The description of what this is is exactly part of the work they're being asked to do.

Boardmember ??: Because it's local, and it's the impact of exactly what we're looking at.

Boardmember Logan: I think we ought to make sure that at least one of us goes to this.

Boardmember Alligood: Right now, are you signed up, Bruce?

Boardmember Dale: I haven't signed up yet. I'll call tomorrow.

Boardmember Alligood: Let me know if you have a problem because I have the slot, and I'm not sure which one. I did sign up, so we have one spot anyway.

Chairperson Speranza: Is that it for the evening?

VI. ADJOURNMENT

**On MOTION of XXX, SECONDED by XXX with a voice vote of all in favor,
Chairperson Speranza adjourned the Regular Meeting at 9:35 p.m.**

Chairperson Speranza adjourned Regular Meeting at 9:35 pm.