

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
REGULAR MEETING AND PUBLIC HEARING
FEBRUARY 18, 2010**

A **Regular Meeting and Public Hearing** was held by the Planning Board on **Thursday, February 18, 2010 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 Fred Wertz, Jamie Cameron, Eva Alligood, Rhoda Barr, Village Attorney Marianne Stecich, and Building Inspector Deven Sharma.

ABSENT: Boardmember Logan, Boardmember Dale, Boardmember Dandridge

I. ROLL CALL

II. APPROVAL OF MINUTES

Meeting of January 21, 2010

Chairperson Speranza: Does anyone have any changes?

Boardmember Barr: I have a minor change. On Page 4 there's sort of an incomplete sentence. It says: "*I have just put myself on the record saying...*" I think it should be "annual elections will not be advisable." It got lost.

Chairperson Speranza: Anything else?

On MOTION of Boardmember Wertz, SECONDED by Boardmember Alligood with a voice vote of all in favor, the Minutes of the Meeting of January 21, 2010 were approved as amended.

III. PUBLIC HEARING

New Business

**Accessory Apartment - Fazil & Shameeza Hatim-16 Clarence Ave.-Sheet
35/Block 717/Lot 6, 7, 11, 12**

Chairperson Speranza: We have an accessory apartment renewal that is before us tonight for action. And, Deven, are all the mailings in order for the accessory apartment?

Building Inspector Sharma: Yes, all the mailings are in order.

Chairperson Speranza: OK, great. It's for a property at 16 Clarence Avenue. This has been before us several times, as I recall. There are no waivers that are required, and according to the report there have been no changes nor complaints related to the apartment.

I should have said this is a public hearing on this application. Is there anyone here who wishes to speak on the application? OK, we will close the public hearing and find out if there are any Board comments or questions or concerns with respect to the application.

Boardmember Wertz: Looks fine to me.

Chairperson Speranza: Is there a motion, then, to approve?

On MOTION of Boardmember Alligood, SECONDED by Boardmember Wertz with a voice vote of all in favor, the Board resolved to approve renewal of the accessory apartment at 16 Clarence Avenue.

Old Business

T-Mobile Northeast LLC for Special Use Permit

Chairperson Speranza: There was to be another item on the agenda. It was the continued public hearing on the request of T-Mobile for a special use permit and view preservation to put antennas on Hastings Terraces, 555-565 Broadway. Last week, when we were preparing for the meeting, because there had been no information submitted to us or to the Village with respect to engineering reports, both from their engineers and our engineers, Marianne Stecich and I decided that there was no reason to have a hearing, to have this on the agenda, for this evening.

I mention this because we did receive a letter from T-Mobile's attorney that they're disappointed – they object to the fact – that we removed them from the agenda. Marianne, do you want to just tell us a little more about this? I hate to have people come and waste their time – waste our time, and have an audience full of people who expect to get something substantive out of our discussion. And it was clear we weren't going to.

Village Attorney Stecich: Right. And it was also clear to the attorney for T-Mobile, with whom I had several phone conversations on Friday to say what can the Planning Board do. Because it still has to be resolved whether the Zoning Board is going to allow the antennas to be outside the overlay district. That's the big open question. The Zoning Board is not ready to make that decision.

This is kind of a cardboard situation because SEQRA is required. The Zoning Board can't take any action until the Planning Board makes a SEQRA determination on it, but I think the Zoning Board has to get a little bit further along in settling on where it would be before you bother to do your SEQRA review.

Right now, the Village's consultant has gone out to see whether it's true that none of the locations within the overlay district will work, and then also to consider at least one other site that's outside the overlay district that would be less of an aesthetic intrusion than the proposed one.

So we're waiting for that information. It is on the Zoning Board agenda for next week. I haven't seen a copy of the letter yet, but I believe the consultant needs additional information from them.

The thing I left out was that the Village is still waiting for a report from T-Mobile as to whether the light towers at the Chemka Pool might work for the antennas. That's the site we're talking about outside the overlay district that might be less of an intrusion on the buildings.

So we're still waiting for a report from them on whether it would solve their purported gap in coverage.

Chairperson Speranza: And you know what else? I think it's important that when that report is made that our engineer, our radio frequency engineer, review it also.

Village Attorney Stecich: Yes, and they understand that.

Chairperson Speranza: So in terms of the process, more information is good. And let's have it all, and have it presented to us in one meeting or two meetings so we can make our decision, rather than having things be piecemeal.

Village Attorney Stecich: Patty and I talked about maybe a little bit later on the process having a joint meeting with the Planning Board and the Zoning Board so that you can make your SEQRA determination and they can make their variance determination. We thought about March, but it's probably not going to be ready for March. So maybe in April.

You all got a copy of the letter I wrote back.

Boardmember Cameron: And they agreed to hire the consultant we usually use?

Village Attorney Stecich: They don't agree to hire. We hire.

Boardmember Cameron: No, but they would be the first to speak.

Village Attorney Stecich: They put their money in escrow, and we hired our consultants. Although I should say there's another thing. And I only mention this because of the letter sort of accusing us of delay. It wasn't until, I think, the day of the last Zoning Board meeting that they did put the money into escrow.

So it was late. It was at the end of last month, so our consultant didn't have a chance to look at anything before that meeting because the money hadn't been put in escrow. But he had gone out with Deven earlier this week.

Building Inspector Sharma: You know, I understand a letter had gone out, Marianne – and of course we didn't get a copy, maybe it just went out today – to the consultants. We got copies to us saying what additional information our consultants need from the applicant for them to complete their evaluation of the application, as well as many of other aspects of the liability of other sites with them outside of the overlay district.

So I guess we should be getting a copy. Next week they would also have a chance to react and respond to it. So by the next meeting I think we'll have so much more to work with. You will have all the answers, to review it and form some opinion on questions about it.

Chairperson Speranza: So that's the reason it was pulled.

IV. DISCUSSION ITEMS

Comprehensive Plan Committee – LWRP Meeting

Chairperson Speranza: Before we move into the very productive session we are going to have on greening our code and really making some decisions here, I do want to mention – maybe Fred, you should mention – the Comprehensive Plan work. Because there were some things that have occurred since our last meeting, and things that are going to be happening within the next few weeks.

If you want to talk about it, there was a joint meeting between the LWRP committee and the comp planning committee. I see there's a revised document now.

Boardmember Wertz: The meeting between the LWRP and the Comprehensive Plan Committee was really very productive. The public was there and a number of members of the LWRP committee, and the Comprehensive Plan Committee went over the basic approach of each of the documents and pretty thoroughly discussed the discrepancies. I think it was a very cooperative and fruitful meeting.

I think everyone there felt that common assumptions were adopted. The areas that had been discrepant between the two documents were pretty much resolved. So it was really a great meeting. The Mayor chimed in, at the end, that it looked like everything had been rounded out and, with some changes in language here and there – which were readily agreed upon – it looked like the LWRP and the Comprehensive Plan will be completely consistent with each other, and that their respective roles were defined in a very complimentary and mutually-supportive way.

So I don't think we could have had a better result. Eva was there.

Boardmember Alligood: I was there.

Boardmember Barr: Yes, and I was there.

Boardmember Wertz: And Rhoda was there, too. Right. And Marianne was there.

Boardmember Alligood: I didn't have a chance to say it, but I was going to compliment the consultant and the committee for working so hard to really reconcile the documents and find a way to bring them together because it makes no sense for them to be off on two tracks. And I agree, I think it was a productive meeting.

Boardmember Barr: I think it was a very good meeting.

Boardmember Alligood: And I'm very supportive of the work that was done. For whatever it's worth, as a Planning Board member I wanted to say publicly there was some important work that progressed.

Boardmember Barr: And I think I got an email with the revised documents.

Chairperson Speranza: Yes, I believe it's posted on the Web site now. I thought I saw it under "Comprehensive Plan."

Boardmember Alligood: Yes. Fred, are there a lot of changes? I looked at the entire document before that meeting last month. Have there been extensive changes to that document that was circulated since then, based on that meeting?

Boardmember Wertz: Not that I know of, but I haven't studied it.

Boardmember Alligood: OK. I know there's another opportunity to attend a meeting or submit comments.

Boardmember Wertz: Well, there will be several town meetings.

Boardmember Barr: There's another meeting scheduled.

Chairperson Speranza: I think next Wednesday or next Thursday.

Boardmember Wertz: Yes, there are several meetings coming up where the whole Village is invited to go over the document, and particularly to discuss the various areas of the document in detail. So there will be several opportunities to review it.

Chairperson Speranza: So it's good. It's progressing.

Boardmember Wertz: It's moving well, yes.

Chairperson Speranza: I think I read that next week is changes to the waterfront recommendations and large tracts. And, of course, the public is always invited to be at those meetings. So check the Web site under the "Comprehensive Plan Committee."

Anything else on that?

2. Greening the Village Code

Chairperson Speranza: We've struggled with this. We have been back and forth many times, spent a lot of words and a lot of paper. I know I was on the Web an awful lot.

In recent conversations that I have had with Trustee Jennings, I know that he's working on a sustainability plan that will be presented at a Board of Trustees meeting shortly. And it covers the gamut. There are lots of things that are going to be included in that, and actions given to parties to actually follow up on.

One of the things that they really would like from us is a recommendation with respect to how we can bring sustainability into the land use planning process. The Board had formally charged us several months ago with coming up with a way to do that. We got our work kind of stalled because of applications we had, and also knowing there was work being done by a student at Pace University law school.

I circulated the paper she worked on, and there are some very interesting things – Marianne, I apologize, I should have sent it to you – with respect to different kinds of regulations and codes, upcoming legislation, work that's being done both in Congress at the state level, and pitfalls of regulating in different ways. I was going to take all of this information, and all the information we've discussed in the past, and put together all the different options into a matrix.

I started to do that. And as I kept going through all the various codes and various Web sites, and with the paper that had been done by Laura [Tanlin] XXX from Pace, I realized there weren't very many things we have to decide. So the matrix right now lists some things. Deven, I printed one for you. I've listed some things.

But in my mind, what this has come down to is a couple of issues. First of all, we know we want to have a commitment toward finding a way to encourage more sustainable development here in the Village. Do we want to mandate that in some way, do we want to provide an incentive in some way? As I went through the ways we can incent homeowners, property owners, to build more sustainably, the things I recall reading about and that we know have to do with things like tax rebates or tax abatements – which I don't know that the Village would be very interested in providing anyone – density bonuses, again, I'm not sure that's a path, a method, or a strategy we want to use.

There are some other things I have seen: this whole thing about connecting into the grid and getting electrical savings. That, I think is for jurisdictions that are a little larger than we are and for developments that are larger than we are likely to get. So in my mind anyway, I thought, well, we're really not dealing with incentives anymore. What are we going to give someone, is incentive the way to go, or are we that committed to this whole process that we're going to mandate it in some way.

So the question then becomes, OK, so how do we mandate it. We can go through our own – we can put together our own – rules and regulations and our own point system, and I looked at several of them. The city of Boulder has a green points system, based on ... you have to meet so many. You have to achieve so many points with respect to sustainability based on the size of your new construction or what you're going to renovate.

I said, "Hey, well, that seems really good. We could develop our own system." And I thought, well, Deven is just not getting this at all. Why should we develop our own? Maybe that is something we want to do. I'm not completely ruling it out.

The city of White Plains has actually put together a checklist for – they call it – the "secure greater use of green building design; the coordinated reviewed sustainability checklist." And it actually goes through different departments. But again, we're looking at essentially a point system for a sustainable site, water efficiency, energy and atmosphere, how the development would meet certain of these criteria. So we could build our own checklist, which we have talked about doing in terms of the review of plans. So I don't want to discard that at all.

It took me then to the whole idea – the one that we know, or that has been out for the longest, of course – of the LEED, the LEED certification and LEED standards; which some of the pitfalls we have read about have been how do you actually have the certification done. The certification by the U.S. Green Building Association takes place after the building is complete, but you've got a certificate of occupancy issue, or, are you going to hold the C of O until that's done. It can be timely, it's expensive, and it may be appropriate for certain kinds of developments and not others.

Then we have our town around us, the Town of Greenburgh. I really went into depth in their code. I started out by looking at their requirements that single- and two-family homes be built to be Energy Star homes. I did not realize that they also took the next step. They have a sustainability component which also requires a LEED standard for other building in the town. However, you don't need to go get the LEED certification. They have a green building compliance officer who is in charge of making sure the development does acquire all of the points that are needed for the LEED standard. That's not for single- or two-family homes. Single- and two-family homes still have to be Energy Star homes.

So that said, my idea – as I started going through what would we actually show on a matrix, how would we get there – I think I already did it in my own mind. And then, of course, I couldn't put it on paper anymore. So I'm interested, of course, in what people think about the work that was done by the Pace student. We've all been at different forums that deal with sustainability and green building. Marianne, you work in many different communities. Deven, you're the person who would eventually have to make sure that these things actually happen in terms of the building.

I do want to end the meeting tonight with some sense of how the Boardmembers feel we should move forward. I guess I've kind of gotten where I think maybe we should go, but I do want to hear what other people are thinking with respect to this. I don't want to create a process that's so onerous that ... Rhoda, as you mentioned, you don't want to kill so many

trees and have so much energy going into making sure that something is energy-efficient that it's ridiculous.

Boardmember Barr: I'm only an alternate, but since you mentioned my name I will say that I feel very strongly that whatever process we put in place, first of all, incentive is very, very important because we want people to come here. And Hastings has a reputation for being very difficult to deal with. We have a whole waterfront. We're going to want to have something interesting done there. We have others places. We need to build our tax base.

If we make it a nightmare obstacle, we're just not going to get it. People say, "The heck with you. We can go somewhere else." So I think our whole philosophy should be one of incentive and, to the extent possible, simplicity. So people don't get stuck: "Well, we can't get a certificate of occupancy because we've got 6,000 more pieces of bureaucratic stuff." To the extent that we can make it simple, and encourage people, that's the approach I would recommend.

Boardmember Alligood: Patty, I think it was very clear from the student's paper that we have some legal issues with asking a third party to certify our projects. So I agree with Rhoda on many levels. It's interesting; New York City just came out with their New York City green codes task force report. They state right up front they did not go with mandated LEED certification.

And I think that's why. I think what they did was took at different parts of their code and made recommendations that were very specific for energy efficiency and other purposes. But they're embedded in the code, and there's no process you have to go through other than the normal process of the review you normally have for getting a building permit and getting your C of O. I really think that's the way to go, and I think we could make things horribly complicated and expensive for people to get up to speed. You know, *special consultants* to get these certifications?

I think one of the reasons people go with Energy Star is, it's a little less onerous. But I still think that we want to incorporate the principles of those systems, but not a process of all the paperwork and the extra consultants needed. I don't think that's going to be useful.

Boardmember Barr: One small thing is, I think we should regard people as being on the same team with us, not as enemies that we're trying to trap.

Boardmember Cameron: I think one of the things New York said, which I thought was very good, is that the "L" in LEED stands for Leadership. And that it's supposed to be an award, or an honor, for getting something extraordinary. And the city – and I think we have

some of the same goals – actually wanted to increase its baseline. It's not actually trying to just take the tops of the trees. It's not just trying to get the leadership ones to do this. They've tried to increase their entire baseline and make themselves more environmentally friendly. Which is why they did not go for the LEED standard. They went to put it in their code.

Leaving aside all the legal problems, even though I'm a lawyer, I don't think we should go with LEED. I think we will get a number of LEED projects in our town because the architects are all interested in doing a LEED building. But I think we should go for the low-hanging fruit and as much as we can get, and still make it so people can do the major renovations to their buildings and build new ones.

But we're going for everybody, I hope, in the right time and not just for ... now, it may be there's something different about any development we do on the waterfront, which is more large-scale. But certainly for single-family homes, two-family homes, three-family homes four-family homes, I'm not interested in the LEED standard.

Boardmember Wertz: Well, that makes sense to me. I think keeping it simple, not creating extra processes that cost people who want to build extra consultant fees really makes sense. I like very much what Rhoda said, except I'm with you on the question of what kinds of incentives do we really have to give. One of our main problems is our tax base, so we can't give tax breaks.

We are concerned about density and, apart from the downtown area, I don't know where we could really allow density. That's out of line with the kind of standards we're committed to already. So I'd love to find some incentives. If Rhoda has some ideas on what they are, I think that would be a much better way than to mandate an especially onerous and costly process.

I like the idea that Greenburgh has two different ones. You know, one thing for homes – one- and two-family and three-, and something else for larger developments. I think we need to make that distinction. Jamie's mentioned it, too.

Boardmember Cameron: I would like to look and see how many incentives we need to give, if any, to go Energy Star; if we look at what the Energy Star cost really is. Because Energy Star, I know it's a few more dollars, but it's actually a better investment in most cases. And that's what we need to look at.

Chairperson Speranza: One of the things I saw – and I think it might have been on the Energy Star page – when a home is being built as an Energy Star home, it does require a

certification. You do have to hire someone who will certify that it was built correctly, that it was built to achieve the Energy Star label. And they used, I think it was, 5 percent. It was 5 percent more expensive than a traditional home to build it to achieve the Energy Star rating.

Boardmember Cameron: Well, that's the number I heard kicked around for LEED.

Chairperson Speranza: Maybe it is.

Boardmember Cameron: That's the number for LEED.

Boardmember Alligood: But I'm wondering if we could adopt –look at specific components – what goes into Energy Star, and then just incorporate them into our code without having to have it be certified by an Energy Star body. We would have our Building Inspector be the expert in whether those targets were met through the building, or renovation. Bring it in-house.

Chairperson Speranza: And that may be an incentive.

Boardmember Alligood: Third-party certification is really important.

Boardmember Cameron: And you could put it on your checklist that they need to submit when they're building a house: "Is the furnace Energy Star – yes, no?" – the idea to get at it that way, perhaps.

Building Inspector Sharma: The greening of the code – and by the way, the code book is this thick – is not all about buildings. There are other aspects of greening behavior, options, practices. But as far as the buildings are concerned, we already have an energy conservation code we enforce. Energy Star is the next step.

One thing, we're all becoming aware. Actually, we recently made an application for a grant from NYSERDA. We tried to establish it as, yes, we're spending some money up front, but it gets paid back in a certain period of time. So it's just wasted money, spent money, but there's a return on the investment. With the changing political and economic environment, some of those measures are becoming more affordable and the return on the investment is getting much better.

Whatever codes, whatever standards, we develop here, they have to be applied to us, as well. It's not just "us" and "them." It's all of us. And we all have to see whether there is indeed a decent return of those investments, or a reasonable return within a reasonable period of time. If that were the case, I think it would be easier to enforce. We wouldn't have to struggle and

fight to enforce it, but many people would be almost willing to practice those codes: sustainability, energy conservation.

By the way, there is an international building code organization that develops generic codes that could apply everywhere. That organization, AIA, has formed a coalition and they're developing standards. So it's a matter of not many years, maybe another year or two, we'll begin to see what can be done specifically to buildings. Of course, I think the hardest part is not only talking about what we can do to the buildings, but other aspects for green thinking.

So I think if we form some kinds of committees or something there could be some people looking at this. As far as the building code is concerned, I think we only have some standards: LEED and Energy Star. So it's just a matter of going at it like the Town of Greenburgh did. Of course, there would be public hearings on it, attempting to educate and convince people that by doing this they're not only saving the earth – you know, being good guys – there is indeed a savings for themselves in the long run.

That's the most easily done part. The building code, we don't have to do anything. We just say, "OK, from this point on the Village of Hastings has adopted that all the buildings or developments of certain kinds will follow LEED or Energy Star standards." So that part, I guess, is very easy.

Chairperson Speranza: What do you think about the idea, though, of rather than saying we're following the lead that it's actually in the zoning code that the energy reductions that are shown for the construction of a new home or a new multi-family building are in there?

Building Inspector Sharma: New homes, or even additions or alterations of a certain level, commercial or otherwise.

Chairperson Speranza: That they are actually there. We're not just saying "Energy Star." We might be using the criteria for Energy Star, but putting it into our own zoning requirements.

Boardmember Alligood: That's what I was talking about.

Chairperson Speranza: Yes. So people come in, and they look at it, and say, "OK, this is what I have to do."

Boardmember Alligood: "This is how you do it." Yes.

Chairperson Speranza: And it's simple. It's right there.

Boardmember Barr: You have standards now so the building won't fall down, that it's got the right support.

Boardmember Alligood: And actually, New York City has a very good suggestion along those lines about embedding it in your code. The way they put it, one of the first things they recommend is that there be a fundamental principle that "*environmental issues and climate change should explicitly join the protection of health and safety as the purpose of the codes.*"

Chairperson Speranza: So it goes right into zoning.

Boardmember Alligood: It's right up front, and it's a health and safety issue. Then everything flows from that.

Boardmember Cameron: Interesting that New York, in this report, the city estimates Energy Star would cost less than 1 percent. That's what it says, Page 26.

Chairperson Speranza: Marianne, any thoughts on any of this? Are any other municipalities...

Village Attorney Stecich: I didn't have any of the materials.

Chairperson Speranza: Any of the other municipalities that you're working with now looking?

Village Attorney Stecich: No. I mean, they're looking at it, but just in the same way you are. Everything's very preliminary. No, I don't have any insights on this. Sorry.

Boardmember Cameron: One of the things that confused me in looking at the various controls we have, we have all these regulations coming down which seem to be like the federal government's going to pass a law – at least so far only Congress has passed it, and the Senate hasn't so God knows when that'll happen – which would seem to be putting other laws on top of others.

It seemed to me that if we took a fairly simple first step with some known standard – we might use the Energy Star – that even if we're embedding specific things in our code it'll be easier to be on our tippy-toes going forward. In New York, for example, we can't afford to do what they're doing. They're going to look at their code every three years. They said they're going to have the standards group meet every three years because things are changing.

I think we need to get our feet wet before we dive in, so to speak. I just think LEED is far too much for us to handle.

Chairperson Speranza: And it gets to the idea of the standards. Maybe we don't need it all now. Is that what I'm hearing?

Boardmember Wertz: And what Deven said: we already have regulations, it's just a question of making the next step. If we can do it in a way that does not incur a whole new bureaucracy – or even checklists or certifications with flags waving – but go for a more low-profile approach and say that, consistent with our objectives of health and safety and so on, we're enhancing our sustainability in these ways. And we use Energy Star as a guideline to write it into our codes.

I guess then the issue would be to go over the Energy Star regulations that would be relevant for our codes and try to adopt them. And if there are any that, for some reason, don't make sense, then we'd identify those. But otherwise, it sounds like a pretty clear course of action is emerging out of this.

Chairperson Speranza: And I'm just thinking that it may be because Energy Star, my read of it, is primarily the energy savings. One of the things I liked about LEED, even the city of Boulder's checklist and point system does address things like stormwater management. So I think putting things in the zoning code, it really does become a real review of our code at this point; to see what's there, and what's not, and what we have to strengthen and where we want to take a next step and make things more stringent.

Village Attorney Stecich: I just want to clarify one thing about the code. I think Deven was trying to make the point. Right now, the zoning code is not very specific about what you need to have a building have to get the certificate of occupancy. To say it has to have walls that are built a certain way, none of that stuff is in the code. It's all in the New York State building code.

Building Inspector Sharma: The zoning code is not meant to do that.

Boardmember Barr: Well, it's not a zoning code issue.

Village Attorney Stecich: It's a building code issue. Well, it is in a little way, Rhoda. You're right, it's a building code issue. But even our building code just says we adopt the New York State building code. Then the way it's dealt with in the zoning code is, you can only get a certificate of occupancy if your building complies with the zoning code, the New

York State Uniform Fire Prevention and Building Code, the state Energy Conservation Construction Code, and all other applicable chapters of the Hastings-on-Hudson code.

So it's not a question of just inserting a few additional paragraphs, like "G" and "H," to the other list of things you need to do to get a certificate of occupancy. I mean, I'm not saying it can't be done, but just so you understand the framework. It's not something we could plug in.

Boardmember Barr: You mentioned "energy." What is that? You just said something about energy efficiency.

Village Attorney Stecich: There's a state Energy Conservation Construction Code, which is one of the codes that has to be met. Even if it weren't in our code, it would have to be met. It goes along with the building code.

Building Inspector Sharma: Mandated, I think, to enforce all New York State codes. And the New York State Energy Conservation Construction Code is part of it. We already enforce it. So any time we made a code concerning building construction, if it's more stringent than the state code, of course the state has to approve it. We can always say the buildings have to conform to LEED standards or Energy Star standards, and then put that in our code – the zoning code or wherever – and then the state has to approve it. You see?

A lot of times what happens, it's sent. And as long as they don't react within 30 or 60 days then it becomes a local code. So we can enact a local law. But before we do that, I think we, among ourselves, should truly understand what those standards are; whether it adds 1 percent to the cost of construction or 5 percent or 15 percent, and where the payback appears relating to it.

If we are convinced, with conviction we can try to convince other people that it's a good thing to do. First of all, I think it behooves us to make sure that with these things it really makes sense to us, and dollars and cents as well.

Chairperson Speranza: But it's not just dollars and cents to the applicant. It's dollars and cents and the environment for the Village. That's the other piece.

Boardmember Alligood: Right. The health and safety of the Village. But Deven, one of your points earlier I agree with. It's not just about building codes, and there are some things we can do to our zoning code that would green our village that don't have to do specifically with how the building walls are built, or insulation.

For instance, one of the New York City recommendations is reduce excessive paving of sites. That's something we'd have to address through our zoning code because we have very specific requirements for new projects about how much parking we require.

Building Inspector Sharma: Managing garbage, composting.

Boardmember Alligood: Yes, exactly. Recycling of old building materials, things that get carted off or thrown away. You know, there are practices that we could take a look at that might have some cost to our village, but have the benefit of...

Boardmember Wertz: Would Bruce Jennings' sustainability plan be covering this broader field of possibilities? But they're asking us to look specifically at sustainability in land use planning. So we have our own role to play in this, and we're focused. Although there are many other things that could be done in tandem, and I assume that's what Bruce's plan will be addressing.

Boardmember Alligood: Right. But the stormwater runoff issues...

[crosstalk]

Boardmember Wertz: Paving would be another. So I think for us to identify the ones that relate to us, focus in on them, and then see ... you know, I think Deven's point about a cost analysis is really important. We don't want to be – and it goes along with what Rhoda's saying – we don't want to impose on people who may have good ideas for development; impose on them costs that are not feasible.

Costs have to be sustainable, too, at least to some extent. Or at least we ought to know what we're doing when we start making new regulations.

Boardmember Cameron: And if the Trustees want to do it, we could do what New York City did and make public buildings subscribe to LEED standards, if there was a desire.

Boardmember Wertz: Yes, I like the differential like Greenburgh, where they'll have one standard for homeowners and another standard for other types of buildings. I think that really makes sense.

Boardmember Alligood: The Village could hold itself to the highest standard.

Chairperson Speranza: Set the example. That's right.

Boardmember Cameron: Assuming we could afford it.

Building Inspector Sharma: Geothermal energy: we can do something with the zoning code to make it easier to do geothermal wells on the property, whether it has something to do with the setbacks or something.

Chairperson Speranza: That's a very good point.

Building Inspector Sharma: Electrical and solar heating: we could do something with the zoning code so people get indirect, intangible kinds of incentives. If people do solar energy instead, instead of two-and-a-half stories maybe they can be permitted three stories.

Boardmember Cameron: New York began a lot of awnings on their buildings, metal awnings, to build out beyond the setback line. That's an example.

Boardmember Alligood: If it went past the property line you'd have some of the issues that you're seeing where everything is so tight. People build right up to the property line. But those are things we can think about. Are we creating disincentives for being energy efficient in our building just because our codes are structured a certain way that don't allow for those new, progressive kinds of ways of building.

Chairperson Speranza: Anything you want to share with us?

Elisa Zazzara, 68 Southside Avenue: I'm a member of the Conservation Commission, so when I saw "Greening our Code," I was like, "Well, got to be." We've just gotten a few new members, and we have a new Chair. So I'm really here just to say hi. Were divvying up – with Bruce's plan in mind, as well – our commission into municipal solid waste: greening the building code, if you will.

At our next meeting, which is March 9 – we meet on the second Tuesdays – I will certainly bring what I heard tonight there and try and connect whoever the person might be that would be dealing with the issues that you're all talking about here.

Pleased as punch to hear it evolving as it is, the LEED versus Energy Star. I've heard some things about LEED. That not only can they be disincentivizing, but also don't necessarily give you the best energy efficiency on all occasions, like you might not get points for something that gives you something better. So that was kind of the short of it, I think.

Chairperson Speranza: Certainly, if there's anything you want to bring in terms of, "Well, I heard that this community is doing this," – please.

Ms. Zazzara: Thank you. I was going to ask, if I might here, the report that you speak about. Could we get either an electronic copy of that report, or a paper copy if you have it; which ever is easiest, without taking down any more trees.

Chairperson Speranza: Yes, I have an electronic version to send to you. And Deven, I think you probably didn't get it either. I sent it out, it was late ... and Marianne.

Yes, it's a good document. It's a student paper. I think it does raise some issues, particularly in the legal realm, that we've heard of. It's a good base, and it gives some information with respect to things that are coming down from different organizations and different groups. As I said, you can go to Climate Smart Communities. There was another one, Green Globe. There are so many organizations that are looking at this, like the AIA.

Ms. Zazzara: I'm sorry, just a couple points that have popped into my head, before I leave, or give up the mic, if you will: disincentivizing, you mentioned that, Eva. I've heard, in other communities nearby, that people aren't allowed to put solar panels on their roofs because of some sort of code that's in their zoning or planning code that says it's unattractive or something like that. So that kind of thing, obviously, is not an incentive.

And I don't know if this is more silly than not, but you talk about incentives. I don't know – if you meet some standard with your house you can get like a year's free parking, you get a little medallion. It's an issue in Hastings, parking. That's the only thing I thought. That if somebody got free parking that might be an incentive for some folks. So thank you.

Building Inspector Sharma: Some people are so motivated already; there is one right at this moment. The cost of this conservation is becoming more affordable compared to just a few years ago. The political and economic environment is just correct. As a matter of fact, there's a house right in Hastings. Without any mandate or incentives, they're doing solar electric, solar hot water; they're reusing gray water, and have very energy-efficient use of heat units.

So within our community there may be many people who are just willing and ready. But at the same time, there are others who are maybe a little bit more pragmatic and would say, "OK, what's in it for me? If I spend this extra so many dollars, when do I get these dollars back?" That is something, with calculations and computations, we have to do for ourselves and work with some of the vendors and manufacturers.

It has to become viable in terms of what we put up. You know, people spend so much money to build houses, and get the satisfaction and comfort of living in their houses, this will add to the prestige and other aspects of doing the good things.

Chairperson Speranza: And I think we have to differentiate between new and rehabilitation. And maybe that's where we can start trying to structure this in some way.

Can I get a sense as to whether or not, right now, the first thing we should look at is new construction? New construction, both residential and nonresidential? I'm trying to figure out how to structure moving ahead, and I'm open to suggestions.

Boardmember Cameron: One of the attractions, to me, of Energy Star was that when someone replaces a refrigerator they surely should get an Energy Star refrigerator. It's not a big leap. And I'm not quite sure how to do it. New York's going after the baseline. One of the statements in their document – I know we're not New York City – is that 85 percent of the buildings that are there now will be there in 2030.

So if they're going to make any changes they've got to do some changes to existing buildings, which is why I thought of the Energy Star standard. If you're putting a new furnace in, well, let's get an Energy Star furnace. Let's not go back and just buy the cheapest thing off the rack. So I think that's the sort of thing we should be looking at, ways of marginally improving.

Now, I understand if someone's doing a small renovation you're not going to make them put new insulation in the entire building. But I think we need to find some way of making use of these standards, at least on the equipment, to bring it up to snuff as people replace it.

Chairperson Speranza: But you're not talking necessarily about the standard being the Energy Star Home standard.

Boardmember Cameron: No, appliances. I just think it has to be a mix of the two, otherwise we're never going to get there. And I can see my colleague down there thinks, "Well, how do you do that in a building code?" I understand that, but we do need to find some happy step at which we get people to put in...

Boardmember Barr: You know, one of the things we could do – maybe this will all go to Deven – is if we sort of set up an advisory service. In other words, if we assume that people are on the same path, they're not our enemies, they want to do this. And the information, a series of articles and so forth, saying, "If you're considering doing this, check to see whether

it's rated this way.

Chairperson Speranza: Right. And if it's got an Energy Star rating.

Boardmember Barr: It wouldn't have occurred to me, until you just said it, about a new refrigerator; that there was a difference. That there are some that meet a standard, some don't. I didn't know that.

Boardmember Cameron: Some meet higher standards than others.

Village Attorney Stecich: My concern about this is that it's nothing the Village gets involved in.

Boardmember Cameron: I understand, but I was going towards a furnace more than anything else.

Village Attorney Stecich: And I'm not even sure a furnace ... do you need a building permit for a furnace?

Building Inspector Sharma: Yes, as a matter of fact. There are standards for efficiency.

Village Attorney Stecich: For new ones. Somebody wants to change their furnace, do they have to come in for a building permit? I don't believe they do. Not unless it involves some other changes. So there's no trigger. You know, there is for new buildings going up.

Boardmember Barr: If your furnace quits tonight, you're going to get a new furnace tomorrow and you're not going to go...

Village Attorney Stecich: You're never going to go to the Village. But even if somebody comes in and says, "You know, you only got a month left on your furnace," you don't come ... it's not a question of emergency. It just doesn't trigger getting a building permit.

Building Inspector Sharma: There is one thing, though. The newer furnaces and mechanical equipment are dramatically better because of the federal and state mandates. They're becoming more and more energy efficient.

Village Attorney Stecich: That's a different point.

[crosstalk]

Chairperson Speranza: Whoa. We're going to have all X's in the minutes if we keep talking. You want to finish up?

Building Inspector Sharma: Yes, Marianne is right. Maybe a lot of times it will not trigger people to come to us for a permit to replace a furnace. But the fact is, compared to the older furnace that's becoming obsolete and needing replacement, the newer furnaces already – from the federal and state standards – are much more energy efficient as it is. We can't build some of the new refrigerators and dryers and washers and furnaces lower than certain ... you see, there are standards for efficiency, and constantly getting better. So that, in itself, is good.

Boardmember Alligood: I'm just wondering, does the Village pick up old appliances for free at this point? I thought there was a discussion.

Chairperson Speranza: I think so.

Boardmember Alligood: Like if you put an old refrigerator or old stove out on the street, you call the Village, they'll just pick it up for free?

Chairperson Speranza: I believe so.

Boardmember Barr: I thought there was a \$10 charge.

Chairperson Speranza: I know you have to call the Village.

Boardmember Alligood: I don't know, it just occurs to me – and this may be something we end up having to pay for in tight times, and maybe something the Village eventually starts charging a fee for the bulk pickup, I don't know – one way to go at it is to say the Village will pick old appliances for free if you replace them with energy efficient ones. That's just a thought, and it's an incentive. I mean, there may not be an incentive now if it's free anyway.

Boardmember Barr: No, I think it's \$10. Somehow that's in my memory, but I could be wrong.

Boardmember Alligood: Just throwing that out there.

Building Inspector Sharma: Recently, NYSERDA had an incentive for people to replace their appliances, like \$50, \$75. There were a lot of people who went for it.

Chairperson Speranza: That's what their thing is now.

So how do we move ahead on this?

Boardmember Alligood: I don't think we should only look at implementing strategies for new buildings. I think a lot of the work has to be done with renovations in existing buildings. That's where the bulk of what we can accomplish will get done, is with existing buildings and renovations.

Chairperson Speranza: What are we going to do?

Boardmember Alligood: Well, can we get examples of other ... we can't be the only village that's...

Chairperson Speranza: You and Jamie seem extremely familiar with New York City.

Boardmember Cameron: I read it today.

Chairperson Speranza: I didn't read it.

Boardmember Alligood: It's actually very easy to read, by the way. It's beautifully done.

Chairperson Speranza: Oh, that's good.

Boardmember Cameron: We're reading the 50-some-odd page summary. We're not reading the whole thing.

Boardmember Alligood: Yes, we got the summary.

Chairperson Speranza: I'd like to make assignments, give people assignments. And of course, Bill and Bruce and Ed, who aren't here, are going to have the most difficult assignments.

But maybe you could look at the New York City code and pull out the things you think would be most applicable to the Village. And remember, we're thinking of this within the context of land use. Because, as we know, Elisa mentioned that there are going to be different components and different assignments made through the Conservation Commission and through Trustee Jennings' work.

So our focus can be land use, which includes things like impervious surface and stormwater runoff in site review. Fred, where would you ... what would you like to be doing? Do you want to take a look at anything that might be contained in Energy Star Program?

Boardmember Wertz: I'll give it a shot.

Chairperson Speranza: Energy Star, there is a whole Web site on it. And I do know they have the process you have to go through to be an Energy Star home. They also have a site that has new releases about some potato manufacturer and potato packaging plant that is now an Energy Star plant. So you can go to town on that. How's that?

Boardmember Wertz: OK.

Chairperson Speranza: Rhoda?

Boardmember Barr: I think I'll stay with the alternate.

Chairperson Speranza: Well, you will let us know when you find something, should you see something interesting that you know would be applicable to the Village. Right?

Village Attorney Stecich: I'm not taking an assignment.

Chairperson Speranza: No, you have an assignment. But actually I said, "Is there anything you've seen in other places you represent?" Actually, I thought of one thing. I'm not sure it would work, but you might want to think about it.

In Irvington – well, everything you do there requires site plan application, including building a deck, single-family homes – all applications for site plan approval are sent, when they come in a couple of copies are sent, to the equivalent of their Conservation Commission, the Environmental Conservation Board. Sometimes they come up with ideas that could fall between the cracks that aren't quite engineering things, like looking at what stormwater retention they have, and say, "Hey, maybe instead of a retention wall you'd be better off with a rain garden."

It's not going to work the same here because not all applications ... I mean, not everything requires site plan review. But, on applications for site plan review you might want to think whether it might make sense to send it over to the Conservation Commission. They're going to look at it with – I don't know whether you guys are interested – look at it with that perspective. It's just a process.

And then I don't know what to do about new applications. Since most of the building here is single-family homes, I don't know, maybe it makes some sense to have them review building permit applications for ... not for anything inside a building, but for new construction. Just to think about it. I don't know how much more burdensome it would be.

Boardmember Alligood: I think it's a really good idea. Patty and I attended the presentation of, I think, the Chair of the Conservation Commission.

Chairperson Speranza: He used to be Chair.

Boardmember Alligood: Oh, he's not Chair anymore. I knew he had some role in it, Sandeep. There was just a wealth of ideas, so much expertise within our Village. And these could be suggestions, but they could help people achieve some important goals and could just inform our process. Because we're not experts on this, but we can tap into that within our other boards. That already would be huge progress.

Boardmember Barr: You talk about informing. I wonder if there's a list – whether it's Energy Star, and I'm really not terribly knowledgeable about his – of things that someone should be thinking about when they build, and when they get their building permit it's given to them.

Chairperson Speranza: A checklist.

Boardmember Barr: Because I think a lot of people are concerned. As I say, if you start with the assumption that people want to do the right thing, just help them to do it. Not that they're enemies.

Boardmember Cameron: In that regard, I bet you there are only six or seven different companies – plumbers or what have you – installing furnaces in this town. So we should actually put together literature, gather literature, and maybe just very purposely, once a year, send it to the plumbers urging them to make sure when someone comes for a new furnace they get them to buy an energy efficient one. It's just dead-out logic.

Boardmember Barr: Building public awareness.

Chairperson Speranza: Deven, are there things in terms of your review ... I think it would be good for us to get a sense from your point of view, with the issuance of building permits and when you go out to sites, how could these concerns best be addressed. Would a checklist also be helpful to you? Do you have a checklist that you go through now? If you go to inspect ... you know, somebody's building a new home, and you go out there.

For instance, there's the city of White Plains – actually that's Boulder – does have this list that has to be filled out with respect to water services: "*water service line backflow preventer is required*," check it off; "*water conservation dual WP rates, reduce flow fixtures*." Do you get into that level of detail?

Building Inspector Sharma: Yes. We start off with a new person. Yes, you give them a checklist. But after a time it becomes second nature. We review the plans, we know the code; that these are the things that have to happen. We make sure those are included in the plans. If they're not included, send the plans back, put these notes on, things like that. Then when we go in to do the inspection we make sure those things are done.

So, yes, one could have a checklist. But there *is* a checklist...

Chairperson Speranza: That becomes ... yes, yes.

Building Inspector Sharma: It's just a matter of making sure. As the community enforcement person, I have to be able to say that, "This is the section of the code that says so, and that's what you have to do." I can be vague about it.

So we have to be clear in the code. The walls, for example, have to have so-called R-19 insulation, ceilings have to have R-30. Energy Star probably goes a little bit beyond that. But I cannot enforce it. People may do it on their own. So any time they do it better than what's minimally required by New York State ... which is, by the way, pretty good.

So we do enforce that. To answer your question, a checklist – you know, if you give me the checklist I could say yes, we already do that.

Chairperson Speranza: But if, for instance, we said, "OK, we want to adopt the standards that are contained in the Energy Star requirements – not that someone has to get a certification from the U.S. EPA but, for instance, as you mentioned, that the insulation is not 19, it's got to be 23, and that's written, that's a Village policy which, yes, exceeds the New York State building code requirement – that's something, then, that we would have to make sure that anybody who came in for a building permit would realize.

One of the things I think that I will take on as a task is this idea of the checklist and letting people know – making it easier and very straightforward – for anyone who wants to come in and do something in a green way, is to have the checklist, to have the policy, to have what is different about building in Hastings. But here it is, it's all right in front of you. Maybe when

somebody comes in for a building permit, it's the guidelines, it's the instructions; how do you get through the process in a way that makes sense.

Building Inspector Sharma: I see. Then these are procedures to facilitate things. But most plans that get submitted to us that are done by architects or engineers, they're supposed to know the code. And supposing we say we know, as of a certain date, we'll follow LEED standards or Energy Star standards. Yes, my office would know what those standards are. And we would perform a checklist, or however we do it. We'll make sure those standards are being met.

Any architect or engineer who comes to us ... a lot of times, for example, we have this sprinkler code here in Hastings. We look for it. We check it.

Chairperson Speranza: So this won't be new for you.

Building Inspector Sharma: This is different from the state code. If we adopt those standards, LEED or Energy Star standards, that will then become part of the thing we look for. We'll educate ourselves, we'll become familiar with it, we'll know it.

Chairperson Speranza: And when someone calls up and says, "I want to do some renovations," or has an architect or an engineer approach the Village and say, "I've just been hired. I don't do work in the Village: what do we need to do to file the building permit?" it's something that is noted to them:: "By the way, we are an Energy Star community or a LEED community, and follow those standards," or, "This is what is special about the Village."

Marianne, if you could take a look at the Town of Greenburgh code. I looked at it, at the U.S. code Web site. I couldn't figure out how to print it. Very strange – because that is in the zoning code – how that then translates into practice. I don't know that they changed, but they made their building code more restrictive. They changed their zoning code, but they didn't change their own building code.

Village Attorney Stecich: Sure, Patty. I'm not saying you can't do it, but it's not a question of adding paragraphs. No, you might add a section. Just like we added a section on affordable housing set-aside, you have a section dealing with energy conservation. It's just another section, and then you would add to it.

It would actually already be covered by the C of O. Because the C of O says you have to comply with everything in this chapter, and it would be in the chapter. It could just be another article. I think the zoning code is broken into articles. It would just be another article of the zoning code dealing with energy conservation. Then you could lay it out.

Building Inspector Sharma: A few meetings ago I brought those sections from Greenburgh. I think I got them from the Town of Greenburgh. I included them in the package many meetings ago, when we initially started talking about the green code.

Chairperson Speranza: Apologies then.

Building Inspector Sharma: I probably still may have copies of them.

Village Attorney Stecich: Patty, I will take a look at it and see how we would do the same thing in our code if you wanted something along the same lines.

Boardmember Barr: And, you know, there may be some things that are requirements and some things that are recommendations.

Chairperson Speranza: Yes. Now, I will speak to Bruce and Bill and Ed. Does anybody want to say anything at this point, especially about work that they want to do?

Boardmember Cameron: I was just going to say I think it would be very important that we make our changes in the same way, or much the same way, that other towns in Westchester are. Because people will be able to understand what we're doing.

And I also believe very much that most people will actually do the right thing for their houses, and that I actually accept people who are building on speculation and don't plan to occupy them for more than two years until they get them sold. Because I don't think they build the houses to the same standards that people are required to do; to think of them when we think of what we're doing in our code. Like building in flood zones – my favorite.

V. ANNOUNCEMENTS

Next Meeting Date - March 18, 2010

Chairperson Speranza: Our March meeting will probably be busy because, likely, T-Mobile might be here for that meeting. We may have to have ... if we're going to meet any kind of an April deadline, try to schedule a meeting between March and April just to talk about this.

So why don't I wait and get back in touch in a week or so, or two weeks probably. Right? Well, maybe we'll know more after the Zoning Board meeting, too.

Village Attorney Stecich: I have a feeling there might not be a lot for you to do in March on T-Mobile. Because I have a feeling that this Zoning Board meeting ... I don't know, I'll let you know after the meeting.

Chairperson Speranza: And if I think we need to have a meeting between the next Planning Board and our April meeting, I'll let everybody know, depending on what the agenda's going to be for March. If it's another quiet night, that's fine.

Boardmember Cameron: Well, make sure you put it in the April meeting because I won't be here. I'm missing it.

Chairperson Speranza: Oh, the April meeting.

Boardmember Cameron: Yes.

Chairperson Speranza: I will request meeting dates. We may not be able to do it on a Thursday, but in another couple of weeks we'll know better about the March meeting and whether or not we'll have a special one.

Boardmember Cameron: The 10th to the 17th for me.

Chairperson Speranza: Just a week, OK. And I want to make sure we can have the other Boardmembers here too.

Anything else for tonight? You're looking at your watch, Rhoda. It's not too late. Seems like we've been talking a long time. Anything else?

VI. ADJOURNMENT

On MOTION of Boardmember Speranza, SECONDED by Boardmember Alligood with a voice vote of all in favor, Chairperson Speranza adjourned the Regular Meeting at 9:37 p.m.